



RIEMBAUER AND THE SKULL OF HIS VICTIM. Page 82.

MYSTERIES OF CRIME,

AS SHOWN IN

REMARKABLE CAPITAL TRIALS.

BY A MEMBER OF
THE MASSACHUSETTS BAR.

ILLUSTRATED.

BOSTON:
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PREFACE.

THE difficulty of obtaining the report of a certain celebrated capital trial, has suggested the preparation of this volume. Although the reports of such trials, revealing much that is strange and mysterious in human motives and actions, are always read with the deepest interest, they are generally issued in such a form that they speedily pass into obscurity, if not wholly out of existence; and even those which have been preserved in a more durable form are out of print, and rarely to be met with. The present volume is of a popular character, designed to meet the tastes of a large class of readers, and all the technicalities of the several trials have been avoided. The collection contains many interesting American cases prepared from the original reports, several as condensed from such reports, and originally issued in the Law Reporter, and a few

others of remarkable interest from the German of Feuerbach. The great variety in the collection, although the crime in all was the same, the various motives and actions of the criminals, and the skilful unravelling of the mysteries which shrouded them, combine to make the volume one of rare interest.

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MYSTERIES OF CRIME.

I.

MYSTERY OF THE MEDICAL COLLEGE.

TRIAL OF JOHN W. WEBSTER.

ON Saturday, the 24th of November, 1849, the public of Boston was startled by a notice in the journals of that day of the sudden disappearance of Dr. George Parkman, a well-known, wealthy, and highly respectable resident of that city. He had left his home the day before to meet some business engagement, and in his usual health and spirits. Being very regular and methodical in his habits, his failure to return home to dinner (a most unusual thing, unless he gave notice that he should not) created uneasiness in his family, which was increased to alarm when he failed to appear during the afternoon and evening. Search was immediately made for him that night by his friends, the police were at once notified of his disappearance, and the next day a general search was commenced.

Inquiry led to the information that he had been seen at the south end of the city, and many people were confident

that they had seen him in various places, and at various times, even up to a late hour of the day when he disappeared; but a more careful investigation showed that most of these were mistaken in the time, or in the person, though Dr. Parkman was very widely known in the city. It appeared, however, that he had on that day purchased some lettuce to take home to a daughter who was out of health, and had left it at a shop near the Medical College in Grove Street, with the intention of calling for it in a few minutes. He did not call for it, and no further trace of him was found for some days. As he was the owner of many tenements, the rent of which he usually collected himself, and as he was rather exacting of his dues in words and manner, it was feared that some of the rough tenants, of whom he had many of the lower class, had become exasperated by his demands, and had, perhaps, made way with him. As he might have had a considerable sum of money with him, it was also feared that some of the criminals of the city had robbed him and murdered him. The river was dredged, and the cellars and out-houses of the tenements alluded to were thoroughly searched.

Large rewards were offered for information which might lead to his discovery, for the recovery of his body, if dead, and for the detection of those who had perpetrated any deed of violence. The most active and energetic efforts were induced by these rewards, and by the general interest which was felt in the mysterious disappearance. But days passed, and nothing more was learned about the missing man, except that he was seen to enter the Medical College shortly before two o'clock on the day of his disappearance; and this was confirmed by Dr. John W. Webster, professor of chemistry in the college, who informed Dr. Park-

man's family that the latter had been in his company between one and two o'clock on the day of the disappearance.

After search had been made in almost all other places, where it was deemed possible that traces of the missing man might be found, on Friday, the 30th, a week after the disappearance, a search was made in the Medical College, an impression, or a prejudice, having arisen among some of the community that its walls held the secret. No suspicions at that time attached to any person connected with the college, and the search was rather a formal one on the part of the authorities, though there was one party (the janitor of the building), who, from certain matters which he had observed, seemed to expect some discovery would be made. But the officers who conducted the search were surprised by the discovery of parts of a human body in the vault of a privy connected with the laboratory of Dr. Webster; and with these were some towels, bearing the initial of the professor, and such as he was in the habit of using in his laboratory. A further search led to the finding in the furnace of the laboratory a number of bones fused with the slag and cinders; also some blocks of mineral teeth, and some gold, which had been melted. Upon further search, there was found in a tea-chest, imbedded in tan, and covered with a quantity of minerals, almost the entire trunk of a human body, a thigh, and a hunting-knife of a peculiar character. The parts of the body thus found were placed together. There were missing the head, the arms, both feet, and the right leg below the knee. There was nothing there with which to identify the remains as those of Dr. Parkman; but the size, the shape, and the height, when supplying the missing portions with the

average length, led to the belief that they were none other than parts of the missing man. The bones found in the furnace, so far as they were capable of being put together, supplied some of those missing from the remains, and there was no duplicate of such as had not been in the furnace. It was, therefore, pretty evident that these bones were a part of the same body, and that the missing portions, or some of them, had been burned in the furnace; and there were some appearances which indicated that the bones of the skull had been fractured before they were subjected to the action of fire.

Here were parts of a human body found under such circumstances, and in such places, and in such condition, as to lead to the conclusion that they were the remains of some victim of foul play. It was true they were in a Medical College, where the dissection of dead bodies was practised in the study of anatomy and kindred branches, but they were in the chemical laboratory, where no such subjects were required or studied, and they were disposed of as no such subjects were usually disposed of. There were certain appearances, as before stated, of size, shape, and height, which made it probable the remains were those of Dr. Parkman; but in the furnace were found the blocks of mineral teeth, which, being examined by Dr. Keep (an eminent dentist who had made a set of teeth for Dr. Parkman), were pronounced his work, and the same which he had made some three years before for Dr. Parkman. A part of the jaw was found tolerably perfect in the furnace, and other parts, in fragments which could be put together, and these were found to fit a mould of Dr. Parkman's jaw, which had been taken by Dr. Keep when making the artificial teeth. The jaw was very peculiar in form, and the

coincidence of these bones with the mould was too remarkable to admit of much question whether or not it was the jaw of Dr. Parkman.

These discoveries seemed to show without much doubt that here were the remains of the missing man, and the inference that they came here by foul play, by murder, was not difficult to draw. There was no explanation how they came there, no circumstance to show that they came there except through homicide and concealment. But who could commit the terrible crime? Those about the college should be men above even suspicion. But the movements of Dr. Webster were inquired into, and it became probable, however incredible it might have appeared at first, that *he* had disposed of the body in the manner in which it was found, and that he was guilty of taking the life of Dr. Parkman.

To such a conclusion the coroner's jury came in their verdict, rendered after an inquest of ten days, and a patient investigation of the facts then discovered. During the inquest, which was held in private, the greatest interest was manifested by the public, and some rumors of what had been discovered got afloat. There were also reports that Dr. Parkman had been seen since the day of his alleged disappearance, and some very wild conjectures were indulged in relating to his whereabouts; but all these were either without any foundation whatever, or they were based on a mistake of time, or, in one or two cases, upon the strong resemblance of another party to the missing man. When Dr. Webster was arrested, and the coroner's jury subsequently rendered their verdict, people who had not been fully informed of the discoveries made were incredulous. They thought there must be some mistake, or some plot of the real criminals to turn suspicion from themselves

to a respectable professor of the Medical College; and some even uttered their belief, which was probably suggested by Dr. Webster's own statements, that the janitor of the college, Mr. Littlefield, who had noticed some suspicious circumstances, and had to some extent conducted the search, was the guilty party. From his connection with the college, and his access to the different parts of the building, circumstances might have told against him, and it was, therefore, natural that he should have shown some anxiety, or officiousness, as some persons thought, to make a more careful examination than the officers seemed at first disposed to make; but there was no real foundation for any suspicions against him, and, as the case was more fully investigated, the evidence against Dr. Webster accumulated.

Dr. Webster was accordingly indicted for the wilful murder of Dr. Parkman, and his trial took place before the Supreme Judicial Court of Massachusetts, in the month of March following (1850). Hon. John H. Clifford, Attorney General, conducted the case for the government, assisted by George Bemis, Esq.; and the prisoner was defended by Hon. Pliny Merrick and Edward D. Sohier, Esq.

The attorney general, in opening the case, recounted at length the facts stated above in relation to the disappearance of Dr. Parkman, and the discovery of the remains, with some details, which it is not important to give here. He then proceeded to state the relations which existed between Dr. Parkman and Dr. Webster — that the latter had borrowed money of the former, giving him as security a mortgage on certain property, which he afterwards sold to a brother-in-law of Dr. Parkman; that the latter was

greatly incensed when he learned this fact, and thought it an act of fraud. Dr. Parkman, feeling that he had to deal with a dishonest man, pursued him somewhat sharply, with the determination of collecting his debt, but was put off from time to time with promises, the last being that he would pay him from the proceeds of the sale of tickets to his course of lectures in the Medical College. But this promise was not fulfilled, and, while he put off Dr. Parkman, he received a portion of this money, and paid it to other parties. Dr. Parkman being still importunate, on the 23d of November, Dr. Webster (or some person supposed to be he, and no other was ever found to answer the statement relative to the time and place) called at Dr. Parkman's house, and made an appointment to meet him at the Medical College, to pay him, at half past one o'clock that day; and on that morning, before the time for Dr. Parkman to call, Dr. Webster told Mr. Pettee, the agent for selling the tickets, that he would have no further trouble with Dr. Parkman, for he had settled with him.

The attorney general then recounted the proceedings and actions of Dr. Webster after the disappearance of Dr. Parkman, the most important of which are as follows: —

"I have already said that Dr. Parkman's friends, after making an anxious search for him on Saturday, had gone so far, on that day, as to publish his disappearance in the evening papers. It will appear that Dr. Webster took one of those evening papers, which contained the advertisement. It will also appear to you (a vast and important fact in this connection to be stated) that Dr. Webster's relations to certain members of the family of Dr. Parkman were somewhat peculiarly intimate; that to Dr. Francis Parkman he had been a parishioner, with his family;

that a very short time previous to this evening, Dr. Parkman had gone out to perform a pastoral office of friendship for Dr. Webster; and that their families were on terms of considerable intimacy — that their families were, whatever may have been the relation between the heads of those families. The first disclosure of the fact of an interview which took place between Dr. Webster and Dr. George Parkman, is made by Dr. Webster to Dr. Francis Parkman himself, on the afternoon of Sunday. During the Saturday previous, and Sunday morning, the family of Dr. Parkman were in a state of intense anxiety, and the first intimation that he had been with Dr. Webster was in the afternoon of Sunday, between three and four o'clock.

"It will appear to you that Dr. Webster did know the fact of the disappearance on Saturday evening; that he stated that he saw it in the Evening Transcript; and that there was no communication to the family of Dr. Parkman till four o'clock on the afternoon of Sunday; and then it was made in such a manner, and in such a spirit, as to have excited the surprise, to say the least, of Dr. Francis Parkman, to whom the communication was made.

"Substantially the statement is, that Dr. Parkman came to the Medical College by an appointment Dr. Webster had made with him on that day, under a promise to pay the note; that he did come in; that Dr. Webster paid it in the lecture-room, stating the precise amount; that he immediately received it, and started to go out, without leaving any evidence of its having been paid; that, on Dr. Webster's reminding him of this, he thereupon turned back, and dashed his pen over the signature of the note, — over the signature, gentlemen, — telling Dr. Webster that he would attend to the cancelling the mortgage at

Cambridge; and that Dr. Parkman left him there, going over the staircase two steps at a time; that he had no recollection of the money which he gave him there, but at another time saying that among the notes was a hundred-dollar bill of the New England Bank. The statements of Dr. Webster are not consistent. He has stated to one witness that there were two persons present, to others that there was no person present; to one witness that he did not know what the money was, to other witnesses that he did remember that there was a hundred-dollar bill of the New England Bank. And, throughout the whole of this transaction, it has been placed by him distinctly upon the ground that he did, from the proceeds of the tickets to that course of lectures, pay to Dr. Parkman four hundred and sixty-three dollars and eighty-four cents, which was the amount that was due to him.

"You will find that Dr. Webster's statements are irreconcilable. We shall produce evidence to show that his whole statement is a fable and a pretence; that he did not pay Dr. Parkman the money which he said he did; and that he has not the recollection of the transactions which took place on that day, which he says he had. We shall show you, gentlemen, that all the money for the sale of these tickets went elsewhere.

"Then, gentlemen, you will have occasion, going on further in his conduct during that week, to examine a variety of facts like these: That, you will remember, was Thanksgiving Week. That Thursday, the 29th of November, was Thanksgiving Day. It will appear that, after Tuesday of that week, there were no lectures at the college. It was a week of vacation, of leisure. Yet, gentlemen, during that week, Dr. Webster is present at

the college, at times constantly, which was unusual. It will be placed in evidence before you, that he wanted no fires made in his rooms that week; and yet, gentlemen, we shall satisfy you that he had fires that week, built by himself, of a more intense heat than had ever been built there before.

"We shall show you, gentlemen, that, as early as Tuesday of that week, he made a purchase of several large fish-hooks, which were found afterwards upon the premises, under certain circumstances, which the evidence will connect, probably, to some extent, with these remains; that on the Friday following, he purchased, or attempted to purchase, other fish-hooks; but that, in point of fact, he did purchase fish-hooks on Tuesday.

"It will be shown to you that there was found in the Medical College, in his apartments, a grapple, or grappling, as it was sometimes called, made of fish-hooks; that the fish-hooks were fastened on to a staff by a peculiar species of twine, or marline, quite peculiar in its thread or twist, as will be testified to you by a competent person — an expert in that *line*. And that around the thigh-bone is a piece of the same description of twine and marline, and upon the exhibition of the two pieces of twine (upon the exhibition of these same pieces which were found) you will be called upon to state whether they are alike.

"Then I have adverted, also, to something which will come now before you, in connection with the deportment of the prisoner — to the fact that his rooms were searched. The evidence will show you that his rooms, or some of them, were passed through by some of the police officers as early as Monday; that on Tuesday, Mr. Kingsley, the agent of Dr. Parkman, whose mind had become impressed

with the conviction that he never came out of the Medical College, went there, to the Medical College, with the police, and that they went through the rooms of Dr. Webster, Mr. Kingsley being present with the officers; that, at that time, on Tuesday, the officers, in company with Mr. Kingsley, the agent of Dr. Parkman, the man who had been engaged in the transaction of his business for several years, and who felt great interest in this search, went through these rooms. The conduct of the prisoner, at that time, will be shown; the fact that the officers suffered themselves to be called off from the privy; that the officers, when asking about that, and when replied to by Mr. Littlefield, that it was the private privy of Dr. Webster, who has the key, were led off by Dr. Webster to another room, they not having any suspicion of Dr. Webster, and most reluctant to believe anything against him; that there was a fire in the furnace at that time; that, during that search, the tea-chest, in which these remains were found imbedded in tan, was seen by Mr. Kingsley, which you will consider a very material fact, when you weigh all the circumstances.

"Then, gentlemen, it will appear to you in evidence, that on Monday, Dr. Webster gave directions to the expressman, who had always been in the habit of going in with entire freedom — that he gave him directions, on Monday morning, to bring certain things from Cambridge, which he did bring on that day, certain fagots and boxes, and told him to leave them outside; that on Wednesday he carried other things there, and went to Mr. Littlefield's apartments; that Dr. Webster usually kept the key; that the key was gone, and he had then to leave his things outside.

"Then, it will appear, in the course of that week, Dr.

Webster was extremely anxious to have it appear, in his conversations with various persons, that Dr. Parkman had been seen going over to Cambridge, after he was said by him to have been at the Medical College. His manner was striking, and the circumstances under which he displayed it were peculiar. You will probably give a great deal of significance to this. We shall show that he went so far as to urge upon one lady the declaration that she saw Dr. Parkman on the afternoon of Friday, she believing that, if she saw him at all, she saw him on Thursday; that Dr. Webster went to her, and asked her whether she was certain, and related certain circumstances which will have an effect in determining your minds with respect to the sincerity of Dr. Webster.

"On the same day, he went to a mechanic in this city, and, having ordered a stout tin box, made declarations of Dr. Parkman's having been seen in Cambridge; and he also went on, in the same interview, and stated a story, which he said was verified, that, through certain mesmeric operations, it was discovered that Dr. Parkman's body was found, and that it had been carried off in a cab, upon which there was some blood. This he stated on Friday — the day of the arrest.

"There will be other circumstances of perhaps no less importance. He was taken, upon his arrest, to the Medical College, when these remains were brought up from the vault into the room above. The circumstances which transpired there are important, and will be detailed to you. The object in this was, to give him an opportunity to be present when the further search was made of his apartments, which had not then been opened. He had a private apartment, into which the police had not yet had access;

and Mr. Parker, with a disposition to act with great fairness, gave him an opportunity to go and to explain anything (with the presumption that he was an innocent man), anything that he might find there. His appearance, his deportment, his remarks, during that night, gentlemen, will be in evidence before you, and they will be for you to judge of. There will also be such explanations as he or his counsel can give. That they will be important, you will judge.

"There were found pantaloons, which, on examination, had spots of blood on them, and were examined by a scientific person, who will testify to it. They were marked with Dr. Webster's name. There were found slippers and towels, nearly new, — probably never used but for this purpose, — thrown into this vault, where the tide ebbed and flowed. For this vault, I should have stated, gave access and ingress to the sea, but not to any solid substance.

"These towels, with his initial, and some of them having the appearance of scarcely ever having been used, were there while this privy was about to be opened. Dr. Webster was asked where the key was. Mr. Littlefield had stated that it was Dr. Webster's apartment, and Webster kept the key. It was in that that these remains were found. He asked where the key was. He pointed to a key, and said, "There it is." It was tried, and found not to be the key. But a key was found in the prisoner's pocket which was ascertained to be the key that fitted.

"There was found in his laboratory a large number of skeleton keys, which had been filed down at the edge. They were found to be keys which would fit every door, or nearly every door, in the college. After his arrest, he

was asked in relation to that bunch of keys. He identified them himself, by inquiring whether they were the ones filed down at the edge. He replied that they were found in the street, and that he had carried them to his room, and thought they might at some time be of use.

"There was found, upon his arrest, a paper, which will be put into the case, upon which I shall be glad to have any comments by his learned and ingenious counsel. It is a paper which purports to give two different versions of the interview which Dr. Parkman had with him on Friday, the 23d of November, the character of which I will not anticipate and remark upon, but it will be laid before you for your judgment.

"After his arrest, and on the Monday following, he was brought before the Police Court of this city, and there, gentlemen, either under the advice of counsel, or without the advice of counsel, — perhaps it is quite immaterial which is the fact, with reference to the effect of the fact, — he declined and waived entirely an examination, thus admitting that there was a case containing materials upon which the Grand Jury should pass, although the consequences of that proceeding were to commit him to close confinement until the government should be called upon to try him.

"Then, after his commitment, after these proceedings had in the Police Court, he wrote a note, which, according to the usages of the jail, could not be sent out without inspection by the proper officers, and which, upon examination, was addressed to a member of his family, and contained an injunction and direction to another member of his family, to keep certain papers which he had deposited, and not to open them. That, of course, suggested,

as it naturally would, to the police, a suspicion that anything which he might wish to conceal might be important to the subject matter of inquiry. And immediately a messenger was despatched to his residence, and that parcel of papers was called for. And it turned out to contain the two notes given by Dr. Webster to Dr. Parkman, with certain marks upon them, and a paper showing the indebtedness of Dr. Webster to Dr. Parkman, in April, 1849, with the interest upon that, in Dr. Webster's own handwriting. What explanation may be drawn from that you can call upon his counsel and me to give. If you call upon me, I must say that I cannot explain it. But that may be put in an entirely satisfactory light by his counsel.

"Then, gentlemen, the government will probably put into this case certain testimony going to show that, in the opinion of the most expert persons in handwriting in this city, certain letters have been written by the prisoner at the bar, between the disappearance of Dr. Parkman and his own arrest, calculated to draw off the police from the examination of the Medical College to other places, and to divert public opinion into another channel. I state this with no other knowledge of the matter than is involved in saying that these papers have been submitted to experts with that conclusion. Its value and weight you will judge of.

"But, gentlemen, one thing is true, that to all this mass of circumstances no explanation has, as yet, been given by the prisoner. Nothing has been vouchsafed to the public, or to the government, by way of explanation, of any one of these facts of which I have now informed you. The prisoner has done what he had a perfect right to do, gentlemen, if he or his counsel thought it wise to do so.

He has gone into close custody, and without so much as asking the government to disclose the grounds of the charge against him. He has been willing to remain in prison, in the dark as to the evidence which the government had, and waiting to give, whenever the government called upon him for his trial, his first and final explanation. I can say, gentlemen, with the utmost sincerity, if I can say anything with truth, that I trust he may be able to give that explanation which shall carry conviction to your minds, and to the minds of the entire civilized world; that however the pressure of these circumstances may be upon him, he can lift them off, and stand out in the bright light of day. If he succeeds in doing this, gentlemen, no one will have more gratification in the result than I shall; and I am sure that you will share with me in that gratification."

The following is some of the more important testimony offered in support of the case as stated by the government. Many of the statements were corroborated by other witnesses, whose testimony is not given here.

Charles M. Kingsley, sworn. "Was the agent of Dr. George Parkman, from about May or June, 1836; had the care of his real estate. Saw Dr. Parkman generally two or three times a day; made it a point to see him as often as once a day. Lived in Blossom Street. Dr. Parkman's estates were all around me. He owned many estates in that quarter of the city. I generally called at his house, but he frequently called at mine. Dr. Parkman disappeared on Friday, the 23d day of November. I wanted to see him on business that day, and called at his house, No. 8 Walnut Street, about three o'clock, or

a little before then. Had seen him the day before; met him in Court Street, and the usual conversation passed between us; had been with him most of the day. When I called on Friday, the servant told me he had not been home to dinner. He usually dined at half past two. He was very punctual in his habits; I never before was disappointed of meeting him at the dinner hour. Had called on him at least fifty times in fifteen years at that hour. Not finding him, I left word where I might be found that afternoon. I had a subject of consultation with him, about which I wanted to get an answer. Not hearing from him, I called on him early the next morning; was informed that he had not returned. The family were very anxious. It was advised that no public search should be made till after the arrival of the cars at two o'clock. Was up at Dr. Parkman's house at a quarter past two o'clock, and commenced search immediately. I was told that he had left home, saying that he had an engagement to meet a person, it was not known who, at half past two o'clock. I commenced the search by trying to find the person with whom he made the engagement. I commenced from the time he left, at twelve o'clock. Found the first trace of him in Bromfield Street, at half past twelve. Thence I traced him up Washington Street to Court Square, and from thence out through Cornhill Square, or Joy's Building. From Washington Street he went through Water Street, Devonshire Street, Merchants' Exchange, and Post Office; then up State Street to Court Street, Green Street, Lynde Street, and on to the corner of Vine and Blossom Streets. There I traced him into a store, where I learned that he had the day before left a bag containing lettuce. The clerk requested me to take

away the lettuce, and said that Dr. Parkman had been there the day before. Heard of him again in Fruit Street, which leads from Blossom to Grove Street, and the Medical College. Continued the search all day, and till eleven o'clock at night. The police were at work, half a dozen of them, from two o'clock on Saturday. We inquired of every one we met. Twelve or fifteen, not in the police, were directly concerned with me in the search. In the evening, the police searched a great many houses. I was with them when they searched five or six.

"Advertisements were issued, and rewards offered. The first advertisement was published on Saturday afternoon, in some of the evening papers. On Sunday, we searched about the city all the forenoon. In the afternoon, we heard he had been seen in East Cambridge, and went over there. The officers went there to search at half past four. A great many were searching about the new jail lands, and in his houses, especially in some vacant houses, on Saturday. After searching in East Cambridge till ten or eleven o'clock on Monday, I came into town, and went to the Medical College, in company with officer Starkweather. We went all over the building, into all the lecture-rooms, and the dissecting-room. Starkweather, Littlefield, Dr. Ainsworth, and myself went into Professor Webster's apartments. We knocked at his lecture-room door: it was from a quarter to half past eleven. We had been to the other places first. We found the door locked. The rest of us started to go down stairs. Littlefield said Professor Webster was there, and would open the door. He shook the door. In two minutes, perhaps, though it seemed longer to us, Webster unlocked the door. It was the door leading from the lecture-room

to the front entry. Littlefield said we had come to look round, and see if any clew could be had to Dr. Parkman. Webster paid but little attention to us, and I did not hear what he said. We looked round, and went down into the lower laboratory. Webster came down behind us, but did not speak to us; or whatever conversation there was, was between him and Littlefield. After we got through the Medical College, I went back to East Cambridge.

"The next day officers Clapp, Rice, and Fuller went down with me to the Medical College, as early as ten o'clock. We knocked at Professor Webster's door, and he opened it rather sooner than he did the day before. When we first came into the building, we inquired for Littlefield, and found him, or he met us. We searched his apartments first. Littlefield was out and in the room when we searched it. We looked into his books, and searched his pantaloons for papers. Looked into closets, into the bed, and under it. After searching Littlefield's rooms, Fuller, Rice, and Littlefield went down through the trap-door, and were gone ten or fifteen minutes.

"We knocked at Dr. Webster's room, and were admitted sooner than before. Littlefield had before said he could get in, but did not. Mr. Clapp did all the talking to Dr. Webster, and made the excuse for calling on him, that they were about to search the whole neighborhood, and wished to have it to say that they had searched the Medical College. Told Dr. Webster that they had no suspicions, — had to go where they were sent, — had come to search his apartments with the rest. Dr. Webster very politely said we could look, but wished that nothing might be turned over. We walked through the lecture-room into the back room."

The witness here explained the rooms: that the lecture-room was in front, the upper laboratory immediately in the rear of it, and still in the rear of that a very narrow private room, or closet, where drugs and chemicals were kept.

"Mr. Clapp made a motion to go into that small private room. Dr. Webster said, 'That is the room in which I keep my valuable and dangerous articles.' Mr. Clapp put his head as far as even with the door, and drew back, saying, 'I will not go in to get blowed up.'

"We then went down into the lower laboratory. In the upper laboratory, I put my foot in the stove to draw the ashes forward. I did it at the suggestion of Mr. Leonard Fuller, the iron-founder, who remarked to me such things as buttons were sometimes found in the ashes, when clothes had been burned. Found nothing in the ashes like buttons. In the lower laboratory we found a bright fire burning in the furnace, with no ashes. It looked as if they had been just swept up. That was the furnace in which the bones were afterwards found. Dr. Webster was talking with Mr. Clapp, and I went out to the southwest corner of the room, where there was considerable rubbish. Saw a tea-chest, with tan and minerals in it. It was filled up full. The officers took up some of the minerals, and looked at them; recollect distinctly seeing the tea-chest with tan in it.

"A question was asked about the privy. An officer—I think it was Mr. Clapp—pointed to the door, and asked what it was. Littlefield answered that it was Dr. Webster's privy, and he had the key. He, or some one else, called our attention to the other side of the room. On the way down stairs, water seemed to have been spilled.

I noticed that it hadn't dried any, but seemed as wet as it did the day before. All went out into the dissecting-room entry but Dr. Webster; he remained. I don't know whether he locked the door after us. This was on Tuesday, and steady search was kept up till Friday."

The counsel for the prisoner objected to the question, why the tea-chest was not searched; but the question was allowed by the court.

"There was no suspicion, as Mr. Clapp said, against any one connected with the Medical College at the time these examinations were made, and that might be the reason. I had no official order to carry out the search, which was left to Mr. Clapp. Search took place on Wednesday and Thursday, but not so extensively as on the former days. I was aware that rewards were offered. I think the one thousand dollar reward was offered on Monday, and the three thousand dollars on Wednesday. The placards were posted and distributed around the city and suburbs, where I saw them myself. I went to the college again, in company with others, on Friday afternoon, at about half past three or four. Starkweather and I rang the bell at the door, when Littlefield came to us in overalls. He had been borrowing tools previously, for the purpose of breaking through the wall of the vault. We talked a few minutes together, and he said enough to satisfy me what was his intention. I had heard a noise while I stood at the door, that convinced me some one was at work on the wall. He went back again to where I understood he had been so at work, and we left for the marshal's office. I was not present when Dr. Webster was arrested. I saw him, however, that night.

"The first intimation I had of the finding of Dr. Park-

man's remains was at ten o'clock, when I went to the jail with Dr. Martin Gay and others, including Mr. S. D. Parker, and two of the men employed in the prison. When I went in, Professor Webster lay on the bed in the cell, with his face downwards. He was asked if he was not able to get up, and he said he was not. After a few minutes, they lifted him up. He had hardly strength to hold up his head, and was so much excited that I thought he would not live. He was brought up stairs into the jail office, when he asked for water, but could not drink it. The tumbler was held to his face, and he bit at it. He tried to take hold of it once, and threw the water all about him. I am not aware that he hurt himself in the act of drinking. He sat in the chair alone, only once or twice requiring any support from the bystanders. He trembled, and was so much convulsed that I would not wish to see the like again. I cannot say the affection was like delirium tremens. I have never seen a case of that. He cried out to have word sent to his family, as they did not know where he was, and also that others should be sent for. He mentioned his family a great many times, when Mr. Parker said there was another family, who also had been in great distress for a week; that we were going to the Medical College, where there were some things he could, perhaps, explain. He said he had nothing to explain, and would go to the college with us. The officers helped him into the coach. He was perspiring greatly in the lock-up, and, on Mr. Parker saying he would be cold, he answered, 'his extremities were freezing.' I am sure that Mr. Parker was in the lock-up. I ran down after the coach to the college, and arrived just as they had got into the small laboratory up stairs. Professor Webster had an officer

from the jail on each side supporting him. When we got in, they proposed to open the inner room door, and asked for the key, which he said Clapp had taken from him when he was arrested; and the door was broken open. When they examined that room, I asked for the key of the privy. Professor Webster said it would be found on the end of the shelf. A key that was found hanging against the door would not fit. Those who went down came back and told us of this, when Mr. Webster said that some one had taken the key away. We then went down to the lower laboratory, and broke the privy door open.

"Officers helped Webster down stairs. Was in the laboratory down stairs, when something was said about the bones found in the furnace. Was requested to let the bones in the furnace remain till the coroner's jury should assemble. Went from thence to the trap-door: there were parts of a body taken out and lying there — the pelvis, right thigh, and right leg down to the ankle. Thought it was right thigh and leg. Dr. Webster leaned on an officer; said nothing. Did not see that he appeared any different from what he had before; was a great deal excited; stood eight or nine feet from the body. After looking at it for a little while, we turned away, and Dr. Webster was taken to his carriage. I saw no more of him.

"The next afternoon there was found, in a tea-chest, the upper part of a body and a thigh. I was called down from the upper laboratory. They had made new discoveries. They were drawing out the tea-chest to the middle of the floor, to overturn it. They overturned it, and the thorax fell out, with the left thigh clasped in it between the ribs, which did not entirely cover it, and had made

indentations upon it. A large knife—should call it a jackknife—fell out. There was a string round the body and leg, to lash them together. They were taken and washed, and given in charge of the officers. A pair of pantaloons, with blood on, was found in the closet. Dr. Charles T. Jackson was present. Dr. Jackson said they must be kept, to ascertain whether it was blood.

"A saw was also found. It was a small saw, about fifteen inches long in the blade. On the handle there were marks, as if of blood. I had occasion to require a pen, and asked Littlefield for a pen, when he took two from a desk, and one of them, he said, I could not use. It was made out of a sort of reed. I was not present when any towels were found. I was present when Dr. Lewis put the limbs together. I think it was on Monday morning. The general appearance was as that of the body of Dr. Parkman. It was tall and slim; I should say five feet ten and a half. He was very spare about the shoulders and the chest. His complexion might be called sallow. His jaw was prominent—the under part, at least. I should not want to have it understood that I swear positively to the identity of the remains with the body of Dr. Parkman. I saw some bones taken out of the furnace in the laboratory. I have heard Dr. Parkman use severe, but never profane, language. I have been influenced, in my course of conduct and actions, by hearing a statement made that Dr. Parkman had used profane language. I was one of the party who searched Professor Webster's house; but not at the time any papers were found."

The cross-examination of this witness elicited no new fact, or important variance from the direct testimony.

Calvin G. Moore, sworn. "I reside at 24 Bridge

Street. I resided there on 23d November last. Am not a tenant. I saw Dr. Parkman in Paul Holland's store, at the corner of Vine and Blossom Streets. I went in there to purchase, and while I was there he came in; this was between one and two o'clock. He came in from Vine Street, and the time could not have been less than ten minutes to two. It was on Friday; and on Saturday the police came and asked me if I had been in the store, when I said I had; and I thought over the time then, and arrived at the conclusion I have stated. Dr. Parkman came in, passed the time of the day, and inquired about some sugar. He asked for something to put it in, and Mr. Holland pointed to a bucket for that purpose. He was then told to put the sugar up. I noticed that he made two or three weighings before he filled the bucket; meantime the doctor was asking about some butter. He subsequently pointed out a part to be cut, which was taken off and weighed. I had some talk with him about the weather, and he said we could not find fault with it; and that was all I can recollect. He might have been twenty-five minutes in the store, perhaps less. He went out and away, by Blossom Street. He seemed to hesitate as he went out; and I thought he bent over the counter and made some remark to Mr. Holland, which I did not overhear. I did not observe the direction in which he went beyond the door."

Cross-examination. "I was not in business at the time. My house was across the street from the store, quite a short distance. I made a purchase at that time, and Mr. Holland had pay for what I got before I left the store. I bought some butter off the same piece the doctor had his from. The transaction was in part delayed through Dr. Parkman's coming into the store. I dined that day not

far from half past twelve. From that time, and my subsequent movements, not being in a hurry, I suppose that I must have gone out about twenty minutes past one o'clock — not later. I do not take so long to have dinner when I am in a hurry. I formed my impression concerning the time next day. I was examined on the coroner's inquest, and do not know whether I said I left my house at a quarter or twenty minutes past two. I did not write down any statement relative to this matter, nor did any one do anything of that kind for me that I know of. On the afternoon of Saturday, Mr. Kingsley came to me, and made inquiries relating to Dr. Parkman. I don't recollect saying anything to him, but that I had seen him.

"It was after Mr. Kingsley left me that I considered over the time. I do not remember whether or not I might have said that I had or had not seen Dr. Parkman that day before I spoke to Mr. Kingsley on the subject."

Martha Moore, sworn. "I am wife to the last witness. I knew Dr. Parkman by sight; but I did not see him on Friday, 23d November last. I told my son George to go to school, that day, ten minutes before two. He was then on the corner of Fruit and Bridge Streets, on the sidewalk, near a truck. I spoke to him from an open window. I had just looked at the clock before I spoke to my son to go to school. My attention was called to this fact when inquiry was made for Dr. Parkman."

Cross-examination. "My son attends school in Pinckney Street. It commences in the afternoon at two o'clock. I cannot recollect many occasions of warning my son to go to school. It is not often; and when I may have occasion, it is only such natural occasion as any mother may have. I am sure it was within a week that my attention

was called to time. It was called to my recollection by my son, within a day or two, when he said he had seen Dr. Parkman. It might have been the next day, or it might have been two or three days. It was in the house we talked over the matter; and I cannot say whether any one was present. I know it was Friday, the 23d day of November, and I know that I looked out of the window on that day. I am not aware who I spoke to first on this subject. I told it to the sheriff. I cannot recollect any other transaction that day."

George M. Moore, sworn. "I am twelve years of age. I knew Dr. Parkman, and last saw him on Friday, 23d November. I heard of his being missing on Saturday, when I recollected to have seen him in Fruit Street. I was standing alongside a team, which had got stuck in the mud in Fruit Street, when Dr. Parkman passed down towards Grove Street."

"This was about ten minutes before two. My mother called me, and said I should go to school, as that was the time. Another boy, named Dwight Prouty, was with me, and I said, 'There goes Dr. Parkman!' The truckman was not whipping his horses. We went to the Phillips School, which was not above a quarter of a mile, and got there just before it commenced. Two o'clock is the usual hour of commencing school."

Cross-examination. "I don't recollect seeing Dr. Parkman on any particular day before that Friday, when he passed close by me. Next day I told my mother I had seen him."

By the Court. "I heard on Saturday that Dr. Parkman had been missing."

Dwight Prouty, Jr., sworn. "I am thirteen years of age. I go to the Phillips School, in Pinckney Street. I

last saw Dr. Parkman on November 23d, Friday, at ten minutes to two. I go to the school at two; and that day, when I left where I live, at No. 4 Bridge Street, it wanted a quarter to two. I looked at the clock as I left. I came into Fruit Street, and saw George Moore, and a truck-team in the mud. I also saw Dr. Parkman go along by Grove Street. I think, but am not sure, that one of the boys said, 'There goes Dr. Parkman.' I had seen him many times before that day. I could not describe his dress that day. I last saw him when he passed on the same side of the street. George Moore's mother looked out of the window at the time, and called out it was ten minutes from two; when we left, and got to school in time. We did not stop on the way that I can recollect of. Dr. Parkman had passed just as we left the place."

Cross-examination. "The truck was on the corner of Fruit and Bridge Streets, just as you go round, and the horses heading towards the college."

Elias Fuller, sworn. "I carry on the iron-foundry trade near the Medical College. My counting-room is on North Grove Street, at the corner on the west side, from whence we can look down Fruit Street. It is about seventy-five feet from the Medical College. I knew Dr. Parkman, and saw him frequently on business. He had a claim on the land on which my foundry is built. I saw him on Friday, 23d November, 1849, between half past one and two o'clock, in front of my house, in North Grove Street, where I was waiting for Joseph Annis, whom I had an appointment to meet. I saw Dr. Parkman some time—I think a few minutes—before two o'clock. I had looked at my watch, and had also asked my brother about the time, before Dr. Parkman passed. The first answer

was, that it was twenty minutes to two o'clock. I cannot recall all that transpired intermediately; but I feel almost certain that Dr. Parkman passed in ten minutes after. We waited a very few minutes after he passed, when we went off with Mr. Annis. Dr. Parkman went towards the Medical College. I saw the team in the mud that same day. It belonged to Marsh & Banks. My brother is in our warehouse. Dr. Parkman bowed as he passed, and we returned his salute. With reference to the Medical College, the last time I saw Dr. Parkman, he crossed the street towards me, and thence went directly towards it. I do not know that I looked after him."

Cross-examination. "He passed quietly. He had on a dark frock coat, and dark clothing generally."

Albert Fuller, sworn (a brother of the former witness). "I knew the late Dr. Parkman, and had met him, occasionally, for two years. I last saw him on the 23d of last November, as he crossed Grove Street towards our building, and passed towards the Medical College. I was at the door, weighing castings, at the time. He bowed to my brother as he went past. This was close to our counting-room. I saw him when he was within forty or fifty feet of the college, and after he had passed us. The time of the day I cannot tell to a minute, but it was nearer to two than half past one o'clock. I was on the spot all that afternoon until night, at my work, and I never saw Dr. Parkman afterwards. My position was such that no one could pass in Fruit Street without my seeing him. I was at work in the building, but right in front of the door.

"The time was spoken of that day, previous to the doctor's passing, and we fixed it next day, after he was missing. I knew where Dr. Webster resided, and remember his

coming into our counting-room and signing a check to Mr. Cummings, blacksmith."

By the Court. "I heard of Dr. Parkman's disappearance next day; it was the subject of common conversation."

By the Attorney General. "Mr. Littlefield came to my house on the Friday after Dr. Parkman's disappearance, and borrowed a chisel from me. My brother lent him a bar. I think the remains were found on the same evening. The implements were borrowed in the afternoon."

The question regarding what purpose the tools were borrowed for was ruled inadmissible.

"The tools were borrowed at different times."

Some conversation again occurred concerning the ruling above, which was adhered to by the court.

"My brother lent Mr. Littlefield a hammer and a bar that day. Mr. Kingsley called on me the same day. I do not remember Mr. Trenholm coming also with him. I did not go to the Medical College; nor did my own knowledge teach me what was going on. Dr. Parkman was a very punctual man with us in all our dealings with him. Dr. Webster, when he came into our counting-room to sign the check, said, —

"The papers stated that nothing had been yet heard regarding Dr. Parkman."

Cross-examination. "I was weighing iron all that day, and could see both sides of the street pavement from where I was at work, which was at the side of the door. I repeat that it was nearer two than one o'clock."

By the Foreman of the Jury. "I had to stoop some while at work, but never was in any position that would prevent my seeing the whole street for any length of time."

Leonard Fuller, sworn. "I am brother to the two last witnesses, and work in the foundry along with them. Mr. Littlefield borrowed a hammer and a bar from me on the Friday after Dr. Parkman's disappearance, and the same day on which the remains were found. He came after dinner time, and got the articles. He also had a turn drill. The bar was about four feet long, and steeled at the point. After having it away for about an hour and a half, he came back, and wanted a hammer and a chisel. He had off his coat and jacket, and was sweaty. His clothes were dirty. My brother Albert gave him a chisel, and I went and found him a bar, which he took, and went to the college. I saw no more of him that night. I knew Dr. Parkman, and saw him on November 23d, but cannot say positively at what time. He was in the habit of coming into our counting-room almost every day, for the last three years. I saw him on the 23d, in the fore part of the day, but do not know exactly when."

Cross-examination. "I saw him in Court Street, but cannot say, particularly, what dress he had on. I was in my chaise at the time I saw him."

Paul Holland, sworn. "Am a grocer; kept formerly at the corner of Vine and Blossom Streets. Saw Dr. Parkman Friday, November 23d; he came into my store between one and two o'clock; think it was about half past one. He staid there about fifteen minutes; he bought thirty-two pounds of crushed sugar, and six pounds of butter. Brought in a paper bag; asked permission to leave it for a few moments, as he was about going out. I promised to send up the things purchased in the afternoon; he said any time would do. The bag remained till evening; I opened it; it contained lettuce. Heard of Dr.

Parkman being missing next day, from Mr. Kingsley. Mr. Calvin G. Moore was in the store when Dr. Parkman was there. The lettuce was there when Mr. Kingsley called the next day; it was not removed. Clerk was gone to dinner; he dines at one o'clock. Came back ten or fifteen minutes after Dr. Parkman left. Dr. Parkman was not in a hurry."

Cross-examination. "My clerk resided in May Street. Dr. Parkman did not appear to be in a hurry when he called. He had a black coat, pants, and satin vest on, with a black cravat and hat, so far as I can recollect."

Other witnesses testified to seeing Dr. Parkman in the same vicinity, shortly before two o'clock on the 23d of November. Coroner Pratt testified to an examination of the apartments occupied by Dr. Webster in the Medical College, and finding the remains, substantially as Mr. Kingsley had related it; also to the finding of the bones and artificial teeth in the furnace.

Drs. Winslow Lewis, George H. Gay, and James W. Stone made an examination of the remains, and their scientific report was put in as evidence, and they each testified upon the subject. They described the remains, and the manner in which the parts were separated, which indicated a knowledge of anatomy, and some skill on the part of the person who did it. They also described a cut between the ribs, that might have been a stab before death, but the doctors differed about this. Their measurements showed that the remains were those of a man of Dr. Parkman's height and general appearance, and of about his age. Dr. Wyman testified that there was a fracture in the skull found in the furnace. A good deal of other medical testimony was introduced to support the opinions

of these gentlemen in various particulars, of little interest to the general reader. It was also shown, by the appearance of the remains, and the direct testimony of Dr. Ainsworth, demonstrator of anatomy at the college, that they were not parts of any subject used in the college for dissection. Dr. Charles T. Jackson, chemist, testified to an examination of the contents of the furnace; also to a chemical examination of parts of the remains, which he found strongly charged with alkali, which was shown by his and other testimony to have the property of dissolving flesh and bones. He also found traces of nitrate of copper on the wall, and indications of preparing that chemical about the furnace, supposed to be for the removal of traces of blood.

Dr. N. C. Keep, dentist, testified as follows:—

"Have been in the practice of dentistry for thirty years. Give attention both to natural and artificial teeth. Knew Dr. George Parkman as early as 1822. When I was a student to Dr. John Randal, Dr. Parkman was frequently there, and on one occasion was quite sick, and Dr. Randal attended him. When he recovered, he was at Dr. Randal's very frequently, and I was acquainted with him at that time. As early, I think, as 1825, he employed me as his family dentist; and since that time, whenever he needed assistance, I have been the person on whom he called. Was shown the block of mineral teeth by Dr. Lewis. This was on my arrival from Springfield in the cars, the Monday after Thanksgiving, about one or two o'clock. I recognized them as the teeth I had made for Dr. Parkman in 1846. Dr. Parkman's mouth was a very peculiar mouth in many respects, differing in the relation that existed between the upper and lower jaw so peculiar-

ly, that the impression left upon my mind was very distinct. I remember the peculiarity of the lower jaw with great exactness.

"The circumstances connected with the teeth being ordered were somewhat peculiar. The first question asked by Dr. Parkman, when the teeth were ordered, was, 'How long will it take to make them?' I took the liberty to ask why he was so particular to know. He told me that the Medical College was to be opened, and that it was necessary for him to be there, and perhaps to speak, and he wanted them by that time, or else he did not want them at all. That time was a very short one; the peculiarity of the mouth made it a case requiring as much skill as could be used. I began to do it as soon as possible; gave a large part of my attention to it from day to day. In consequence of these circumstances, and the shortness of the time, and the close application I gave to it, I remember very distinctly what was done, more than in ordinary cases. I proceeded, in my usual mode, to take the impression. The first step was to take an exact *fac simile* of each jaw, with wax, metal, liquid plaster, &c. A plate was made from that, and the next step was, of course, to ascertain the relation between the upper and the lower jaw. A model of the lower jaw was made from an impression taken with wax, while in a plastic state, and by means of this the lower plate was fitted. The upper plate was fitted in the same manner. [Dr. Keep exhibited the original plates, which fitted to the models.] These plates were made before the gold plates, to ascertain if there were any defect in the models. When the plates were fitted to his mouth; I requested him to close it until I satisfied myself as to the suitable distance.

"A great irregularity on the left side of the lower jaw of Dr. Parkman gave me great trouble in getting this up. Each set of teeth were made in three blocks, and then joined to the gold plate. There were spiral springs that connected the two sets of teeth, to enable the patient to open his mouth and close it with less danger of the teeth being displaced, than they would have been without the springs. There was an accident which injured one of the teeth in the front block, and delayed the finishing of them until near the end of the night before the opening of the Medical College. They were finally finished by setting my assistant at work on them with all the assiduity he could, at just thirty minutes before the opening of the Medical College. My assistant was Dr. Noble. When I next saw Dr. Parkman, he said that he did not feel that he had room for his tongue. In order to obviate that difficulty, I ground the block of the lower jaw on the inside, to make it lighter, and furnish more room for the tongue. This grinding, at that time, was not accomplished with so much ease. The teeth being on the plate, we could not grind on a large wheel. We had to grind on a very small wheel. This grinding removed the pink color that represented the gums, and also the enamel from the inside of the lower teeth. The beauty of it was defaced by this grinding. The shape left by the grinding was very peculiar, because of its being ground on a small wheel, smaller than itself.

"I saw Dr. Parkman frequently. The last time I saw him was, as near as I can remember, about two weeks previous to his disappearance. He called late in the evening, about ten o'clock. It so happened that, not being very well, I had retired for the night. The person who

went to the door, seeing Dr. Parkman, asked him in, and went up and told me that it was he. I sent word to him that I would come down as soon as I could. He told me his trouble. I took his teeth, both upper and lower, examined them, and put on a new spring. He staid about a half an hour, when he was ready to go home. I had no more professional intercourse with him at all. I went into the country to pass Thanksgiving, at Longmeadow, and returned on the Monday morning after Thanksgiving. Arrived home, I was told that Dr. Lewis wanted to see me, and he presented me with these remains of mineral teeth (showing them), with the request that I would examine them. On looking at them, I recognized them to be the same teeth I had made for Dr. Parkman. The most of the upper portion that remained was the block belonging to the left side of the lower jaw. Several other parts had been very much injured by fire. I proceeded to look for the mould upon which these teeth were made, put the metal upon its proper place, and it fitted exactly. There is sufficient left of these blocks to identify the place where they belonged. There is no mistake. [He then showed the mould, and remains of teeth, &c.] All the pieces having been found, there were five pieces, which fitted to their exact places. The only piece that could not be identified might or might not have been right; but it was supposed to be right, as there was no reason that it should not be so."

The blocks of teeth, &c., were here shown to the jury by the witness, and afterwards to the judges. During the progress of Dr. Keep's testimony, the court and the witnesses were affected even to tears, and Dr. Keep, particularly, was overcome with emotion.

"I found imbedded, more or less, with these mineral teeth, some very minute portions of gold, which is termed cancellated, being peculiar to the jaw-bone. I saw the teeth in the doctor's head, the last time I saw him, in conversing with him. The presumption is very strong that these teeth were put in the fire in the head. Such is the nature of these mineral teeth, that, especially if they have been worn, they absorb small particles of water; when suddenly heated, the surface becomes closed, and the water becomes steam, and there would be a report, with an explosion. I have known such explosions to take place, on heating teeth that have been worn; and when they have been worn recently, the explosion is always sure to take place, if heated rapidly. If, while in the head, they were put into the fire, only a small portion would be exposed to the heat; and as the temperature would be raised so gradually, the water would have time to escape; and this accounts, in my mind, for the teeth not being cracked, excepting the front teeth, which would have been most exposed. I have found, fused into the remains of teeth, portions of the natural jaw. All these teeth were exhibited to me at the same time."

Cross-examination. "My first impression, on seeing the teeth shown me by Dr. Lewis, was of the circumstances which I have related. Do not think I have been burnishing up my recollection since they were shown me. Knew them for myself, without examining the mould; but I did examine them with the mould. The mould of Dr. Parkman was preserved, as moulds usually are, for future use, in case of accident to the teeth.

"I heard of Dr. Parkman being missing before I went into the country. First time I heard of his being missing was the first night it was advertised in the papers."

The most important witness in relation to occurrences at the Medical College, and the person who appears first to have suspected Dr. Webster to be guilty of making way with Dr. Parkman, was Ephraim Littlefield, the janitor. He was upon the stand nearly two days, including the cross-examination. The following is the principal part of his testimony:—

"I am the janitor of the Medical College; superintend the building, make fires, sweep, &c. Have been janitor seven years—three winters at the Mason Street College, and four at the new. Have known Dr. Webster seven years. Have known Dr. Parkman over twenty years. Was present at an interview, Monday evening, November 19, between Drs. Webster and Parkman. I was in Dr. Webster's back private room, assisting him, towards evening. Dr. Webster had three candles burning. He was looking at a chemical book, and appeared to be reading. I stood at the stove stirring some water, in which something was to be dissolved. There was salt in the water. I heard no footstep, but saw Dr. Parkman enter the room from the lecture-room. Dr. Webster looked round, surprised to see him enter without being heard. He said, 'Dr. Webster, are you ready for me to-night?'—speaking loud and quick. Dr. Webster answered, 'No, I am not ready to-night, doctor.' Dr. Parkman said something else, I do not remember what. He either spoke of Dr. Webster's selling something mortgaged, or mortgaging something sold. Dr. Parkman took out papers from his pocket, and Dr. Webster said, 'I was not aware it was so.' Dr. Parkman said, 'It is so, and you know it.' Dr. Webster replied, 'I will see you to-morrow.' Dr. Parkman stood near the threshold of the door, raised his hand, and

said, 'Something must be done to-morrow.' He went out, and it was the last time I ever saw him in the building.

"When I was standing in front of the college, about half past one o'clock, the next day, Tuesday, Dr. Webster came and asked me if I could carry a note to Dr. Parkman, and added, that if I could not get any one I could trust, that I must carry it up myself. I got a boy, named John Maxwell, to carry it up. He was gone about twenty minutes, and said he gave it into Dr. Parkman's hands, at his house. I had an interview with Dr. Webster about noon, the same day Dr. Parkman was there (Monday), before Dr. Parkman was there in the evening. I am very positive it was that same day. Dr. Webster asked if the vault had ever been fixed, where we used to put the remains of subjects from the dissecting-room, and from the demonstrator of anatomy's room, meaning the vault in the entry. He added, that there had been something said about having it repaired, or a new one built. He asked what the matter was with it. He asked where it was built. I told him it was built right under his coal-bin, which was between his laboratory and the dissecting-room. In the bin we put about eight tons of coal. I told him the weight of this coal sprung the wall, so as to make it leak, and caused an offensive odor to be sent to all parts of the building. I told him it had been fixed. He asked me how it was fixed. I told him the vault had been all *kivered* up with dirt, and there had been no smell since. He asked me how I got down under the building to *kiver* it up, or how any one could get down. I told him we took up the brick floor in the dissecting-room entry, and then took up the board floor, about six feet long. He asked me if that was all the way to get down under the building. I told him it

was ; under his laboratory or the front room, and told him how the walls run. He asked me if we could get a light into that vault ; and I told him no. He asked if I was sure of it. I told him I was, for I had tried, a few days before, to get a light into the vault. He said he wanted to get some gas out of the vault. I had tried to get a light in, to find something which Dr. Ainsworth had lost, and the foul air put it out. Dr. Ainsworth had let down an African skull to macerate in the vault, and the rope had rotted off. I attempted to put a light down, and it went out. Dr. Webster told me he wanted to get some gas to try an experiment. I told him then would be a good time, as it was high tide, and the water would press the gas up. I asked him how he was going to get the gas into any vessel. He said he had apparatus that he could do it with. He told me when he wanted to get the gas he would let me know. And that is the last I ever heard of it.

"I do not recollect any other interview with Dr. Webster before the day of the disappearance. But now I do recollect a message to the hospital. He said he wanted me to get him some blood for his next day's lecture. He said he wanted as much as a pint. I took a glass jar off from his shelf, holding nearly a quart, and asked if that would do to get it in. He said, 'Yes ; get it full, if you can, over at the hospital.' Just before two o'clock I carried the jar to the front entry, and put it on the top of the case, where I put up notices. I went to Dr. Holmes's lecture before it finished. At Dr. Holmes's lecture-room I saw the student (John B. Hathaway) who attends the apothecary's shop in the hospital. I told him there was a glass jar, in which Dr. Webster wished to get a pint of blood. He replied, 'I think we shall bleed some one to-

morrow morning, and I will save the blood.' Friday morning, I went to the apothecary's shop at the hospital, and the student said he had no blood, as they had bled nobody. I told Dr. Webster, about eleven and a half o'clock, Friday, that we could get no blood. He said he was sorry, as he wanted to use it in his lecture. That is all I know about the blood.

"I have no recollection of having any interview on that morning with Dr. Webster, after the one mentioned. In the morning, Friday, November 23d, after I made his fire, swept the room, and went to set the broom behind the door leading from his back room to the laboratory, I saw the sledge-hammer behind the door. It was usually in the laboratory. The handle was about two feet long, of white oak, and would weigh six or seven pounds. I never saw it in his back room, or anywhere, except in the laboratory, before. One side of the hammer was about as large round as half an orange, and it was rounded on both sides. I carried it down stairs into the laboratory, and set it up against the box in the centre of the laboratory. I have never seen anything of it since, though I have hunted the building all over.

"I do not remember anything particular till quarter before two o'clock, when, after I had eaten my dinner, I was standing in the front entry, looking out at the front door. I thought, before the coroner's inquest, that it was about half past one ; but, reflecting upon it, I remembered that that day I had examined the tickets at Dr. Holmes's door, which would make it quarter of an hour later. I saw Dr. Parkman approaching the college, in North Grove Street, abreast of Fruit Street, walking very fast. I entered Dr. Ware's lecture-room, and lay on the settee nearest the

register, and nearest the door, waiting for Dr. Holmes's lecture to finish, to help fasten his doors, and clear away his things.

"I did not hear any one enter Dr. Webster's lecture-room. The front door was open till after the lectures that day. Dr. Ware's lecture-room door was closed. That and Dr. Webster's lecture-room door close by a spring.

"After putting away Dr. Holmes's things, I came down and locked the front door. About quarter past two o'clock Dr. Holmes went out. He is generally the last one to go out of the building. Then I went down stairs to prepare the furnaces for the next day. I always sift the coal out in the afternoon. I cleared out the furnaces that warmed the anatomical and medical lecture-rooms. They are both in the cellar, close under the front steps. I then went up and cleared out the stove in the back private room of the medical lecture-room. There are three lecture-rooms — the anatomical up stairs, the chemical and medical below; the former in the west, and the latter in the east wing.

"I then went down to Dr. Webster's laboratory door, to clear up his room (the door that leads to my cellar), the door under the stairs leading from Dr. Webster's small room to his laboratory under the laboratory stairs. I found that door bolted on the inside. I then went round to the next door that led to his laboratory, and found that fast. Put in my key; found I could not get in, and that it was bolted. I heard him in there walking. I heard the Cochituate water running. Went up stairs, and tried the door that led into the lecture-room from the front entry.

"I found the door locked; it was bolted on the inside. I went into my kitchen, stopped a while, and laid down.

About four o'clock a young lady called; came into my bed-room, and told me there was a gentleman at the door who wanted to see me. I went to the door, and found Mr. Pettee, of the New England Bank, collector of tickets. He wanted me to fill out a course of tickets for a student who was about to leave town; the student was Mr. Ridgeway. He gave me the tickets, all but Dr. Webster's; I took the money for Webster's tickets. After Pettee went away, in about fifteen minutes, I went to Dr. Webster's door, and found it fastened. Did not try again that day, till late at night. My object in going was to do his work up, wash his glasses, and fix his fires. In the evening, about half past five o'clock, I was called out of my kitchen, and heard some one coming down the back stairs that led from the front entry. It was Dr. Webster: he had a candlestick in his hand, and a candle burning; he never did use a lamp. He blew it out in my entry, and left it on the settee. He passed out through the shed; saw nothing more of him that night.

"After Dr. Webster went, I fixed myself, and went to a party. Got home about ten o'clock, or a few minutes after. The party was at Mr. Grant's.

"The first door I went to was the laboratory door, the nearest my room. Found it fast; then started to go to the dissecting-room door. Unlocked the dissecting-room door to put out the lights. The students there used to dissect till nine or ten o'clock. Found the lights out; bolted the outside door of the dissecting-room, and went to bed. I never knew Dr. Webster's door locked before, on the night of a lecture-day, since I have been in the college. On Saturday, there were but two lectures; had but two fires to make. Made a fire in the dissecting-room.

Forget whether I went to unbolt the door of the dissecting-room before or after I made the fire; when I did go, I found it unbolted and ajar. I thought I had fastened some student in the night before. Never knew any one had a key of the outside door, except Dr. Leigh, the librarian, who has been there three years. Never knew of any other person getting access to the building after it was locked up at night.

"I unlocked the lecture-room door (the one Dr. Webster came out of the day before), and went in. I went through the lecture-room, but could not get through the private room into the lower laboratory. The door was locked, and there was a lock on it which I never had had the key of. He had the lock put on it to lock up his laboratory, when out of use, in the summer time. Went back to my room. Soon after I went back, Dr. Webster came, with a bundle under his arm, through the east shed. Met him in the entry. He told me to make him a fire. I made a fire in the stove in the laboratory. After doing it, turned and went out. Don't recollect of being in his laboratory or lecture-room again that day. Saw Dr. Webster again before eleven o'clock, in the lower entry; he came into the college, with a bundle under his arm, done up in a newspaper. Paid him fifteen dollars in gold for Ridgeway's ticket. Ridgeway had paid me eighty-two dollars for a full course of lectures. I gave the rest to Mr. Pettee.

"I did no more work for Dr. Webster that day. Saturday is my sweeping day. I heard him in the laboratory; I speak of the lower one; that's what I call the laboratory. Did not see him again that day. I heard walking in the laboratory; heard moving; could not tell what was doing. Heard the water running in Dr. Web-

ster's sink; it was not in the habit of running. I did not see Dr. Webster all day Sunday. Sunday night I was in North Grove Street, facing Fruit Street, talking with Mr. Calhoun, one of Mr. Fuller's foundery men, about the mysterious disappearance of Dr. Parkman. Had heard of that disappearance on Saturday afternoon: Kingsley told me. While talking, saw Dr. Webster coming into Fruit Street from Bridge Street. I remarked that there was one of our professors coming. When Dr. Webster saw me, he came right up to me. The first words he said to me were, 'Mr. Littlefield, did you see Dr. Parkman during the latter part of last week?' Told him I did. He asked me when I saw him. I said last Friday, about half past one o'clock. He then inquired, 'Where did you see him?' I said about this spot. He asked me which way he was going. I said he was coming right towards the college. I told him I was standing in the front entry, looking out at the front door.

"Dr. Webster had his cane in his hand, and struck it down upon the ground, and said, 'That is the very time when I paid him four hundred and eighty-three dollars and sixty cents.' I remember he put the odd cents on. I told him I did not see Dr. Parkman come in or go out of the college, for I went directly into Dr. Ware's lecture-room, and laid down on a settee. He said he counted the money down to Dr. Parkman in his lecture-room, and that Dr. Parkman grabbed the money from the table without counting it, and ran as fast as he could go, up two or three steps at a time. Dr. Webster said Dr. Parkman told him he would go with him to Cambridge, and discharge a mortgage; and added, 'I suppose he did, but I have not been over to the register of deeds' office to see.' Dr. Webster said that

this was the first he had known of it; he had read it in the Transcript. Dr. Parkman was there said to have been engaged to meet an unknown gentleman. He had come over to see about it, for he was the unknown gentleman. He said he had been to see Dr. Francis Parkman. He then went away.

"When Dr. Webster spoke to me, he used before to look me in the face, with his head up; he did not then, but looked down, and seemed confused and agitated. I never saw him look so before. His face was thoughtful; he looked pale. I cannot say which way he went; think it was towards Cambridge. On Monday I could not get into his room to make up the fire. The first I knew of his being in the college, my wife told me; she told me that Dr. Samuel Parkman had been there to see Dr. Webster. I asked her how he got in, seeing all the doors were kept locked.

"I went up the laboratory stairs, and saw Dr. Samuel Parkman and Dr. Webster in the back room. They were talking about old Dr. George Parkman. I overheard conversation about some money; Dr. Parkman said the old doctor was very angry. I staid there but a minute; did not see Dr. Samuel Parkman go away. The front door-bell rang, and I went to the door, and found there a person who I ascertained was Mr. Parkman Blake. He asked me if Dr. Webster was in. I told him he was. He said he wanted to see him. I asked him his name, that I might carry it to Dr. Webster. He gave it. I had my key in the lecture-room, but it was bolted. I went down, and came up the other way to Dr. Webster. He hesitated somewhat, and then said, 'Let him in.' I unbolted the door; do not know how long Mr. Blake was there.

"I went again to the laboratory door, nearly at twelve o'clock, to see whether any work was to be done. Found it locked. Don't know whether the door-bell rang or not. I went to the door, and found Kingsley, and they said they could trace Dr. Parkman nowhere but to the Medical College, and they had come to look. I told them I would show them all the rooms that I could get into myself. Met Dr. Holmes on the stairs; he asked if they wanted to haul all the subjects out of their chests. They said, 'No; they merely wanted to see if he had stowed himself away in the attic.' Dr. Holmes told me to show them all around. Went to Dr. Webster's room first; it was locked. We knocked two or three times, with loud raps. Dr. Webster did not come at first. Finally he came, unbolted the door, and stuck his head out. I told him what the officers had come for; did not hear him say anything. We went in, looked through the room, and went down into the laboratory. Do not recollect hearing Dr. W. say anything. Don't remember whether he went down into the laboratory with us. We unbolted the lower door, and went out. I showed them all over the rest of the building, and they went away. Recollect of nothing more that day on the subject.

"Tuesday morning could not get in to make the fires farther than the lecture-room. Went about half past nine o'clock, unlocked the lecture-room door, and found Dr. Webster in a sort of smoking-cap. I asked him if I should make a fire in his furnace. He said no; said the things for his lecture that day would not stand much heat. Tuesday evening, I told my wife I guessed Dr. Webster had got his room open. I went up into Dr. W.'s back room; he was reading a paper. He asked me if I knew where Mr.

Foster kept, near the Howard Athenæum. I asked him if he was a provision dealer. He said he was. I said I knew him. He asked me if I had bought my Thanksgiving Turkey. I said, 'No; I had thought of going out to Thanksgiving.' He added, 'Take that order, and get you a nice turkey. I am in the habit of giving away two or three every year, and perhaps I shall want you to do some odd job for me.' I thanked him, and told him I should be most happy to do anything for him I could. He then gave me another order to Foster to send him, to Cambridge, some sweet potatoes. I went to Foster's; he took the order, and told me to pick out such a turkey as I liked. I came home, and staid there till half past six. It was the first time he ever gave me anything. The idea of his giving a cent's worth was remarkable. I was going out to the Suffolk Lodge of Odd Fellows, and met Dr. Webster in the entry. He had a candle, which he blew out, and set upon the settee. He went out with me. I asked him if he should want any fires in his room that week, as there were no lectures. He said, 'No, Mr. Littlefield, I shall not need any fires.' He inquired if I was going down town. I told him I was going to the lodge. He said, 'You are a Freemason — are you?' I replied, 'Yes, I am a kind of one.' We parted, and he went towards the bridge, and I up Cambridge Street.

"Wednesday morning, Professor Webster came to the college early. He went into the laboratory, and I heard him moving things around there. I went to the door, and tried to listen, but the catch over the keyhole was down. When I stood listening, I saw my wife looking at me. I went into the kitchen; I told my wife —"

Prisoner's counsel objected to his saying what he told his wife.

Attorney-General. "State what you did when you saw your wife."

Witness. "I was picking a hole through the partition when my wife saw me; I cracked off a small piece, and thought Dr. Webster heard me. I went into the kitchen afterwards; then came out, and laid down on my face, and looked under the door. I thought I heard the moving of a coal-hod on the floor from near the door. I could see him, as high as his knees, going towards the furnace, where the bones were found. Cannel coal and bark were kept near the laboratory stairs in a bin; hard coal was kept near the furnace. Could see no more of him. Laid there about five minutes. Went out with my wife about nine o'clock; did not get back till one o'clock. About three o'clock I passed through the dissecting-room. In passing up stairs to the demonstrator's room, I first felt heat in the wall from Dr. Webster's laboratory. The staircase brought me in contact with the wall; I put my hand upon it, and it was so hot I could not hold my hand on it long. I knew it proceeded from a furnace, where I had never known any fire, and never made any fire. I went into the store-room, of which I had a key. I put my key into the door of Dr. Webster's laboratory; it was not locked, but was bolted. Found the other cellar door of the laboratory locked. Unlocked the door of his lecture-room, and went in, but found the door of the back room locked. I then went down into my cellar, and back of the building, to see if I could look in the window and see any fire. I climbed up the wall to the double window, having a light on each side, and got in. The first place I went to was the furnace. I had never made any fire there; did not seem to be much fire there. It was covered up by a soapstone cover, and

the whole top of the range was covered over with pots of minerals, and an iron cylinder was lying on it. I did not move anything.

"I then took up a broom, and went to where there were two hogsheads full of water. I tried one of them with the broom handle, and found the water was two thirds out; the other had a gasometer in it. I did not try the water with the broom, but it was low; a spout was lying in one hogshead, leading to the sink. They were full on Friday; there were also two barrels of pitch-pine kindlings, which, on Friday, had been one full and the other two thirds full. The kindlings were two thirds gone; I could not think what he had done with them. On the stairs I saw spots such as I had not seen before; they were much spattered. I reached down and tasted of one of the spatters; it tasted like acid.

"The water was running; I noticed the running of the water that week, because I had set it running before, and he had stopped it. He said the noise disturbed him, and it spattered the floor. I did not see Dr. Webster that day. There were grape-cuttings, an empty box, and a bag of tan, left by the laboratory door on Monday. They stood there till Friday. I do not remember when the fan went in, but he took the grape-vines and the box in himself on Friday. I tried to carry them into his room several times during the week, but could not get into his room.

"Tuesday morning, November 26th, after I left Dr. Webster's room and went out, saw Messrs. Clapp, Kingsley, Fuller, and Rice come in by the shed. Mr. Clapp said he wished to speak with me. Said he, 'We are going to search every foot of land in this neighborhood, and wish to search the college, so that people around may not

object to having their houses searched.' I told him I would show him all parts of the college to which I had access. We then saw Dr. Jacob Bigelow in the entry. We all went into my parlor, and talked. Dr. Bigelow said, 'Show them everything.' Some one said, 'Let us begin with Dr. Webster's rooms.'

"I went to the door leading to my cellar, and it was fast. I told them we must try the other way. Went up to the lecture-room door, and found it locked; rapped as loud as I could with my knuckles. Dr. Webster came and unbolted the door. I told him what the officers were there for. We all passed in, and down into his lower room. I think Mr. Clapp went towards the small private room. Dr. Webster said that was the room where he kept his valuable and dangerous things. I hardly ever went into that room. Mr. Clapp did not search that room. We all went down the laboratory stairs. Mr. Clapp looked into a pane of glass in the privy door, and asked, 'What place is this?' Dr. Webster was then within three feet of him. I told him, 'That is Dr. Webster's privy; no one has access to it but himself.' Dr. Webster seemed to me to withdraw their attention to another part of the room, and unbolted another door that led to the store-room. We all went out.

"Some one wanted to search the vault where the remains of subjects are thrown. I told them there was nothing there but what I had thrown in myself; no one else had access to it; it was always locked, and I kept the key of it. The vault is a room sunk below the college floor, twelve feet square; the entrance to it two feet square, and secured by strong locks. We unlocked the access to the vault, and lowered a lantern into it. All

seemed satisfied that there was nothing there which did not belong there.

"We searched over the whole building; then some one asked if there was any way of getting under the building. I told of the trap-door; we got lights, and went down. Fuller and I crawled across to the back side of the building; there was nothing there but dirt, put there when the building was made. I pointed Fuller to the wall dividing off what was under Dr. Webster's laboratory. I told him that was the only place which had not been searched, and there was no access to it, except by breaking through the floor, or digging through the wall. They then searched my room.

"In the afternoon of the same day, about four o'clock, I was in the front cellar, under the front steps. I heard Dr. Webster open the door and come in. About two minutes after, being in the entry, I heard him come down the laboratory stairs, and unbolt the door leading into my entry. When I heard him unbolt his door, I went into my kitchen. As soon as I went in, I heard his bell ring.

"I was in the cellar in the forenoon, Thursday. My wife wanted me to remove the grape-vines, which were getting scattered about; I attempted to get them into Dr. Webster's room, but could not open the door. Went to work on the wall about three o'clock, to get under Dr. Webster's laboratory near the privy, to satisfy myself and the public. I could not go outside of the building without everybody being at me, saying that Dr. Parkman would be found in the Medical College, if he was ever found anywhere. That was the only place not searched. I went down the front scuttle; all the tools I had used were a hatchet and mortising chisel. I could not do

much with such tools; all I did was to get out two layers of brick."

The witness described the progress of his work, and the discoveries made, which appear substantially in the testimony already quoted. He was then subjected to most rigid and prolonged cross-examination, in which the counsel for the defence endeavored to shake his credibility, by showing certain mistakes and differences of time, as given in his evidence before the coroner's jury, in certain unimportant matters. But through the long cross-examination nothing important was elicited to throw any doubt upon his statements in the direct examination.

Derastus Clapp, police officer, identified certain papers taken from Dr. Webster's house, showing the business transaction with Dr. Parkman, also a memorandum taken from the doctor's wallet, stating that Dr. Parkman had called on him, and he had paid him a certain sum on the 23d of November. Mr. Clapp, after relating the search first made in the college and vicinity, testified concerning Dr. Webster's arrest, as follows:—

"On Friday, November 30, about six o'clock, I was summoned to the college, where I met Mr. Trenholm, Dr. Bigelow, and others. I was the first that put a light in where the remains were. After we had come up from beneath, we went into the laboratory. The door was open. There were four or five others. I went forward to the furnace. I found a pan with sand in it; a table stood before it. I inquired what that was. The top of the furnace was covered up with pieces of freestone. On top of these were minerals. I inquired what was there. I reached down my hand, and took up a piece of hard coal. There was something that adhered to it, that looked like burned

bone. The marshal said, 'Don't meddle with anything there.'

"I was soon directed by the marshal to go to Cambridge. I took a coach, took Mr. Starkweather and Oliver H. Spurr with me, and went to the house of Dr. Webster. We stopped the coach within five or six rods, before we got to his house. I left the officers there, and met the doctor on the front steps, showing a gentleman out of his house. The gate was open, and I passed in. I spoke to the doctor before he got into the house, and told him we were about to search the college over that evening, and wished him to be present. He went into the front entry, and from there into the library, and put on his boots, his hat, and coat. When he got out, he said, 'I should like to go back for my keys.' I told him it was not necessary, as we had keys enough to unlock the college; and he said, 'Very well.'

"I walked with him from the house to the carriage. We got into the carriage, and I tried to have a free conversation with him. We came over Craigie's Bridge. Had some conversation about the railroad; also with regard to the efforts that had been made to find the body of Dr. Parkman. I told him what distances we had sent to trace out the reports of his having been seen. He said there was a lady over there (pointing towards the 'Port'), who knows something about it. 'Suppose we ride over and see her.' I told him I thought we had better postpone it to another time. Dr. Webster said he had called on Dr. Parkman about nine o'clock, on the morning of the 23d, requesting the doctor to call on him between the hours of one and two. He also stated that the doctor did call. He also stated that he paid him four hundred and eighty-

three dollars, and that Dr. Parkman was to cancel the mortgage.

"I inquired of Dr. Webster if Dr. Parkman had done so. I think his answer was, he did not know. I then asked him, in case Dr. Parkman was not found, and it was not cancelled, whether he would be the loser. He answered that he would not. When we arrived near the bridge, I told him that soundings had been had about these waters, all above and below the bridge; that a hat had been found near the navy yard, supposed to be Dr. Parkman's.

"We drove on till we got to Bridge Street, and the doctor observed we were going the wrong way. I told him I thought perhaps the driver might be green. We arrived at the jail, and I got out and went to the jail door, to see if there were any spectators there. I then requested the gentlemen to get out, and we walked into the jail office.

"The doctor got out and walked in, without making any remark whatever. After we got into the office, I opened the door to the rear office, and said, 'Gentlemen, suppose we walk in here;' and they all walked in, without saying a word. Dr. Webster now turned round to me, and said, 'What does all this mean?' Said I, 'Dr. Webster, you recollect I told you, at the bridge, that soundings had been had above and below the bridge. We have been sounding in and about the college. We have done looking for the body of Dr. Parkman. We shall not look for his body any more; and you are now in custody, on the charge of the murder of Dr. Parkman.'"

A mass of other testimony was put in, to show the conduct of Dr. Webster after Dr. Parkman's disappearance, and before his arrest, and his anxiety to show that the

missing man had been seen after the time when he entered the Medical College, or that traces of him had been discovered in other directions. The testimony of an expert was also put in, to show that certain letters sent to the City Marshal of Boston, one stating that Dr. Parkman would be found murdered on "brooklynt heights," and another that he had been taken on board the ship "herculun," and still another, signed "Civis," suggesting certain methods of search, were all written by Dr. Webster, in disguised hands.

The prisoner's counsel, in opening the defence, after discussing the rules of law in relation to express and implied malice, argued at considerable length and with great ability the insufficiency of the evidence offered by government to prove, beyond a doubt, the death of Dr. Parkman; that his death was by the agency of another person; that the prisoner at the bar was the agent, and that, in committing the deed, he acted with malice aforethought. They dwelt upon the uncertainty of circumstantial evidence, of which the greater part of the case was made up, and contended that those circumstances did not sustain the hypothesis attempted to be founded upon them to the exclusion of all others, but that conclusions, favorable to the innocence of the prisoner, could just as well be drawn from them; and they pointed out how a single break in the chain would overthrow the theory of the prosecution.

The defence then put in the testimony of a large number of witnesses, of the highest respectability, to establish the character of Dr. Webster as a peaceable man, who was never known to be guilty of any acts of violence. It was shown that he was irritable and quickly excited, but very quickly forgetting the cause of his excitement. Evidence

was also offered to show that Dr. Parkman was seen after the time when he was proved to have entered the Medical College, and in a different part of the city. Upon both these points the counsel laid great stress. The remainder of the evidence was to contradict, or throw doubt upon the medical testimony, and to show Dr. Webster's conduct at home, after the time of the alleged murder, was the same as usual; that he was at home at his meals, read and conversed cheerfully, visited neighbors, played cards, &c., which it was afterwards argued he could not have done so calmly had he committed the fearful crime with which he was charged. Those who were present at the trial could not but feel disappointed when the evidence for the prisoner closed with no better results.

In closing, the counsel for the defence examined quite critically some of the evidence for the prosecution, and contended that the circumstances relied upon by the government were not all proved. They suggested a theory that the remains found in the laboratory were introduced in some mysterious manner while Dr. Webster was absent, and this theory was ingeniously presented in connection with admitted facts. Then, without charging upon Littlefield the crime of murder, they handled that witness severely to shake his credibility, and to throw a doubt over the various circumstances to which he had testified, the drift of the argument tending to suggest that Littlefield knew something of the mystery, which was not explained by his evidence.

The closing argument of the Attorney-General was very able, and skilfully demolished the theories of the defence, marshalling the various circumstances that had been proved in support of the charge, that Dr. Webster was guilty of

the murder of Dr. Parkman. When it was finished, the court gave the prisoner permission to address the jury, and make any statements which he might think necessary for his defence. He availed himself of the privilege, but his remarks served rather to strengthen the case against him than to help his defence. He reflected upon his counsel, by saying, "On all the points testimony had been placed in the hands of the counsel, and my innocence would have been firmly established if it had been produced. But, acting entirely under their guidance, I have sealed my lips, and from the first moment I have trusted entirely to them. They have not seen fit to bring forward the evidence on a great variety of subjects, which, therefore, have been brought to bear with consummate ingenuity against me." He then proceeded to explain two or three circumstances of comparatively minor importance, but in such a manner as not to affect his case favorably.

After the charge to the jury by Chief Justice Shaw, which was able, comprehensive, and discriminating, the case was committed to the jury at the close of the eleventh day of the trial. The court took a recess till a late hour in the evening, and coming in at the appointed time, the jury had agreed upon their verdict of *guilty*.

The sentence was pronounced on the following Monday (the verdict was rendered Saturday night), and the occasion was one of the most solemn and affecting scenes that ever occurred in that court. The Chief Justice, who was officially connected with Harvard College, in which Dr. Webster was a professor, was deeply affected; and the social and professional position of the prisoner, while it added, perhaps, to the enormity of the crime, increased the interest and sympathy of the court, and all who were

present. The address of the chief justice to the prisoner was impressive and touching, and few were present who were not deeply affected by it.

After the sentence, efforts were made to obtain executive clemency; and the case was carefully examined by the executive, in connection with a statement made by the prisoner. But it did not appear that there was any other solution of the mystery than that which the government had established before the jury, and the sentence of the law was executed on the 30th day of August, 1850. It was alleged that before his execution he made a confession to the clergyman who attended him, but if he did so its purport was never made known.

II.

THE PRIESTLY MURDERER,

FRANCIS SALIS RIEMBAUER.

THE reports of German criminal cases, as, indeed, of other cases on the Continent of Europe, are deeply interesting because of the method of investigation, in which the party accused is examined at length in regard to circumstances sometimes the most minute, which have been otherwise proved, and in which the case is made out, step by step, in the evidence adduced. The following case is one in which a pretended sanctity disguised a sensual, corrupt, and cruel nature, — one of those examples of a "wolf in sheep's clothing," which have, unfortunately, done so much to discredit professions of piety, and to produce, in the minds of some, scorn for that sacred calling which such wretches dishonored. It is interesting, also, from the patient and persistent manner with which it was investigated by the court, as well as the obstinacy with which the prisoner declared his innocence, and the deceptions he practised to prevent the proof of his guilt.

In 1805, Francis Salis Riembauer was appointed to the situation of assistant clergyman in the church of Upper Lauterbach. He had filled a similar situation, for several

years before, in various other churches, and brought with him to Lauterbach a high character for intelligence and polemical ability, as well as for the fire and unction of his discourses, and the extreme sanctity of his life and conversation. His appearance was prepossessing, his stature tall, the expression of his countenance serious, but mild, his conversation eloquent and instructive. A peculiar appearance of humility seemed to characterize all his movements; he walked in general with his head sunk down, his eyes half closed, his hands reverently folded on his breast. His sermons were composed in a strain of enthusiastic piety; the necessity of an absolute separation from this world, and an exclusive devotion to the things of another, were inculcated with earnestness and perseverance. He was supposed by his simple flock to stand in direct communication with the world of spirits, who were said to haunt him in his chamber, beset him in his walks, and move from right to left when he raised his finger. If Riembauer did not himself promote these superstitious notions, he at least did nothing to discourage them, but accepted, with his usual appearance of mild indifference, the homage which was paid to him.

His high reputation, however, though general, was not universal; most of his hearers thought him a saint, but some doubted. A report had at one time been in circulation that his former colleague at Hofkirchen had warned his successor that he was little better than a wolf in sheep's clothing; and some of the more prudent among the rude forefathers of the hamlet rather discouraged the visits, which he paid with singular punctuality to the female part of their families, for the purpose of confession or penance. His extreme mildness of demeanor and humility of aspect

appeared to them overacted, and the refined and spiritual character of his doctrines somewhat inconsistent with the conduct which he shortly afterwards adopted.

At Thomashof, in the neighborhood of Upper Lauterbach, lived a family of the name of Frauenknecht, consisting of the farmer (an old man who died shortly afterwards), his wife, and two daughters, the elder, Magdalena, then about eighteen years of age, her sister, Catharine, six years younger. The whole family were distinguished for their probity, industry, and hospitable disposition, while Magdalena added to these good qualities a more than usual share of personal attractions. With this family Riembauer had very soon established a particular acquaintance. They were naturally flattered by the visits of one superior to themselves in situation and education, and still more distinguished by the sanctity of his character. But Riembauer carried his condescension farther than seemed consistent with the dignity of his priestly office; for, not content with merely visiting the family, he used to give his personal assistance to the old farmer in his field labors, and to perform all the duties of a common servant. Those who entertained an unfavorable opinion of him before, drew additional arguments in support of it from this singular conduct; but Riembauer proved to the majority of his flock, by the authority of Epiphanius and of church councils, that nothing was more common in the primitive times of the church than this union of the spade with the crosier, and that there was something praiseworthy in recurring to that patriarchal simplicity. About the end of 1806, the parishioners were informed that he had purchased Thomashof from the Frauenknechts for four thousand florins, and shortly afterwards he transferred his

residence to that farm, still retaining his clerical office, and performing its duties with the same zeal and spirit as before, but combining them with agricultural labors, in which he was assisted by the family of the Frauenknechts, who, notwithstanding the sale, continued to reside upon the farm.

The eldest daughter, Magdalena, was to be employed as cook in his family, and with this view she was sent to Munich in the beginning of 1807, where she remained for six or seven months in the house of the Registrator Y—. In June, 1807, Riembauer himself went to Munich for the purpose of passing his examination as candidate for a church, which he did with great credit to himself. Shortly afterwards (in the beginning of 1808), he obtained the situation of priest at Priel, sold off to advantage the farm which he had purchased from the Frauenknechts, and removed with them — Magdalena having now completed her culinary education in Munich — to his new residence.

Before his removal to Priel, an event had happened in the neighborhood which at first created a strong sensation, though the utter mystery in which it was involved seemed to have first baffled, and finally extinguished, all curiosity on the subject. Anna Eichstädter, the daughter of a carpenter at Furth, had engaged herself as servant to a clergyman in the neighborhood, towards the end of October, 1807. She had obtained permission, however, from her new master, to pay a visit to her relations before finally entering upon her service. As a pledge for her return, she had left with him her silver neck-chain and other articles of some value. It rained in the afternoon when she set out, and, at her request, he lent her a green umbrella, on the handle of which the initials of his name, J. D.,

were engraved. Several days elapsed, but she did not return. Among others whom she had mentioned she intended to visit, was Riembauer, with whom she said she had been acquainted while she had been in the service of his former colleague at Hirnheim. To him, accordingly, her new master wrote, after some days had elapsed, mentioning that, if she felt reluctant to return to his service, she might at least send back his umbrella. Riembauer replied that he had seen neither the one nor the other, and expressed some astonishment that such an application should have been made to him. Months passed on, but Eichstädter did not appear. The investigations which were resorted to threw no light upon her disappearance; her previous character appeared to have been somewhat light, and her reputation for virtue more than doubtful, but nothing came out which could afford any explanation of her fate. The common conjecture was, that she had either been drowned, or had fallen into the hands of a notorious robber and murderer, who was executed about a year afterwards. Gradually, however, the matter ceased to be talked of, and her fate, even by her relations, was forgotten.

It was some months after her disappearance that Riembauer removed with the Frauenknecht family from Thomashof to Priel. This association, however, was not destined to be of long continuance; the widow Frauenknecht died on the 16th of June, 1809, after a short illness, and her daughter Magdalena followed her five days afterwards. The younger daughter, Catharine, who had never been on good terms with her sister, or with Riembauer, had left the family a short time before. After the death of her mother and sister, she had lived as a domestic in different

families, in all of which she was remarkable for the singular melancholy, the air of anxiety and restlessness, which marked her conduct; solitude seemed irksome to her; to sleep alone at night was an object of terror; and these feelings seemed rather to increase with years than to become less lively. Sometimes she let fall expressions as to some woman whom she could not get out of her head, and whose figure, she said, followed her wherever she went. With these, too, at times, the name of Riembauer was joined, as having had a principal part in those scenes by the remembrance of which she appeared to be haunted. To some of her intimate friends she ventured at last to be more explicit; she stated in plain terms that Riembauer had been the murderer of a woman at Thomashof in 1807; that she had herself been unwittingly a witness to the deed, and that this atrocity had been followed by other crimes, which, till that moment, had been unsuspected.

At last, in 1813, she laid her information formally before the Landgericht at Landshut, to the following effect: That during the period when her sister Magdalena and Riembauer were both in Munich, in 1807, the one in the service of the registrator, the other preparing for his examination, a woman presented herself suddenly at Thomashof. She announced herself as a niece of Riembauer, and being informed that he was then in Munich, demanded the key of his room, which she, Catharine, who was the only person then in the house, at first refused. On the arrival of her mother, however, the key was given to her, and she immediately proceeded with it to the room, which she searched as if the house had been her own. She remained that night, and next morning, when she went away, stated that she had not found her money, as she

expected, but that she had left a sealed letter for the priest.

On Riembauer's return, which took place about eight days afterwards, he merely remarked, on being told of this domiciliary visit, that it was a niece of his, to whom he owed some money. About the 2d of November, in the same year, Catharine and her mother had returned from the field somewhat later than Magdalena and Riembauer; when they drew near the door of the house, they thought they heard in the upper floor a singular noise — whether laughing, weeping, or groaning they could hardly distinguish; as they entered, however, Magdalena flew to meet them with the frightful intelligence, that a stranger, representing herself as a niece of Riembauer, had arrived shortly before; that Riembauer, after taking her up to his room, had come down on pretence of getting her some refreshment, and taken his razor; and that she had followed him up stairs, and through the keyhole had seen him draw near to the unfortunate woman with expressions of endearment, and suddenly plunge it into her throat. Even while Magdalena was thus speaking, the groans of the victim, and the voice of Riembauer, loud and threatening, were distinctly heard from above. As if fascinated by the terrors of the scene, Catharine ran up stairs, and saw through the keyhole the priest kneeling over the body of his victim, from which the blood flowed in streams, and which was still heaving with a convulsive motion.

Overpowered with fear, she rejoined her mother and sister in the room below. Shortly afterwards the door of the upper room opened, and the priest came down, his hands and sleeves dropping with blood, the razor still in his right hand. He went into the room to her mother

and sister, told them that the woman had constantly persecuted him for money on account of a child which she had borne to him; that she had just been demanding from him one hundred or two hundred florins, and threatening him with exposure in case of refusal; and that, not having the money, he had no other alternative left but that of silencing her complaints and her testimony forever. The mother at first threatened him with the immediate disclosure of the murder; but at last, moved by the desperation of Riembauer, who had seized a rope, and announced his resolution of committing suicide, they consented to keep the murder secret, and to assist him, if necessary, in the disposal of the body.

The place chosen for this purpose was a little room adjoining the stable, where a hole was dug by Riembauer for its reception. At midnight on the 3d of November, Catharine said she was awakened by the noise, and saw from the door of her own room Riembauer descend, dragging the body behind him, still dressed, and with the head hanging down. Coming down afterwards, she saw him employed in heaping earth upon the body. The spots of blood along the passage he washed out with his own hands; those in his room, which had already become dry, he carefully effaced from the floor by means of a plane, and threw the chips into the stove. A woman's shoe, which the house dog was found dragging next morning about the court, Catharine took up, and delivered to Riembauer, though she could not say how he had afterwards disposed of it. The inquiries of their neighbors, some of whom had heard the disturbance which had taken place the evening before, they answered by saying, that some discussion had arisen relative to the purchase price of Thomashof, which had ended in an altercation between them and Riembauer.

From this moment, however, the friendly intercourse which had subsisted between Riembauer and the Frauenknechts was at an end. Reproaches on the one hand, anxiety and the fear of detection on the other, rendered their residence at Priel irksome to all. Quarrels followed; Magdalena threatened to leave his service, and the fear of exposure began daily to recur more and more vividly to his mind. Immediately afterwards followed the illness and death of her mother and sister. No medical attendant was called during their illness; no clergyman was allowed to approach them; their medicines were all ordered and administered by Riembauer himself. The body of Magdalena after death was found strangely swollen and covered with spots; the blood gushed from her mouth and nose: the apothecary, who saw the body after death, conceived she had been in a state of pregnancy; and from all this Catharine drew the conclusion that her mother and sister had been poisoned.

Even before the sudden death of her mother and sister, Catharine had been warned by the latter that Riembauer had designs upon her life, and, acting upon this advice, she had left his house. Subsequently to this, he had made attempts to induce her to return to his service by promises of a large marriage portion, and other advantages; but determined not to trust herself again in his hands, she had declined all his proposals.

The young woman, who had fallen a victim to the treacherous attack of Riembauer, she described as a person of about twenty-two years of age, tall, and rather handsome; she was dressed in the garb of a peasant, and had brought with her a green umbrella, upon which were marked the initials J. D. This umbrella Riembauer had retained, and it was still in his possession.

The events thus disclosed by Catharine Frauenknecht, on the one hand so strange and (looking to the previous character of the alleged criminal) so unlikely, were on the other so consistent and well connected, and the narration given with so much apparent calmness, distinctness, and confidence, that the court, before which the information was first laid, ordered an immediate inspection of the scene of the alleged murder, the farm-house of Thomashof, which, as already mentioned, was now no longer in the hands of Riembauer. The result of the examination was such as to confirm, in most of its important features, the information of Catharine Frauenknecht. In the room adjoining the stable, as described by her, were found a skeleton and a woman's shoe; in that which had been inhabited by Riembauer stains were detected on the floor, which, when moistened with warm water, were found to be the marks of blood; several of the planks in the flooring were marked with hollows and rough edges, as if a plane had been applied to them; and Michael, one of the neighbors, recollected being applied to for the use of a plane by the members of the Frauenknecht's family about six years before. The result of this inquisition led to the immediate arrest of Riembauer. His apprehension seemed to excite in him neither surprise nor fear. If he was guilty of the atrocities ascribed to him, he was at least far too cool and circumspect either to betray any tokens of emotion, or to make his case worse by affecting ignorance of matters which he knew were capable of being proved. His policy, if such it were, was of a higher kind, and the course he adopted only reconcilable with the notion either of perfect innocence, or of the most hardened and calculating guilt. He admitted almost everything which had

been stated by Catharine Frauenknecht, but he gave to the whole a turn consistent with his own innocence of the murder.

Though he had heard nothing of the substance of Catharine's deposition, he did not affect to doubt that the death of Anna Eichstädter was the cause of his apprehension. He admitted at once that he had been acquainted with her (though he denied that their acquaintance had been at all of a criminal nature) while assistant at Hirnheim; that, in consequence of the confidence she reposed in him, she had placed in his hands fifty florins of her savings, and had begged to be taken into his service, which he had promised to do in the event of her future good conduct. Since he left Hirnheim, he had neither seen nor heard anything of her, except that, while at Pirkwang, she had twice sent messages to him for part of the money in his hands. In 1807, while he was in Munich, she had made her appearance one day at Thomashof, and, to the great annoyance of the Frauenknecht family, had communicated to them the promise which had been made to her — that she should be taken into his service as cook. This intelligence rankled in their minds, and they determined by every means in their power to prevent it. It was about eight days after the death of old Frauenknecht that Reimbuaer, one evening in the twilight, returned to Thomashof from Lauterbach, where he had been performing a service for the dead. Meeting no one in the passage, he walked straight up to his room, where he found the door open. On the floor lay a figure extended and motionless, and on approaching it, he found, to his consternation, that it was the lifeless body of a woman. He ran into the room above, where he found Magdalena and her mother clinging to each other,

and trembling like aspen leaves. They wept and conjured him to be silent. They then informed him that the same woman, who had visited them at Thomashof in summer, had again made her appearance that evening, and demanded admittance into his room, insisting that she was to be received into the house as cook, and that the Frauenknechts would soon be sent about their business. This statement led to reproaches, reproaches to blows. The stranger either struck or attempted to strike Magdalena, who thereupon had seized Riembauer's razor, and inflicted on her a mortal wound. On hearing this story he had kindled a light, and, entering the room again, recognized in the murdered woman Anna Eichstädter. He at first protested that he would instantly leave the house; that he could not remain longer in their society; but at last, overcome by their tears and entreaties, he was rash, and, as he now deeply regretted, guilty enough to agree to remain and to assist them in concealing the crime, which he had come too late to avert. He had accordingly dug a grave for the body in the stable, and had interred it at midnight, as described in the information of Catharine Frauenknecht. The poisoning of Magdalena and her mother he entirely denied.

Such were the conflicting accounts given by Catharine and Riembauer as to the circumstances. According to both, it was obvious that a murder had taken place at Thomashof, and that Eichstädter had been the victim; the remaining question was, By whom had it been committed? — by the pious Riembauer, hitherto looked upon as a pattern of goodness, or the young Magdalena, whose character for gentleness in the neighborhood was scarcely less established? In either view of the case, there were

doubts to be cleared up. If, according to Riembauer's statement, Magdalena was the murderess, the cause assigned seemed insufficient to account for so sudden and complete a change of disposition, or so desperate and atrocious a deed; while the improbability was increased by the consideration that, while Magdalena was of a slight and feeble frame, Eichstädter was tall, in good health, of great corporeal strength, and a complete overmatch for her opponent. On the other hand, Catharine's story was not without its difficulties. At the period to which her evidence related, she was only twelve years of age, and the self-possession which she had displayed, and the minuteness of her details, indicated an unusual and almost surprising degree of presence of mind and retentiveness of memory. She herself admitted that Riembauer and she had never been on good terms. Her statement that she had heard the words of the deceased from the upper room, when, by her own account, her throat had been cut some time before, seemed to be of a most improbable nature; and finally, there was as yet a want of any sufficient motive which could account for the deed on the supposition that Riembauer was the murderer. As to the charge of poisoning, that rested only on her impression, arising from circumstances, which, though suspicious, were certainly far from being conclusive against Riembauer.

The reason, however, which, according to Catharine's account, he had assigned to her mother and sister for the intrusion of Eichstädter, suggested the propriety of an immediate inquiry into Riembauer's former life and moral habits; and a minute investigation into these particulars, from his youth, during his successive residences at Heerwahl, Oberglein, Hofkirchen, Hirnheim, Sollach, Pfarr-

kopf, Pondorf, Pirkwang, and Priel, was set on foot. While this was proceeding, it was found that a regular system of subornation had been begun by Riembauer even in prison; that he had written letters to several of his acquaintances, endeavoring to prevail upon them to give evidence that Magdalena had, during her lifetime, confessed the murder of Eichstädter; and to his own servant, Anna Weninger, directing her immediately to destroy the umbrella alluded to in the previous detail.* No sooner did he find by the change in his attendants that these attempts had been detected, than he solicited an interview with the judge; told him voluntarily that, under the influence of a melancholy to which he was subject, he had written certain letters, the contents of which he did not know, and begged him, should they be found to contain anything injurious to him, to ascribe it entirely to the influence of that state of mind under which they were written.

The result of the investigation into the previous life of the priest strongly confirmed the evidence of Catharine, by showing that Riembauer's pretensions to sanctity were totally without foundation; that in all or most of his previous residences the proofs of his licentiousness were still extant; while he had more than once resorted to the most infamous means to prevent the consequences of his crimes from coming to light. It was proved that a criminal intercourse had subsisted between him and Eichstädter, begun while

* In one of these letters, addressed to a priest of his acquaintance, he enforces his request that he would give evidence in his favor by the following considerations: "For the sake of our brotherly love; for the sake of my friends, who are in trouble on my account; for the sake of the priesthood, upon which a stain would be cast; and for the sake of true believers, to whom it might be a stumbling-block."

he was chaplain at Hirnheim, and continued, from time to time, down to 1807; that a child, born at Ratisbon, and baptized under a false name, had been the fruit of this connection; that some months before her disappearance he had visited her at Ratisbon; that she had been seen on that occasion to accompany him part of the way on his return, along with her child; and that they had parted in anger, and with gestures of a menacing nature.

The improbability of Catharine's story, arising from the previous character of Riembauer, was thus at once removed; while a sufficient motive for the murder of Eichstädter—the necessity of getting rid of one who was dunning him for money, and apparently threatening him with exposure—was now furnished by the disclosure of their connection and its consequences. The main difficulty, too, in the information of Catharine, arising from the apparent impossibility of her hearing the words of Eichstädter under the circumstances stated by her, was obviated by the concurring opinion of the medical men, who agreed that, in the event of the head being strongly bent forwards and downwards, it was perfectly possible that the words of Eichstädter might have been distinctly heard, notwithstanding the previous separation of the windpipe. On the other charges against Riembauer,—the alleged poisoning of Magdalena and her mother,—little further light was thrown. It was established, however, that Magdalena, like many others, had undoubtedly fallen a victim to his seductions, and that at the very moment when this consummate hypocrite was undergoing his examination at Munich, in 1807, the unfortunate young woman, who, as already mentioned, had come there on pretence of learning cookery, was recovering in the very same house, after the birth of a son.

While the chain of evidence was thus winding itself closer and closer round the criminal, his calmness, his self-possession, his dexterity in evading such questions as he did not choose to answer, his ingenuity in reconciling his contradictions, and inventing plausible theories, moral and physical, in support of his own version of the murder, seemed only to increase with the weight and force of the presumptions against him. He generally replied to the questions put to him with a bland smile; if at times he broke out into an expression of some warmth, he would beg pardon for the vehemence into which he had been hurried by a sense of wounded honor; sometimes he would laugh aloud at the lies which, he said, the devil had invented against him; sometimes, when pressed by an awkward inquiry, he would diverge into a strain of metaphysical subtilty, or endeavor to divert the attention of the judge by passing hastily to some other topic. When confronted with the witnesses, he attempted to influence their evidence by leading questions; by appeals to their compassion or their fears; by artful, but apparently straightforward, examinations of the circumstances; by dissertations on the risk of error and the heinousness of rash testimony. When these arts failed to shake their evidence, he would relapse into his old preaching tone,—exclaim, "*Quis contra torrentem?*"—appeal to the Holy Trinity for his innocence, and protest that he was a defenceless sheep attacked on all hands by devouring dogs. Nothing was extracted from him which materially tended to strengthen the extrinsic evidence against him; although he varied his story in particulars, he adhered pertinaciously to his leading point—that Magdalena was the murderess, and that he had been guilty of no other offence than that of having concealed the crime from motives of compassion.

In this ineffectual struggle, during which the priest had undergone no less than *eighty* examinations, *two years* had passed on, and justice seemed fairly at a stand. Having failed to act on the understanding of the criminal, the judge proceeded in a way calculated to astonish an English reader, and which we confess we find it difficult to reconcile even with the admitted rules of the German criminal law, to operate upon his imagination. The scene, it must be admitted, was got up with some knowledge of stage effect. On All Souls' Day, the day on which, eight years before, the murder had been committed, a new examination was ordered. It began at four o'clock in the afternoon, and, being directed to all the mass of evidence hitherto collected, and the contradictions and improbabilities of Riembauer's story, was prolonged till *midnight*. The judge addressed himself next to the conscience of the prisoner, and, after concluding an impassioned appeal, he suddenly raised a cloth from the table, under which lay a skull placed upon a black cushion. "This," said he, "is the skull of Anna Maria Eichstädter, which you may still recognize by the two rows of white teeth * in the jaws." Riembauer rose instantly from his chair, stared wide upon the judge, retired a step or two, so as to hide the object from his eyes, then resuming his habitual smile and his accustomed tranquillity, he pointed to the skull, and replied, "My conscience is calm. If that skull could speak, it would say, Riembauer was my friend; he was not my murderer." A second attempt to extract some admission from him was not more successful. When they held the skull before his eyes, he betrayed strong internal agitation;

* The deceased had been remarkable for the beauty of her teeth.

but again he mastered himself, and once more repeated, "If the skull could speak, it would confirm the truth of my story."

So ended this abortive attempt to effect by intimidation what they had failed to obtain by the legitimate mode of examination—an attempt which, for a moment, almost placed this wretched hypocrite in the situation of a persecuted man. Feuerbach details this judicial melodrama without observation, as if the whole were equally justifiable on legal and moral grounds. To us, we confess, it appears wholly indefensible on either. If the German governments have now abolished physical torture as a means of eliciting evidence, on what ground is this moral torture to be vindicated? Is a man less likely to utter rash or dangerous admissions (of which the law in other cases refuses to avail itself) when the shock is administered to his imagination, weakened and harassed by a long previous examination, and a confinement prolonged for years, than when his body is subjected to physical pain? Above all, how can such devices be justified under a law, which, even in permitting the necessary examinations, expressly lays it down that no questions, either captious (meaning thereby such as may involve the party in admissions without his perceiving their tendency) or suggestive in their nature, are to be put to the prisoner? nay, that the name of an accomplice or any special circumstance connected with the fact, but not yet proved, shall not be suggested to him, otherwise the confession so obtained shall be of no effect! (*Peinliche Gerichts Ordnung*, Art. 56.)

The inexpediency of such mummeries is not less obvious than the injustice. As a means of eliciting the truth, they are almost worthless, for their effect depends chiefly on the

state of the nerves and the early associations of the prisoner. When they are calculated to act at all, they are likely to operate against the innocent with scarcely less force than the guilty; for, in most cases, the object of them, though he may be innocent of the specific fact charged against him, is generally so far mixed up with it, as a spectator of the scene, or connected in some way with its actors, that, unless he be a person of peculiarly strong nerves, there can be little doubt that such an exhibition at midnight, after an examination of eight hours, and a confinement of two years, would shake his mind from its balance, and might give birth to expressions or signs of emotion which would be interpreted against him. On the other hand, the hardened criminal, against whom it would have been most legitimate to adopt such a means of extracting the truth, is proof against them. Take any shape of superstitious terror that we will, his "firm nerves will never tremble;" and he only becomes more resolute in his denials by perceiving the weakness of a proof which required to be eked out by such illegitimate means.

So it was with Riembauer. For *two years longer* did he contrive to baffle all the efforts of his judges. The record of the proceedings in October, 1816, already filled forty-two folio volumes. At last, however, his firmness gave way, and the cause of the change was nearly as singular as the other circumstances of this remarkable case.

On the 20th of November, 1816, a Jew, of the name of Lammfromm,* was executed for murder at Landshut. Riembauer saw him led to execution from his window, and was observed to be much moved by the composure and

* Lammfromm, "Lamb-gentle" — a decided misnomer.

cheerfulness with which he met his death. On expressing his wonder at the Christian way in which the Jew had terminated his career, he was told (what was the fact), that from the moment he confessed his crime, he had attained a calmness and cheerfulness of mind which had supported him in his prison, and accompanied him even on the scaffold. This information seemed to have produced a great internal conflict in the mind of Riembauer; for some days he was restless, and ate little; on the twenty-sixth he demanded an audience. It was the hundredth. If he came with the intention of confession, however, he seemed to have altered his mind; he fell on his knees, said he was weary of his existence, that he was haunted by a thousand phantasms in his prison; that when he attempted to pray, his voice was drowned by the sound of a funeral drum; everything, in short, except that he was guilty of the crime charged against him. Again the judge took the trouble to go over the manifold contradictions and inconsistencies of his story, and pressed upon him, that the visions which preyed upon his mind arose from his own troubled conscience, and that his only chance of relief lay in a full and open confession. Then, at last, his obstinacy gave way; he begged the protection of justice for his children, and for his servant Anna Weninger. "And now," added he, "this is my confession: Catharine has, in many particulars, told what was not true, but in the main she has spoken the truth. I am the murderer of Anna Eichstädter."

We shall not enter into the details of the assassination, which was attended, according to Riembauer's own account, with circumstances of the most revolting and treacherous cruelty. Suffice it to say, that the motive to the act was

that which had been alluded to by Catharine Frauenknecht; that indignant at Riembauer's supposed preference for Magdalena, whom she had in vain attempted to prevail upon him to dismiss, and at his refusal to supply her demands on account of his child, Eichstädter had made a last attempt to effect these purposes by her sudden appearance at Thomashof; that she had enforced her demands by a threat of immediate exposure; that Riembauer had pretended to yield to her importunities, and quitted the room on the pretext of getting her some refreshment, during which time he had prepared himself with the weapon with which the murder was committed. "I thought," said he, "of the doctrine of Father Benedict Stattler, in his *Ethica Christiana*, which holds it to be lawful to take away the life of another when there exists no other way of preserving our reputation; for reputation is more valuable than life itself. And we may defend it against an attack, as we should defend ourselves against a murderer. Of one or both of us," reasoned Riembauer, "the hour is come;" and, tranquillized by the doctrine of the Jesuit, he re-entered the room, seized his victim, and completed his crime with a barbarity, the details of which we willingly pass over. Horrible as the concluding incident, however, is, from the unnatural blending which it exhibits of the language at least of religion with the details of the most remorseless guilt, it is too characteristic of the (almost self-deceiving) hypocrisy of the criminal to be omitted. As his victim lay struggling beneath him, he exhorted her to repentance, and gave her absolution, as he observes, in case of necessity! "While she lay on the ground, I administered to her spiritual consolation, till her feet began to quiver, and her last breath departed. I know no more,"

continued he, "of this sad story, but my deep grief and silent lamentation, and that I have often since *applied* masses for her soul." How completely does this last expression reveal the idea which this wretch had of the rites of religion, when he talks of applying a mass or two, as an apothecary would of applying an ointment or a plaster!

Of this singular trial, the sentence will probably appear to English readers not the least remarkable feature. After the evidence already alluded to, arising from the deposition of Catharine Frauenknecht, corroborated as it was by the real evidence of so many other circumstances, and finally by the confession of Riembauer himself, could any one doubt that the punishment awarded must have been that of death? And yet, although the case was successively considered by the tribunals of the first and second instance, the ultimate sentence, which was more severe than the first, was only imprisonment for life: the reason assigned for not inflicting the higher punishment being, that Riembauer was not a person whose previous bad character was notorious, or who had been proved satisfactorily by evidence, *independently of his own confession*, to be a person likely to be guilty of the murder!

III.

MURDER OF ELLEN JEWETT.

TRIAL OF RICHARD P. ROBINSON.

ON the night of April 9, 1836, Ellen Jewett, a woman of the town, was found murdered in her room, in a house of prostitution in New York. Such an event in such a place, however sad and shocking it may be, is not astonishing. Yet this murder created an unwonted excitement in the community, considering the place where the tragedy occurred, and the class to which the victim belonged. Ellen Jewett was, in fact, a person, who, however unworthy, filled no small space in the public eye at that time, for she was a woman of remarkable beauty, and thousands who were ignorant of her name and character could not but admire her charming face and figure. She is reported to have been not only beautiful, but accomplished and witty, and thus possessed charms, which, when not accompanied by chastity, are most dangerous to young men. How she came to such a position, by whom betrayed, and how great her fall, we have no authentic account, but she is said to have been born and reared in New England. Little did those who watched over her infancy and innocent childhood, in the retirement of a rural village, anticipate her future career of guilt, and the tragic end to which it led.

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TRIAL OF RICHARD P. ROBINSON.

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The circumstances attending the murder, and the recent associations of the victim, immediately pointed to Richard P. Robinson, a young man who had lately been fascinated by her charms and wiles, as the probable perpetrator of the deed, and he was at once arrested and held for trial. Robinson was the son of very respectable parents, and was born and brought up in Durham, Connecticut, until, his schooling being finished, he went to New York to enter mercantile business, as a clerk in a respectable establishment. At the time of the occurrence of the murder, he was not nineteen years of age. But having left behind him all the pure surroundings and wholesome restraints of the home of his childhood, when he went to New York, and was thrown among the temptations of the great metropolis, like too many other youths, he yielded to some of its allurements, and entered upon a course of dissipation, which, if it did not at once materially interfere with his employment, led him within the circle of Ellen Jewett's influence, and finally brought him to be tried for his life.

The trial of Richard P. Robinson, for the murder of Ellen Jewett, commenced on the 2d day of June, 1836, before the Court of Oyer and Terminer, in the city of New York. The excitement was so great at the commencement, and during the trial of this case, and particularly among a certain class, who thronged the court, that it was with the utmost difficulty the officers of the law could preserve anything like decency and order.

After the empanelling of a jury, which was attended with considerable delay, and the reading of the indictment, which charged the prisoner with the wilful murder of the deceased, at a house No. 41 Thomas Street, on the night of the 9th of April, 1836, the district-attorney, Mr.

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Phoenix, opened the case for the prosecution. He detailed all the facts that he intended subsequently to prove in evidence for the prosecution, and upon which he relied for the conviction of the prisoner at the bar. He dwelt briefly, but emphatically, upon the enormity of the offence with which the prisoner stood charged, characterizing the circumstances as most atrocious and diabolical, not only in reference to the murder itself, but also in relation to the aggravated crime of arson, which was connected with it. He said that, although the evidence against the prisoner was almost exclusively circumstantial, yet it was of so strong, clear, and conclusive a character as to render the situation of the unfortunate accused most perilous and awful.

The first and principal witness for the prosecution was Rosina Townsend, the keeper of the house where the murder was committed. Her testimony, on the direct examination, was substantially as follows, viz. : —

She was acquainted with Ellen Jewett. The last time that she saw her alive was on Saturday night, on the 9th of April, 1836. It was about eleven o'clock in the night, or it might be about a quarter past eleven. She knew the prisoner at the bar. He was then known to her by the name of Frank Rivers, and by no other name. Ellen boarded in her house at that time. She had been a resident in her house precisely three weeks on the 8th of April. She could not exactly recollect the number of times that she had seen the prisoner at her house before the 9th of April, but, as near as she could recollect, she thought she had seen him six or seven times. She was at one time called upon by Ellen Jewett to notice Frank Rivers, as he was called, particularly. She did at

that time notice him particularly. This was on the second or third night after Ellen Jewett came to live with her. She saw the prisoner at the bar on the night that Ellen Jewett was murdered. A person knocked at the door. She went to it, and asked who was there. This was about nine o'clock, or it might have been as late as half past nine. When she asked who was there, the door was still locked, and she asked a second time the same question. The person outside then either said, Is Ellen Jewett, or Miss Jewett — she could not tell which — within ; that he wanted to see her. Upon getting an answer to her second inquiry, she opened the door. The reason that she did not open the door to the first answer, as well as to the second, was, that she wished to ascertain who was the person making the inquiry, if possible, by his voice. The reason that she wished to ascertain this was, that Miss Jewett had requested her, in the course of the evening, not to admit a certain young man, who went by the name of Bill Easy, to see her if he should happen to come there. There was a young man, who went by the name of Bill Easy, in the habit of visiting Ellen Jewett at her house. His particular nights for visiting her were Saturday nights. He had previously visited her each Saturday night since she had been at her house. The reason that Ellen Jewett assigned to her for not wishing to see Bill Easy on that night, was, that she then expected Frank Rivers to visit her.

When she endeavored to ascertain who was the person at the door from his voice, she did not positively know that the person outside was Frank Rivers, but positively knew that it was not Bill Easy's voice. She meant by Frank Rivers, Mr. Robinson, the prisoner at the bar. When she opened the door, she discovered that it was

Frank Rivers, or Mr. Robinson, who was there. He wore a dark cloth cloak, but she could not say exactly of what color it was. When she opened the door, he stood close against the casement, by the door-post. There was a lamp in the entry, and the light of this, when she first observed him standing against the casement, fell right upon his face. She was certain from this circumstance that the person she had reference to was no other than the prisoner at the bar. He entered the hall, and as soon as he entered, he raised his cloak so as nearly to conceal his face. He did not say a word when he came into the entry, nor did she say anything to him.

He went on before her towards the parlor door, which stood at the end of the passage, and she followed close behind him. The parlor door stood ajar; she went and pushed it open, and called for Ellen. Ellen was then sitting in the parlor, nearly opposite the door. When she called Ellen, she told her that Frank had come. When she told her this, he had turned the entry to go up stairs. There are two stairs in that house, which is a double house, one being on the left and the other on the right of the entry, both leading to the same platform or landing. Frank went up the right-hand stairs. Ellen Jewett's room was the second story back room, at the west side of the house, the door of which was nearly opposite the landing of the right-hand stairs. Immediately on Frank's going up stairs, Ellen came out of the parlor, and followed him up. When she came out of the parlor, she took hold of Robinson's cloak, and said, "My dear Frank, I am glad you have come." The stairs up which Robinson went, turned about half way up to the second story, and he had reached the first landing when she caught hold of

his cloak. Ellen remained up stairs a considerable time, and the next time she saw her was about eleven o'clock, as near as she could recollect.

About eleven o'clock, Ellen came to the head of the stairs, being then in her night-dress, and asked her to get for her a bottle of champagne. She said that if I would hand it to her, she would not trouble me to carry it up stairs. The witness went to the cupboard, where she generally kept her wine, but found that there was none there, and, having to go into the cellar for some, she told Ellen that, as she (Ellen) was in her night-gown, she had better not wait, that she (the witness) could take it up. And that, shortly afterwards, she did take it up, together with two champagne glasses. When she took it up, Ellen opened the door of the bed-room, and asked her to walk in and take a glass of wine. She declined to go into the room, and did not go in, but the door was opened sufficiently wide for the admission of the tray, or waiter, so that she could see who was in the room, and nearly everything in it. She stood immediately before the door, and the door opened inside, towards the wall. She could see who was on the bed in the room. It was a French bedstead, and there were no curtains round it. There was a person then lying upon the bed; that person was Robinson. She was perfectly sure of this. He was lying on the bed, with his head upon his elbow, inclining a little to the left. The bed was by the side of the wall, immediately opposite the door at which she stood, and against which the door opened. The foot of the bed faced the door, and was about five feet from it, and from the place where she stood. She distinctly saw the side face of the person who was on the bed, and she could not be mistaken that the person she

noticed there, with his head resting on his elbow, was the prisoner at the bar. He had in his other hand a paper, or book, which he was reading, she could not tell which; something of the kind. There was a candle in the room, which she thought, when she was up there, stood on one of the pillows, or a little table which stood by the head of the bed, she could not tell which. After this, she immediately went down stairs. That was the last that she saw the prisoner at the bar that night.

At the time that she saw the prisoner lying upon the bed, in the way she described, she saw something about his head which particularly struck her attention. His hair was extremely thin on the back part of his head, where it was parted. It was on the upper part of his head, directly at the back. She had never had an opportunity to observe that fact since that time. She had mentioned the circumstance once or twice since. She believed once to Mrs. Gallagher, and once to Mr. Brink. She could not recollect when it was that she mentioned this, but she thought it was on the 19th of April, when her furniture was sold. When she told it to Mr. Brink, she asked him if Robinson's head did not bear such an appearance as she had described.

On the night that Ellen Jewett was murdered, the witness retired to bed about a quarter past twelve o'clock. She had a clock in her house, which stood in her bed-room, on the mantel-piece. She looked at the clock that night before she retired. Twelve o'clock was her usual hour for shutting up the house. She had made that her rule, but on that night it was a quarter past twelve. Her bed-room was the front room on the first floor, on the right-hand side of the hall as you enter the house. There was a

room on the opposite side of the entry, directly fronting her bed-room. After she got to bed, and got asleep, she was partially awake by some person knocking at her door, but she did not awake sufficiently to know what time this was. She did not know how long she had been asleep. The person who knocked at the door asked her to let him out, and she answered him in this way, "Get your woman to let you out." She remained in bed. After she had so remained, and had given the answer she had stated, she went to sleep. About three o'clock, she thought, she was awakened again by some person knocking at the street door. She could not tell how long it was between the knocking that she had heard at the street door and the knocking at her own door, as she went to sleep in the intervening time. She let the person in who came at three o'clock. She knew that person. She had a light in her room, by which she let that person in. After letting that person in, she discovered a light in her parlor. That was an unusual occurrence in her house at such a time of night. The parlor that she had spoken of runs across the entry, the full width of the house, in the rear. On discovering the light, it induced her to go into the parlor, and on going there, she found a lamp burning on the marble table. It was a small glass-globe lamp, with a square bottom. She had but two lamps of that description in the house. These two lamps were generally used, one in the room of Maria Stevens, and the other in the room of Ellen Jewett. Maria Stevens's room was immediately adjoining that of Ellen Jewett. The lamps were not used in any other rooms.

When she went into the parlor, and discovered the light, of which she had spoken, she found that the back

door was open. The back door was ordinarily fastened with a bar, so that any person inside the house could open it without difficulty, and without a key. When she discovered this, she went into her room, and staid there five or ten minutes, perhaps more, partly in a doze. At the end of this time, she recollected that she had not heard any person come in, and she went a second time into the parlor, and opened the back door a little wider than it was, and called out, "Who is there?" She so called out twice, and received no answer. She put the bar upon the hook, and secured the door. She then went up stairs, and came to Maria Stevens's door first; tried it, and found it fast. She then went to Ellen's door; tried it, and found it on the latch. She shoved it open, and the smoke rushed out in torrents. She then run to Miss Stevens's room, which was directly opposite Ellen Jewett's, knocked at the door, told her Ellen's room was on fire, and begged her to get up. By knocking at Miss Stevens's door, she alarmed the whole house. She could not exactly say who came out of their room first, but it appeared to her that all the girls came on the platform at one time. Miss Stevens and herself attempted to get into the room to get to Ellen Jewett's bed, but at first they were not able to do so. Miss Stevens first reached the bed: the bed was on fire. They found the bed-clothes all consumed; they seemed to be all burned without blazing. She did not know whether she then called the watch, or whether somebody else called them. Three watchmen came in first, and she thought afterwards four others. One side of Ellen Jewett's body was burned. When she first saw her, she was lying nearly on her back, with her left side very much burned, and a large gash on the side of her head. She did not recol-

lect that either Miss Stevens or herself saw the body until the watchmen came. When Miss Stevens first got to the bed, she brought some of the ashes of the burnt clothes, and remarked that they must all be burnt up. When she saw Ellen Jewett, after giving the alarm, she was quite dead. She did not know that, during the time Ellen Jewett lived at her house, she had a quarrel with any person living there, nor that there was any dispute or ill feeling between her and any person that visited there, or any person or persons.

In the cross-examination by Mr. Maxwell, one of the counsel for the prisoner, the witness stated that she was thirty-nine years of age, and that she was a married woman, though she had not seen or heard from her husband for eleven years, he having left her in Cincinnati, Ohio, and gone off with another woman, previous to her coming to New York, in the year 1825. She stated that, from 1826, she had either been a boarder at, or keeper of, a house of prostitution. She had known Ellen Jewett previous to the last time she lived with her, Ellen having boarded with her, in the year 1833-4, for eighteen or nineteen months; that the last time, previous to the 9th of April, Ellen boarded with her three weeks. She had seen Robinson six or seven times at her house. Robinson generally came in the night time, but once he came on Sunday afternoon. He was there on the Thursday before the Saturday when Ellen Jewett was murdered. He was once in her room in company with Ellen Jewett and three southern gentlemen. Robinson was known, generally, as Frank Rivers at her house. *There were two visitors at her house who called themselves Frank Rivers.* She was not positive that the person who spoke to her from

outside the door on the night of 9th of April, on her first answering the knock, was Robinson; nor was she very positive that it was his voice when she received the second answer, but she knew it was not Bill Easy's voice. On the night of the murder, she had a person in her room with her; he came about eleven o'clock, and she let him in. He was in her room when Ellen Jewett called for champagne; he was in her room the whole night, and in the same bed with her, and awakened at the same time with herself, by the knocking at the door, at three o'clock in the morning. She knew the person that came in at that time. Robinson wore a cloth cap on the night of the murder. There were six men in her house on the night of the murder; she admitted all of them after eight o'clock; did not know them all personally. She had ten girls in the house on that night. When the alarm was given, all the men in the house made their escape. The witness gave a description of the position of Robinson, as she saw him through the door in Ellen Jewett's room, when she passed in the champagne on the night of the murder. We have not the space to give in detail all the statements of this witness, but we have given the substance of all the material facts elicited by the examination.

Dr. Rodgers, called for the prosecution, testified to his examination of the body of Ellen Jewett, after the murder, and pronounced the wounds on her head to be the cause of her death. He said the principal wound fractured the skull, compressing the bones upon the brain, and that the body bore every appearance of having made no movement after the fatal blow, and that death, consequently, must have been instantaneous. A hatchet found at the rear of Mrs. Townsend's was shown to the witness, and he said

that it was such a weapon he had supposed had been used by the murderer.

Richard Eldridge, watchman, testified that, on Sunday morning, 10th of April, about four o'clock, he was in Thomas Street, and went into the house of Mrs. Townsend; had conversation about what had happened there; and in consequence of what she said to him about when it was light enough, if he searched the yard, he might find something that would lead to some discovery, he did search the yard, and in a yard next to Mrs. Townsend's he found a hatchet and cloak. The yard where these were found belonged to a house in Hudson Street. The fence between Mrs. Townsend's yard and the one belonging to the house in Hudson Street was about nine feet high; that the cloak could not have been dropped where it was found by a person climbing over the fence, and he thought it could not have been thrown so far from Mrs. Townsend's yard. He did not observe anything on the cloak or hatchet until it was pointed out to him before the coroner's inquest.

The hatchet, when found, was wet, and covered with dew and moisture, as if it had lain there some time. In addition to the wet on the hatchet, there was some earth on the blade and handle. Did not think it probable, though not impossible, that the hatchet might have been thrown to the place where it was found by some of the girls looking out into, or standing about, the yard. Did not observe any appearance of blood on the hatchet.

William Schureman, coroner, testified that, on the 10th of April, he was called to the house of Mrs. Townsend, No. 41 Thomas Street, to hold an inquest upon the body of Ellen Jewett, who had been murdered; that it was very soon after daylight when he reached the house. The

cloak and hatchet were produced to the witness. He identified them as the ones brought and handed to him in the yard of the house in Thomas Street, by a watchman, who found them on the other side of the fence, in the yard in the rear of Hudson Street. The string now attached to the cloak was attached to it when handed to him in the yard. Did not notice anything particularly about the hatchet, excepting that it was wet, as if with dew. Did not observe the string upon the hatchet until it was brought to him a second time, before the coroner's jury, by Mr. Brink, he thought, who called his attention to it, when he and the jury compared the string on the cloak and on the hatchet, and found them similar in all respects, the string appearing to be new, and to have been recently cut off. Did not notice blood on the hatchet; it had a reddish look, same as new. He heard that a person had been at the house who wore a cloak, and gave directions to have the cloak kept safe, by reason of the string that was upon it. *It was possible* that some of the persons to whom he gave the cloak, having the string then attached to it, might have tied the hatchet to the string, and afterwards broken it off. Upon examining the string on the cloak now, he thought it shorter than when he first noticed it.

George W. Noble, captain of the watch, testified to being at Mrs. Townsend's house on the morning of the 10th of April. Was there when the cloak and hatchet were found. Saw the hatchet before they were taken into the house. Saw the string upon them then, as they now appear. He was with Brink at the time the arrest was made of the accused, in Dey Street, about seven o'clock Sunday morning. We found Robinson in his room at his boarding-house. A young man, who roomed and slept with the

accused, got up and opened the bed-room door, and let us in. Robinson was then asleep, and his room-mate shook and awoke him. Brink told Robinson that he wanted him to get up and dress himself, and go to the police-office. He did so without objection, merely inquiring what we wanted of him. He went with us in a carriage to Thomas Street. His companion and room-mate also accompanied us. When Brink, Robinson, and myself came into the entry from the bed-room at Robinson's boarding-house, Brink asked Robinson if he ever wore a blue cloth cloak, or if he was the owner of one. He said no; but he said he had an old camlet cloak that hung up in the bed-room. Saw nothing on Robinson's clothes when he dressed himself, but did see, at Thomas Street, something on the leg of his pantaloons that looked like lime. He also testified that the fence in the rear of Mrs. Townsend's house was whitewashed.

The testimony of Dennis Brink, a police officer, was substantially the same as that of Noble, the last witness. We give only some of the material points of the testimony of these witnesses. Brink testified that, after the arrest of the accused, he (the accused) acted very curiously, very differently from any prisoner he ever had before. When asked, "How did he act?" he replied, "Why, he did not appear alarmed at all, I must say. However, when I told him in the coach, before getting to Rosina Townsend's house, of the accusation made against him, he changed color. That is all I mean by acting curiously."

Charles Tyrrell testified that he knew the prisoner at the bar; had boarded with him at the same house in Dey Street. On the Saturday night, previous to the morning on which Ellen Jewett was murdered, he walked with him

up Beekman Street, between eight and nine o'clock. He (the prisoner) then wore a dark-colored cloth cloak, similar to the one exhibited in court. Saw the prisoner put on a cloth cloak before he left the house. He saw the cloak in such a manner as to be sure there was no hatchet about it at that time. He had seen him wear a cloth cloak before, &c.

Elizabeth Salters testified that she knew the prisoner before Ellen Jewett was killed; knew him about seven weeks before that occurrence; knew him during the time at Mrs. Townsend's. He used to visit her, and generally wore a dark cloth cloak, with a silk tassel. She identified the cloak exhibited as the one Robinson used to wear. She never knew him by any other name than that of Frank Rivers. There was another young man that used to call with the prisoner, who called himself Frank Rivers. They said they were cousins. She knew Ellen Jewett before she came to Mrs. Townsend's. At a late hour, towards morning, a person called to see herself; at the time the alarm was given, that person was in her room; he came about a quarter of an hour before the alarm. She expected him that night, but did not hear him until he was in the room. He was undressed when the alarm was given. She went to bed at half past ten that night. She heard a person call for champagne. The other Frank Rivers used to visit her, and both had been in her room together. They sometimes dressed much alike. She heard Ellen Jewett say, in the parlor that night, that her dear Frank had come, but she did not see him. The other Frank Rivers occasionally visited Ellen Jewett. Mrs. Townsend had spoken to her about the bald spot on Robinson's head. She had seen the prisoner more than

once with his clothes off, and so exposed that she would have seen the spot on his head if it had existed: she never saw it. She heard of a person visiting Ellen Jewett regularly every Saturday night, but never saw him.

James Wells was a porter in Mr. Hoxie's store, where Robinson was employed. He missed a hatchet from the store on Monday after the murder; had not then heard of the murder. The hatchet found in the rear of Mrs. Townsend's house was identified as being the hatchet belonging to Mr. Hoxie. The hatchet was described as looking the same as when seen in the store; it had dark marks upon it as now, and was blunted in a particular way. On the Saturday before the murder they had had the store in part painted and whitewashed. Mr. Hoxie had got some of the paint on his clothes. Robinson was engaged at the store that Saturday afternoon until half past five o'clock; was cheerful and lively; had seen him many times without a hat on in the store; never saw any bald spot on his head.

Emma French had resided at Mrs. Townsend's sixteen months; was there at the time of Ellen Jewett's death. Knew a person named Frank Rivers; had seen him four or five times at Mrs. Townsend's; knew of his being there on the night of the murder of Ellen Jewett; he wore a hat and cloak. The testimony of this witness was in many respects like that of Mrs. Townsend. She stated that there were two Frank Rivers who visited the house, and dressed at times much alike, except the cloak; Robinson wore a cloak called a Boston wrapper. The prisoner, when he came that night, put his cloak up to his face. Mrs. Townsend let him in; he did not speak; she thought it was the prisoner at the bar, but could not swear that it was he. Sarah Dunscomb had worked for Ellen Jewett

while she was at Mrs. Townsend's. She identified the miniature likeness of Robinson, found by the officer in possession of Robinson after the murder, as the one she had cleaned by the direction of Ellen Jewett, while in her possession on the Friday before the murder.

Elizabeth Salters being recalled, testified that she was in Ellen Jewett's room soon after the murdered body was discovered. She identified a pocket handkerchief she found between the bed-post and pillow of Ellen Jewett's room; she also recognized, and identified in court, Mr. Teer, as the other Frank Rivers, whom she let out of the house between nine and ten o'clock on the night of the murder. He was dressed in a Boston wrapper. She did not then know his real name. When she saw him next, it was when he came to Mrs. Townsend's on the Sunday morning after the murder, in company with Robinson and the officer. It appeared in evidence, that a handkerchief was found in Ellen Jewett's room after the murder, and it also appeared that the same belonged to one George B. Marston, who, from his own testimony, had been in the habit of visiting Ellen Jewett on Saturday nights, under the assumed name of "Bill Easy," but that he was not at the house on the day or night of the murder. It also appeared from his testimony that Ellen Jewett was possessed of a large amount of jewelry, fine dresses, &c.

Joseph Hoxie testified that the prisoner was a clerk in his store at and before the time of the murder. He identified some of the handwriting of Robinson. Out of fifteen letters found in Ellen Jewett's room, purporting to be signed by Richard P. Robinson, he expressed his belief that only one was signed by the prisoner. A clerk in an apothecary's also testified that the prisoner applied at his

store for arsenic on the Saturday evening before the murder, under the assumed name of Douglass. Other evidence was introduced to prove a correspondence between the prisoner and the deceased Ellen; the object of which appeared to be, to show a misunderstanding or quarrel. The evidence of Robinson's having purchased arsenic the evening before the murder, it is presumed, was to draw the inference of a murderous intent on the part of the prisoner.

Ogden Hoffman, one of the counsel for the defence, then addressed the court. After commenting on the evidence offered by the government to establish the guilt of the prisoner, he stated that they should rely greatly for the complete exculpation of their client, upon the testimony of a highly respectable tradesman, proving a positive *alibi*; showing that the prisoner, up to ten o'clock on the night of the 9th of April (the night of the murder), was smoking cigars in a grocery store in the city, situated full a mile and a half from the house of Rosina Townsend in Thomas Street.

Robert Furlong called for the defence, testified that he kept a grocery store at the corner of Nassau and Liberty Streets; had been in business twenty-six years. He knew the prisoner at the bar by sight; had seen him often in his store; he came to buy cigars. He had always thought the prisoner a clerk in the vicinity or neighborhood, in Maiden Lane. Did not know the prisoner's name or occupation at the time. He heard of the murder of Ellen Jewett, by hearing an account of it read from a newspaper in his store on Monday after the murder. The prisoner was in his store on Saturday evening previous to the murder. The prisoner came in about half past nine. He, the prisoner, bought a bundle of cigars, containing twenty-five. The

prisoner lighted one, and took a grocer's seat on a barrel, and smoked there until the clock struck ten. The prisoner took out his watch, a small silver Lepine, and remarked that it was one minute past ten. He and the prisoner then compared the time of their watches. When the clock struck, his porter said, "There is ten o'clock, and it is time to shut up." The prisoner remained there smoking until the store was shut up. When the porter had got the store completely shut up, Robinson remarked to him, that he was encroaching on his time; he, the witness, replied, "O, no, not at all." When Robinson first came into the store the porter was asleep, and remained dozing, with his head laid back, and his mouth wide open, until Robinson, in a jocular manner, knocked the ashes off of his second cigar upon his face, which awoke him just before the clock struck ten. Robinson wore a dark-colored frock coat and cap. Before he went away, he stood a short time on the steps, and afterwards said, "I believe I will go home, I am tired," — and he bade me good night. This was about fifteen minutes past ten o'clock. The witness said it was a full mile from his store to Thomas Street. He could not be mistaken in what he had stated as to the prisoner being in his store on the Saturday night, at the time and the hour that he had mentioned. The witness further stated, that learning the young man charged with the murder was a clerk in Hoxie's store, and not having seen the young man for a short time he had been accustomed to see in his store, he had the curiosity to go to Bellevue, knowing the keeper of the prison, to see the prisoner; and doing so, he recognized him at once as being the same person he had seen in his store on the Saturday night mentioned, and was himself recognized by the prisoner. He had seen him in his store previously to that

Saturday night, — perhaps twenty times within a month or so. He said the prisoner had often purchased cigars in his store, and had stopped, and smoked ten or fifteen minutes at different times. He said it was only lately that he had heard he was to be called as a witness. He was not aware that his testimony was important. Mr. Maxwell, one of the counsel for prisoner, holding up a Lepine watch he took from Robinson's neck: the witness said he had no doubt of its being the same he saw in his store on the Saturday night before referred to. He remembered that in comparing the prisoner's watch with his own, that he remembered he remarked, from its thinness, that it was a shad.

Mr. Hoxie being recalled, said the watch alluded to, and shown then to him, was one he had known the prisoner to have worn several months. He could positively identify it. He bought the watch for the prisoner himself.

Robert G. Moulton testified, that at the time of the murder of Ellen Jewett he boarded at 42 Dey Street, in the same house with the prisoner. On the Thursday evening previous to the murder, he spent the evening, and was with the prisoner until between twelve and one o'clock, until he went to bed. He and the prisoner went that night together to the theatre. He saw Ellen Jewett at the theatre that night. Robinson talked with her. Had known Robinson to wear a cloak. He had himself been two or three times at Mrs. Townsend's house; was there on the night of the murder in company with James Teer. Did not know what name Teer was called by; never heard him called Frank Rivers. A female let them into the house. Did not know her name. Knew Elizabeth Salters by name. She was there that night; saw her in the entry; did not speak with her.

James Teer testified that he was a clerk. Boarded with the prisoner at No. 42 Dey Street at the time of the murder; took tea with him on that night about seven o'clock. He went out after tea with the prisoner, and left him opposite the American Museum. The prisoner wore a cloak that night. He and the prisoner occupied the same room in Dey Street, and the same bed on the night of the murder. He went to bed first; not an unusual thing. He awoke in the night, and the prisoner was in bed with him then; but it was dark, and he could not state the time of night. The witness stated about the officers coming in the morning between three and four o'clock. He awakened Robinson, and told him two persons wanted to see him. He asked the prisoner what the matter was, and Robinson said he did not know. He went with Robinson and the officers in a carriage to Thomas Street. On their way they all talked together on general subjects. Saw nothing unusual in the appearance of Robinson. He had been at Mrs. Townsend's house several times; had been known there as Frank Rivers, and as a cousin of the other Frank Rivers. This witness, and many others, were very closely examined, and at great length; it is impossible, however, to find space here to give the evidence of all the witnesses examined, and more especially in detail, the evidence of many of the witnesses examined being similar to that of those from whose testimony we have made extracts. In the great mass of testimony taken from the various witnesses called on the one side and the other, during this long trial, occupying nearly a week, there was much which was contradictory in itself, and much that was conflicting and irreconcilable.

At the conclusion of the evidence, and the arguments of

counsel for the prosecution and the counsel for the accused, His Honor Judge Edwards charged the jury at length. He recapitulated the prominent parts of the testimony, and laid down the law for the guidance of the jury. He stated, that if, after a careful and candid investigation of all the facts and circumstances of the case, they did not arrive at a full conviction that the prisoner was guilty, beyond all reasonable doubt, they ought to acquit him. The jury were also to consider well the character of the persons brought forward as witnesses, the manner in which they testified, whether they were consistent throughout, and whether the facts they stated were in accordance with other facts indubitably established. In this case, the testimony, principally, was drawn, confessedly, from persons of very bad repute; from one of the most infamous houses in the city. He said that when persons are brought forward, who lead such profligate lives, their testimony was not to be credited, unless corroborated by testimony drawn from more credible sources. That there was a murder, there could be no doubt, and the question for the jury's consideration was, is the prisoner at the bar the murderer.

The attention of the jury was directed to the circumstances connecting the prisoner with the crime with which he was charged. There were three facts relied on for connecting the prisoner with the transaction. First, the cloak found in the yard; second, the hatchet found in another yard; and third, the miniature, which was proved to be in the possession of the deceased on Friday, and was found after the murder in the possession of the prisoner on Sunday. As to the cloak, Mr. Tyrrill testified that he saw it on the prisoner at half past seven or eight o'clock; and Mr. Furlong testified, that at half past nine he was at his shop

without it; it must then have been left at some place in the intermediate time. If he had been to the house of Mrs. Townsend after he parted with Tyrrill, he might have left it there early in the evening, and returned to Mr. Furlong's without it; or else he might have taken it home, and after he left Mr. Furlong's, he might have gone and got it. The cloak, however, was found in the yard adjoining the house, in Thomas Street, spread out, where it was dropped by some person. Further, Mrs. Townsend testified, as also did her girls, to precisely the same fact, viz., that the prisoner came to their house at eight, or half past nine o'clock, while Mr. Furlong testified that he did not leave his store until half past ten o'clock.

His Honor considered the statement of Mr. Furlong as the proper one to be relied on, to the exclusion of those of Mrs. Townsend and her girls. How the cloak came in the yard, he, however, could only hypothetically account for. As to the hatchet, he said it was sworn to by Mr. Hoxie's porter; it had been taken from the store on Wednesday previous to the murder; found in the yard of Mrs. Townsend on Sunday morning, with a string round it, and not missed by the porter until Monday morning. His Honor then attempted to furnish a satisfactory solution of the matter. As to the miniature, he stated the facts proved in relation to that; so with the fire, the calling in of the watch to extinguish it; the discovery of the murder; the contradictory statements of Mrs. Townsend and her girls, with that of the black girl, &c.; all of which circumstances he stated and commented upon, with some severity as regarded the females who testified; but he admitted that some of the circumstances were enveloped in mystery, difficult to be unravelled. The result of His Honor's convictions

were, generally, adverse to the credibility of the female witnesses against the prisoner, and strongly in favor of his probable innocence. He concluded his charge to the jury, by charging them, that if they entertained any reasonable doubt of the guilt of the prisoner, these doubts were the property of the prisoner, and they were bound to acquit him; and if they were without a reasonable doubt of his guilt, they should find him guilty.

The jury retired, and in fifteen minutes returned into court with a verdict of Not Guilty.

As soon as the verdict was announced, the court-house rung with loud and reiterated plaudits, which the officers were for some time unable to suppress. The prisoner was then formally discharged.

IV.

THE UNKNOWN ASSASSIN.

Few more mysterious cases will be found in the annals of crime than the following, in which an active police was completely foiled in its attempts to discover the murderer, and in which a strange combination of circumstances seemed for a time to point conclusively at innocent parties.

In the town of M——, in Germany, in 1817, resided a goldsmith and usurer, named Christopher Ruprecht. He was upwards of sixty years of age, rich, covetous, illiterate, and quarrelsome; coarse and vulgar in his speech and habits, a frequenter of low ale-houses, and an associate with some of the most disreputable of the lowest classes in the place. His meanness and repulsive manners had alienated all his relatives, except a sister, and a daughter who was married and lived in the same town, and who, probably as much from interest as affection, continued to visit him, in spite of his bad temper and disagreeable habits.

Ruprecht had for some time past selected, as the favorite inn in which he chose to take his ease, a small ale-house at the end of a dark winding lane, which, from its gloomy situation, bore the appropriate title of Hell. About half past eight o'clock, on the evening of the 7th of February, 1817, he repaired thither according to custom, took his

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seat among the circle which generally assembled round the inn fire on the first floor, and in his usual petulant and ill-tempered style, joined in the conversation, which was prolonged till past ten o'clock, when Ruprecht despatched the landlord to the ground floor for a further supply of beer. As the landlord was re-ascending the stairs, a voice from the passage below was heard inquiring if Ruprecht was above; and on the landlord answering, without turning his head, that he was, he was requested by the person below to desire him to come down. No sooner was the message delivered to Ruprecht, than he rose and hastily left the room. A minute had hardly elapsed when the company heard distinctly from the passage below loud groans, followed by a sound as of a heavy body falling in the passage. All hurried down stairs to the number of eleven. Ruprecht was found lying near the house door, still alive, but covered with blood flowing from a large wound on his head; his leather cap at a little distance, which had been cut through by the blow. The only sounds which he uttered, when lifted up, were, "The villain—the villain with the axe." And once afterwards, "My daughter, my daughter." She was immediately sent for: but his mind apparently wandered, and he did not recognize her.

No trace of the assassin appeared in the neighborhood; no weapon was found in the passage or near the door. The wound, when examined, was found to be one inflicted with a sharp instrument; to be about four inches long, extending along the top of the head, but sinking towards the back, upon the left side of the skull, and deeper at the bottom than the top. That it had not been given in the passage, seemed pretty clear; first, from the circumstance

that a lamp always burned there, and servants were constantly crossing and recrossing; secondly, that to have inflicted such a wound, the blow must have fallen with great force from behind and from above; while the lowness of the roof, which any one might touch with his hand, would have rendered it impossible for the murderer, in such a position, to have raised his arm so as to have directed his weapon with any force against his victim. From the position, too, in which Ruprecht was found, immediately behind the house door, which was open, the probability was, that the fatal blow had been given without the door, and that Ruprecht, after receiving it, had been able to stagger back into the passage. The house, as already mentioned, stood at the extreme corner of an obscure lane, to which there was no access from the other side. Two steps led to the door in front, and on the left side of these steps was a stone seat, about two feet in height, and standing on these steps, apparently, the murderer had awaited him, and when the goldsmith came to the steps in front of the door, directed his blow at him from this "bad eminence" behind.

With what weapon the blow had been inflicted was not so clear. The unconnected expressions of Ruprecht seemed to point at an axe as the instrument; but the opinion of the medical inspector rather was, that the blow had been given by a heavy sabre, and by an experienced hand.

In the mean time all that could be done further was to wait, in hopes that the wounded man would so far recover his senses as to be able to throw some light upon this atrocious deed. On the evening of the following day, he appeared sufficiently in his senses to warrant the judge in commencing his examination. The wounded man's an-

swers were given in monosyllables. He was asked, "Who struck you?" "Schmidt." "What is this Schmidt—where does he reside?" "In the *Most*."* "With what did he strike you?" "A hatchet." "How did you know him?" "By his voice." "Was he indebted to you?" He shook his head. "What was his motive?" "Quarrel." From the state of exhaustion in which he appeared to be, the judge did not interrogate him further at the time as to the nature of the quarrel. To the first and second interrogatories, which were repeated, he again distinctly answered, "Schmidt—wood-cutter." And he gave the same answer to similar questions put to him afterwards, in presence of the officials, by his daughter, sister, and son-in-law.

Who then was Schmidt, whom the dying man had denounced as his murderer? Schmidt is as common a name in Germany as Smith in England: and accordingly it turned out that there were three Schmidts in the town, all wood-cutters. One of them, Abraham Christopher Schmidt, resided in the Hohen Pfaster; the other two, who were brothers, lived in the street called the *Most*, or the Walsh, to which the wounded man appeared to have alluded. With regard to the first, it was ascertained that he labored under the charge of having been in early youth connected with a gang of thieves, and having been imprisoned in consequence. The second, who went by the name of the Great Schmidt, had been an old acquaintance of Ruprecht's, but had ceased to be so in consequence of having given evidence against him in an action of damages. The third, who was distinguished from his brother

* The name of a street in the town, also called the Walsh.

by the name of the Little Schmidt, was also an acquaintance of Ruprecht's, but one with whom he had never appeared to be on good terms.

Before proceeding to the arrest of any of these individuals, Ruprecht, who had in the mean time undergone the operation of trepanning, was again examined. When asked, in addition to the former questions, to which he gave the same answers, which of the Schmidts he meant, the Great or the Little, he made some attempts to speak, but failed. When asked again whether he resided on the Most, he was silent. Was it upon the Hohen Pfaster? He answered with difficulty, but distinctly, "Yes;" and then relapsed into insensibility.

As he thus wavered between the inhabitants of the Most and that of the Hohen Pfaster, it was evident that all the three Schmidts must be taken into custody. They were accordingly apprehended, with the view of being confronted with the wounded man, and the murderer, if possible, identified by him. When they were brought into his room, Ruprecht was sensible, but unable to lift up his eyes, so that the main object of the interview was baffled. There were differences, however, in the behavior of these individuals, which, while they tended to avert suspicion from two of them, directed it with increasing force against the third. The two brothers appeared perfectly composed; they spoke to Ruprecht, called him by name, and expressed their sympathy for his situation. Not so the Schmidt of the Hohen Pfaster. He seemed agitated and restless. When asked if he knew the person in bed, he first said he did not, then that it was Ruprecht, and that he knew him well; first, that he remained with his mother-in-law on the evening of the murder, till eleven; then,

that he had left his house at nine, and gone instantly to bed. He protested his innocence and ignorance of the whole matter, and appealed to the testimony of his mother-in-law, his wife, and his neighbors. His evident agitation, and his contradictions, which he did not make any further attempt to reconcile, appeared to the judge sufficient grounds for subjecting him to the provisional arrest, and on the 10th of February he was committed to prison.

On the following day all hope of eliciting further information from Ruprecht was put an end to by his death. After the interview already mentioned, he never recovered his senses.

Subsequent investigations tended to increase the suspicions against Christopher Schmidt, which his behavior on the first occasion had awakened. On inspecting his house, the handle of his axe, near the blade, was found to be streaked with red spots resembling blood. The truth of the report as to his former imprisonment for theft he did not attempt to deny, though he alleged that he had been merely made the innocent instrument of conveying the stolen property into town. His inconsistencies and contradictions on his first summary examination were still more startling and irreconcilable than those into which he had run when confronted with Ruprecht. When asked to explain how he knew the wounded man to be Ruprecht, since he stated he had never seen him before, he gave no other explanation, except that he had heard before of the accident which had befallen him, as it was the general theme of conversation at the Boar.* To the question

* A little ale-house, in which he stated he had been the day after the event.

where he had been on Friday night; he first answered that he had been along with his wife and child in the house of his mother-in-law, where they were accustomed to work in the evenings, to avoid the expense of light at home, till nine o'clock, when he had taken his child home, and gone to bed, where he had remained till next morning at seven; that his wife had not returned till ten, having had to work a little longer with her mother, and intrusted the child to his care. "But," said the judge, "yesterday you said you did not return till eleven o'clock." "Yes, at eleven; I returned with my wife." "A few minutes ago you said you returned at nine, and that your wife remained behind you. Now, how do you explain this?" "My neighbors will testify I returned at nine. My wife remained for a short time behind me; she returned after ten, when I was asleep. She must have come in by using the key of the street door." "The key of the street door, you said a little ago, was in your mother's possession, in the house. How could your wife, who was at her mother's, have used it to obtain admission?" "She had the key with her. I said my wife returned along with me at nine o'clock, assisted me to put the child to bed, then took the house key off the table, and returned to her mother's. She came back at eleven o'clock at night." "Just now you said at ten." "I was asleep; it may have been ten."

These irreconcilable contradictions as to the hour at which he himself had returned, which he sometimes stated to be nine, sometimes eleven; as to his returning alone or in company with his wife; as to the hour at which she had returned, and the mode by which she had obtained admittance; his previous imprisonment; his conduct when confronted with Ruprecht; and, during his examinations, his

downcast and suspicious look; his anxiety to avoid any lengthened explanations; the spots upon his axe; the dying expressions of Ruprecht as to the name and residence of his murderer; all these, taken together, formed a most suspicious combination of circumstances against Schmidt.

On the other hand, the very grossness of these contradictions seemed to lead to the inference that they must have proceeded rather from want of memory, of intellect, or self-possession, than from a desire to pervert the truth. It was unlikely that any one but a person whose intellectual faculties were weakened or disordered either by natural deficiency or temporary anxiety and fear, or both, should in the course of half an hour vary his account of the time at which he returned home, from nine to eleven, from eleven to nine; or at one moment represent himself as returning alone, the next in company with his wife. The report of his relations and neighbors proved that such was the character of Schmidt; that his dulness of intellect almost amounted to idiocy; and that his serious, quiet, sheepish manner had procured him the nickname of "Hammela," or the sheep. It was not difficult then to believe that a man, who, according to these accounts, never was able under any circumstances to express himself clearly, or even intelligibly, when suddenly apprehended, confronted with a dying man, imprisoned and examined, called upon to explain contradictions, should at once lose the little remnant of composure or intellect that remained to him, and answer without understanding the questions put to him, or the answers which he gave. For instance, his answer to the question how he recognized Ruprecht, whom he had never seen, illogical as it was, is intelligible

enough when the character of the respondent is kept in view. All he meant to say, probably, was, that he knew that the person before him was Ruprecht, because he had heard before of the assassination, and that the wounded man was lying in the house where he had been brought to be confronted with him. As to the time and manner of his return, too, a confusion might not unnaturally arise in the mind of one so simple, between the hour at which he had himself returned, and that when his wife had *last* returned from her mother's house; and although even then contradictions existed, many of the circumstances which at first sight appeared inconsistent in his narrative, might be explained by supposing the true state of the case to have been this: that he and his wife had left her mother's together at nine, with the child, and gone home; that after her husband and the child were in bed, his wife had, as he stated, returned to her mother's to finish her work, and had finally returned home between ten and eleven o'clock.

This was in fact substantially proved by the investigation that followed. His mother-in-law, Barbara Lang, stated that the husband and wife were accustomed to pass the evening in her house to save fire and light; that they had left the house about half past nine, accompanied by the child; that her daughter had afterwards returned, and remained with her for about an hour and a half, when she went home. Cunegunda, the wife of the accused, though she represented the hour at which they left her mother's house as earlier than that which her mother had indicated, agreed with her in other particulars. She had accompanied her husband and child home, had seen them in bed, and then, taking with her the only light they had in the house, had gone back to her mother's. On her return,

after ten, she had been let in by the woman of the house, had found her husband asleep, and neither of them had left the house afterwards till next morning. Barbara Kraus, the landlady, had seen Schmidt return home on Friday evening, accompanied by his wife, who bore a light, and carrying his child on his arm, as she thought, between eight and nine o'clock. She had opened the house door to them, and Schmidt, as he walked up to his room, had good-humoredly wished her good night. She at first stated that she had not again opened the house door to his wife that night; but upon the question being reiterated, she admitted she might have done so without recollecting, her attention being at the time very much occupied with other matters.

Though there was some discrepancy between these witnesses as to time, that was easily accounted for without any suspicion of falsehood in the case of persons who had no clock or watch in the house to refer to, and particularly in a long and dark night in February. The only question was, which had made the nearest approach to the truth?—a question of considerable importance in reference to the possibility of the guilt of the accused. Taking a medium between the different periods, and supposing Schmidt to have reached his house accompanied by his wife about a quarter past nine, and to have been again found in bed on her return about half past ten, the intervening period of an hour and a quarter was the whole time during which it was possible the crime could have been committed. The blow had been given, by all accounts, at a quarter past ten; the ale-house, where it took place, was at the distance of about a mile and a quarter from Schmidt's house, and the path of a murderer going to, or stealing home from, the scene

of his crime, is seldom the most direct one. Supposing, however, that there was time enough to have reached the spot, completed the crime, and returned, which was barely possible, was it likely that a murder so cool and treacherous would be perpetrated by one who had been laboriously and industriously toiling for the support of his family the whole evening by his mother-in-law's fire; who had peaceably returned home and gone to bed with his child; that a being so slow and sluggish in his intellect, so incapable of acting with decision in the ordinary affairs of life, should all at once, as if the scheme had long been matured, seize the instant when his wife had left the house to spring up, hurry to a distance, lie in wait for, and deliberately murder a fellow-being, and then be found quietly asleep at home in the course of a quarter of an hour after the crime was perpetrated? This, if the testimony of his wife was to be believed, — and there existed, apparently, no reason to doubt its truth, — was, to say the least, in the highest degree improbable.

But the red spots upon the handle of his axe! How were these to be accounted for? The accused answered, that if such spots existed, of which he knew nothing, they must have proceeded from a swelling in the hand, produced by heat, which had burst the day before. But the swelling, it was answered, is upon the *right* hand; the stains are on the upper part of the handle, near the blade, which is held in the *left* hand. If the stains had been occasioned by blood flowing from the swelling on the right; they must have been on a different part of the handle entirely, near the bottom. The accused replied, that he was what is generally termed *left-handed*, and that in hewing, contrary to the usual practice, he held the lower

part of the handle in his left hand, and the upper in his right — a statement which was corroborated by his mother, and others who were acquainted with him. Further, the medical officer of the court, on examining the stains, expressed his doubts whether they were really stains from blood at all, since they appeared to rub out more easily than they would have done if they had proceeded from such a cause. On this ground of suspicion, therefore, it was evident nothing could now be rested.

The examination of the axe showed, further, that it could not well be the weapon with which the wound had been inflicted. The wound caused by the blow of an axe striking straight down, and not drawn along like a sabre-cut, was not likely to be longer than the edge of the blade itself. But here the length of the edge was only three and one third inches, the length of the wound four inches, while the cut in the leather cap which had been divided, was four and one third inches in length. The form of the wound in the head, too, which at both ends came gently to a point, seemed irreconcilable with the broad and equally defined incision all along, likely to be made by the blade of an axe.

Even the slender support afforded to the accusation by the charge of a previous imprisonment for theft was next removed. The prisoner's vindication of himself was found to be substantially correct; while his good character for sobriety, industry, simplicity, and good nature for years past, was established by a mass of evidence.

Thus, one by one, the grounds of suspicion, which had at first appeared to be assuming so firm and compact a form, crumbled away; and though Christopher Schmidt was not yet finally liberated, it was evident that, as matters stood, his speedy acquittal from the charge was certain.

But as the cloud of suspicion passed off from Christopher, it gathered for a moment round the heads of his namesakes, the Great and the Little Schmidt, inhabitants of the Walsh Street.

Both of these individuals, as already mentioned, had been acquainted with Ruprecht; and, so far at least as occasionally carousing together went, had been for a time among his usual boon companions. Their intimacy, however, for it never seemed to have amounted to friendship, had been suddenly put an end to in consequence of a quarrel, in which Ruprecht got involved with the surveyors of his district, Friedmann and Götz, in the course of which the goldsmith, having publicly made some unfounded and abusive charges against these official persons, was convicted upon the evidence of his former acquaintances, the Schmidts, and sentenced to a short imprisonment on bread and water. Ruprecht had retaliated by an action of damages against Götz and Friedmann, which was still in dependence at the time of his death. Was it possible, then, that these persons had made use of the Schmidts, who had previously given them the benefit of their testimony against Ruprecht, as instruments of their revenge against their pertinacious opponent? Possible, certainly, but in the highest degree improbable; for the surveyors appeared throughout the whole proceedings with Ruprecht to have acted with the greatest discretion and forbearance; and their general character was that of men utterly incapable of any act so atrocious, particularly from a motive so inadequate. Not less satisfactory was the report as to the character of the supposed actors, the Schmidts, who were remarkable in their neighborhood for their industrious and honest conduct, while the proof as to their not having committed the crime

was finally placed beyond a doubt by the evidence of several witnesses, who spoke to the fact of their having returned home early on the night of the murder, and not having left the house till next morning.

Two other circumstances at this time occurred, as if to show the endlessness of this search after Schmidts. The one, that two other Schmidts were discovered, not indeed living in the town, but in the suburbs, and one of them, the woodman, generally employed by Bieringer, Ruprecht's son-in-law; but against neither of these was any trace of suspicion found. The other circumstance was, that it was now ascertained that Ruprecht had not only varied in his accounts as to the residence of his supposed assassin, but that in some of his conversations with his relatives, when asked if he knew who had injured him, he had answered in the negative. Perhaps then the whole was a mere vision growing out of the confusion of his mind at the time, and his mixing up the idea of a woodman's axe, which he naturally enough imagined had been the instrument of his death, with the recollection of the two woodmen, the Schmidts, who had played so conspicuous a part in the proceedings at the instance of the surveyors.

Long indeed before this conclusion had been come to, it had occurred to some of the official persons that they were proceeding on a wrong scent, and that the actors in the villany were to be found nearer home.

When Ruprecht was found in the passage, immediately after the blow, the expressions he used, it will be recollected, were, "Villain, with the axe!" and shortly afterwards, "My daughter! my daughter!" These had been naturally interpreted at the time into an expression of his anxiety to see her; but circumstances subsequently

noticed seemed to render it doubtful whether his exclamation did not bear a less favorable meaning.

The matrimonial life of Bieringer and his wife, it appeared, had been long a very unhappy one. Her husband for a time constantly complained to his father-in-law of her love of dress, and her quarrelsome temper, which, on one occasion, had reached such a height that she had been subjected to an imprisonment of forty-eight hours for disturbing the peace of the neighborhood. This last remedy had been found more efficacious than the previous complaints, and from that time down to the death of Ruprecht the couple had lived on tolerable terms.

Not so, however, Ruprecht and his son-in-law. Bieringer, who was a man of some education and refinement of manners, had never concealed the dislike with which he regarded the vulgar propensities of his father-in-law; and this, added to his complaints against his wife, had so irritated the old man that he never spoke of Bieringer but in terms of violent hostility. But a few days before his death, he had called him, before his own servant, a damned villain, whom he would never speak to even if he were on his death-bed. Actuated by these feelings towards him, Ruprecht had for some time past determined to make a will, by which his property, which he was to leave his daughter, was to be placed entirely beyond the control of her husband. And this intention he had announced, about two months before his death, to *his daughter*, and more lately to his apprentice Högner, to whom he assigned, as his reason, his determination to disappoint that villain, his son-in-law. Nay, within a few hours of his murder, he had sent for Högner to assist him in arranging his papers, and had fixed the following Sunday for completing

the long-projected testament. This intention he had announced in the hearing of his servant. From some one of these sources his determination might have been communicated to Bieringer. A sufficient motive for the removal of the testator would thus have been furnished. And unquestionably there was a singular coincidence in point of time between the conversation of Friday afternoon and the murder at night, which favored the suspicion that they might stand to each other in the relation of cause and effect.

When the intelligence of his father-in-law's being wounded was first brought to the house of Bieringer, he observed to his wife, coldly, and with an appearance of ill-humor, that she must go over to see her father, to whom something had happened; adding, "We have nothing but plague with him." The conduct of the daughter when she came into the ale-house seemed to some of the spectators to display a want of real feeling. One of her first concerns was, to see whether her father had his keys about him; and having ascertained that he had, she took possession of, and walked away with them. With the removal of her father from the inn to his own house, all her lamentations ceased. She appeared, as some of the witnesses stated, scarcely to treat him with ordinary kindness, and to give grudgingly, and of necessity, what was necessary for his comfort.

While the investigation was proceeding against the Great Schmidt, she displayed a singular anxiety to increase the suspicion against him, by reporting conversations with her father which no other person had heard, in which, besides pointing out Schmidt, woodman, as his murderer, he was made to add, "he was a large man." Her own husband, Bieringer, it is to be observed, was

very small in stature. She made great efforts to be allowed to be present when Schmidt was confronted with her father, alleging, as her reason, that she wished to remind him of the omniscience of God, which might, perhaps, lead him to confession; for the others she was assured were innocent of the crime.

These attempts to throw suspicion on one who was clearly proved to have had no concern with the murder, the other suspicious circumstances in the conduct of the daughter, the situation in which Bieringer stood with his father-in-law, and the temptation to make away with Ruprecht, arising from the intended execution of the testament, left at first a strong impression on the mind of the judge that Bieringer, or some emissary of his, would be found to be the murderer.

Here also, however, as in the former cases, the grounds of suspicion vanished, one by one, into thin air.

That the words, "My daughter," uttered by Ruprecht, truly denoted nothing else but his anxiety to see her, appeared from the fact mentioned by his sister Clara, that such was his constant practice when anything unpleasant or vexatious happened to him, and also from the evidence of the landlady of the Hölle, who stated that she herself had first suggested sending for his daughter, to which he assented by an affirmative nod of his head. Bieringer's coldness and indifference when the news of the accident was delivered to him, were such as might have been expected from one who, for a long time before, had been on terms of mutual dislike with his father-in-law; but by no means easily reconcilable with the supposition that he was himself, mediately or immediately, his murderer. The inferences arising from the depositions of the first witnesses

as to the insensibility evinced by the daughter, were entirely neutralized by the evidence of others, who described her conduct as dutiful and affectionate in the highest degree; even her taking the keys from her father's person appeared to have been done at the suggestion of the surgeon who was present, and who imagined that the murder might have been committed as a preliminary to robbery. Her accusation of Schmidt might have been founded on expressions really used by her father, whose mind, it was now plain, had often wandered after the blow. And the anxiety with which she followed it up was natural, and even laudable, supposing her to have once adopted the idea that Schmidt was the murderer. Even the groundwork of the whole suspicion, namely, the supposed motive arising from the intended execution of the testament by which his wife's fortune was to be placed beyond Bieringer's control, was completely shaken; for it was found that there was not even probable evidence that ever such an intention had reached his ears. His wife stated that she had never communicated to him her conversation with her father, which, from the indifferent terms on which they lived, and the consideration that it would have been an advantage to her had her father lived to carry his intentions as to his will into effect, appeared extremely probable; nor had Högner, his other confidant, divulged it to any one. The maid, who had been present during the interviews with Högner on Friday afternoon, equally disclaimed having ever spoken of it. His brother and sisters had never heard of Ruprecht's intentions. Finally, there was distinct evidence that Bieringer himself, at least, had not been the murderer, because at a quarter past ten, when the murder was committed, he was proved to have been quietly seated

in the parlor of the Golden Fish. The result of the preliminary investigations, on the whole, was to satisfy the judge that no real ground of suspicion existed either against Bieringer or his wife.

Even after all these failures the investigation was not abandoned. The servant who had been called upon to point out the name of any person who had done business with Ruprecht shortly before his death, mentioned that three persons, appearing to be of the regimental band, had been in Ruprecht's house on the morning of the murder. On inquiry, it was ascertained that this statement was correct, and the three men, who turned out to be oboe-players in the band, were forthwith taken into custody. It appeared, from their own admission, that one of them, Präschl, had procured a loan of twenty-two florins from Ruprecht shortly before; that the creditor had become clamorous for payment, and that the debtor, accompanied by the other two, Mühl and Spitzbart, had called on Ruprecht on the Friday morning, with the view of obtaining some delay; and that Ruprecht had fixed the following morning for accompanying Präschl to his brother-in-law, from whom he said he expected to receive the money. Add to this the opinion, which from the first had been expressed by the inspecting physician, that the blow seemed to have been inflicted by a sabre, and there was enough to warrant the judge in thinking that here, at last, he might have stumbled upon the real murderer. Here also, however, the rising fabric of evidence was at once overturned by a clear proof of *alibi* on the part of one and all of the suspected assassins.

And here, at last, justice was obliged to give up the pursuit; nor was any light afterwards thrown upon this strange story.

V.

CASE OF HENRY G. GREEN,

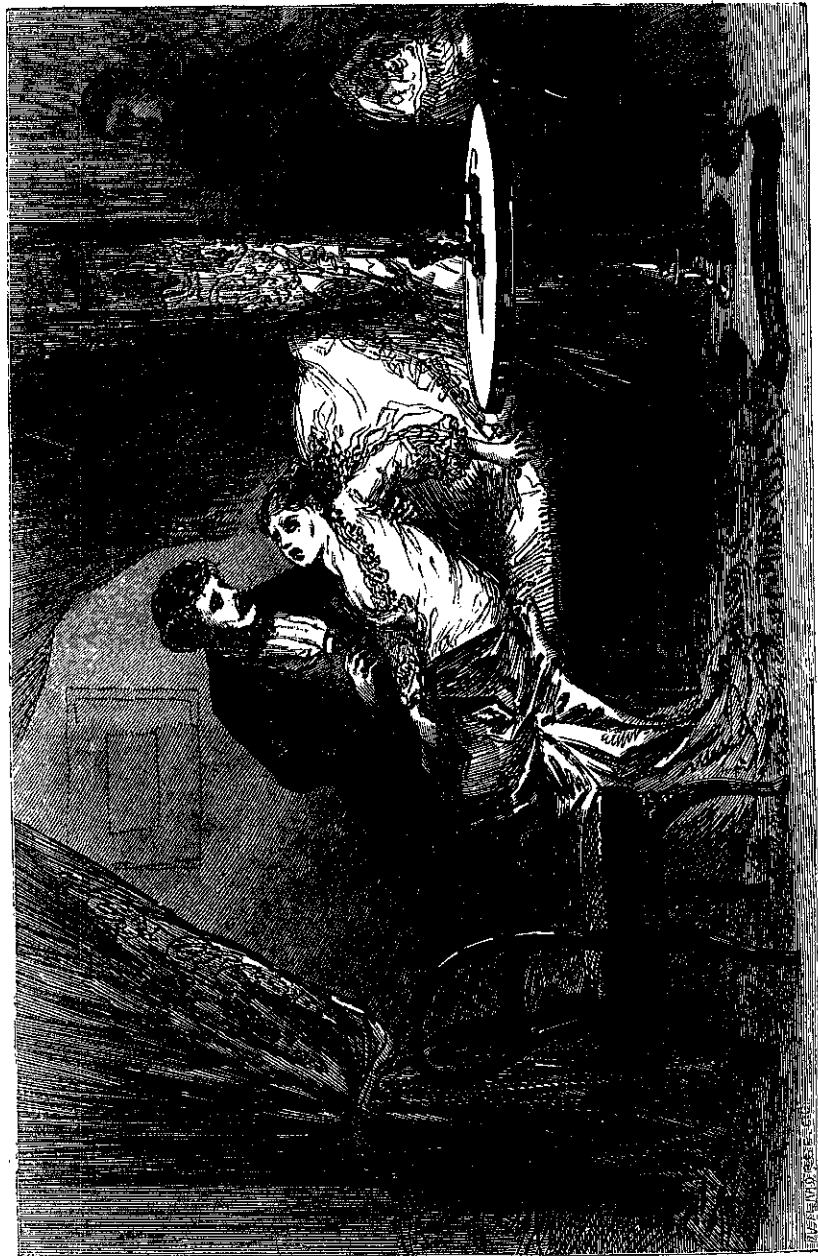
THE MURDERER OF HIS BRIDE.

IN the autumn of 1844, a company of temperance performers gave a dramatic and musical entertainment in the town of Berlin, Rensselaer county, New York. Among them was a young woman, named Mary Ann Wyatt, whose fine personal appearance and lady-like manners won the admiration of her audiences at Berlin, as at all other places where the company had given exhibitions. One young man, Henry G. Green, was especially charmed by the attractions of Miss Wyatt, so much so, indeed, that he at once enlisted in the company in order to be near her. He was a native of Berlin, and related to many respectable families in that place, and at this time was twenty-one or twenty-two years old. He had been a trader; but a short time previous to the appearance of the company, of which Miss Wyatt was a member, he had been burnt out, and was thrown out of business, which circumstance, probably, made him more ready to join this travelling company. If he had any idea of improving his fortunes, he was disappointed, for the company met with poor success in the neighboring towns, and, at New Lebanon, was disbanded. He, however, had better success in gaining the affections of Miss Wyatt; and when the company dis-

banded, he returned to Berlin, and informed his friends that he was to be married a week from the next Sunday night, and invited them to attend his wedding at New Lebanon. But the parties were impatient for the consummation of their happiness, and the nuptial ceremony was performed a week earlier than the appointed time.

On the Tuesday following the marriage, which was in February, 1845, the bridegroom and his bride returned to Berlin, and stopped at the house of Ferdinand Hall. The next day (Wednesday), Green's mother and sister, who were opposed to the hasty marriage, and looked upon the bride as wanting in respectability, and unfit to be the wife of their son and brother, visited him, and had a long private interview with him. In that interview, what was said was never revealed; but from certain expressions used afterwards, it might be inferred that the parties who condemned the marriage, at that or other times, said things derogatory to the character of the bride. Whether the bridegroom's mind was then fatally poisoned by jealousy, disgust, or hate, or the foul purpose sprang up in his heart spontaneously, or from other causes, was never known. But two days after that interview commenced the most deliberate acts of murder — repeated acts, each one a murder in purpose — which it is possible to imagine a man could commit upon his bride just wedded, and whom he professed to love.

On Thursday, Green and his wife, with a party of friends, took a sleighride to Hoosick, and returned with his wife somewhat unwell. On Friday morning the scene of woe commenced. On that morning, Green went to Dr. Rhodes, and procured a box of pills, as he said, for his own use, and returned to Mr. Hall's, where they were



GREEN ADMINISTERING POISON TO HIS BRIDE. Page 133.

boarding. Mrs. Green, having a slight cold, was induced to take six pills at the hands of her husband, although against her better convictions. Soon after, she was taken with a distress and burning in her stomach. On the night of Friday, however, she was more comfortable. On Saturday morning she was easier, but not well enough to rise.

At twelve o'clock Green was in the store of Dennison and Streeter, among a number of his friends. During a pause in the conversation, he exclaimed, "A rat! no, a mouse!" pointing to the shelf, and stating that a rat had run behind the cinnamon-bag; but no one else noticed a rat or mouse. Green then asked Dennison why he did not put arsenic on the shelf. Some conversation ensued as to the safety of using arsenic, when Green said he did not think it dangerous, and casually inquired how much arsenic they thought it would take to kill a person. Soon after he went to Hall's, where his wife was, and prepared a solution for her, remarking that he was going to give her some soda. Shortly after, Green having left the house, Mrs. Hall found Mrs. Green vomiting, in great distress, and apparently at the point of death. Dr. Emerson Hall was immediately sent for, and he found the sufferer under the extraordinary symptoms usually attending poisoning by arsenic. He made strict inquiries as to the medicine administered, left prescriptions, and took his departure, leaving also a strict injunction that no drink should, in any event, be given her. This was at four o'clock P. M. Not long after the doctor left, however, Green presented his wife a tumbler with a white solution in it. Mrs. Streeter, who was then present, stated that the doctor had prohibited any drink; but Green said it was cream of tar-

tar, which might be taken. Mrs. Green was finally persuaded to take it, and soon after the vomiting returned with increased violence. Dr. Hall, during the evening, visited his patient several times, and prescribed for her for cholera morbus. The patient was then put under the charge of a Mrs. Whitford, who remained with her until Sunday morning.

Up to this time there was not the least suspicion entertained of the patient having been poisoned, except with Dr. Hall, who mentioned his suspicions to his wife on his return from his first visit, which had, however, been quieted by the answers he had received to his inquiries. During Sunday the patient remained in charge of Mrs. Whitford, who had administered the prescriptions left by the doctor. During the night Mrs. Whitford went below, leaving the patient in charge of her husband. When she returned she found Green in a cot, and the patient informed her that her husband gave her a powder. She exclaimed that the doctor had prohibited powders! The patient said that Henry had given it to her. Mrs. Whitford looked upon the table, and found all the powders which had been left by the doctor untouched. She then laid down upon the cot, and, her suspicions being aroused, she watched the motions of Green, and soon after saw him offer his wife some crust coffee, which he had been some time in preparing. The patient tasted, but remarked that it did not taste as the coffee did when Mrs. Whitford made it, and insisted on having it from the pitcher, as usual.

At five or six o'clock in the morning Green left the house on business, when Mrs. Whitford examined closely some chicken broth on the table, and discovered arsenic re-

maining in the spoon; and subsequently a substance was found on the top of the soup, which was dried and preserved, and, when analyzed, was also found to be adulterated arsenic. For four or five times, at least, a substance was found in drinks and medicines, administered to his wife by Green, which resembled arsenic, but specimens of some of them were not preserved or saved. It may be worth remarking that this husband of a week's standing, during the whole of his wife's illness never once inquired after the patient's situation or prospects, or the character of the disease.

A brother of the deceased, who was remaining at the place, on Saturday night inquired as to the condition of his sister, when Green informed him she was doing better; the disease had taken a favorable turn, and he need not give himself any uneasiness as to her recovery. But at four o'clock on Sunday the brother inquired of the attending physician as to his sister's prospects, and learned that she must soon die. Upon receiving this sad intelligence, he immediately visited his sister, and informed her that she must soon expire. She expressed a wish to see her mother. She afterwards called her husband, and asked him if she had ever deceived him in any respect, and he replied, "No;" if she had ever said or done anything to injure his feelings, and he made the same answer. She then called Dr. Hall to her bedside, and desired to make a communication to him. She informed him that she knew she was about to die, and told him that everything her husband had administered to her since she was taken sick had distressed her; and once, when she asked him for some wine and water, he poured out the liquor, and taking out of his pocket a paper, poured a white powder into the

wine. Dr. Hall stated that the same facts should be reported to somebody else. Mr. B. Streeter was called in, and the same facts were communicated to him also. At this interview she was compelled to suspend her narrative until she rested, but became worse, and never was able afterwards to tell the remainder of her story. Her malady increased constantly until ten A. M., on Monday, when she died.

The suspicious circumstances under which Mrs. Green died, of course led to a coroner's inquest. A post-mortem examination showed conclusively that she had been poisoned, and a chemical analysis of the food and drink, which had been preserved when suspicions were aroused, revealed the presence of arsenic. An investigation also led to the belief that the jar of arsenic in the store of Dennison and Streeter had been taken down from the shelf, and some of its contents taken out on the Sunday afternoon before Mrs. Green died, and previous to that time.

The fact of poison being thus clearly established, there was little doubt that it was administered by the husband of the unfortunate victim. He was accordingly arrested, indicted, and brought to trial for wilful murder, at a special term of the court of Oyer and Terminer, in the county of Rensselaer, New York. At the trial, the evidence substantiated the foregoing account, of this deliberate and cold-blooded murder, with some circumstances and incidents which it is not important to enumerate. The witnesses, giving detailed accounts of the transactions which came within their observation respectively, established certain facts beyond a doubt, and the story thus made up, pretty clearly proved the guilt of the accused. It is not necessary, however, to give the evidence as it was offered

by the prosecution, nor that offered by the prisoner's counsel in his defence. The defence was necessarily weak against the strongly-linked circumstances proved by the government. The evidence was mainly as to the previous good character of the prisoner. But this could be of little avail against the facts fully established, viz., that the deceased came to her death from the effects of arsenic administered to her by some one; and with all the evidence pointing in one direction, there seemed to be even no other hypothesis than that the poison was administered by the hand of her husband.

But what motive had he for the commission of such an atrocious and unnatural crime?

The principal fact elicited, as tending to establish a motive on the part of the prisoner for desiring to be freed from his wife, was the dissatisfaction and inquietude his hasty and inconsiderate marriage had given to his family. A day or two after the prisoner's marriage, his mother and sister had a private interview with him, which was of considerable duration; and the mother was heard to speak in unfavorable terms of his marriage with the deceased, and of her character.

When the prisoner was arrested, a letter was found upon him, purporting to have been written to him by his mother, in which she deplores his situation in consequence of the suspicions against him, and counsels him to keep silent on the subject of his wife's death, as a word from him might destroy his life; in the letter, she also reproves herself for what she had said derogatory to the character of his wife, and confesses that she had no knowledge of aught against it. No reflection upon the character of the deceased appeared, from any of the testimony in the case, to cast a

shadow upon the purity of her fame; on the contrary, it did appear that the deceased was much esteemed by all who had acquaintance with her.

At the termination of the trial, which lasted seven days, the jury returned a verdict against the prisoner of Guilty.

The prisoner was subsequently brought before the court for sentence; and upon the usual question being asked, what he had to say why sentence of the law should not be pronounced upon him, he replied, *faintly*, "Not guilty." The judge replied, "That is adding nothing to what has been said before. That plea was put in for you by your counsel, and the issue has been tried, with every advantage on your part. You have had the advantage of very distinguished counsel, whose endeavors have been unremitting to secure your acquittal. You have had the aid of rich and powerful friends — friends of high respectability and character, who have secured you every opportunity of presenting your whole case to the jury, fully and fairly. Notwithstanding this, an intelligent and honest jury have found you guilty; and it is not to be denied that there is no individual who has heard this trial, that does not concur fully in the righteousness of that verdict. You stand condemned as guilty of having murdered your wife. Your case, in all its aspects, exceeds in enormity any of which I have ever heard. It will, no doubt, stand out on the page of history the most criminal, awful case of murder that ever came before a court and jury. You murdered her deliberately. You murdered the woman whom you had sworn but one short week — I may say four days — before to cherish through life. The woman whose destiny had been placed in your keeping, in less than one week after marriage you deliberately poisoned. You pursued your

design, day and night, repealing the deadly poison from time to time, until she expired, and thus added to the crime of murder the black crime of perjury; for you violated the most solemn vow taken at the altar. Was it ever known that so interesting and holy a relation, as that of man and wife, has ever been followed thus soon by a result so shocking and sinful to all the feelings of our nature? Now the law pronounces your sentence. You are to be executed, cut off in the prime of life, or rather just as you are entering on life, when you had rich and powerful friends to aid you; when you might have been respected; but from which you are to be cut off and consigned to an early grave. And those friends who have stood by you will not share in the disgrace that awaits you. They have been disgraced more by your foul deed than by the ignominious execution which the law has provided for you."

VI.

ANNA SCHONLEBEN,

THE POISONER.

IN 1808, a widow, about fifty years old, resident at Pegnitz, and bearing the name of Anna Schonleben, was received as housekeeper into the family of the Justiz-Amptmann Glaser, who had for some time previous been living separate from his wife. Shortly after the commencement of her service, however, a partial reconciliation took place, in a great measure effected through the exertions of Schonleben, and the wife returned to her husband's house. But their reunion was of short duration, for in the course of four weeks after her return, she was seized with a sudden and violent illness, of which, in a day or two, she expired.

On this event Schonleben quitted the service of Glaser, and was received in the same capacity into that of the Justiz-Amptmann Grohmann, then unmarried. Though only thirty-eight years of age, he was in delicate health, and had suffered severely from the gout, so that Schonleben had an opportunity of showing, by the extreme care and attention which she bestowed upon his comforts, her qualifications for the office she had undertaken. Her cares, however, it seems were unavailing; her master fell sick in the spring of 1809, his disease being accompanied with violent internal pains of the stomach, dryness of the skin, vom-

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iting, &c., and he died on the 8th of May, after an illness of eleven days. Schonleben, who had attended him with unremitting attention during his illness, administering all his medicines with her own hand, appeared inconsolable for his loss, — and that of her situation.

The high character, however, which she had acquired for her prudence, care, and gentleness as a sick-nurse, immediately procured her another in the family of the Kammer-Amptmann Gebhard, whose wife was at that time on the point of being confined. This event took place on the 13th of May, shortly after the entry of the new housekeeper, who made herself particularly useful, and mother and child were going on extremely well, when, on the third day after the birth, the lady was seized with spasms, internal heat, violent thirst, vomiting, &c. In the extremity of her agony, she frequently exclaimed that they had given her poison. Seven days after her confinement she expired.

Gebhard, the widower, left without any one to take the management of his domestic affairs, thought that, in the mean time, he could not do better than retain in his service the housekeeper, who, during his wife's illness, had distinguished herself so much by the zeal and assiduity of her attentions to the invalid. Some of his friends attempted to dissuade him from retaining an inmate, who seemed by some fatality to bring death into every family with which she became connected; but Gebhard, who was not of a superstitious turn, laughed at their apprehensions, and Schonleben remained in his house, now invested with almost unlimited authority.

During her residence here, many circumstances occurred, which, though at the time they excited little attention, were subsequently recollected and satisfactorily established.

These will be hereafter alluded to : meantime, we proceed to that which first directed suspicion against her. Gebhard had at last, by the importunity of a friend, who (from what ground he did not explain) had advised him to dismiss his housekeeper, been prevailed on to take his advice, and had communicated as gently as possible his resolution to Schonleben herself. She received it without any observation, except an expression of surprise at the suddenness with which he had changed his mind, and the next day was fixed for her departure for Bayreuth. Meantime she bustled about as usual, arranged the rooms, and filled the salt-box in the kitchen, observing that it was the custom for those who went away to do so for their successors. On the morning of her departure, as a token of her good-will, she made coffee for the maids, supplying them with sugar from a paper of her own. The coach, which her master had been good-natured enough to procure for her, was already at the door. She took his child, now twenty weeks old, in her arms, gave it a biscuit soaked in milk, caressed it, and took her leave. Scarcely had she been gone half an hour, when both the child and the servants were seized with violent retching, which lasted for some hours, leaving them extremely weak and ill. Suspicion being now at last fairly awakened, Gebhard had the salt-box examined which Schonleben had so officiously filled. The salt was found strongly impregnated with arsenic. In the salt barrel, also, from which it had been taken, thirty grains of arsenic were found, mixed with about three pounds of salt.

That the series of sudden deaths which had occurred in the families in which Schonleben had resided was owing to poison, now occurred to every one as clear; and they almost wondered how so many circumstances could have

passed before their eyes without awakening them to the truth. During her residence with Gebhard, it appeared that two visitors who had dined with her master, in August, 1809, were seized after dinner with the same symptoms of vomiting, convulsions, spasms, &c., which had affected the servants on the day of Schonleben's departure, and of which the more unfortunate mistress of the family had expired; that on one occasion she had given a glass of white wine to Rosenhauer, a servant who had called with a message, which had occasioned similar symptoms, so violent indeed as to oblige him for a day or two to confine himself to bed; that on another, she had taken a lad of nineteen, Johann Kraus, into the cellar, where she offered him a glass of brandy, which, after tasting, and perceiving a white sediment within it, he declined; that one of the servants, Barbara Waldmann, with whom Schonleben had frequent quarrels, after drinking a cup of coffee, was seized with exactly the same symptoms as her companions: and what, perhaps, appeared the most extraordinary of all, that at a party given by her master on the 1st of September, having occasion to send her to his cellar for some pitchers of beer, he himself, and all the guests that partook of it, five in number, were almost immediately afterwards seized with the usual spasms, sickness, &c., which seemed to accompany the use of those liquids whenever they were dispensed by Schonleben.

Although, from the long period which had elapsed since the death of those individuals, whose fate there was reason to suppose had been so prematurely accelerated by this smooth-faced poisoner, there was no great probability that any light would be thrown upon these dark transactions by an inspection of the bodies, it was resolved on,

at all events, to give the matter a trial. The result of this ghastly examination, however, was more decisive than could have been expected; all the bodies exhibited, in a greater or less degree, those appearances which modern researches into the effects of poisons have shown to be produced by the use of arsenic; and in one of them, in particular, that of the wife of Glaser, the arsenic was still capable of being detected in substance. On the whole, the medical inspectors felt themselves warranted in concluding that the death of at least two individuals out of the three had been occasioned by poison.

Meantime Schonleben had been living quietly at Bayreuth, seemingly quite unconscious of the storm which was gathering around her. Her finished hypocrisy even led her, while on the road, to write a letter to her late master, reproaching him with his ingratitude in dismissing one who had been a protecting angel to his child, and in passing through Nurnberg, to take up her residence with the mother of her victim, the wife of Gebhard. On reaching Bayreuth, she again wrote more than once to Gebhard; the object of her letters evidently being to induce him again to receive her back into his family. She made a similar attempt on her former master, Glaser, but without success. While engaged in these negotiations the warrant arrived for her apprehension, and she was taken into custody on the 19th of October. On examining her person, three packets were found in her pocket, two of them containing fly-powder, and the third arsenic.

For a long time she would confess nothing; evading with great ingenuity, or resisting with obstinacy, every attempt to obtain from her any admission of her guilt. It was not till the 16th of April, 1810, that her courage gave

way, when she learned the result of the examination of the body of Glaser. Then at last, weeping and wringing her hands, she confessed that she had on two occasions administered poison to her. No sooner had this confession been uttered, than she fell to the ground, "as if struck by lightning," says Feuerbach, and was removed, in strong convulsions, from the chamber.

We shall condense into a short, connected statement the substance of the numerous examinations which this wretch subsequently underwent, and of the information acquired from other sources, by which her statements were in many particulars modified, and in some points refuted. Born in Nurnberg, in 1760, she had lost both her parents before she reached her fifth year. Her father had possessed some property, and till her nineteenth year she remained under the charge of her guardian, who was warmly attached to her, and bestowed much care on her education. At the age of nineteen she married, rather against her inclination, the notary Zwanziger; for such, not Schonleben, was her real name. The loneliness and dulness of her matrimonial life contrasted very disagreeably with the gayeties of her guardian's house; and in the absence of her husband, who divided his time between business and the bottle, she dispelled her ennui by sentimental novel reading, weeping over the Sorrows of Werter, and the struggles of Pamela and Emilia Galotti. The property which fell to her on her coming of age was soon dissipated by her husband and herself in extravagant entertainments and an expensive establishment, and a few years saw them sunk in wretchedness, with a family to support, and without even the comfort of mutual cordiality or esteem; for the admirer of Pamela, whose sympathetic heart had bled for the Sorrows of

Werter, now attempted to prop the falling establishment by making the best use she could of her personal attractions (which, hideous and repulsive as she appeared at the time of her trial, she described as having once been very considerable), while her husband, as mean and grovelling in adversity as he had been assuming and overbearing in prosperity, was a patient spectator of his own dishonor. Perhaps it was consoling to him, as it appeared to have been to his wife, that she "had the delicacy," as she styled it, "to confine her favors to the higher classes of society." At all events, shortly afterwards he died, leaving his widow to pursue her career of vice and deceit alone. During the time which intervened between the death of her husband and that when she first entered the service of Glaser, her life had been one continued scene of licentiousness and hypocrisy. Devoid of principle from the first; mingling chiefly with others who, though of respectable or exalted rank, were as destitute of it as herself; forced to pretend attachment where none was felt; to submit where she would willingly have ruled; sometimes laughed at, or treated with ingratitude, where she was really laboring to please; a wanderer on the earth for twenty years without a resting-place or a sincere friend, — she became at last an habitual hypocrite, to whom falsehood seemed to be actually more natural than truth. Rage and disappointment at her fate, and a bitter hatred against mankind, seemed to have gradually been maturing in her heart, till at last all the better sympathies of her nature were poisoned, and nothing remained but the determination to better her condition at the expense of all those ties which humanity holds most sacred. When and how the idea of poison dawned on her, — whether suddenly or by degrees, — her confessions did not explain;

but there is every reason to believe that this tremendous agent had been employed by her previous to her appearance in Glaser's house. Determined as she was, at all hazards, to advance her own interests, poison seemed to furnish her at once with the talisman she was in search of: it punished her enemies; it removed those who stood in her way; its operations afforded her the means of rendering her good qualities conspicuous in her affected sympathy for the sufferer; nay, administered in smaller quantities by her experienced hand, it was equally effectual in preventing a second visit from a disagreeable guest, or annoying a fellow-servant with whom she had a quarrel. By long acquaintance, poison had become so familiar to her, that she seemed to look on it as a useful friend — something equally available for seriousness or jest, and to which she was indebted for many a trusty and secret service. When the arsenic which had been taken from her pocket was exhibited to her some months afterwards at Culmbach, she seemed to tremble with delight; her eyes glistened as she gazed upon it, as if she recognized a friend from whom she had long been separated. Of the crimes which she had perpetrated, too, she always spoke as of slight indiscretions, rendered almost necessary by circumstances — so completely, by repetition, had murder itself lost its character of horror.

From the first moment she had entered the house of Glaser, the idea of obtaining an influence over his mind, so as to secure him as her husband, had occurred to her. That he was then married, was immaterial — poison would be the speediest process of divorce. First, however, the victim must be brought within the range of her power; hence her anxiety to effect the reconciliation of the pair, and the return of the wife to her husband's house. The plan succeeded; and within a few weeks after her return

Zwanziger commenced her operations. Two successive doses were administered, of which the last was effectual. "While she was mixing it," she said, "she encouraged herself with the notion that she was preparing for herself a comfortable establishment in her old age." This prospect having been defeated by her dismissal from Glaser's service, she entered that of Grohmann. Here her common mode of revenging herself upon such of her fellow-servants as she happened to dislike, was to mix fly-powder with the beer in the cellar, in the hope of creating illness, though not death; and of this beer it happened more than once that some of the visitors at Grohmann's table also partook. These, however, were mere preparations "to keep her hand in;" the victim for whom her serious poisons were reserved was her unfortunate master. Here, also, she had for some time indulged the hope of a matrimonial connection. Infirm and gouty as he was, she thought she would obtain such an ascendancy over him as to induce him to descend to this alliance; when all at once her hopes were blasted by hearing of his intended marriage with another. For some time she tried by every means in her power to break off the connection; but her arts proved ineffectual; and Grohmann, provoked by her pertinacity, had mentioned to a friend that he could no longer think of retaining her in his service. The wedding day was fixed; all hopes of preventing the marriage were at an end, and nothing now remained for her but revenge. In five days afterwards Grohmann fell a victim to poison.

From this service Zwanziger passed into that of Gebhard, whose wife soon shared the fate of Grohmann; for no other reason, according to her own account, than because that lady had treated her harshly, and occasionally found fault with her management of the house. Even this wretched

apology was contradicted by the facts proved by the other inmates of the house. The true motive, as in the preceding cases, was, that she had formed designs upon Gebhard similar to those which had failed in the case of Glaser, and that the unfortunate lady stood in the way. Her death was accomplished by poisoning two pitchers of beer from which Zwanziger from time to time supplied her with drink. Nay, even her husband was made the innocent instrument of his wife's death by administering the same liquid to the invalid. Even while confessing that she had thus poisoned the beer, she persisted in maintaining that she had no intention of destroying the unfortunate lady; if she could have foreseen that such a consequence would have followed, she would rather have died!

During the remaining period, from the death of Gebhard's wife to that of her quitting his service, she admitted having frequently administered poisoned beer, wine, coffee, and other liquors, to such guests as she disliked, or to her fellow-servants, when any of them had the misfortune to fall under her displeasure. The poisoning of the salt-box she also admitted; but with that strange and inveterate hypocrisy which ran through all her confessions, she maintained that the arsenic in the salt-barrel must have been put in by some other person.

The fate of such a wretch could not of course be doubtful; she was condemned to be beheaded, and listened to the sentence apparently without emotion. She told the judge that her death was a fortunate thing for others, for she felt that she could not have left off poisoning had she lived. On the scaffold she bowed courteously to the judge and assistants, walked calmly up to the block, and received the blow without shrinking.

VII.

TRIAL OF ALBERT J. TIRRELL,

CHARGED WITH THE MURDER OF MARIA ANN BICKFORD.

ALBERT J. TIRRELL was the son of Leonard Tirrell, of Weymouth, Mass., who died in the year 1843. Under his father, he was brought up to the shoe manufacturing business. He was twenty-two years of age in February, 1846; and was married, at the early age of eighteen, to his cousin, a daughter of Noah Tirrell, of said Weymouth. The early marriage of the prisoner was somewhat compulsory, in consequence of an indiscretion of himself and youthful wife. His wife and two children were living at Weymouth at the time of the events herein recorded. He had a relative residing in New Bedford, Mass., and it was while on a visit there, in the year 1844, that he unfortunately made the acquaintance of Maria Ann Bickford. Maria Ann Bickford was a married woman, about twenty years of age, and considered very handsome. She was married in the State of Maine to James Bickford, in March, 1840, being then less than seventeen years old. She deserted her husband in 1842, and went to Boston with a paramour. After some time she was abandoned by him, and resorted to prostitution for support, both in Boston and New Bedford. Her husband made several ineffectual attempts to reclaim her. He was long and perfectly ac-

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quainted with her adulterous intercourse with Tirrell, and seemed to submit to what he could not prevent. He resorted only to moral suasion, which produced no reformation. He occasionally saw her, and not infrequently, while she and Tirrell lived together, and received letters from her while absent. Tirrell and Mrs. Bickford made several journeys together, travelling as man and wife under fictitious names; and changing them often, and at different periods, he carried her to Boston, and took apartments in several respectable hotels. His adultery was so bold and unfeeling at one time, that he carried her into his own family, under the same roof with his wife, where he kept her until his relations indignantly expelled her. In April, 1845, he carried her to the Hanover House, in Boston, from which the respectable landlord dismissed him as soon as he had information of his and her history, and their imposition on him. The prisoner then took a house in London Street, in Boston, and furnished it, and he and she kept a house of ill-fame there, her assumed name of Maria Welsh being on the door.

This establishment did not last long, as Tirrell was indicted in the Municipal Court, at the May term, for the adultery committed by him in the Hanover House in April. He eluded the search of the officer for some months, and spent the summer partly at New Bedford and partly in travelling with her. He was finally arrested at New Bedford, on the 29th of September, 1845, and carried to Boston for trial for the adultery, and was committed to Leverett Street Jail, where he remained until he was bailed by his brother-in-law in October. From a letter, it appeared, that when he was taken at New Bedford, he was living with Mrs. Bickford, but the officer had no warrant against

her, and she was not molested. On the day he was bailed (2d of October), he went to Mr. Doolittle's tavern, in Elm Street, and entered his name, with his own hand, as Albert DeWolfe; and he made search for Mrs. Bickford on that day, but he could not find her. On this, or some other occasion, he gave a gold watch to a young man to go and find her for him. On the 6th of October he wrote a letter to New Bedford, inquiring for her. On the 10th of October, he again entered his name at Mr. Doolittle's. On the 9th, his wife's mother, his father-in-law, the selectmen of Weymouth, and a respectable merchant of Boston, severally wrote a letter to the district attorney, requesting a stay of proceedings under the adultery indictment, hoping he might be reclaimed. These letters were exhibited to the court, who consented that the proceedings might be suspended for six months, he paying the costs, and entering into a recognizance to keep the peace and be of good behavior for six months. On the 21st day of October he went into the court, paid the costs, and gave the recognizance: *six days after that day* Maria Bickford was brutally murdered.

On the 15th of October, before her death, Mrs. Bickford went to Mr. Joel Lawrence's house, in Mount Vernon Avenue. The day after Tirrell entered into the recognizance, she went out, and when she returned in the evening, he returned with her, and passed the night with her. On Wednesday morning she introduced him to Priscilla Blood, an inmate of the house. He visited Mrs. Bickford at that house every day afterwards. On Sunday afternoon, the 26th of October, he went to the house, and entered her room. While he was there, loud and angry words were heard by the inmates below, between him and Mrs. Bickford,

which, however, soon subsided, and he went away. About eight o'clock, the same evening, he returned to the house, and went to her chamber, where they remained alone together. At nine o'clock, that evening, they were heard talking together; about that time, Mrs. Bickford came out of her room, and got some water, as she said, for Albert. The Lawrence family lived below, and about nine o'clock, as it was said, locked up the house, and no one came into the house after that, that night. The description of the interior of the house was, that there were three chambers up stairs; the back one was occupied by Tirrell and Mrs. Bickford, the middle one had a bed in it, but no person occupied it that night; the front room was occupied by Mr. Patterson and Priscilla Blood. It appeared from the testimony of the inmates, that towards morning a faint shriek was heard coming from Mrs. Bickford's room; afterwards, the noise of something falling on the floor; soon after, a person was heard to go down stairs, and was heard to stumble on the stairs, and also was heard to unfasten, and go out of the door; a sound was also heard from the person going out, resembling a groan. Immediately afterwards a scream of fire was heard, and Mr. Patterson and Priscilla Blood perceived a blaze shining under their door, and their room filling with smoke. Mrs. Lawrence, going up from below, found bed-clothes piled upon the staircase, against the door, and against the door of Priscilla Blood's chamber, burning. Some one entering Mrs. Bickford's room, stumbled over something, which was found to be the blackened corpse of Mrs. Bickford, lying, her head near the fireplace, with no apparel on but her night-dress, much burned, and her head nearly cut from her body. There had been no fire made in the fireplace.

Near the body lay a razor, open and bloody, and on the other side of her head a razor-case; a puddle of blood was at the head of the bed, near the pillow, and another at another part of the bed, and a smooch on the bed, as if a bloody substance had been drawn over it. There was no blood on the floor under the body, but the wash-basin contained bloody water. A part of what was said to be Tirrell's apparel, viz., a vest, drawers, socks, and a cane were found in the room. In the straw bed was found a cut or rip, with several extinguished matches in it partly burned; a part of the bed-clothes were partially burned also, and a fire had been kindled in the unoccupied middle room, in which was found a sock, with blood on it, as was also found on the drawers. It was said the razor found belonged to no one in the house, and in the vest pocket was found a key, which fitted Tirrell's trunk.

All the circumstances attending this evident murder, and apparently attempted arson, pointed to Tirrell as the perpetrator. He fled from Boston, and evading the officers, who soon sought for him, about the middle of November took passage in a vessel bound from New York to New Orleans. He was arrested upon the arrival of the vessel at the latter port, and being carried back to Boston, was indicted and brought to trial for the murder of Mrs. Bickford, before the Supreme Judicial Court, in March, 1846.

The house in Mount Vernon Avenue, kept by Joel Lawrence and his wife, was a house of ill-repute. Lawrence, and the other inmates of the house on the night of the supposed murder, were summoned as witnesses at the trial of Tirrell, by the government. Their testimony was in accordance with the statement before given, relating to the transactions and incidents of the tragic scene. Several

other witnesses also gave evidence about the fire, its discovery and extinguishment. Before the discovery of the body of the deceased, Lawrence met the firemen, and others attracted to his house by the alarm of fire, and told them the fire was all out; but not being fully satisfied with the correctness of his assertion about it, they forced their way into the house, and hence the discovery of the body, as before described.

James F. Fullam, for the prosecution, stated in his testimony that he kept a stable on Bowdoin Square, in Boston; that on the morning alluded to he was called up by one of his men (Oliver Thompson), who said a gentleman wanted to see him. He went down stairs, and Tirrell, the accused, was there, and said he (Tirrell) had got into trouble; that somebody came into his room and tried to murder him, and he wanted him (Fullam) to carry him away, or send a man with him. Tirrell had frequently hired horses of him. Tirrell then left for a few minutes, and then came back again. Mr. Fullam further stated that he sent a man away with him in a covered wagon, and that the man returned with the wagon about half past ten A. M. Tirrell said to him, the house was on fire when he applied to be taken out of town. He (Fullam) had seen Maria Bickford ride with Tirrell. He had known him three or four months, and had seen him seven or eight times in that period with Maria Bickford; thought that he was very fond of her. Tirrell had told him that his wife lived in Weymouth.

Oliver Thompson testified to being in Mr. Fullam's employ at the time spoken of by Mr. F. Said he got up about five o'clock in the morning. He heard a rap on the door, and asked, "Who is there?" Some one answered,

"A friend," and said he wanted a horse. He could not remember the name given by the caller. He (the witness) spoke to Mr. Fullam, and was told by him to harness a horse, and take the gentleman out of town. He could not swear that he had seen the man since; did not know that the prisoner was the man. He drove him to Weymouth. The man first told him to drive to South Boston, and then gave him directions which way to go, and said he was going to his wife's father's. He got out at a small white house in a place called Weymouth. The person told him that he had got into, or was likely to get into, a scrape, and was going out home. Witness saw no appearance of alarm manifested by him.

Officers testified to going out in company with the last witness, Thompson, on the afternoon of the same day, to Noah Tirrell's house in Weymouth, where Thompson had been in the morning, in search of Tirrell, the prisoner, but could not find him.

Mrs. Mary Head testified as follows, viz. : —

"I lived in Alden Court, in Boston, in October last. Have seen Albert J. Tirrell, or a man called by that name. Could not swear that the prisoner is the same. On the morning of the 27th of October a young man came to my house, and rang the bell very loud, and made a sort of strange noise. He asked something about a bundle, as he was going out of town. He seemed to be so strange, I thought he was crazy. He asked, 'Is there some things here for me?' A young lady had been doing some sewing for him. I have heard him called Tirrell, and knew he was the same man who came to get the work done. Was very much frightened, and left him standing at the door, and called Mr. Head."

Samuel Head testified as follows : —

"Lived at No. 2 Alden Court in October last. Knew the prisoner. He came to my house between four and five o'clock on the morning of October 27. When I came down stairs, he was talking to Mrs. Head. He seemed to be crazy; acted very strange; did not know what to make of him. He said he was going to Weymouth, and wanted some clothes which he had left there. He wanted to come in and get his clothes; from the way in which he acted, was afraid to let him come in. Took hold and shook him, and all at once he came to, as though he waked from a stupor. He said Fullam was going to take him to Weymouth. I told him he had no clothes there, and he had better leave, and he went away. The morning he was at my house he had on a glazed cap, and overcoat buttoned up. Saw his hands, but observed no blood or discoloration. He acted as though he did not know where he was, or what he was doing. He appeared as though he was asleep. After I had spoken to him, he said, 'Sam, how came I here?' My impression is, that it was before he came out of the stupor that he said he was going to Weymouth."

Nathaniel W. Bailey testified that he lived in Weymouth. He married prisoner's sister. Saw the prisoner about ten o'clock, October 27, and carried him from Weymouth to Pembroke in his wagon. Prisoner said he wanted to go, as he had got into difficulty on the old trouble for adultery. Brought him back to Weymouth in the evening. Saw him on the outskirts of the town on the following Wednesday evening. Gave him some money. Prisoner stated that he was going to Montreal. Saw a letter from that place from him. Witness heard of the

murder on Monday evening, and also heard the prisoner was charged with it; also heard that the officers had been after him. He told prisoner of it in Noah Tirrell's house. Prisoner said if there was such a charge as that, he would go back at once to Boston, and give himself up. Witness further stated that the prisoner did not seem to have heard of the murder until told of it by him. He had seen Maria Bickford; thought prisoner was fond of her. He had remonstrated with him on his connection with her. Witness said that it was his advice that induced prisoner to go away. Knew nothing against the prisoner but his adulterous connection with the deceased, which had been a source of pain to the family. He (the witness) carried prisoner some miles away when he started for Montreal. Did not see him after that until he saw him in jail.

James Bickford testified as follows:—

"Have been in Boston most of the time for a year. Married Mary Ann Dunn. My wife is not living; have seen her in the tomb. Was married in May, 1840, at Brewer, Maine. Lived with her till October, 1842. Saw her next in Boston. Know A. J. Tirrell. Saw him in February, 1845, and Maria was with him. They came in a carriage to where I was at work. Saw them in July, 1845, at the United States Hotel, in room No. 28. She sent for me. She went there by the name of Hale. Some acquaintances of hers, by the name of Snow, were in South Boston, and she sent for me to go over and see them with her. We went over the same day. The next day she asked me to go out with her to make some purchases. Prisoner did not want her to go, and stepped between her and the door, and said, 'You shan't go out alive, by God!' She then sat down by the foot of the

bed and cried. He then cooled down, and rang the bell for a hack. We then went together to the head of Hanover Street, and I left her. The next day saw her in Belknap Street. She did not go back at all. She soon after went to New Bedford. Never was divorced from her. Lived with her in July, 1845, about a month, and she left me. We had one child, but it died a little after a year. It died before she left me. Suppose he gave her money, but do not know. I did not pay for the hack."

The testimony of the last witness, in connection with other evidence, more in detail, showing the particular and varied relations of the prisoner and the deceased; and considerable correspondence of the prisoner, under his own and assumed names, closed the evidence for the prosecution.

The defence set up in behalf of the prisoner was, first, suicide; and as a second ground of defence, the extraordinary, as it was called, plea of *somnambulism*.

On the point of suicide, the evidence for the defence went to show that the deceased had, on many occasions and times, threatened to destroy herself, and, indeed, had more than once taken laudanum for that purpose. She also had dirks and razors in her possession. She alleged she kept a razor in her possession to shave the hair of her forehead to make it higher, and thereby add to the beauty of her face. It was also shown that she not infrequently got intoxicated, or much excited by intoxicating beverages, which she made use of when obtainable. It was likewise shown from the testimony of some of the witnesses, that she sometimes treated the prisoner in a rude, contemptuous, and insolent manner, with little regard to the proprieties of the occasion, or the sensibilities of the prisoner. "She wanted everything," as a witness expressed it, "and

if she did not get it, she would fly up, and break things." It appeared from the testimony of witnesses quite familiar with the parties, that the prisoner always treated the deceased well, and gave to her everything she desired. They never heard him swear at her, but had often heard her swear at him. She wanted to go to bad houses, and was angry because the prisoner would not let her, &c. It was also in evidence that the deceased knew the prisoner to be a married man, and she was heard to speak frequently of his wife.

Several physicians of eminence testified that, from the facts connected with the death of the deceased, as established by the testimony, the deceased might have come to her death by her own hand.

Upon the second point of defence, it was shown by the testimony of the prisoner's mother, and several other witnesses, that the prisoner had been in the habit, from his childhood, of getting up and walking in his sleep, and of doing, while in that state, strange and sometimes rash acts, such as tearing down window-curtains in his room, dressing himself, and straying away; sometimes grappling, and offering violence to those who came in his way; and when awakened, would seem to be wholly unconscious of all that had taken place. Several instances were given, when he was in one of these states, of his making a strange noise, and seeming to be in distress; and when he came out of it, he would breathe hard, and appear exhausted and faint.

The prisoner was arrested on board the ship *Sultana*, off New Orleans, which sailed from New York about the middle of November following the time of the supposed murder. The cook testified that on the passage, one

night, he heard a noise, and it waked him up. Prisoner was standing on the stairs, making a noise, and several persons talking to him, who seemed to be frightened. They asked him what the matter was. He thanked them, and said it was something he had been accustomed to from a boy. The noise attracted a good deal of attention, and the prisoner afterwards slept on the deck, as he (the cook) was afraid of receiving some injury from him. Many witnesses were called who had known the prisoner from his childhood. They all gave him a good character, and had heard nothing against him, except his adulterous connection with the deceased.

The venerable and learned district attorney, Samuel D. Parker, conducted the case for the government, and Rufus Choate and Annis Merrill for the prisoner. The ability, power, and forensic display touching the issue between the government and the prisoner at the bar, has rarely been surpassed in any similar trial.

The prisoner was acquitted.

The acquittal of the prisoner by the jury continued and perpetuates the mystery connected with the tragedy. The question will involuntarily present itself, Did Albert J. Tirrell commit the act which caused the death of Maria A. Bickford, or did she, with her own hand, commit suicide? To whichever of the causes her death may be attributed, the sad ending of an irregular and immoral career should not be without its salutary influence upon all before embarking in a similar one.

VIII.

THE MURDER OF CAPTAIN JOSEPH WHITE.

SELDOM has a community been more excited by a tragic event, than were the people of Salem, Mass., by the murder of the venerable Captain Joseph White. And the mystery which attended the crime, as well as the age, wealth, and position of the victim, caused the excitement to extend throughout the whole State. The following account of this memorable murder was written by a gentleman who was familiar with all the facts attending it, and who was also cognizant of all the steps taken by the "committee of vigilance" to unravel the mystery.* A more interesting and skilfully told narrative it would be difficult to find, and it formed a very appropriate introduction to the report of the masterly argument of Hon. Daniel Webster, who was counsel for the government in the trial of the accessories to the murder.

Joseph White, Esq., was found murdered in his bed, in his mansion-house in Salem, on the morning of the 7th of April, 1830. He was a wealthy merchant of Salem, eighty-two years of age, and had for many years given up active business. His servant-man rose that morning at six o'clock, and going down into the kitchen, and opening the shutters of the window, saw that the

* Hon. Benjamin Merrill, of Salem.

back window of the east parlor was open, and that a plank was raised to the window from the back yard; he then went into the parlor, but saw no trace of any person having been there. He went to the apartment of the maid-servant, and told her, and then into Mr. White's chamber, by its back door, and saw that the door of his chamber, leading into the front entry, was open. On approaching the bed, he found the bed-clothes turned down, and Mr. White dead, his countenance pallid, and his night-clothes and bed drenched in blood. He hastened to the neighboring houses to make known the event. He and the maid-servant were the only persons who slept in the house that night, except Mr. White himself, whose niece, Mrs. Beckford, his housekeeper, was then absent on a visit to her daughter, at Wenham.

The physicians and the coroner's jury, who were called to examine the body, found on it thirteen deep stabs, made as if by a sharp dirk or poniard, and the appearance of a heavy blow on the left temple, which fractured the skull, but had not broken the skin. The body was cold, and appeared to have been lifeless many hours. On examining the apartments of the house, it did not appear that any valuable articles had been taken, or the house ransacked for them; there was a *rouleau* of doubloons in an iron chest in his chamber, and costly plate in other apartments, none of which was missing. The perpetration of such an atrocious crime, in the most populous and central part of the town, and in the most compactly built street, and under circumstances indicating the utmost coolness, deliberation, and audacity, deeply agitated and aroused the whole community; ingenuity was baffled in attempting even to conjecture a *motive* for the deed; and all

the citizens were led to fear that the same fate might await them in the defenceless and helpless hours of slumber.

For several days, persons passing through the streets might hear the continual sound of the hammer while carpenters and smiths were fixing bolts to doors and fastenings to windows. Many, for defence, furnished themselves with cutlasses, fire-arms, and watch-dogs. Large rewards for the detection of the author or authors of the murder were offered by the heirs of the deceased, by the selectmen of the town, and by the governor of the State. The citizens held a public meeting, and appointed a committee of vigilance, of twenty-seven members, to make all possible exertions to ferret out the offenders.

While the public mind was thus excited and anxious, it was announced that a bold attempt at highway robbery was made in Wenham, by three footpads, on Joseph J. Knapp, Jr., and John Francis Knapp, on the evening of the 27th of April, while they were returning in a chaise from Salem to their residence in Wenham. They appeared before the investigating committee, and testified that, after nine o'clock, near Wenham Pond, they discovered three men approaching. One came near, seized the bridle, and stopped the horse, while the other two came, one on each side, and seized a trunk in the bottom of the chaise. Frank Knapp drew a sword from his cane, and made a thrust at one, and Joseph, with the butt-end of his whip, gave the other a heavy blow across the face. This bold resistance made them fall back. Joseph sprang from the chaise to assail the robbers. One of them then gave a shrill whistle, when they fled, and, leaping over the wall, were soon lost in the darkness. One had a weapon like an ivory dirk-handle, was clad in a sailor's

short jacket, cap, and had whiskers; another wore a long coat with bright buttons; all three were good-sized men. Frank, too, sprang from the chaise, and pursued with vigor, but all in vain.

The account of this unusual and bold attempt at robbery, thus given by the Knapps, was immediately published in the Salem newspapers, with the editorial remark, that "these gentlemen are well known in this town, and their respectability and veracity are not questioned by any of our citizens." Not the slightest clew to the murder could be found for several weeks, and the mystery seemed to be impenetrable.

At length a rumor reached the ear of the committee, that a prisoner in jail at New Bedford, seventy miles from Salem, confined there on a charge of shoplifting, had intimated that he could make important disclosures. A confidential messenger was immediately sent to ascertain what he knew on the subject. The prisoner's name was Hatch; he had been committed before the murder. He stated that, some months before the murder, while he was at large, he had associated in Salem with Richard Crowninshield, Jr., of Danvers, and had often heard Crowninshield express his intention to destroy the life of Mr. White. Crowninshield was a young man of bad reputation; though he had never been convicted of any offence, he was strongly suspected of several heinous robberies. He was of dark and reserved deportment, temperate and wicked, daring and wary, subtle and obdurate, of great adroitness, boldness, and self-command. He had for several years frequented the haunts of vice in Salem; and though he was often spoken of as a dangerous man, his person was known to few, for he never walked the streets

by daylight. Among his few associates he was a leader and a despot. The disclosures of Hatch received credit.

When the Supreme Court met at Ipswich, the attorney general, Morton, moved for a writ of *habeas corpus ad testif*, and Hatch was carried in chains from New Bedford before the grand jury, and, on his testimony an indictment was found against Crowninshield. Other witnesses testified that, on the night of the murder, his brother, George Crowninshield, Colonel Benjamin Selman, of Marblehead, and Daniel Chase, of Lynn, were together in Salem at a gambling-house usually frequented by Richard; these were indicted as accomplices in the crime.

They were all arrested on the 2d of May, arraigned on the indictment, and committed to prison to await the sitting of a court that should have jurisdiction of the offence.

The committee of vigilance, however, continued to hold frequent meetings in order to discover further proof; for it was doubted by many whether the evidence already obtained would be sufficient to convict the accused.

A fortnight afterwards, on the 15th of May, Captain Joseph J. Knapp, a shipmaster and merchant, a man of good character, received by mail the following letter:—

Charles Grant, Jr. to Joseph J. Knapp.

“BELFAST, May 12, 1830.

“DEAR SIR: I have taken the pen at this time to address an utter stranger, and, strange as it may seem to you, it is for the purpose of requesting the loan of three hundred and fifty dollars, for which I can give you no security but my word; and, in this case, consider this to be sufficient. My call for money at this time is pressing, or I would not trouble you; but with that sum, I have the prospect of

turning it to so much advantage, as to be able to refund it, with interest, in the course of six months. At all events, I think it will be for your interest to comply with my request, and that immediately; that is, not to put off any longer than you receive this. Then sit down, and enclose me the money, with as much despatch as possible, for your own interest. This, sir, is my advice; and if you do not comply with it, the short period between now and November will convince you that you have denied a request, the granting of which will never injure you, the refusal of which will ruin you. Are you surprised at this assertion? Rest assured that I make it, reserving to myself the reason, and a series of facts which are founded on such a bottom that will bid defiance to property or quality. It is useless for me to enter into a discussion of facts which must inevitably harrow up your soul. No, I will merely tell you that I am acquainted with your brother Franklin, and also the business that he was transacting for you on the 2d of April last; and that I think that you was very extravagant in giving one thousand dollars to the person that would execute the business for you. But you know best about that; you see that such things will leak out. To conclude, sir, I will inform you that there is a gentleman of my acquaintance in Salem that will observe this; do not leave town before the first of June, giving you sufficient time between now and then to comply with my request; and if I do not receive a line from you, together with the above sum, before the 22d of this month, I shall wait upon you with an assistant. I have said enough to convince you of my knowledge, and merely inform you that you can, when you answer, be as brief as possible.

“Direct yours to Charles Grant, Jr., of Prospect, Maine.”

This letter was an unintelligible enigma to Captain Knapp; he knew no man of the name of Charles Grant, Jr., and had no acquaintance at Belfast — a town in Maine, two hundred miles distant from Salem. After poring over it in vain, he handed it to his son, Nathaniel Phippen Knapp, a young lawyer; to him, also, the letter was an inexplicable riddle. The receiving of such a threatening letter, at a time when so many felt insecure, and were apprehensive of danger, demanded their attention. Captain Knapp and his son Phippen, therefore, concluded to ride to Wenham, seven miles distant, and show the letter to the captain's other two sons; Joseph J. Knapp, Jr. and John Francis Knapp, who were then residing at Wenham, with Mrs. Beckford, the niece and late housekeeper of Mr. White, and the mother of the wife of J. J. Knapp, Jr. The latter perused the letter, told his father it "contained a devilish lot of trash," and requested him to hand it to the committee of vigilance. Captain Knapp, on his return to Salem that evening, accordingly delivered the letter to the chairman of the committee.

The next day, J. J. Knapp, Jr. went to Salem, and requested one of his friends to drop into the Salem post-office the two following pseudonymous letters: —

"May 13, 1830.

"GENTLEMEN OF THE COMMITTEE OF VIGILANCE:

"Hearing that you have taken up four young men on suspicion of being concerned in the murder of Mr. White, I think it time to inform you that Stephen White came to me one night, and told me if I would remove the old gentleman, he would give me five thousand dollars; he said he was

afraid he would alter his will if he lived any longer. I told him I would do it, but I feared to go into the house. So he said he would go with me; that he would try to get into the house in the evening, and open the window; would then go home, and go to bed, and meet me again about eleven. I found him, and we both went into his chamber. I struck him on the head with a heavy piece of lead, and then stabbed him with a dirk: he made the finishing strokes with another. He promised to send me the money the next evening, and has not sent it yet, which is the reason that I mention this.

"Yours, &c., GRANT."

This letter was directed on the outside to the "Hon. Gideon Barstow, Salem," and put into the post-office on Sunday evening, May 16, 1830.

"LYNN, May 12, 1830.

"Mr. White will send the \$5000, or a part of it, before to-morrow night, or suffer the painful consequences.

"N. CLAXTON, 4TH."

This letter was addressed to the "Hon. Stephen White, Salem, Mass.," and was also put into the post-office in Salem on Sunday evening.

When Knapp delivered these letters to his friend, he said his father had received an anonymous letter, and "what I want you for is to put these in the post-office, in order to nip this silly affair in the bud."

The Hon. Stephen White, mentioned in these letters,

was a nephew of Joseph White, and the legatee of the principal part of his large property.

When the committee of vigilance read and considered the letter purporting to be signed by Charles Grant, Jr., which had been delivered to them by Captain Knapp, they were impressed with the belief that it contained a clew which might lead to important disclosures. As they had spared no pains or expense in their investigations, they immediately despatched a discreet messenger to Prospect, in Maine. He explained his business, confidentially, to the postmaster there, deposited a letter addressed to Charles Grant, Jr., and awaited the call of Grant to receive it. He soon called for it; when an officer, stationed in the house, stepped forward and arrested Grant. On examining him, it appeared that his true name was Palmer—a young man of genteel appearance, resident in the adjoining town of Belfast. He had been a convict in Maine, and had served a term in the state's prison in that State. Conscious that the circumstances justified the belief that he had had a hand in the murder, he readily made known, while he protested his own innocence, that he could unfold the whole mystery. He then disclosed that he had been an associate of R. Crowninshield, Jr. and George Crowninshield; had spent part of the winter at Danvers and Salem, under the name of Carr; part of the time he had been their inmate, concealed in their father's house in Danvers; that on the 2d of April, he saw from the windows of the house Frank Knapp and a young man named Allen ride up to the house; that George walked away with Frank, and Richard with Allen; that on their return, George told Richard that Frank wished them to undertake to kill Mr. White, and that J. J. Knapp, Jr. would

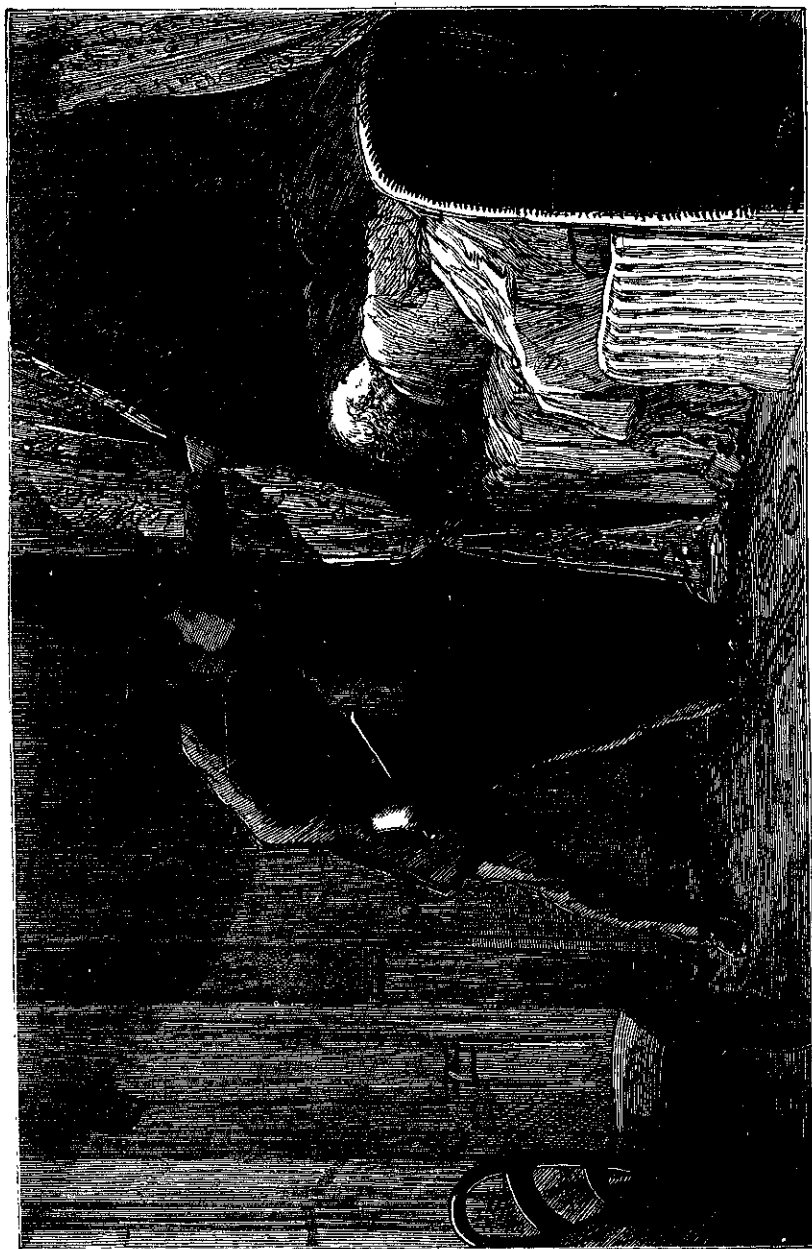
pay one thousand dollars for the job. They proposed various modes of executing it, and asked Palmer to be concerned, which he declined. George said the housekeeper would be away at the time; that the object of Joseph J. Knapp, Jr. was to destroy the will, because it gave most of the property to Stephen White; that Joseph J. Knapp, Jr. was first to destroy the will; that he could get from the housekeeper the keys of the iron chest in which it was kept; that Frank called again the same day, in a chaise, and rode away with Richard; and that on the night of the murder, Palmer staid at the Half-way House, in Lynn.

The messenger, on obtaining this disclosure from Palmer, without delay communicated it by mail to the committee, and on the 26th of May, a warrant was issued against Joseph J. Knapp, Jr. and John Francis Knapp, and they were taken into custody at Wenham, where they were residing in the family of Mrs. Beckford, mother of the wife of Joseph J. Knapp, Jr. They were then imprisoned to await the arrival of Palmer for their examination.

The two Knapps were young shipmasters, of a respectable family.

Joseph J. Knapp, Jr., on the third day of his imprisonment, made a full confession that he projected the murder. He knew that Mr. White had made his will, and given to Mrs. Beckford a legacy of fifteen thousand dollars; but if he died without leaving a will, he expected she would inherit nearly two hundred thousand dollars. In February he made known to his brother his desire to make way with Mr. White, intending first to abstract and destroy the will. Frank agreed to employ an assassin, and negotiated with R. Crowninshield, Jr., who agreed to do the deed for

a reward of one thousand dollars. Joseph agreed to pay that sum; and, as he had access to the house at his pleasure, he was to unbar and unfasten the back window, so that Crowninshield might gain easy entrance. Four days before the murder, while they were deliberating on the mode of compassing it, he went into Mr. White's chamber, and, finding the key in the iron chest, unlocked it, took the will, put it in his chaise-box, covered it with hay, carried it to Wenham, kept it till after the murder, and then burned it. After securing the will, he gave notice to Crowninshield that all was ready. In the evening of that day he had a meeting with Crowninshield at the centre of the Common, who showed him a bludgeon and a dagger, with which the murder was to be committed. Knapp asked him if he meant to do it that night; Crowninshield said he thought not, he did not feel like it; Knapp then went to Wenham. Knapp ascertained on Sunday, the 4th of April, that Mr. White had gone to take tea with a relative in Chestnut Street. Crowninshield intended to dirk him on his way home in the evening, but Mr. White returned before dark. It was next arranged for the night of the 6th, and Knapp was on some pretext to prevail on Mrs. Beckford to visit her daughters at Wenham, and to spend the night there. He said that, all preparations being thus complete, Crowninshield and Frank met about ten o'clock in the evening of the 6th, in Brown Street, which passes the rear of the garden of Mr. White, and stood some time in a spot from which they could observe the movements in the house, and perceive when Mr. White and his two servants retired to bed. Crowninshield requested Frank to go home; he did so, but soon returned to the same spot. Crowninshield, in the mean time, had



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started and passed round through Newbury Street and Essex Street to the front of the house, entered the postern gate, passed to the rear of the house, placed a plank against the house, climbed to the window, opened it, entered the house alone, passed up the staircase, opened the door of the sleeping chamber, approached the bedside, gave Mr. White a heavy and mortal blow on the head with a bludgeon, and then, with a dirk, gave him many stabs in his body. Crowninshield said that after he had "done for the old man," he put his fingers on his pulse to make certain he was dead. He then retired from the house, hurried back through Brown Street, where he met Frank waiting to learn the event. Crowninshield ran down Howard Street, — a solitary place, — and hid the club under the steps of a meeting-house. He then went home to Danvers.

Joseph confessed further that the account of the Wenham robbery, on the 27th of April, was a sheer fabrication. After the murder Crowninshield went to Wenham, in company with Frank, to call for the one thousand dollars. He was not able to pay the whole, but gave him one hundred five-franc pieces. Crowninshield related to him the particulars of the murder, told him where the club was hid, and said he was sorry Joseph had not got the right will; for if he had known there was another, he would have got it. Joseph sent Frank afterwards to find and destroy the club, but he said he could not find it. When Joseph made the confession, he told the place where the club was concealed, and it was there found: it was heavy, made of hickory, twenty-two and a half inches long, of a smooth surface, and a large oval head, loaded with lead, and of a form adapted to give a mortal blow on

the skull without breaking the skin; the handle was suited for a firm grasp. Crowninshield said he turned it in a lathe. Joseph admitted he wrote the two anonymous letters. Crowninshield had hitherto maintained a stoical composure of feeling; but when he was informed of Knapp's arrest, his knees smote beneath him, the sweat started out on his stern and pallid face, and he subsided upon his bunk. Palmer was brought to Salem in irons on the 3d of June, and committed to prison. Crowninshield saw him taken from the carriage. He was put in the cell directly under that in which Crowninshield was kept. Several members of the committee entered Palmer's cell to talk with him; while they were talking, they heard a loud whistle, and on looking up, saw that Crowninshield had picked away the mortar from the crevice between the blocks of the granite floor of his cell.

After the loud whistle, he cried out, "Palmer! Palmer!" and soon let down a string, to which were tied a pencil and a slip of paper. Two lines of poetry were written on the paper, in order that, if Palmer was really there, he should make it known by capping the verses. Palmer shrunk away into a corner, and was soon transferred to another cell. He seemed to stand in awe of Crowninshield.

On the 12th of June a quantity of stolen goods was found concealed in a barn of Crowninshield, in consequence of information from Palmer. Crowninshield, thus finding the proofs of his guilt and depravity thicken, on the 15th of June committed suicide, by hanging himself to the bars of his cell with a handkerchief.

He left letters to his father and brother, expressing in general terms the viciousness of his life, and his hopeless-

ness of escape from punishment. When his associates in guilt heard his fate, they said it was not unexpected by them; for they had often heard him say he would never live to submit to an ignominious punishment.

A special term of the Supreme Court was held at Salem on the 20th of July for the trial of the prisoners charged with the murder. It continued in session until the 20th of August, with a few days' intermission. An indictment for the murder was found against John Francis Knapp, as principal, and Joseph J. Knapp, Jr. and George Crowninshield, as accessories; Selman and Chase were discharged by the attorney general.

The principal, John Francis Knapp, was first put on trial. As the law then stood, an accessory in a murder could not then be tried until the principal had been convicted. He was defended by Messrs. Franklin Dexter and William H. Gardiner, advocates of high reputation for ability and eloquence. The trial was long and arduous, and the witnesses numerous. His brother Joseph, who had made a full confession on the government's promise of impunity, if he would, in good faith, testify the truth, was brought into court, called to the stand as a witness, but declined to testify.

To convict the prisoner, it was necessary for the government to prove that he was present, actually or constructively, as an aider or abettor in the murder. The evidence was strong that there was a conspiracy to commit the murder; that the prisoner was one of the conspirators; that at the time of the murder he was in Brown Street, at the rear of Mr. White's garden; and the jury were satisfied that he was in that place to aid and abet in the murder, ready to afford assistance if necessary. He was con-

victed. Joseph J. Knapp, Jr. was afterwards tried as an accessory before the fact, and convicted. George Crowninshield proved an *alibi*, and was discharged.

The execution of John Francis Knapp and Joseph J. Knapp, Jr. closed the tragedy. If Joseph, after turning state's evidence, had not changed his mind, neither he nor his brother, nor any of the conspirators, could have been convicted; if he had testified and disclosed the whole truth, it would have appeared that John Francis Knapp was in Brown Street, not to render assistance to the assassin, but that Crowninshield, when he started to commit the murder, requested Frank to go home and go to bed; that Frank did go home, retired to bed, soon after arose, secretly left his father's house, and hastened to Brown Street, to await the coming out of the assassin, in order to learn whether the deed was accomplished, and all the particulars. If Frank had not been convicted as principal, none of the accessories could, by law, have been convicted. Joseph would not have been even tried; for the government stipulated that, if he would be a witness for the state, he should go clear. The whole history of this occurrence is of romantic interest. The murder itself, the *corpus delicti*, was strange; planned with deliberation and sagacity, and executed with firmness and vigor, while conjecture was baffled in ascertaining either the motive or the perpetrator, it was certain that the assassin had acted upon design, and not at random. He must have had knowledge of the house, for the window had been unfastened from within. He had entered stealthily, threaded his way in silence through the apartments, corridors, and staircases, and coolly given the mortal blow. To make assurance doubly sure, he inflicted many fatal stabs,—

"the least a death to nature,"—and stayed not his hand till he had felt the pulse of his victim, to make certain that life was extinct. It was strange that Crowninshield, the real assassin, should have been indicted and arrested on the testimony of Hatch, who was himself in prison, in a distant part of the State, at the time of the murder, and had no actual knowledge on the subject.

It was strange that J. J. Knapp, Jr. should have been the instrument of bringing to light the mystery of the whole murderous conspiracy; for when he received from the hands of his father the threatening letter of Palmer, consciousness of guilt so confounded his faculties, that, instead of destroying it, he stupidly handed it back, and requested his father to deliver it to the committee of vigilance. It was strange that the murder should have been committed on a mistake in law. Joseph, some time previous to the murder, had made inquiry how Mr. White's estate would be distributed in case he died without a will, and had been (erroneously) told that Mrs. Beckford, his mother-in-law, the sole issue and representative of a deceased sister of Mr. White, would inherit half of the estate, and that the four children and representatives of a deceased brother of Mr. White, of whom the Hon. Stephen White was one, would inherit the other half. Joseph had privately read the will, and knew that Mr. White had bequeathed to Mrs. Beckford much less than half.

It was strange that the murder should have been committed on a mistake in fact also. Joseph furtively abstracted a will, and expected Mr. White would die intestate; but, after the decease, *the* will, the last will, was found by his heirs in its proper place; and it could never have been known or conjectured, without the aid of

Joseph's confession, that he had made either of these blunders.

Finally, it was a strange fact that Knapp should, on the night following the murder, have watched with the mangled corpse, and at the funeral followed the hearse as one of the chief mourners, without betraying on either occasion the slightest emotion which could awaken a suspicion of his guilt.

IX.

WILLIAM JONES,

A CRIMINAL TOO GOOD TO BE A MURDERER.

A MAN, known to be guilty of forgery and theft, and living a dissolute life among the lowest classes of a great city, may yet have character and reputation enough to save him from conviction on the charge of murder. The following case illustrates this assertion, though in many another case the evil habits and associations of the accused have served only to make the condemnation more sure.

A gentleman, of the name of Lett, was the proprietor of a house, No. 11 Montagu Place, Bedford Square, which he had left in the care of Betty Jeffs, who was a confidential servant. At half past ten o'clock on the night of the 31st of December, this poor woman was seen alive for the last time, standing on the steps of the door. On the following morning, when some tradesmen, who were employed about the house, arrived, they pulled the bell as usual, but no person answered. Being unable to obtain admission, they became alarmed, and, at length, by getting over the area railing, they effected an entrance into the house through a window. They immediately commenced a search, and, upon going into the servants' hall, the woman was seen lying dead on the floor, her throat

cut, and her body stained, as if she had been struggling with her murderer. There was no instrument of death near her, so that she could not have terminated her own existence. Her throat was cut through the windpipe, and there were several marks of violence upon her body. There was a mark on her face, as if it had been forcibly pressed down by a hand while the act was committed. There was also the mark of a shoe on her body, as if a foot had been pressed upon her when dying; and there were other appearances about her, from which the medical gentlemen, who examined the body, declared that it was impossible she could have done the deed herself. There was a mark of blood, as if from a finger, on one of the posts; one of the deceased's pockets was turned inside out; the other seemed to have been overlooked, and had a sovereign in it. There was also the mark of a finger on her thigh. The drawers throughout the house had been ransacked. A bundle of linen was found, stained with blood. Two silver spoons and a watch, which had been in her possession, were missing, and had never since been found. But the most important circumstance in the case was this, that near the body was found the lower part of a razor-case. This razor-case, it was proved, was not the property of Mr. Lett, and of course not that of the woman; and this circumstance led to inquiry. The deceased was a widow, and had been married to two husbands. She had a son by her first husband, who was a manufacturer of artificial feathers, residing in Cursitor Street.

On some slight suspicion, this son was arrested, and examined on the charge of committing the murder; but there being really no evidence against him, he was at once discharged. But the razor-case seemed to offer the best clew

to the mystery, and the police directed their attention to finding the owner of it. The result of their investigations was, that a man named William Jones, but passing under the name of Edwards, had, a day or two before the 1st of January, borrowed a razor, like the one found, of a Mrs. Williams, who lived near the Cobourg Theatre. Jones had been living in the same neighborhood, with a woman named Mary Parker, who passed for his wife, under the name of Charlotte Edwards. They were in extreme poverty, and had no means of honest livelihood. Mrs. Williams, it appeared, had four razors, which had belonged to her husband. Two of them were in one case, another had no case, and the fourth had a single case. It was this one in the single case which Jones had borrowed. When Mrs. Williams saw the razor-case found where the murder was committed, she thought she recognized it as the one she had lent to Jones. Jones was arrested, and the razor which he had borrowed of Mrs. Williams was found in his possession, but *the case was not*. It was found, too, that just before the murder Jones was in great poverty, and lay in bed in want of sixpence to procure some breakfast; but a day or two after he was seen with money in his possession, displaying a crown-piece, treating a person to gin, and taking his woman, Charlotte, to the Olympic Theatre. The investigations led to another fact, which the prosecuting officer deemed important, but which, though not explained, does not appear to have had much weight at the trial. After the murder, Charlotte observed Jones one morning in grief; and upon inquiring the cause, he said he had heard of his father's death; but to her inquiry, who told him, he said that she did not know the person. It seems there was good reason to suppose that

it was only through the deceased, who had mentioned it to her son, that he could have learned it.

At nine o'clock on the night of the murder, the deceased called the pot-boy, who was going round with beer, and took a pint from him, which was double her usual quantity, and looked as if she had somebody with her to share it. The washerwoman, who had been taking linen from a neighboring house in a cart, heard a scream at about half past nine o'clock, which was also heard by the man who drove the cart. The horse was then just put in motion, and they took no further notice of it until they were apprised of the murder by the public prints, when they immediately recollected the circumstance. The fact, however, was shaken as to the time, by the watchman, who said he saw Mrs. Jeffs at the door, talking to a man and woman, at half past ten o'clock on that night.

It was found, too, that Jones and Charlotte went out from their lodgings at about seven o'clock on the night of the murder; that she parted from him at the corner of Bride Lane, and went to Fleet Street to pursue her nightly avocation; and that she did not see him again until half past twelve o'clock, when they again met in the same neighborhood. And there was no evidence, which Jones was able to produce, to show where he was in the mean time.

With such strong circumstantial evidence against him, Jones was brought to trial for the murder. At the trial, the case was presented in the strongest light by the prosecuting officer, and the following was among the most important evidence produced:—

Paul Dent. "On the 1st of January, I was directed to go to the house of Mr. Lett, in Montagu Place. I rung

the bell, but could get no admittance; and then I and a man named Bonnicke went round through the next house, No. 12, to the back area of No. 11. We got in through the window, and opened the door to Hawkins, Judge Holroyd's butler. We then examined the rooms up stairs, and found nobody. The bed had not been used. As it was getting dark, we procured a light from the next house, and, on going into the servants' hall, found the body of the deceased. The head was next the window, about four yards from it. The body was lying on the right side. The right arm was under the body. The left hand was clinched. The feet were placed straight on the floor, as if she had been standing on them, with her knees up. Her throat was cut, and there was a great quantity of blood on the floor, all on one particular spot. I don't think the body was ever moved after the throat had been cut. I observed a razor-case and a pair of scissors on the floor near her, on the right side. The left pocket was drawn outside her clothes."

Cross-examined. "I observed a little work-box on the table, with thread and cotton in it. There were two chairs, one on each side of the table, as if people had been sitting in them. I think I had gone into eight or nine rooms, including the drawing-rooms. I searched the rooms a second time, about an hour afterwards, with the officers. To the best of my knowledge there was something displaced in every one of them. The drawers seemed to have been rifled over in the front room. The things in the wardrobe were chiefly gloves and gaiters. In the cupboard, between the front and back bed-room, there were two or three boxes with feathers, and some of the feathers had been taken out. In all the bed-rooms the things had been disturbed and turned over."

Alexander Bonnicke, and Thomas B. Hawkins, servant to Mr. Justice Holroyd, gave a similar description of the state of the house.

Samuel Furzeman, one of the constables of St. Giles'. He was sent for, on the 1st of January, to the house No. 11 Montagu Place. Got there a little after six. Up two pairs of stairs, in a drawer, witness found a glove, with marks of blood, which appeared to be fresh, upon it. In another drawer was part of a newspaper, also stained with fresh blood. In the two-pair back room he found a bundle. Did not observe blood upon it that night. He locked up the rooms, and kept the keys until the coroner's jury sat upon the body, and then made fresh observations. Saw blood on several of the papers which were about the feathers, and also some linen. After the inquest, the keys were left in the possession of Mr. Robinson. In consequence of information witness received, he went to 35 Mitre Street, on Tuesday, the 8th, to look for a person of the name of Jones. Gardiner and Salmon accompanied him, and, in the course of the search, they stated the purpose for which they came. In the back room he saw Salmon take up a shirt collar, which was now produced. Witness found a razor in the table drawer, which he now produced. It had been in the same state ever since. It had one or two small notches, and the edge appeared to be turned. There was a stain upon it: could not say by what it was occasioned. Found a new umbrella there. Could find no sheath for the razor. Found the prisoner on the 13th, in the city compter, where he passed by the name of Edwards. When he was brought out, witness laid hold of his left hand, and asked him what his name was. He said Edwards. Witness said, "No; it is Jones." He first said,

"No, it is not;" and then said, "Yes, it is." Witness looked at his left thumb. He had a cut on it near the nail. Asked how long it had been done? He said six weeks. Witness said it appeared to him to be a fresh cut, and asked him how he had done it. He said in cutting wood with a knife. He had a blue frock coat on. He took it off, and said, "You see what a situation I am in; I have not a bit of a shirt to my back." Witness asked him what he had done with it? He said he had pawned it at Mr. Turner's, Bridges Street Stand, on the Saturday preceding; which was the fact. His coat appeared to have been sponged very recently in the sleeves, outside and inside, between the hand and the elbow. It was also sponged in the front. He said it had been sponged by the person who had lent it to him. Witness thought he said it was Mrs. Williams's son who had sponged it. On Monday, the 14th, they took him before the magistrate at Bow Street; whence he was taken to the House of Correction. On Monday, the 28th, witness went to the house of correction, and searched his waistcoat, and found a stain on the right-hand pocket, but could not say by what it had been occasioned. Witness had had the waistcoat in his possession ever since.

The boxes of feathers, the umbrella, and waistcoat were here produced, and the witness was directed to point out to the court where he saw the marks of blood upon the papers containing the feathers.

Cross-examined. "A person was examined on this charge previous to my search after the prisoner. The person was Mr. Knight, son of the deceased. He was discharged. I examined the inside of the handle of the razor. The spot upon the blade looked as if it had been wiped. The

handle appears to have been washed. I did not suspect the prisoner until three or four days after the murder. I have acted from that time to the present hour under a strong impression, which might have influenced my judgment upon what I saw. With reference to the cut, I am of opinion that it was done much more recently than the prisoner stated. Upon opening the wound, I found it fresh and red. When at the compter, I did not make any inquiry respecting the sponging of the coat. It was my opinion that the waistcoat had been recently washed, but I made no remark at the time. I took it from the prisoner. I cannot say whether the trousers of the prisoner had been sponged also, but some parts of them appeared cleaner than others. I then asked Jones where he had been living. He answered, without hesitation, that he had been living with a girl named Charlotte Berry, in Mitre Street. The prisoner acknowledged, also, that he had been previously living in Windmill Street, and in Wootton Street, all of which I found to be true. I knew that the prisoner had gone by the name of Edwards, and that he had a reason for so doing."

Mr. Samuel Plumb, surgeon. "On the evening of the 1st of January, I was sent for to Montagu Place. The deceased was lying on her back. The windpipe was divided; and the wound was not such as the deceased could have inflicted on herself. Her eyes were open, her hands clinched, and there was a strong expression of horror in the countenance. I saw the marks of knuckles upon the left collar-bone, and on the left cheek I saw what appeared to me the mark of dirt, occasioned, as I judge, from the sole of a dirty shoe. I saw two slight marks of blood upon her right thigh, and also a single spot

of blood upon her left thigh. I do not think that those marks of blood were occasioned by the wounds in the throat.

By Mr. Justice Bayley. "I think that the division of the cartilage would have rendered the edge of a razor unfit for use. I saw the prisoner at Bow Street, and, at the second examination, I examined his finger, but I could not assert, at that distance of time, when the cut was inflicted. I think I could judge of a wound any time within three or four weeks. I examined the backs of the hands of the deceased, and found blood upon them both. The marks appeared to be of another bloody hand."

James George Robinson. "I am not aware that any property is missing belonging to Mr. Lett. There was considerable property belonging to Mr. Lett upon the premises which might have been carried away."

George Gardiner, pot-boy of the Gower Arms, Gower Street. "I knew the deceased, Mrs. Jeffs. Saw her last about nine o'clock on the night of the 31st of December, when I went with a pint of beer to her. She was talking to a man with a white apron, who was standing upon the mat in the hall. I did not see the face of the man whom I saw with the deceased. He had on a blue coat. The man was of a middle size."

Mr. Justice Bayley. "Look at the prisoner, and say if he resembled that man."

"The witness could not say that the prisoner was the man. The coat, which the man had on, was such as gentlemen wear, not such as grooms wear."

Elizabeth Evans, laundress, examined. "I was at No. 12 Montagu Place on the night of the 31st of December, about half past nine o'clock. Heard a loud scream, pro-

ceeding, as I should think, from No. 11. The man who was with me thought the cry proceeded from a boy, and I thought it came from a bad woman."

William Cracknell was in the cart with the last witness when the scream was heard. He looked round, and could see no one about.

James Harmah, a watchman. "I was calling, half past ten o'clock on the night of the 31st of December, when I saw a man and woman talking to Mrs. Jeffs outside the door. Mrs. Jeffs had the door half way open in her right hand, and a candlestick in her left. The man and woman came down the steps. They bid Mrs. Jeffs good night, and, when I had walked a little way, I saw Mrs. Jeffs shut the door. I am the regular watchman for that beat, but I was not on duty the first night of the new year. The man had on a blue coat; I did not observe that he had any apron on."

John Knight. "Know the prisoner at the bar. His name is William Jones. The prisoner was on intimate terms with my family. He was in the habit of coming to my house, when my deceased mother used to visit me. The prisoner called with me at Montagu Place, and saw my mother in July last. I had seen my mother on December 30, in good health and spirits."

Elizabeth Williams lived in Valentine Row, near the Cobourg Theatre. Charlotte Edwards lodged with her, as also did the prisoner Jones. He had passed under the name of Edwards, and lived with Charlotte as his wife from the 29th of October to the 29th of December. The witness has two children, the eldest of whom is a girl, aged fourteen. When the prisoner lived in Mitre Street, she supplied him with the loan of a razor, by her little girl.

She had four razors, a tortoise-shell case, and a black pair. For the black ones there was no case, and Jones got a tortoise-shell-handled razor in the case. [Here the case and the razor with which the murder was perpetrated were shown, but the witness could identify neither.] They were like those which she had lent, but she could not undertake to swear that they were the same. She saw Jones on the 30th of December, between ten and eleven o'clock. He was in company with Charlotte, and expressed his wish that she would lend him her razor, together with the loan of a silk handkerchief. Charlotte requested that the child might be sent to borrow a shilling, or even sixpence, as she wanted both fire and food. The girl was allowed to go, but returned unsuccessful. She saw the prisoner subsequently, when he returned home in Charlotte's company. He remained but half an hour, and went out for the purpose, as he alleged, of going to a friend in the city. He was not in the habit of going abroad at that hour, but used to send occasionally to a person named Sells for the loan of a drab coat. She now lent him that belonging to her son: its color was dark blue. [The coat which the prisoner had worn was produced, and identified by the witness as that which she lent him.] She saw Jones and Charlotte again on the 31st. There was no conversation about money on that occasion. On the morning of New Year's Day she was again in their company at Mitre Street. It was about eleven o'clock, and the prisoner was dressing himself to go out. He intended, he said, to borrow money from a friend. On Charlotte's inquiring where the money was to be procured, he replied that he had told her that before. On January 2d she saw the prisoner in bed, when he informed her that he had left 2s. for her. Char-

lotte came in, and said that she could not get a newspaper. He asked her (the witness) whether she would be able to procure him a newspaper. She made inquiry if a Sunday paper would answer his purpose; on which they replied that they would want a paper of that morning. After this they all breakfasted; she took her breakfast with them on their particular invitation. Charlotte and the prisoner had some angry words, and she breakfasted apart. He told them that he had received intelligence of the death of his father from a friend. Jones sat without his coat, which lay on a chair in the room, and fell during breakfast with a peculiar sound, as if there was silver in the pockets. The accident appeared to excite his attention. The prisoner then sent out money for a quartern and a half of gin, which the witness and he partook of. Charlotte declined drinking any. On Sunday, she (the witness) went again to Jones's lodgings, and mentioned that she understood the officers of Bow Street were in search of a person of the name of Jones, on a charge of murder (of his real name she had been previously apprised). Charlotte answered that it could not be he, as he had committed no murder. He said it was probable his friends were in search of him, and had sent the officers to find him out. Charlotte expressed her fear that he would be obliged to go home in consequence of this information. The next subject of conversation was the coat, which Charlotte said it would be advisable to have washed. Jones observed, as he was going out, that he would require to be cautious in returning, lest any one should dog him home, and requested that she (the deponent) would not say anything on the matter. She promised to comply with his request, and did not see him any more until in custody.

Mary Anne Williams was fourteen years of age, and had been sent to Jones by her mother with a razor-case on the Sunday before New Year's Day. Charlotte was in the room the evening on which she brought it. She (Charlotte) was up, but the prisoner was in bed. [Here the case and the razor were again produced, but the child was unable to identify either. On this subject she gave precisely the same evidence as her mother.] They were like those she saw before, although she could not be certain that they were the articles lent.

Mary Parker, the person who had assumed the name of Charlotte Berry, was then called. After some time, she made her appearance, but in a state of such agitation as to be utterly incapable of giving her testimony, until restoratives were used. She seemed greatly affected on seeing the prisoner, and fainted when placed in the witness-box. After she had been in some degree enabled to assume composure, Mr. Adolphus commenced her examination. She was aged twenty-one years, and had passed under the name of Charlotte Berry for the last two years, the period at which she left her father's house. She was acquainted with the prisoner for five months previous to his being taken into custody on the present charge, and occupied the same lodgings with him, at the house of Mrs. Williams, for two months. She had since changed her abode. On the evening of December 31 she left home in Jones's company, and walked over Blackfriars Bridge with him. They parted in Fleet Street, at the end of Bride Lane. At about half past twelve o'clock that night they again met in the same neighborhood, near Poppin's Court. They were in the habit of meeting nightly in Fleet Street, at twelve or one o'clock. When she saw Jones, he

was coming from the direction of the Strand. When they had parted, she was destitute of money, and she believed the prisoner had not any either. He was now in possession of money, but did not mention where he had obtained it. He said he met a friend, from whom it was borrowed. He had a few shillings, with which he accompanied her and her companion (another woman of the town) into a wine vault, in Poppin's Court. They drank sixpenny worth of gin, and returned home by one o'clock. In the morning Jones went out at eleven, and came back again at three in the afternoon. On this occasion he brought more money, which, he said, had been borrowed. He gave her five shillings, three of which she expended in redeeming some clothes formerly pledged, and with the residue she purchased necessities. While they were at breakfast the next morning, he said he cut his thumb, when in the act of cutting bread and butter. In the morning he and she went out and had some gin, for which Jones changed a five-shilling piece; after which they went to the Olympic Theatre. "The day after," continued the witness, "I was washing, but I do not think there was any thing remarkable on his clothes, unless a small stain on his shirt sleeve. He said it was occasioned by some pickle-cabbage liquor. In the morning he threw himself on the bed and began to cry. He told me he was informed that his father was dead. During this time Mrs. Williams was in the habit of calling to see us in Mitre Street. On the morning of the 2d of January he directed me to get him a newspaper. I tried, but could not get one. In the evening Mrs. Williams came, and told us that the Bow Street officers were after Mr. Jones. After Mrs. Williams went out, I went down stairs and requested Mrs. Stapleton

to watch for us while we went out. She did so. I went out first, and Mr. Jones went out soon after. We met near the Surrey Theatre, and walked together some time, and slept in the city. This was on the 6th of January. We slept together the two following nights, and the third night we had no bed, and walked the streets all night. [Here the witness became so dreadfully affected that it was with difficulty she was prevented from fainting.] About seven o'clock the following Saturday I heard that Jones was taken into custody. Mrs. Williams lent some things to Jones; she lent him a razor. I did not notice a case with it. I was shown a razor-case at Bow Street, and think it was the one I saw in Wootton Street. I was likewise shown a razor, and believe it to be the one now produced. The razor-case I recollect by its being freckled a little, and by this mark (pointing to a mark). We had no money on the 31st of December to purchase us the necessities of life."

Mr. Plumb recalled, and examined by Mr. Justice Bayley. "The deceased could not have committed suicide, from the nature of the wounds."

Mr. Justice Bayley then rose and addressed the prisoner, observing that the time was now come when, if he had any observations to make, he might do so.

The prisoner bowed respectfully, and unfolding a paper, in a slow, unbroken voice, read nearly as follows:—

"My Lord, and Gentlemen of the Jury: I feel confident of your attention and favorable consideration of the few words I have now to address to you. If now for the first time you learned the charge against me, my situation would be one sufficiently alarming; but how much more frightful is it in consequence of the spreading, through-

out the country, of details which have excited universal horror. I will mention only one instance of the misrepresentation with which my name has been associated. At the very time when the bill against me was before the grand jury, a man was engaged near the Sessions House blowing a horn, and circulating the report that I had made a full confession of this murder, and had committed suicide in the House of Correction. I might complain also of the way in which every little circumstance has been turned to my prejudice, but that I am willing to believe that a desire for justice was a part of the actuating motive. From the first moment when this charge was brought against me, I have denied it. Would that I could with equal truth declare myself guiltless of all other offence; but I feel that I am obliged to make my own misconduct a part of my defence. Whatever may have been my errors, however, the slightest thought of murder never crossed my mind. I owe it to an aged mother and other friends, whose minds have already bled too much for me, to declare that I am guiltless of this charge. Thrown amidst the temptations of the town at an early age, my life was wild and dissolute; dissipation led to crime; and at the time when the offence with which I am now charged was committed, I knew that a charge of forgery had been made against me, and thus it was that I fled at the approach of the officers. With regard to my examination before the magistrates, I beg to say that many questions were put to me, that you, who value the principles of English law and justice, must condemn. I admit, however, that I did make a statement before the magistrate, but it is not true; and thus, in order to avoid suspicion of one crime, I was obliged to confess to others. One of the presumptions against me

is, that I was intimately acquainted with the unfortunate Mrs. Jeffs. I solemnly declare, however, that I saw Mrs. Jeffs but three times in my life. The first time I saw her was at the house of her son, Mr. Knight, in Anderson's Place, Cornwall Road. The second time was at his house in Cursitor Street, when she told me she invited Mr. Knight's daughter and my sister to take tea with her, and she asked me to accompany them. The third time I saw Mrs. Jeffs was when I accompanied Knight's son and his sister to the house in Montagu Place. We saw Mrs. Jeffs upon that occasion but for a short time. I never saw Mrs. Jeffs after the month of July last. Mrs. Jeffs, Knight, and I went together to Montagu Place, when he went into the house, I believe, to ask for money. I saw her upon that occasion, which was some time in last July, and I never saw her after. I took the name of Edwards to avoid detection, knowing that I had unfortunately rendered myself liable to the law, in consequence of what I had done at Mr. Duncomb's. Under such circumstances, I should be more than insane to have gone to Montagu Place, where most likely I should have been refused admittance. As to my dress, and the circumstances of suspicion attached to the coat, I am enabled, on the clearest proofs, to answer that part of the charge. Mrs. Williams has a son employed by a surgeon who resides in Blackfriars Road. That gentleman gave him a coat which was damaged, and the stains upon which were said to be occasioned by blood. In my distress I borrowed this coat, and, unfortunately for me, the very worst construction was put upon a circumstance purely accidental. In the same way the blood upon the shirt collar was made use of as a proof against me, and the waistcoat was said also to be stained

with blood. As to the stain upon the collar, what becomes of it when it is proved in evidence that I cut my thumb? So little did the circumstance of cutting my thumb occupy my thoughts, that, when I was questioned about it by the officers, I totally forgot how or when I did it, and returned an answer at random. With respect to the razor-sheath, I beg leave, my lord and gentlemen, to draw your particular attention. I trust you will examine this part of the evidence carefully, and say if any one could swear to a razor-sheath, of which there are hundreds of a similar make and description sold daily in the metropolis. It is a common razor-sheath, and has nothing whatever about it to mark it as peculiar. With respect to the edge of it being notched, I can answer it. One day, when I was alone in Mitre Street, quite unconscious of what I did, I cut the razor-sheath, bit by bit, with the razor, and flung them into the fire. I am most anxious to satisfy you as to where I was on the evening of the 31st of December. Mary Parker and I left home that night, and proceeded together to Blackfriars Bridge. I went to the Adelphi Theatre in the Strand, and remained there until the performances were over. I then joined Charlotte in Poppin's Court, about twelve o'clock. The bells of St. Bride's were then ringing what they call the New Year in. It has been said, if I was at the theatre, I could prove the fact, but it was impossible for me to do so, situated as I then was. It is not pretended that I am a hardened murderer; and if not, is it likely I could be cheerful as usual, and have supported a falsehood by bringing Mary Parker to the theatre? My possession of money, soon after the commission of the offence of which I am accused, is another charge against me; but let me remind you, gentle-

men, that a person living the disgraceful and irregular way in which I lived, may be one moment without a farthing, and the next possessed of money. And here, gentlemen, I must do justice to the unhappy woman who lived with me, by declaring that she was totally unacquainted with many of my offences, and that I carefully concealed them from her. There is one point I cannot pass unnoticed, I mean the letters said to be written by me in prison. The first letter I wrote, the second I know nothing about, and the third was written under the impression that I knew a person named Morris, at the White Lion, in Wyck Street. As to the second letter, I only entreat that the manner in which it was obtained may be clearly stated. All I can say is, that I deny the letter. Gentlemen, without another remark, I leave my fate in your hands, under the impression that you will throw aside any prejudice that may have been excited in your minds against me. The man who is dishonest may not be cruel. The thief may shrink from the crime of murder, and I can with truth declare that this has always been the state of my mind. No propensity to cruelty, or desire to commit violence on any human being, ever formed a part of the many evil inclinations by which I have been influenced. I do solemnly declare before God, that I am innocent of the crime of which I am now accused."

Several witnesses deposed that the prisoner bore a humane character.

After Mr. Justice Bayley had summed up the evidence, in a charge of two hours, the jury retired for about twenty minutes, and brought in a verdict of—Not Guilty.

But though the jury thus acquitted the accused, the

reader cannot but feel that there are grave doubts of his innocence, though the guilt was not proven. There were some inconsistencies in his defence, and some circumstances which he made no attempt to explain. The mystery of the murder received no other solution, and no trace of any other probable murderer was discovered.

X.

THE TRIAL OF REV. EPHRAIM K. AVERY

FOR THE MURDER OF SARAH M. CORNELL.

At the time of the occurrences and events mentioned in this case, Ephraim K. Avery had been considerably known and distinguished as a Methodist clergyman, residing at Bristol, Rhode Island. On the morning of December 20, 1832, the body of Sarah Maria Cornell, a factory girl, employed in the mills in the neighborhood of Tiverton, Rhode Island, was found dead, hanging from a stake near a haystack on the premises of John Durfee, in said Tiverton, about one half mile from Fall River, Mass. A coroner's inquest was held, and a verdict rendered, "that the said Sarah M. Cornell was found dead, hung up, and confined with a small cord or rope about her neck, to a stake inside of a stack-yard; and the jurors do further say, that they believe the said Sarah M. Cornell committed suicide by hanging herself upon a stake, in said stack-yard, and was influenced to commit the crime by the wicked conduct of a married man, which we gather from Dr. Wilbur, together with the contents of three letters, found in the trunk of the said Sarah M. Cornell."

After this inquest, a few lines, in pencil marks, were found in the bandbox of the deceased, which said, "If I should be missing, inquire of the Rev. Mr. Avery, of

Bristol. He will know where I am. December 20. Sarah M. Cornell." This slip of paper appears to have given rise to a suspicion of murder, and another inquest was summoned, and a verdict of murder returned, founded on certain marks upon the dead body, and certain circumstances connected with the death, though the same marks and circumstances raised no such suspicion on the first inquest.

The village of Fall River was in a great excitement. Mr. Avery was arrested, examined fourteen days, and acquitted, on the ground that there was not "probable cause to suspect him guilty."

This judgment of the court of examination did not allay the excitement at Fall River, and Mr. Avery was apprehended the second time, and making no defence, was committed for trial. At the trial, which took place at Newport, R. I., in March, 1833, the prosecuting attorney, in opening the case to the court and jury, after explaining the law applicable to the case, stated as follows:—

"It will be proved to you, that on the morning of the 21st of December last, the body of Sarah Maria Cornell was found dead, hanging from a stake near a haystack on land of John Durfee, in Tiverton, about half a mile from the village of Fall River. It will be proved to you, that she left her boarding-house, in Fall River, the evening before, in good health, and, for her, in uncommonly good spirits; that from the circumstances attending the adjustment of the cord by which she hung, there is good reason to conclude that the hanging was not her own act, and that from the appearance of her neck, and of the cord, there is sufficient ground to conclude that she was first strangled, and subsequently hung to the stake.

"It will be proved, also, that the wounds and bruises which were found upon her body, could not have been inflicted by herself; and the disordered appearance of her hair, the hair-comb being found broken, at a distance from the place where she hung, will be circumstances to indicate a struggle, and to satisfy you that she owed her death to some other hand than her own.

"The question then occurs, Who was the author of her death?

"If, gentlemen, we show you upon this point a previous intimacy between the prisoner and the deceased, and if her situation, caused by him, was such as might furnish him with inducements to commit the act; if, on the day of the murder, the local situation of the prisoner was such that he might have committed the deed; if, on the afternoon of the 20th of December, a very cold day, he left home, without giving any reason, or stating his design to any one, and if the reasons subsequently given by him are proved to be inconsistent and absurd; if, from Bristol Ferry, at two o'clock P. M., we trace him, by an indirect route, to Howland's Ferry Bridge; if, from Lawton's house, near the bridge, we trace him, by an indirect road, to Fall River; if, from Fall River we bring him back, along a by-path, to the stack; if from thence we carry him back again to Bristol Ferry; if we give further evidence of violence, from screams heard near the place where the body was found; if, in addition to all this, we show that, by a correspondence between the deceased and the prisoner, this very place of meeting had been previously agreed upon; if we thus bring the parties together, and thus prove a murder committed, we submit to you that the prisoner at the bar must have been the author of the violence."

The trial was a protracted one, and the evidence introduced into the case, as detailed minutely by the various witnesses, so voluminous that we can only find time and space here to give the most general and material parts of it, together with Mr. Avery's statement, given on his first examination, at the time of his acquittal and discharge, previous to his second arrest, and the indictment upon which he was tried.

The first witness was John Durfee, who testified as follows:—

"I reside at Tiverton, about half a mile from the bridge, at Fall River. On the morning of Friday, the 21st of December last, I was passing with my team through a lot about sixty rods from my house. When I arrived within about ten rods of a stack-yard in the lot, I observed the body of a female hanging within the yard to a stake in the fence. I went to her, and found her dead. The hair was so over the face that I was obliged to part it, to discover if the person was dead or alive.

"She had on a cloak, which was hooked together the whole length, up and down, except one hook over the breast. Her calash was on; her shoes were off; her feet were close together, the toes touching the ground, and her legs carried back so that her knees came within a few inches of the ground. Her clothes were folded back smoothly under her legs. The top of her head was below the top of the stake to which she was hanging. The cord by which she hung was fastened to the stake, about six inches from the top of it. The distance from the knot on the stake to the knot on the neck was something less than six inches. Her shoes lay on her right, about eighteen inches distant from her, side by side. One was a little muddy.

On her left her pocket-handkerchief lay on the ground, at nearly the same distance. Her gloves were on."

The witness further testified to giving an alarm, and calling others to the scene; to the cutting down of the body, and calling of a coroner; that the coroner gave his charge to the jury at the stack, and then the body was put into a wagon and carried to his house, where the jury proceeded with their duty. While the jury were engaged in the investigation, which resulted in their finding that the deceased came to her death by suicide, he went to Mrs. Hathaway's, where the deceased boarded up to the time of her death, to get her trunk. The trunk was shown to him, and he found it locked. Mrs. Hathaway said Miss Cornell always carried the key in her pocket. Upon opening the trunk, he found four letters, which he gave to the coroner's jury. The letters being shown to him, he identified them as the same he found in the trunk: one red letter, one yellow letter, one white letter, directed to "Sarah M. Cornell," and one white letter, directed to "Rev. Ira Bidwell." The letter directed to Mr. Bidwell was sealed, the rest were open. He examined a bandbox. It contained clothing. He saw at the bottom of it a small piece of paper and a piece of pencil. He did not examine the paper, but thought he should know it again. It was not a clean piece, but had the appearance of having been handled. The witness being shown a slip of paper, folded into a square, gave it as his opinion that it was the same. He did not examine the paper on Friday, when he discovered it in the bandbox, and did not know at that time that it contained any writing. He knew it now to be the same only by its size and soiled appearance.

This witness stated that he "did not know by what kind

of knot the rope was fastened to the neck. It was fastened to the stake by a slip knot, with a double bite." There was considerable evidence from different witnesses as to the kind of knot it was, as tending to indicate that the same could not have been tied by the deceased. The witness stated that the coroner's jury adjourned from Friday to Saturday, when they agreed as before stated, and the coroner directed the body to be buried. On Monday another jury was summoned, which was the occasion of the body being disinterred. On Sunday he showed the coroner the small slip of paper, and told him its contents, which has before been referred to, and at the suggestion of the coroner, he had a conversation with Dr. Wilbur about the matter the same day.

The body was disinterred again on the 25th of January, and examined by Drs. Wilbur and Hooper. Mr. Durfee further stated that on the 20th of December, just before sunset, he saw a man about twenty rods from the stack where the body was found. This man was about eighty rods from where he was, standing still, in a cart-path. The man was tall; had on a dark-colored surtout, black hat, with high crown and large brim. This description is much the same as that given by several witnesses, of a person seen late in the afternoon of December 20, near the bridge, and at Fall River in the early part of the evening. They thought there was a strong resemblance between the prisoner and the person they saw, but could not positively identify him as the same.

Several other witnesses were called on the part of the government, whose testimony was similar to that of Mr. Durfee's. There was also some testimony of the female witnesses who laid out the body, that tended to establish

the fact of wounds and bruises upon it. Drs. Wilbur and Hooper also testified to the examination of the body made by them before the coroner's jury. They did not find what had the resemblance of wounds and bruises, to be sufficient to cause death; some portions of their testimony, however, seemed slightly to incline towards the hypothesis of murder, rather than suicide. Their testimony developed the fact, that the deceased was pregnant, the uterus containing a female foetus about half grown. Dr. Hooper testified, that, by M. Beclard's standard, a foetus would be eight inches long before the fourth month, that Dawes makes the time longer. By the first standard, a foetus eight inches long, would be three months and twenty days. He stated that the foetus in this case was eight inches long. We shall hereafter recur to this subject, connected with other facts in the course of the trial.

Harriet Hathaway testified as follows:—

"S. M. Cornell boarded with me for three weeks before her death. The last time I saw her alive was on the 20th of December last. She left my house on the afternoon of that day, about dark, before the mill closed where she was employed. She said she was going to Joseph Durfee's, and should return, perhaps, immediately; if not, before nine. She did not return that night. She spoke about going at noon; said that she would want her supper before the mill closed. She seemed more cheerful than usual."

Lucy Hathaway (daughter of the preceding witness) testified, —

"I worked in the same mill and same room with S. M. Cornell. She left the mill on the 20th of December, about half past five. She had mentioned to me a week before her intention of going out on that afternoon." She

had seen her have letters, such as before spoken of, but did not read them. She said there were cords in the room above where they worked, similar to the one with which the deceased was hung, but smaller. She also said that the deceased told her she had been unwell since the camp-meeting at Thompson, and spoke of her illness having originated there. The disorder was of that kind to which women alone are subject. Speaking of her disorder having originated at the camp-meeting, she said she would never go to one again; she had seen there, between a church member and a minister, things to disgust her, and that minister a married man.

The letters before mentioned as having been found in the trunk of the deceased, were offered in evidence by the government. There was no evidence tending to show that said letters were in the handwriting of the prisoner — and there was no positive evidence that the letters had ever been seen or known of by the prisoner before their production at the trial. Some testimony had been given in the case by post-masters of their general recollection, and by reference to their books, of certain letters sent from, and received at their office, written on particular colored paper, and directed to, or received from certain places, on certain dates, when the prisoner was in the habit of sending and receiving letters; from which testimony a possible inference might be drawn that the same might have been sent or received by the prisoner. The first letter — the red or pink one — offered, being objected to as evidence by the counsel of the prisoner, the court decided, it having been traced by *prima facie* evidence from the prisoner to the deceased, it should be submitted to the jury.

The letter was as follows: —

“PROVIDENCE Nov 1831.

“DEAR SISTER: I received your letter in due season and should have answered it before now but I thought I would wait till this opportunity — as i told you i am willing to help you and do for you, as circumstances are i should rather you would come to this place, viz Bristol in the stage the 18 of Dec. and stop at the Hotel and stay till 6 in the evening and then go up directly across the main street to the brick building near to the stone meeting house where I will meet you and talk with you — when you stop at the tavern either inquire for work or go out to the street in pretence of looking for some or something else and I may see you say nothing about me or my family should it storm on the 18th come on the 20th if you cannot come and it will be more convenient to meet me at the methodist meeting house in Summersett just over the ferry on either of the above ev'gs I will meet you there at the same time, or if you cannot do either i will come to fallriver on one of the above evenings back of the same meeting house where I once saw you at any hour you say on either of the above evenings when there will be the least passing i should think before the mills stop work this i will leave with you if i come i will come if it does not storm very hard if it does the first ill come the second write me soon and tell me which — when you write direct your letter to Betsey Hills Bristol and not as you have to me *remember this* your last letter i am afraid was broken open. were your calash and not your plain bonnet you oan send your letter by mail

Yours &c B. H.”

Addressed “Miss Sarah M Cornell Fall River Mass.
To be left at Mrs Cole's”

The second letter — the white one — was then offered in evidence. This letter was objected to by the defence, on the ground that there had been no testimony tending to connect it in any way with the prisoner. As there had been some testimony that it was written on a half sheet of paper, such as had been sold at a certain store, where it was thought by some of the witnesses the prisoner had obtained paper, the court admitted it merely as tending to rebut the supposition of suicide.

The letter was as follows : —

“FALL RIVER Dec 8

“I will be here on the 20th if pleasant at the place named at six o'clock, if not pleasant the next Monday Eve, *say nothing* —”

Directed on the outside “Miss Sarah M Cornell, Fall River”

The government then offered the yellow letter, post-marked “Warren, R. I.,” and also the slip of paper before alluded to, in pencil, found in the bandbox of the deceased after her death, and after the sitting of the first coroner's jury. The court ruled the letter inadmissible, and the slip of paper admissible, as tending to rebut the supposition of suicide.

The slip of paper read as follows, viz. : —

“If I am missing, inquire of Rev. Mr. Avery, Bristol. He will know where I am gone.

“S. M. CORNELL.

“December 20th.”

Grindall Rawson testified substantially as follows : —

“My wife is the sister of S. M. Cornell. Sarah lived

with me from the 1st of June last to about the 1st of October. She was at the Thompson camp-meeting in August. Before she left our house, in October, she told my wife and me what she thought her situation was. She told us this not many days before she left. I had a consultation with Mr. Cornell, the Presbyterian minister of Woodstock, about Sarah. He thought we had better consult Squire M'Lellan, the lawyer, and we did so. The conclusion we finally came to was, that she had better come to Rhode Island till she could ascertain her situation, and then inform Mr. Avery what her situation was. She stated that, one day on the ground of the camp-meeting, she saw Mr. Avery. He came to her, and asked her how she did, and said he was glad to see her, and that he should like to talk with her. He said, ‘I will meet you to-night at the house when the horn blows for preaching.’ Mr. Avery came. He met her outside the door, and said, ‘There is no room in the house for us ; it is full ; we can't have any talk there ; go along farther, and I will overtake you.’ She went along the road, and Mr. Avery turned back, apparently towards the ground ; but after she had passed on a little way, he came from another direction, and met her. They passed on, arm-in-arm, into the woods. When in the woods some distance, he asked her to sit down, and she did. She asked Mr. Avery if he had burned those letters. He said, ‘No ; but there is one condition on which I will burn the letters and settle the difficulty.’ About this time he took her hand, and, I think she said, put one of his hands into her bosom. She tried, she said, to get away from him, but could not. He had intercourse with her, and promised to burn the letters when he returned to Bristol. She stated this to have

taken place August 30. She did not state that she had seen Mr. Avery between her first coming to my house and the camp-meeting."

Nancy Rawson testified, —

"I am the wife of Grindall Rawson, and the sister of S. M. Cornell. She went to the camp-meeting at Thompson. I was there one day, and saw her. She showed me about. I saw her trunk at Muddy Brook tent. She seemed to be at home there. She showed me where to put my things, and where to lie down.

"She came to my house the 1st of June. I did her washing. I have means to know, that eight days before the Thompson camp-meeting she was unwell, as women are once a month. She had previously been regular in this respect. She left us the 2d of October. Before she left, the month came round, but she did not have her turn. Before she left us, she told me what she feared might be her situation. She first mentioned her situation to me the 21st of September. She was born in Rupert, Vermont. She was thirty last May. I was separated from her at an early age, and know little of her early history. Before she came to our house, I had not seen her for five or six years."

William Hamilton testified, —

"On the 20th of December last I left off work at Fall River at half past seven in the evening. As I went home, I stopped at B. Hambley's store. I staid there till Hambley took out his watch, and said it wanted seventeen minutes of nine. There were several there, and two or three other watches were taken out at the same time. I started for home. In the hollow, near John Durfee's house, I heard a squall, or shrill cry, like that of a woman in

distress. It came from behind Durfee's house. I started up the hill to see what it might be; but when I reached the top, the cries had ceased."

Benjamin Hambley also verified the statement as to taking out his watch, the date, and time stated by the last witness.

William Pearse testified, —

"I am a ferryman at Bristol Ferry. I carried Mr. Avery across the ferry, from Bristol to the island, about two P. M., on December 20. He had on a brownish surtout or box-coat; do not recollect as to his hat. I am acquainted with him, and knew him well. Mr. Avery inquired of me where the coal mine was; there was some conversation about coal, &c."

Jeremiah Gifford testified, —

"I saw Mr. Avery come to the wharf — the Portsmouth side of the ferry — with Mr. Pearse, the last witness. At that time I did not know Mr. Avery. It was between two and half past. I did not observe what route he took. He came to my house that night. I was abed and asleep; heard a knocking, got up, and went to the front door. Nobody was there. I went round to the back door, and found Mr. Avery in the entry. I observed it was late: he said, 'Not so late as you think for.' He said he had been up the island on business. He wished to cross that night. I told him he could not. He said brother Warren had told him he could cross at any time; and had he known he could not cross, would have gone to brother Cook's, and spent the night. He mentioned that his family were unwell, and he wanted to get home. I proposed to show him to bed. He said if I would give him some water he would go. I gave him some, and then lighted him to bed. As we passed by, I looked at the clock. It wanted a quarter of ten."

William Gifford testified, —

"I carried Mr. Avery across the ferry from Portsmouth to Bristol the morning of the 21st of December last. I said to him I did not know he had a meeting last night; he answered he did not; he had been up the island on business of his own."

The government, having introduced some of the statements of the prisoner as to his whereabouts on the island in the afternoon and evening of December 20, and also his acquaintance with the deceased, we give here his written statement made to the court on his first examination at Bristol.

In the following statement there does not appear to be anything conflicting with the evidence introduced by the government, excepting that of those who testified to seeing a person in and about Fall River, December 20, in the afternoon and evening, who resembled, in shape and dress, Mr. Avery.

Mr. Avery's statement was, in substance, as follows, viz. : —

"My first acquaintance with, and knowledge of the deceased, was in July, 1830. I then resided in Lowell, Mass. At this time she called at my house, and wished for employment in my family. Mrs. Avery not being pleased with her appearance, she was not employed. In August following she again came to my house, and stated that she was going to Eastham, on the Cape, to a camp-meeting, and thence to Killingly, Conn., to visit her friends, and requested a certificate of regular standing in the Methodist Church. Having previously heard her accused her of profanity, I hesitated to give one, but con-

sented to give it, conditionally — if I heard a good report of her conduct after leaving the meeting. If I did not, I told her I should write to the preacher of Killingly not to receive it. Instead of going from the camp-meeting to Killingly, she returned to Lowell, and retained the certificate in her possession. She then entered into a leather factory belonging to the Appleton corporation. A short time after the overseer came to me to report her character, stating that the clerk of the corporation informed him that he could swear it was very bad, and that, from her own confession, she had been guilty of illicit intercourse with two or more. One or two days after this she herself came to converse with me on the subject. She confessed she had done wrong, and had been a bad girl. She said she had had unlawful connection with a certain man, but with him only. I told her I had been informed of her having it with two more, which she finally acknowledged, and asked what course would be taken. I told her there must be a trial in the usual way, and advised her to go immediately to her friends. She inquired if it would not do as well for her to go to Dover or elsewhere. I told her she could do as she pleased, but she had better go to her friends. I told her that as the subject was of a delicate nature, she had better be with her friends at the time of her trial than in Lowell; that if it should be a fair one, and if she was dissatisfied with it, she could have an appeal to the quarterly conference. At this time I asked for the certificate I gave her. She said she had lost it on the Cape. She finally consented to go to her friends, agreeably to my advice, and immediately left town. Shortly afterwards I heard she was in Dover, N. H. Previous to her trial, a physician in Lowell asked me if one Maria

Cornell was a member of our church. I told him there had been, but she was not then in town. He said he felt it his duty to inform me of the character of the girl — that she had applied for his professional assistance for a *foul disease*; that her case was as aggravated as any he had ever known; that she could not sit or stand still, and walked with difficulty; that, in reply to his reproof of her conduct, she said she was not as bad as he thought; that she was a member of Mr. Avery's church, and in regular standing. He expressed doubts of this; and the next time she came, she brought a certificate to that effect. This information I communicated to the committee before whom her case was tried. At the trial she was found guilty of lying and fornication, and expelled from the church. Soon after she left Lowell, I ascertained — I believe by a sister from Dover — that she had made use of my certificate in Dover as a proof of her regular standing in the church. I immediately wrote to her, demanding a return of the certificate, alleging that if the demand was not complied with, I should publish her in the papers as an impostor, and also to the Methodist minister at that place, — the Rev. Mr. Dow, — cautioning him of her character. In reply, I received a letter from her, enclosing the certificate, and another from Mr. Dow, inquiring the nature of the charges against her, and the course taken at her trial; to which I replied, setting forth the facts, and informing him that since her expulsion from the church she had been suspected of theft. The next information I had of her was from Great Falls, Somersworth, N. H., from which place she wrote me, saying she wished to make a full statement of facts, and confession of her crimes. She confessed unlawful intercourse with several men, but

denied that she was ever afflicted with the venereal complaint. She charged the physician, before alluded to, with an attempt to have intercourse with her. This letter I showed to a student of the physician, but did not answer it. About a week after, she wrote to me again, saying she had heard a sermon from Mr. Storrs on confession, and was constrained to make a yet fuller acknowledgment of her crime — that she had been guilty of all the crimes charged upon her; that she had been afflicted with the foul disease, though ignorant of it at the time. This letter, also, was unanswered. From this time I heard nothing of her until the spring of 1831, when she called at my house in Lowell, of a Sunday morning, and asked my forgiveness. She said she had written to me, but I had taken no notice of her letters; and that she had come on purpose, and wanted it in writing. I gave it in writing, adding forgiveness from me was nothing, she must seek it of the Lord. After this I heard nothing more of her till the August of 1832, when, being at Thompson, Conn., at a camp-meeting, I was informed by Abraham D. Merrill that she was on the ground. The brethren were cautioned of her, I believe, at my suggestion. I did not speak with her. I attended a four days' meeting at Fall River in the month of October last, I believe. In the afternoon of Friday, the Rev. J. M. Bidwell inquired if I knew a girl by the name of Sarah M. Cornell. I told him I did not. He said there was one of that name in Fall River, and it had been suggested to him that she was the girl with whom I had difficulty in the church in Lowell. I told him I had caused a girl by the name of Maria Cornell to be expelled from the church in that place, but knew nothing of Sarah Cornell. At his request, I described the girl that I had

caused to be expelled, and told him the reason of her expulsion. Mr. Bidwell thought the girl he referred to was the same. In the evening, after preaching, I was invited to stay through the night at Mr. Edward Mason's. As I was entering his house in company with Mrs. Mason, her sister, and others, some one pulled me by the elbow, and expressed a wish to speak with me. I immediately recognized Maria Cornell, and I asked her what she wanted. 'To see you a moment,' said she. I told her I wanted nothing to say to her. But she replied, 'I *must* speak with you.' I then told Mrs. Mason that I would be in the house in a moment, and turned to the girl, and again asked what she wanted. She said, 'I have come to live in Fall River, where I am known, and I don't want you to expose me!' I told her I had no disposition to injure her, and it would depend upon her behavior whether I exposed her or not. 'Don't,' says she, 'ruin me here! You have ruined me in Lowell and Dover, but don't here!' I told her I had not ruined her, she had ruined herself. She said she had joined a class on trial, and if I did not tell brother Bidwell about her conduct, it would not be known. She again urged me not to expose her; I replied as before, and left her. This conversation could not have lasted more than five or ten minutes. The Sabbath following I preached in Fall River, and noticed her in the congregation. I never have seen her since."

Mr. Avery also stated that he had two reasons for visiting the island at the time referred to—December 20. One was to inspect coal, which was said to be cheap; and the other was to visit Mount Hope, Philip's Chair, on the east side, near a beautiful spring of water, mentioned in

a letter to him by his father, who was stationed there during the American Revolution. He gave a description of his tour on the island that afternoon, and his return to the ferry about half past nine, as stated by Jeremiah Gifford and others.

Evidence was introduced on the part of the defence to show that the deceased came to her death by suicide, and not by any violence of another. It was shown that she was once a member of Mr. Avery's church at Lowell; that she was tried before the church for fornication and lying, and was expelled; that she made confessions on those subjects herself, and that she made declarations that she would be revenged on Mr. Avery if it cost her her life; also, that she was habitually lewd, and affected, while at Lowell, with a disorder which was the consequence of lewdness; that she often threatened and attempted suicide, and that her conduct was so singular in its character, that she was at times supposed to be deranged. Her history was traced for fourteen years previous, from one factory and one village to another, always getting admitted by any means to the Methodist church, and as often expelled from it. At the precise time during the camp-meeting at Thompson she alleged she was seduced by Mr. Avery, the evidence for the defence tended to establish an *alibi* on the part of the prisoner, and that he was not within three quarters of a mile of the place stated by her till the close of the evening, when he returned to his lodgings with Mr. Crandall. It was also in evidence, that she said at the camp-meeting, in hearing of several persons, she had not spoken to Mr. Avery, and did not wish to. It was proved also that she was suspected of being *enciente* at the camp-meeting.

Drs. Wilbur and Hooper opened the body after she was dead, and extracted the fœtus, which they found to be eight inches in length. It was testified by six eminent physicians, among which were Dr. Channing, of Boston, and Dr. Miller, of Franklin, all of whom were agreed that a fœtus eight inches long would be from five to six months old. It was just three months and twenty days, according to her account, from the time of her connection with Mr. Avery to the day of her death. It also appeared to be only twenty-two days after the camp-meeting that she stated to her sister, Mrs. Rawson before mentioned, her fears of her situation. It further appeared that the distance from or near the stack-yard, where William Hamilton heard outcries a little before nine o'clock in the evening, as before stated, on December 20, to Bristol Ferry, where Mr. Avery was shown to be at half past nine the same evening, to be eight and a half miles. It was also further proved that the defendant had always, everywhere, borne the fairest of characters, and that his name and fame for integrity and piety had never been darkened by the slightest suspicion up to the time of his being suspected of the murder charged against him.

Did he commit this murder? A jury of his country pronounced him, after listening to the evidence, of which we can give but a small part here, Not Guilty.

There was no reason to suppose that the verdict was not just. Whether Miss Cornell was murdered, or died by her own act, is a mystery that has never been solved.*

* Although Mr. Avery was acquitted, public opinion was not satisfied that he was innocent, and he found it impossible to continue in the ministry in New England. He went to Pittsfield, in Ohio, where he lived a quiet and industrious life as a farmer, and was highly respected by his neighbors for his worthy traits of character. He died in October, 1869.

XI.

ABRAHAM THORNTON.

A MYSTERY OF ANCIENT ENGLISH LAW.

THE murder of Mary Ashford, near Erdington, England, in 1817, was an atrocious affair, and, though involved in some mystery, it is included here because of the mysteries attending the administration of the law in the trial of the accused, and the subsequent proceedings, rather than for any special interest or romance in the incidents attending the tragedy.

Mary Ashford was a smart and pretty country girl, living as a servant with her uncle Coleman, at Langley, about three miles from Erdington, where her father lived. On the 26th of May, after going to Birmingham Market, she went to Tyburn to a ball, changing her clothes at the room of a friend, Hannah Cox, who was housekeeper or servant for a Mrs. Butler, for the more appropriate dress she had brought with her, and leaving her ordinary dress at that place. The two went together to the dance, and there Mary Ashford met Thornton, with whom she was previously acquainted. He was the son of a respectable man, — a blacksmith and steward for several non-resident landholders, — but he was himself a young man of dissolute habits. After the dance, Hannah Cox left for her

home with a man named Carter, and Mary Ashford went in the same direction with Thornton. But before they reached their destination the two parties separated, Carter and Hannah Cox going on to the latter's home, and Thornton and Mary Ashford taking another way. Carter, after going a part or the whole of the way home with his companion, who thereupon retired, went back towards Tyburn, and overtook the other two, and walked a short distance with them.

The whole party, according to the evidence, left the dance between eleven and twelve o'clock. At twenty minutes before five in the morning, by a clock which was too fast, Mary Ashford came to Hannah Cox's house, and waked her. According to the testimony of this woman, who was a respectable country girl, Mary came in in her dress worn at the dance. The dress was not disordered, nor she, and she appeared very calm and in good spirits. She changed her dress, putting on the one which she had left there the day before, including a scarlet jacket, and changing her stockings, but retaining the shoes worn at the dance. Tying her things in a napkin, and rolling up her half boots in her handkerchief, in about a quarter of an hour she departed, and Hannah Cox saw nothing more of her. But previous to her coming there, it was admitted that she had been with Thornton, and had been roving about with him since leaving the dance at Tyburn.

The next thing heard of her was from several witnesses, who saw her after she had been to Hannah Cox's and changed her dress, as they testified that she had on a scarlet jacket and carried a bundle. In the testimony of these witnesses there was some discrepancy in relation to the time when she was seen, and upon that, and the testimony

of certain witnesses for the defence, as to the whereabouts of Thornton at about the same hour, the case was made to turn, by the instructions of the judge. The evidence of these witnesses was as follows:—

Thomas Aspre. "On the morning of the 27th of May I was on the road. I was crossing Bell Lane, leaving that lane on the right, and Erdington on the left by Greensall's; a horse-pit in the lane, against which I saw Mary Ashford. She was going *towards Erdington*, walking very fast, *about half past three*. She was alone. I looked up Bell Lane, in the direction in which she was coming. I saw no other person."

Joseph Dawson. "I got up, I think, about four. Saw Mary Ashford coming from *towards Erdington*. I was going towards it. She was near Holmes's."

John Kesterton. "I live at Greensall's. I put the horses to the wagon at four, and went straight off for Birmingham, through the village of Erdington. I had passed Mrs. Butler's a little way. I turned to look back. Saw Mary Ashford coming out of widow Butler's entry. I smacked my whip. She turned and looked towards me. I saw her plain; a quarter past *four*. She turned up Bell Lane. She seemed to be going in a hurry. I knew the prisoner by sight hardly. I saw him not, nor any but her."

Joseph Dawson. "I know the deceased. Saw her on Tuesday morning, 27th, at a quarter past *four*, as near as I can guess. I spoke to her. She asked me how I did, and passed on. She had on a straw bonnet and scarlet spencer—a bundle in her left hand. This was near Holmes's. She was going towards Bell Lane, from Mrs. Butler's. She was walking very fast. I saw no man about then."

Thomas Broadhurst. "Before I came to Bell Lane, I saw Mary Ashford crossing the turnpike road. She was going from Erdington towards Penn's. She had a bundle, and was going fast. When I got home our clock wanted twenty minutes to five. Our clock was a quarter too fast."

Nothing certain was known about the unfortunate girl till a man named Jackson, going to his work in the morning, saw a bundle beside a pit of water, near a footpath across the fields, and, attracted to the spot, discovered the body of a woman in the pit. Giving information of his discovery, he returned with others, and took the body out of the water, when it was recognized as that of Mary Ashford.

The question was now, of course, How came she to her death? The evidence went to show that she had been violated, and then was thrown, or threw herself, into the water, and was drowned. The discoveries which revealed this are narrated in the testimony of William Lavell, as follows:—

William Lavell. "I went up to the pit in consequence of what I heard from Jackson. Footpath through the harrowed field. Went along it, going from the pit towards Erdington. Observed first the footsteps of a man to my right hand; a dry pit at the corner of that field to the right. The footsteps were turning up to that corner. I went farther up along the footpath towards Erdington. In about eight yards' distance I discovered footsteps of a woman to my right. I traced the footsteps of both from those two spots. They got together in about fifteen yards, bearing to the hedge. They were both of them running by the sinking in of the ground and the stride. Traced

the footsteps of both the man and woman running together to the corner where the dry pit was. There I observed them doubling backwards and forwards, dodging about.

"I traced them on to the grass at the corner of the piece by the dry pit, at the right hand corner. Then the footsteps went towards a water pit in the harrowed field. I traced them to that pit on the harrowed ground. They appeared there to be walking, sometimes the woman's feet off, and sometimes on. In one place both off together, and on the grass. Traced them down to that water pit. I could trace them no farther, the woman's, but the man's I did to the hard road. She was on the grass nearest the pit; appeared walking on together.

"I then traced the footsteps of a man the contrary way from the footpath; appeared running on the harrowed ground; no other footsteps that way. I traced them three parts across the field, towards the dry pit. Then they turned to the left as I was pursuing the track. Then I traced across the footpath and to the gate at the far corner. Cross the footpath, in the middle of the field, footsteps of a man running quite to the cross corner; no woman's steps. I could trace them no farther than to that gate. It was clover. The footsteps went along no regular road, but it would make a shorter cut.

"I went with Joseph Bird with the prisoner's shoes first; took both; they were right and left shoes; and the man's footsteps appeared to be made with right and left shoes. We tried the shoes on the footsteps; we tried them with a dozen footsteps, I suppose, in different parts. Those shoes exactly fitted those footsteps on both sides the footway. I have no doubt the footsteps were made by those

shoes. We tried them with the footsteps that turned off the footpath, about eight yards from the woman's, and where they were running together, and where the doubling was. In all those parts they agreed. Some nails were out of the side of one shoe; we observed two nails; footstep over a bit of a short stick, which threw the foot up; saw mark of two nails; we tried the shoe with that footstep; two prints of the nails in the trace; small nails in the shoe; we could hardly trace them.

"Went with Mary Ashford's shoe afterwards with Bird; compared it with the woman's footsteps that turned off the path to the right; and where they appeared running, and where the doubling was, and where walking. The shoes agreed with the footsteps. No doubt the footsteps were made by those shoes. I saw one footstep, appeared to be the foot of a man, near the slope; near the edge; none down the slope. It appeared to be the left foot sideways; inclined towards the slope. I did not compare the shoe with that. I saw the bundle by the side of the pit; a pair of shoes and a bonnet. Those shoes I compared with the woman's footsteps. Where the blood was, was about forty yards off the pit. I saw some nearer, about fourteen yards nearer the pit. I traced it for fourteen yards: a train of blood. Across the path on the clover, towards the pit where the body was found, no footsteps; about a foot from the footpath; the dew was on the clover then; it came to drops at last; when it first came to the clover, a regular run."

Upon his cross-examination, he said, "I began to trace the steps about seven o'clock. About one on the same day, it might be, I compared steps with the man's shoes. I covered with boards two tracks of the man's and one of

the woman's before the rain. From the depth and strides only I considered them running or walking. One hundred and forty yards from the footpath to the dry pit; near same length to the other; blood forty yards off the pit was in the same close where the body was found; one footstep close to the declivity; I observed that footstep as soon as I got there first. I did not observe marks of blood in the harrowed field; no footsteps of any sort where I traced the blood fourteen yards; a footpath by. The track of blood crossed the path, but went in a straight line towards the pit."

Joseph Bird. "I went to the pit; found Lavell there. I accompanied him into the harrowed field to trace the footsteps. Took the prisoner's and deceased's shoes for comparing them with the footsteps; footsteps of a man on the right going towards the dry pit; farther on from the footpath saw woman's steps to the right; a few yards up they came in contact; went towards the dry pit. They appeared to me as if two persons had been dodging there. They appeared to me to be the footmarks of persons running. The length of the strides in one thing; straight in the toe of the woman's, as if raised; the man's very deep; the heels very deep, as the appearance of a heavy man running.

"At the corner they went down the hedge side, towards the pit at the bottom of the harrowed field. There they seemed to be walking. The strides were shorter, the impressions not so deep. I saw them down to the pit. The woman was sometimes on the grass, sometimes on the ploughed field.

"Afterwards traced the footsteps of a man up the field. When near the dry pit, went straight across the footpath to

the further corner gate; footsteps of a man only, running. I compared the prisoner's shoes with these last footsteps. They exactly corresponded, both sides the footpath, and compared them with those of the man where he turned out before he joined the woman, and after he had joined her. They all corresponded. I compared them first with the right footstep; right and left shoes. I kneeled down to blow the dirt out, and see if any nail marks. I observed two; across the foot near the small, a bit of rotten wood had the outside of the right side a little up; the impression of that side not so deep as the other. I observed two nail marks on that side; nailed round the toe; then a space; then nailed again on the outside; the two first nearest the toe after passing the space. I marked the first nail mark; kneeled down; it exactly corresponded with the shoe. I saw at the same time the second corresponded; it may be half an inch between. I compared the woman's shoes; they exactly corresponded, in different places; corresponded in every instance exactly, where the running was; leather of the shoe was rather raised in places by being wet; they corresponded; the shoes were not exactly there alike; the impressions varied accordingly. I applied the shoes to the impressions, both to the man and the woman. I have no doubt the impressions were made by those shoes. We made these examinations on the 27th. The man's about one o'clock, the woman's about ten or eleven the same day."

Lavell's testimony was confirmed by other witnesses. It appeared by other testimony that there was no blood on the black stockings which she had on when found, but there was on the white stockings, which she had worn to the ball, and which were found in her bundle, she having changed them at the room of Hannah Cox.

An assistant constable testified that he examined Thornton's clothes, and that they were bloody, and that the accused admitted that he had had connection with the girl, by her consent, but declared he knew nothing of the murder. It also appeared that the prisoner had declared that he would have connection with her or die for it.

The prosecution also put in the statement made by Thornton at his examination before a magistrate, to show that he was with the deceased during most of the night. In that statement he undertook to explain his movements after leaving Mary Ashford, and this account was substantially supported by the testimony of several witnesses for the defence, but the important fact when and where he left the girl was not proved. His testimony for the defence was as follows:—

William Jennings. "I am a milkman; live in Birmingham; I get my milk from Holden's; I and my wife were at his house on Tuesday morning, 27th of May, in Erdington. I did not know Thornton before I saw him coming down the lane leading from Erdington, going towards Holden's, as if from Erdington way; this was *about half past four*, as near as I could judge, having no watch; we had nearly milked a cow, after I had seen him, and before I asked Jane Eaton what o'clock it was; it might be ten minutes; he was walking leisurely; no appearance of warmth or heat about him."*

Martha Jennings. "I was with my husband by Holden's. I saw the prisoner pass; I did not know him before; he was coming gently along, *about half past four*. After-

* The reports on the spot described him as bursting through the hedge, and soaked with dew from the grass and leaves, and that his irruption was so sudden that he frightened one of the cows.

wards I inquired of Jane Eaton the time in the morning. We waited till Holden brought the cows into their yard, and milked a cow; a quarter of an hour, I think, might pass."

Jane Eaton. I lived at Holden's, Tuesday, 27th May; I got up about half past four; I could see from the window of my room up the lane towards Erdington, but not far; I saw a man in the lane walking towards Castle Bromwich from Erdington, walking quite slow; some time after that, about a quarter of an hour, Jennings and his wife came to ask me what o'clock; I looked at my master's clock; it wanted ten minutes of five by it; it was not altered for some days after that."

John Holden. "I live with my father; my mother was ill in bed on the 27th May; remember Jennings and his wife being there on that day; know the prisoner; had been down for the cows; in returning, met the prisoner about two hundred yards from the house, after he had passed it."

John Hayden. Gamekeeper to Mr. Rotton, of Castle Bromwich. "I went from my own house ten minutes before five on the 27th May; I heard Rotton's stable clock strike five; in about five minutes I saw the prisoner; he was coming towards Twamley's mill; he was coming as from Erdington, towards Castle Bromwich; I knew him; I asked him where he had been; he said he had been to take a wench home; he staid with me ten minutes or a quarter of an hour."

James White. "I saw the prisoner at Castle Bromwich, at Wheelwright's bank; better than half a mile from Zachary Twamley's mill; and from there to his (the prisoner's) father's house was better than half a mile; twenty minutes past five by the chapel clock."

The judge, who presided at the trial, summed up the evidence with a leaning in favor of the proof of an *alibi* on the part of the prisoner, and in his observations directed the attention of the jury particularly to the fact that Thornton had parted from Mary Ashford previous to her return to Hannah Cox's room at Mrs. Butler's; that there was no direct proof that he ever rejoined her, nor any proof whatever that he did so, unless so far as it could be collected from the other circumstances of the case. He called their attention also to the question, "At what time did the connection take place — whether in the night time before, or in the daytime after her return to Mrs. Butler's?" And he pointed out certain of the evidence relating to the condition of her dress which was worn at the ball, contrasted with the black stockings which she had on when found, and other evidence, besides that of an *alibi*, which were consistent with the innocence of the prisoner.

The jury, undoubtedly influenced by the summing up of the judge, after a short consultation, returned a verdict of Not Guilty.

This verdict was so contrary to the general opinion of the public, that great dissatisfaction was expressed, and so decidedly, that Mr. Holroyd, the judge's son, deemed it necessary to publish a report of the trial, with a plan of the country in the neighborhood of the scene, and observations justifying the charge of the judge.

It is true that by this showing there was a shadowy doubt whether Mary Ashford might not have committed suicide, or accidentally fallen into the pit, or even been thrown there by some other person than Thornton, and in a capital trial the prisoner was entitled to the benefit of such doubts. But, on the other hand, there was strong

evidence against him, which was not refuted or explained, and in the larger jury of the public there was a verdict of guilty, even after the publication of the report by the judge's son.

The interest of this case is not certainly in the circumstances of the murder, which was simply atrocious, but in the mystery which the judge succeeded in throwing around it for the benefit of the jury, and in the subsequent proceedings. So much dissatisfied were the friends of Mary Ashford, and the community of that district, that an ancient law, which had become almost obsolete, was resorted to in order to obtain a new trial. According to this ancient law, a relative or friend of the deceased could appeal a case in which the person accused of the murder was acquitted, to the King's Bench, and the brother of Mary Ashford took such an appeal, and on this process was issued by which Thornton was again taken into custody and carried to London, that he might personally appear and answer to the suit. And here his counsel also resorted to the ancient law to save him. By the same law, indeed, which had come down from feudal times, it appeared that Thornton had a right to repel the appeal by a "wager of battle," or, in other words, a challenge to single combat between the parties. Greatly to the astonishment of the judges, the bar, and all who were spectators, and, indeed, to the whole civilized world, Thornton availed himself of this right, and in the court threw down his glove, according to ancient custom, as a challenge to the appellant. Here was an unlooked-for turn in the case; but, upon a full examination, it appeared the law, however repugnant to the ideas of the nineteenth century, was still unrepealed, and must be observed, and after long arguments by counsel,



THORNTON CLAIMING THE "WAGER OF BATTLE." Page 230.

the court decided that the right of defence in this way was coeval with the right to appeal such a case. But young Ashford was a mere stripling, while Thornton was an athletic man, and a personal combat, with such odds against him, gave little promise of any better success in establishing the guilt of the accused, than was had at the first trial. Ashford therefore declined the combat, and by the law the appeal could not be sustained, so that Thornton escaped another trial, but could escape the outcry of the public against him only by emigrating to America. The ancient law which saved him, and which had slept so long unnoticed in the vast accumulations of English law, was soon after repealed.

XII.

POISONING OF WILLIAM CHAPMAN.

LUCRETIA CHAPMAN, whose trial in Pennsylvania, for the murder of her husband, caused great excitement in that State, and was the subject of much comment throughout the whole country, was a native of Massachusetts: her maiden name was Henshaw. She was a woman of strong passions, of tolerable education, and considerable activity, and was at the head of a boarding-school when she married William Chapman, a physician, who devoted his attention to the cure of persons afflicted with infirmity of speech. He was a man of little knowledge, or decision of character, and his wife continued to be the active person in the establishment, which was continued, after their marriage, until his death, in Andalusia, Pennsylvania.

In May, 1831, a young man, wretchedly dressed, and apparently fatigued with travelling, stopped at Mr. Chapman's late in the evening, and asked leave to spend the night there, saying that he had been refused lodgings at the nearest public house. Mrs. Chapman, not suspecting the misery that would arise from the permission, persuaded her husband, somewhat against his inclination, to allow the stranger to remain. He represented himself to be the son of the governor of California, and said that his name was Lino Amalio Espas y Mina. So well did he follow up the good impression he had made upon Mrs. Chapman,

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that his stay at Andalusia was prolonged till midsummer, professedly for Mrs. Chapman to instruct him in English, in which he was no proficient; for which he was to pay her two thousand dollars a year. During this time a strong infatuation had taken possession of Mrs. Chapman: she treated her husband harshly, and often with contempt, and gave her money and her thoughts to the friendless Mexican. On the 19th of June, Mr. Chapman was taken sick, slightly, but suddenly; being better the next day, with the consent of his physician, he ate some chicken-broth, and a part of a chicken, cooked in the house; immediately after which he became more ill, and continued to fail till the 23d, when he died, and was immediately buried. On the 5th of July, Mrs. Chapman was secretly married to Mina, who immediately set out for the North. In September Mina was arrested in Boston, and both he and Mrs. Chapman were indicted at the February term, 1832, of the court of Oyer and Terminer, held at Doylestown, for Bucks county, Pennsylvania, for the murder of William Chapman, *by poison*.

At the trial of Mrs. Chapman, which came on first, Mr. Ross, deputy attorney general, opened the case for the prosecution, with a short statement of the facts he intended to prove. Twenty-five witnesses were called for the prosecution, and twenty-three for the defence, from whose testimony, and from the documents in the case, the following facts appeared.

Mr. Chapman's was not a public house, in the usual meaning of the word, though one of the witnesses said there was a room called the "beggar's room;" but travellers not unfrequently stopped there, as the tavern was at some distance. Mina came there a friendless stranger,

and Mrs. Chapman, understanding his broken English better than the rest of the family, and being interested by the history of his disasters, at first allowed, and then desired him, to remain with them. He said he had come from Philadelphia that day, and was on his way to Count Bonaparte's, where he should find a friend who would supply him with money. On the 16th of May, Mr. Chapman wrote to Mina's father, informing him of his son's arrival at his house, and saying that he would stay there until he could hear from his father. Mrs. Chapman wrote to his mother, at the same date, expressing a great interest in her son, and saying that he would remain with them, under her instruction in the English language. "Indeed," she said, "your son talks of spending three years in my house, which I hope he will do; and if he does, you may rest assured, madam, that parental attentions shall be extended to him by myself and my husband."

Having recovered from his fatigue, Mina went with Mrs. Chapman, in her carriage, to Bonaparte's. He found his friend was not there, and Bonaparte was engaged with company.

On the 17th or 18th of May, Mina and Mrs. Chapman went to the Mexican consul's. Mrs. Chapman left Mina there to write a letter for the consul to forward to his friends in Mexico. Mrs. Chapman not returning, the consul asked Mina to take dinner with him, as a matter of form, not expecting him to accept the offer; but Mina accepted the invitation, and remained. They were scarcely seated, when Mrs. Chapman was announced. She was shown into another room, and requested to wait till dinner was over, the sister of the consul going to remain with

her, who expressed to Mrs. Chapman her gratitude for the care and attention she had bestowed on her friendless countryman, adding, "that it was a pity to see a young man so unfortunate, as he represented himself to be rich in his own country." Dinner being over, Mina and Mrs. Chapman took their leave.

After this he frequently drove with Mrs. Chapman, and on one occasion he lay with his head in her lap, and they sung scraps of love songs to each other. Mina said that he was subject to fits; and whenever he was attacked, Mrs. Chapman would turn every one else out of the room, because he did not like to have people with him when he recovered, but she shut the door, and remained with him herself. It was testified that they used to kiss each other, but there was no evidence of adulterous intercourse. Throughout the testimony, it appears that Mrs. Chapman treated her husband in a most unbecoming manner. One of the servants in the house testified that she gave Mina some of Mr. Chapman's fine linen shirts, and then told her husband that she was mistress in her own house, and should do as she pleased; that she was ashamed of him, and wished he was gone from the house; and the same witness testified that she saw her "one day give her husband a push with her foot."

After his recovery from one of these attacks of sickness, Mina gave Mrs. Chapman a paper, which he indorsed "Don Lino's will," which was signed by him, purporting to leave to Mrs. Lucretia Chapman the sum of fifteen thousand dollars "for having assisted me, with particular attention, before my death, which sum will be paid in Mexico." This document was marked in the margin "15,000 dollars." One day, Mrs. Chapman's little daugh-

ter found Mina leaning against the barn, crying; and he said he heard a voice like his mother's or his sister's, saying, "Linetto, Linetto, Linetto," and he should soon hear of the death of one of them. In a short time he heard of the death of his youngest sister; and Mrs. Chapman went with him, and ordered a tailor to make him a suit of black, and charge it to Mr. Chapman. A day or two after he had the clothes, he said he had heard that his sister was not dead, as a friend of his from Mexico had seen the family, and they were all well.

At last Mr. Chapman began to suspect that all was not as it should be; and when Mrs. Chapman went with Mina to Philadelphia, with the intention of returning the same evening, and they did not return till the third day, he became uneasy, and said to a comparative stranger, "I believe that this Mina is an impostor; a roguish fellow. I had rather be poor than have my peace so disturbed. In all probability their object is to tarry until the family has retired; and I would like to know whether they would be guilty of improper conduct after they do return; for if I know of their going together at Mina's lodging-room, I will be there, and by —— I'll take his life." And he said to the same person, that his wife's affections were gone from him; that he could not confide his troubles to his neighbors; and that he would bear it no longer.

On the 16th of June, Mina went to a druggist's in Philadelphia, and asked for some arsenical soap, to prepare birds for being stuffed; and when it was not kept ready made, he preferred to take a shilling's worth of pure arsenic to waiting till the soap could be prepared.

Alfred Guilau, an assistant in the druggist's store, where Mina bought the arsenic, about this time wrote a

letter to Chapman, at Mina's request, and signed it, "Est Cuesta," which he believed to be Mina's name. This letter expressed the writer's sense of obligation to Mr. Chapman for the kindness he had shown to the friendless Mina, and continues: "I hasten to put myself at your disposal, and assure you that any commands you may think proper to honor me with, I will, to the fullest extent in my power, accomplish immediately." Colonel Estanislao de Cuesta was the consul of the Mexican government for the city of Philadelphia.

On the 19th of June, Mr. Chapman, not feeling perfectly well, sent for Dr. Phillips, who recommended some mild course of treatment, and told him he might eat beef-steak. Mrs. Chapman said he had been subject to attacks of vertigo, and nothing was thought of the attack till the next day, when, immediately after eating some chicken broth, he was seized with the most violent vomiting, and a burning pain in the stomach. The broth was made by his wife, in the kitchen, and carried by her to the parlor to be seasoned. He also ate of the chicken so heartily, that, when his wife saw how little was left, she exclaimed to her daughter, "How heartily your father has eaten of the chicken, and how little of the soup! I am afraid it will hurt him."

He continued to suffer from the most violent attempt to vomit, till, when the doctor again visited him on the 21st, he found him *in articulo mortis*. Dr. Phillips's testimony concerning his state at this time is rather general, as he could not recall, after the length of time before his examination, many of the symptoms. When Dr. Phillips and Dr. Knight visited him on the 22d, they found his senses were impaired, his hearing was almost gone, his extremi-

ties were cold, his pulse was barely perceptible, and he expired in rather a comatose state early on the morning of the 23d. It was supposed that he died of the cholera morbus, although the physicians were not certain that such was the fact. Mina was in the room part of the time during Mr. Chapman's sickness, and said to a person who was taking care of him, who was the same who testified to the indignation of Mr. Chapman at his wife's conduct with Mina, that, "When I was sick, Mr. Chapman did wait on me night and day, and prayed for me;" and, continued the witness, he then pretended to cry, but I saw no tears. The remains of the chicken and broth were thrown into the yard. Near the yard was a neighbor's pond, where he kept a number of ducks, who, on the day the chicken was lying in the yard, crept through into Mr. Chapman's yard, and when they returned they were seen to fall over and die to the number of twenty or thirty. Those that died were young ducks. There were four old ducks, too large to get into Mr. Chapman's yard, and they did not die. Those that died were buried, and some time afterwards, on examination, the bones and the craw were found in perfect preservation, and covered with something in "little fine pieces, and they fairly glittered they were so white."

A friend, who was with Mr. Chapman at the time of his death, remarked that the body became cold and stiff sooner than usual, and that the face grew dark. He was surprised at these symptoms, as he understood that Mr. Chapman died of cholera morbus.

Mr. Chapman's remains, having been removed from the grave, Dr. John P. Hopkinson, at the request of the deputy attorney general, proceeded, on the 21st of September, to make a post-mortem examination, with a view of de-

ciding whether Mr. Chapman's death was caused by poison. Dr. Hopkinson took the stomach from the body, and, placing it in a glass jar, carried it to Dr. John K. Mitchell's laboratory in Philadelphia. Dr. Reynell Coates assisted Dr. Hopkinson in his examination of the body, and Dr. Mitchell proceeded, with Thomas G. Clemson, to analyze the stomach and contents. The evidence here is very voluminous and complex. The stomach was very nearly or entirely empty. It was washed, and the water in which it was washed, with whatever was taken from the stomach, was submitted to various tests, from which it was ascertained that arsenic did exist in the liquid, in the state of arsenical acid, in combination with lime. The stomach itself was dissolved in nitric acid, and the solution was submitted to several tests, for the discovery of arsenic or other poison in metallic form; which, however, could not be done. Part of the resultant was placed in a glass tube, and heated over a spirit lamp, in order to produce the arsenical rings, which would have been conclusive proof of the presence of arsenic. No such rings appeared. The heat of the lamp broke the tube. Mr. Clemson exclaimed, "Is any one subliming arsenic in the room?" and smelling of the tube, said he was confident that there was arsenic there. The testimony concerning the proof of the presence of the arsenic, from an alliaceous odor, is somewhat contradictory. Mr. Clemson testified, in his cross-examination, that "a man can smell the shadow of a shade of arsenic;" but Dr. Mitchell would not allow the single comparative fact of the presence of the smell to form any part of the foundation of his opinion.

Dr. Bache, who was a witness for the defendant, declared it as his opinion that the odor was not to be de-

pendent upon, because some substances have some analogy in odor. And Dr. Togno, another witness for the defendant, "would not rely on the alliaceous odor." Judge Fox, in his charge to the jury, said, "the odor peculiar to arsenic being clearly proved to exist, the presence of the metal is taken for granted by chemists for all ordinary purposes;" and afterwards, "the existence of the peculiar odor of the metal cannot admit a doubt." Dr. Coates testified that "a man may die by arsenic, and from vomiting and purging no trace of it afterwards be found."

The day after Mr. Chapman's death, Mrs. Smith came to the house for the purpose of placing her two children at Mrs. Chapman's school. She saw Mina, but observed nothing uncommon in the state of the family. She carried her children there four or five weeks afterwards, and found Mrs. Chapman in the utmost grief. After a few words of preface, Mrs. Chapman said to Mrs. Smith, "This young man, of whom you have heard me speak, who has been boarding with me, I fear has turned out an impostor." She then gave Mrs. Smith a history of her acquaintance with Mina, adding, that "if the consul's sister had not told her that this young gentleman was a gentleman of large fortune, I should not have been deceived." And she went on to say that, just before he left her, Mina asked her for her watch. She told him that he had Mr. Chapman's already; but he said he wanted hers, as a memento of regard. He took the watch, giving her a chain, and saying, "I give it to you in return for the watch. When I come back you shall have it." He then went away, taking all the money in the house. Mrs. Chapman, finding the chain irritated her neck, took it to a jeweller, who told her it was nothing but brass. "I then

made up my mind that I hoped he would never come back;" and he never did till he came under the charge of an officer.

The recorder of Philadelphia, hearing that Mina had obtained money in Washington and elsewhere under false pretences, went, in the last of August, to Mrs. Chapman's, and told her his suspicions of Mina, and asked her if he had plundered her of her property. She answered, "No," pretty promptly. He asked her if it was possible that he had five hundred dollars of the notes of the Farmers' Bank, in Bucks county, when he left Bucks to go to Baltimore. She immediately answered that it was impossible. He then told her of an advertisement of his having lost that sum in notes upon that bank, and that he had used that advertisement for the purpose of defrauding several persons in Washington, and that, therefore, it was his duty to see that he was arrested. The recorder then asked her if nothing had occurred within her observation to make her suspect that Mina had administered poison to her husband. There was a "very marked effect on her countenance" when his meaning became plain to her. She made a great effort to recover herself, and succeeded, and answered, No; she had seen nothing of the kind. She then detailed to the recorder the circumstances of her husband's death, and of Mina's departure, after which the recorder returned to Philadelphia.

On the 10th of September, Mrs. Chapman went to the recorder's office, in Philadelphia, and told him she had been deceived and injured by Mina, and asked the recorder to give her advice in her trouble. He told her that she had been very imprudent, and that it was very difficult to advise her; that one course only could possibly do any good —

to convince the public that she had been through the whole a victim of deception; and that she ought to show her sincerity by aiding, by all means in her power, to bring Mina to justice. She then gave him details of his conduct, and of their marriage, and showed him a certificate from the Mexican minister, resident at Washington, certifying that Mina and Mrs. Chapman were lawfully man and wife. The moment the recorder saw it, he knew and said it was a forgery, and said he must retain it to enable him to detain Mina on a charge of forgery in Pennsylvania. It also appeared from the evidence that Mina had induced a young lady in Boston, a niece of Mrs. Chapman's, to agree to marry him, and she escaped by his being arrested only about twenty-four hours before the time when they were to be married.

While Mina was on his way from Boston to Philadelphia, under the charge of an officer, he was seized with one of his fits. There happened to be a physician on board of the boat, and he was immediately called to attend to Mina. The fit passed off in a short time, and the physician said he did not know what to make of it. Mina insisted on having a private conversation with the officer, and told him that when the woman brought the chicken broth to Mr. Chapman's room, his wife took it, and "put physic into it. After Mr. Chapman take the soup, he got very bad, and die. Mrs. Chapman then came, kiss and hug me, and say, 'Lino, I want you to marry me.' I say, 'No, not till I ask my father.' She say, 'O, yes; I love you so much!' Then I say, 'Well, when Mr. Chapman get bury, then I will marry you.' Then she say, 'We get marry in New York.'"

Judge Fox charged the jury rather in Mrs. Chapman's

favor, though he said that, from the evidence, it was clear that arsenic was found in Mr. Chapman's stomach. In the course of his charge, he said that, "in capital cases, he had never known a verdict of acquittal which he did not think justified by the evidence, although he might have believed that it would have warranted conviction."

The jury took two hours for deliberation, and brought in a verdict of Not Guilty. Mrs. Chapman, after her acquittal, became an outcast from society, and wandered through the country with her children, giving a kind of theatrical exhibitions; and thus her career, so far as known to the public, ended.

Mina was tried as a principal in the second degree, at the next term of the court. The question was raised as to the admissibility of the evidence of one of the servants, who testified in Mrs. Chapman's trial to her declarations. The court decided that they should be admitted. Some evidence was put in concerning experiments made by the chemists since Mrs. Chapman's trial. Dr. Mitchell, on his cross-examination, testified that, "if confined to one single test, I would prefer the odor to detect the presence of arsenic." The jury brought in a verdict of "Guilty of murder in the first degree."

A motion was made by Mina's counsel for a new trial, on several points of law; but it was refused by the court, and the prisoner was brought up for sentence. His counsel then rose, and read a paper, drawn up by Mina himself, as follows:—

"Before the court shall proceed to pass upon me the sentence of the law, I wish to say a few words to them.

My name is Carolina. I was born on the 20th of December, 1809, in the city of Trinidad, in the Island of Cuba, where my parents now reside. I was baptized in the Roman Catholic Church, and I desire to die in its faith. I pray that a priest of that religion may be sent to me, that I may prepare myself for death, by confession, and the blessed absolution, and by partaking of the holy communion, according to the rites and ceremonies of that church. I have written to my father and brother, and expect that they will come to this country to see me. And I have, in the Island of Cuba, a daughter, four years old. It is necessary, before I die, that I should execute some legal papers, in order to secure some property to my daughter. I therefore pray the court to grant me at least a few months of existence before I am ordered to be executed."

The presiding judge said, "These will be laid before the governor, who will, no doubt, grant the request which you make." He then proceeded to pass sentence of death on Mina, with a voice which showed how deeply he partook of the feeling which pervaded the assembly:—

"Lino Amalio Espas y Mina, the sentence which the law imposes upon you is, that you be taken hence to the prison of Bucks county, from whence you came, and from thence to the place of execution, and that you there be hanged by the neck until you are dead. And may God have mercy on your soul."

XIII.

THE CASE OF WILLIAM CORDER.

UNAVAILING DECEPTION.

ON the 18th of May, 1827, a young woman, named Maria Marten, left her father's house in Polstead, England, in company with a young man, a farmer of the neighborhood, named William Corder, for the purpose of going to Ipswich, where he had promised that they should be married. She had been of easy virtue, and had borne two or three illegitimate children, of one of whom Corder was the father. This child had died when but a few weeks old. Corder had apparently impressed upon the woman's mind that the parish officers were going to prosecute her for having bastard children, and for fear of that she kept herself retired; and on the morning of May 18, he told her that he heard a warrant had been issued against her. When they started for the avowed purpose of going to Ipswich to be married, they took precautions to go unobserved, and she in a man's dress, in order to avoid the threatened arrest. From the house they proceeded, about noon, across the fields towards a red barn on the farm owned or occupied by Corder. From that place they were to proceed on their way to Ipswich. The last that was seen of Maria Marten by her family was as the two approached this barn. Corder, however, was seen in the

afternoon by a brother of Maria Marten, going from the barn alone, and carrying a pickaxe; and previous to that he had borrowed a spade of a woman living a short distance from the barn.

On the Sunday following this day, which was Friday, Corder again made his appearance at Marten's house, and upon being asked what he had done with Maria, said he had got her a comfortable place to go to the sea-shore with a lady. He also said he had procured a license for the marriage, but they could not be married for a month or six weeks. When told that he was seen by Maria's brother going from the barn with a pickaxe, he denied it, and declared that it was his man, who had been planting trees.

After that Corder was frequently at Marten's house up to the following September, and invariably said that Maria was well, and was living with a Miss Roland at Yarmouth. He sometimes left Polstead for a few days, and on his return, he stated that he had been with Maria, who continued well, and that at Michaelmas he intended to take her home to his mother's farm. No letter came from her, which fact he accounted for by saying that she had a sore hand, and could not write. In September he left Polstead, saying he was going to the sea-side for his health, and intended to stop at Yarmouth, and take Maria with him, and be married immediately.

He did not return to Polstead, but in October he sent the following letters to Mr. Marten, Maria's father : —

"LONDON, BULL INN, LEADENHALL STREET, Thursday, Oct. 18.

"THOMAS MARTEN: I am just arrived at London upon business respecting our family affairs, and am writing to you before I take the least refreshment, because I shall be

in time for this night's post, as my stay in town will be very short; anxious to return again to her who is now my wife, and with whom I shall be one of the happiest of men. I should have had her with me, but it was her wish to stay at our lodgings at Newport, in the Isle of Wight, which she described to you in her letter; and we feel astonished that you have not yet answered it, thinking illness must have been the cause. In that she gave you a full description of our marriage, and that Mr. Roland was daddy, and Miss, bridemaid. Likewise told you they came with us as far as London, where we continued together very comfortable for three days, when we parted with the greatest regret. Maria and myself went on to the Isle of Wight, and they both returned home. I told Maria I should write to you directly I reached London, who is very anxious to hear from you, fearing some strange reason is the cause of your not writing. She requested that you would enclose Mr. Peter's letters in one of your own, should he write to you, that we may know better how to act. She is now mine, and I should wish to study her comfort as well as my own. Let us know all respecting Mr. Peter, and if you can possibly write by return of post, and direct for W. M. C. at the above inn. Maria wished me to give Nancy a kiss for her little boy, hoping every possible care is taken of him; and tell your wife to let Nancy have any of Maria's clothes she thinks proper, for she says she have got so many they will only spoil, and make use of any she like herself. In her letter, she said a great deal respecting little Henry, who she feel anxious to hear about, and will take him to herself as soon as we can get a farm whereby we can gain a livelihood, which I shall do the first I can meet with worth notice; for living without some

business is very expensive. Still provisions are very reasonable on the Isle of Wight; I think cheaper than any part of England. Thank God! we are both well, hoping this will find all you the same. We have both been a great deal on the water, and have had some good seasicknesses, which I consider have been very useful to us both. My cough I have lost entirely, which is a great consolation. In real truth, I feel better than I ever did before in my life, only in this short time. Maria told you in her letter how ill I was for two days at Portsmouth, which is seven miles over the water to the Isle of Wight, making altogether one hundred and thirty-nine miles from Polstead. I would say more, but time will not permit. Therefore, Maria unites with me for your welfare; and may every blessing attend you. Mind you direct for W. M. C. at the Bull Inn, Leadenhall Street, London. Write to-morrow if you can; if not, write soon enough for Saturday's post, that I may get it on Sunday morning, when I shall return to Maria directly I receive it. Enclose Mr. Peter's letters, and let us know whether he has acknowledged little Henry. You must try and read my scribble, but I fear you will never make it out.

"I remain your well-wisher, W. C.

"I think you had better burn all letters, after taking all directions, that nobody may form the least idea of our residence. Adieu.

*"For Thomas Marten, Polstead, near
Stoke by Nayland, Suffolk.*

"With speed."

"LONDON, Monday, 23, 1827.

"THOMAS MARTEN: I received your letter this morning, which reached London yesterday, but letters are not deliv-

ered out here on Sunday; that I discovered on making inquiry yesterday. However, I could not get through my business before this afternoon, and I am going to Portsmouth by this night's coach. I have this day been to the general post-office, making inquiry about the letter Maria wrote you on the 30th of September, which you say never came to your hands. The clerk of the office traced the books back to the day it was wrote, and he said, a letter directed as I told him to you, never came through their office, which I think is very strange. However, I am determined to find out how it was lost, if possible; but I must think coming over the water to Portsmouth, which I will inquire about to-morrow, when I hope to find out the mystery. It is, I think, very odd, that letters should be lost in this strange way. Was it not for the discovery of our residence, I would certainly indict the post-office, but I cannot do that without making our appearance at a court-martial, which would be very unpleasant to us both. You wish for us to come to Polstead, which we should be very happy to do, but you are not aware of the danger. You may depend, if ever we fall into Mr. P——'s hands, the consequence would prove fatal; therefore, should he write to you, or should he come to Polstead, you must tell him you have not the least knowledge of us, but you think we are gone into some foreign part. I think, if you don't hear from him before long, you had better write and tell him you cannot support the child without some assistance, for we are gone you know not where. If you tell him you hear from us, he will force you to say where we was; therefore, I think it will be best not to acknowledge anything at all. I enclose £1., and you shall hear from us again in a short time. This will not reach you before

Wednesday morning, as I am too late for this night's post. You said your wife did not like to take any of Maria's clothes; she said in her last letter, that her old clothes was at their service, — I mean your wife and Nancy, — but she shall write again as soon as possible. I must now bid you adieu. The coach will start in about ten minutes. I have been so much employed all this day that I could not write before.

"Believe me to be your well-wisher for your future welfare.
W. M. C.

*"For Thomas Marten, Polstead, near
Colchester. (Post paid.)"*

Previous to leaving Polstead, he had addressed a letter to a Mr. Matthews, by whom Maria had previously had a child, for whose support the father sent an allowance. That letter was as follows: —

"SUNDAY AFTERNOON, Aug. 26, 1827.

"SIR: In reply to your generous letter, which reached me yesterday, I beg to inform you that I was indeed innocent of Maria Marten's residence at the time you requested me to forward the letter I took from Bramford, and will candidly confess that Maria has been with a distant female relation of mine since the month of May. About five weeks ago they both went into Norfolk to visit some of my friends. On Friday week, I received a letter from my kindred, who informed me that Maria was somewhat indisposed, and that they were then in a village called Herlingby, near Yarmouth. I received an answer by the next post, and enclosed your letter for Maria, which I found reached her perfectly safe, as I took the Yarmouth coach last Wednesday from Ipswich Lamb Fair, and went to

Herlingby, when I was sorry to hear that Maria's indisposition was occasioned by a sore gathering on the back of her hand, which caused her great pain, and which prevented her from writing to you, as her fingers are at present immovable. Knowing you would be anxious to hear from her, I particularly wished her to write the first moment she found herself able, which she promised very faithfully to do. I gave her a particular account of our dialogue at Polstead Hall, not forgetting the remarkable kindness I experienced from you, which I shall ever most gratefully acknowledge; and likewise return you my most grateful thanks for your kindness in respect to your enterprise on my account when in London.

"I remain, sir, your most obedient and very humble servant,
W. CORDER.

"P. S. — I have already enclosed your letter for Maria, in one of my own, which I shall post with this immediately, and beg permission to add, that I am fully determined to make Maria my bride directly I can settle our family affairs, which will be in about a month or six weeks' time. Till that time, Maria wishes to continue with my kindred. In concluding, if I can at any time render you any service whatsoever, I shall be most happy to oblige, as I am truly sensible of your generosity.

*"For Peter Matthews, Binfield, near
Workingham, Berkshire."*

Time passed on, and the Marten family still heard nothing from Maria, nor anything more from Corder, after the letters given above. Their anxiety at last led them to suspect that all was not right; and this anxiety probably led the stepmother to dream, as it is reported that she did on sev-

eral occasions, that Maria lay buried in the red barn spoken of. Nearly eleven months had passed since she left her father's house, when the suspicions thus aroused led to a search in the barn. Upon lifting up the straw, there were appearances of the earth having been disturbed, and a further search resulted in the discovery of a dead body, which, in spite of the lapse of time, was recognized by the clothing and ornaments, as well as by the want of certain teeth, as that of the unfortunate Maria Marten; and it was evident that she had been killed by a pistol shot, and a stab with some sharp iron.

In the mean time Corder had advertised for a wife, and a respectable woman, who kept a boarding-school near Ealing, answered the advertisement. They were married, and lived in the house which she occupied. The discovery of the body, of course, pointed at once to Corder as the murderer. He was arrested at the house where he was living with his wife, and undertook still to carry on his deception by denying to the officer that he ever knew such a person as Maria Marten.

He was brought to trial for the murder, and the following is the most important part of the testimony:—

The first witness called was Ann Marten, the wife of Thomas Marten, who deposed that she lived at Polstead, and her husband's daughter was Maria Marten. The prisoner was acquainted with Maria intimately. Maria became pregnant in the course of that intercourse; and, about seven weeks before May, 1827, she returned to her father's house, accompanied by an infant child, who died about a fortnight afterwards. Corder still continued to come to the house, and admitted he was the father of this infant. He used to converse often with Maria; and, when

the child was buried, he said he had carried it to Sudbury for that purpose. She remembered his more than once talking about a £5 note, and Maria used to say he had taken away her bread and her child's. Maria had had a child previously, which was kept by the witness. Corder told Maria that the parish officers were going to take her up for having bastard children. On the Sunday before Friday the 18th of May he came to the cottage, where he stopped half an hour or three quarters, and then went out with Maria; both saying they were going to Ipswich early on the Monday morning, after sleeping at his mother's house. She returned between three and four o'clock in the morning, and Corder came again on that day, and said they should go to Ipswich on the Wednesday night. They did not, however, go at that time, in consequence of Stoke Fair, but fixed Thursday night for the journey; when again there was a disappointment, as he said his brother James was hourly expected to die. On the Friday (the day laid in the indictment), about eleven or twelve o'clock, Corder came, and went up stairs to witness and Maria. To the latter he said, "I am come, Maria—make haste—I am going." She replied, "How can I go at this time of the day without anybody seeing me?" He said, "Never mind, we have been disappointed a good many times, and we will be disappointed no more." After they had this conversation, she asked him, "How am I to go?" He replied, "You can go to the red barn, and wait till I go to you there in the course of the evening." Maria said, "How am I to order my things?" He replied he would take the things, carry them up to the barn, and come back to walk with her; adding, that none of his workmen were in the fields, or at the barn, and he was

sure the course was quite clear. Maria's things, consisting of a reticule, wicker basket, a velvet one, two pairs of black silk stockings, a silk gown of the same color, a cambric skirt, and other articles of dress, were put into a brown holland bag, which Corder carried away in his hand. She (Maria) then dressed herself in a brown coat, striped waistcoat, and blue trousers, wearing underneath her under female petticoat, white stays, green and red handkerchief, a silk one, and an Irish linen chemise, which the deceased had herself made. Witness had laced on the stays for Maria on that morning, and knew the marks upon them (which she described), as well as those on the shoes which she wore. He assigned as the reason for going on that day to Ipswich, that John Balam, the constable, came to him on that morning to the stable, saying he had got a letter from Mr. Whitmore, of London, which enclosed a warrant to take Maria, and prosecute her for her bastard children. Witness said, "O, William, if you had but married Maria before this child was born, as I wished, all this would have been settled!" "Well," said he, "I am going to Ipswich to marry her tomorrow morning." Witness said, "William, what will you do, if that can't be done?" He replied, "Don't make yourself uneasy; she shall be my lawful wife before I return, or I will get her a place till she can." Maria then went away about half past twelve o'clock, Corder first desiring witness to look out to the garden, lest somebody should see them going off. They departed by different doors, Maria in man's dress, and with a hat of the prisoner's. She wore a large comb in her hair, and a smaller one, having also earrings. They proceeded together in the direction of the red barn, and she saw neither of them again on

that day, nor indeed ever saw Maria since. William Corder, when he went away with her, carried a gun in his hand, which he said was charged. Maria had besides a green cotton umbrella, with a bone crook handle, and a button. On the following Sunday morning, at nine o'clock, witness next spoke to the prisoner at her own house. She said, "William, what have you done with Maria?" He answered, "I have left her at Ipswich, where I have gotten her a comfortable place, to go down with Miss Roland to the water-side." On asking him how she was to do for clothes, he said Miss Roland had plenty for her, and would not let him provide any for Maria. He also said he had gotten a license, but it must be sent to London to be signed, and he could not be married under a month or six weeks. He further mentioned that he had changed a check for £20, and given her the money. On asking him where she dressed, he said she had put her things on in the barn, and that he afterwards put the male attire into the seat of the coach in which they travelled. Witness had a son named George, and she told Corder, that George had mentioned that he (prisoner) had not left the barn so soon as he promised. This he denied, saying he had left it within three quarters of an hour after he parted from the house. "No," said witness, "you did not, for George saw you later going down the adjoining field with a pickaxe." "No, no," replied he, "that was not me, but Tom Acres, who had been planting trees on the hill." She was in the habit of seeing Corder repeatedly up to the month of September, — sometimes two or three times in the day, and he invariably said Maria was well, and living comfortably at Yarmouth with Miss Roland. He used to leave Polstead sometimes for a day or

two, when he was in the habit of saying he had been with Maria, who continued very well, and that, at Michaelmas, he meant to take her home to his mother's farm. No letter had ever come from Maria; and when she often spoke to Corder about her not writing, he replied, she could not, because she had got a bad hand. When he left Polstead, he came to take leave, saying he was going to the water-side for his health, and would call at Yarmouth to take Maria with him, and be married immediately. She never saw him after, till his arrest, nor had she seen the dead body; but all the articles of dress were shown to her (which the witness subsequently identified as being those worn by the deceased on the day she had last seen her). Maria had always a cough, had a wen on her neck, and had lost a tooth from the upper as well as from the lower jaw. Witness attended Corder's brother's funeral soon after the 18th of May, where she saw the prisoner with Maria's umbrella. After the funeral, she talked to him about the umbrella, which he said was not hers, though it was like it, but Deborah Franks's, and he was going to send it back to her at Ipswich, where she had come over with Miss Roland. He had shown the witness a gold ring, which was, he said, to be for Maria's wedding, and also a brace of pistols which he once brought to the house.

Cross-examined by Mr. Broderick. Witness was the mother of three children. Maria was her step-daughter, and had an own brother and sister. She was anxious for Maria's marriage to Corder, although Maria said nothing about it. She was gone two months at her last lying-in, and then returned in Corder's gig with the prisoner. The infant died in her arms, and Corder and Maria took it

away to be buried; where, she did not know, but was told at Sudbury. Maria used to dress a little fine, and her sister, as well as witness and her father, often quarrelled with her about it, which made her mostly very dull. There was no secret about their going to the barn. Corder used openly to snap the pistol close to the fire. She saw him bring ham for Maria. He used to give her money as the weekly allowance for the child; and Maria had a quarterly stipend of £5 from Mr. Matthews, by whom she had a child, and another by a third party. She had never heard from anybody but witness, that Maria was exposed to danger by the constables for having had these children; and this fear kept her within doors. When she went away on the 18th she was crying, and low-spirited. Corder often came to the house with a gun. She had been examined before the coroner. Prisoner called repeatedly to see Maria, and said, that as long as he had a shilling, she should have it. They seemed always to be very fond of each other. She repeated her account of the manner in which Corder and Maria left the house together for the last time, as it has been already given in her examination in chief.

During the examination of this witness, the prisoner put on his spectacles, took out a red morocco pocket-book, in which he commenced writing, and looked steadfastly at her. She appeared a decent-dressed country woman; but never returned the prisoner's glance, or took her eyes from the counsel who examined her. About two o'clock he ate and drank with much seeming appetite.

Thomas Marten, the father of the deceased, corroborated the evidence of the preceding witness, and stated, that he had received two letters, which he gave to a gentleman

who had examined him, and he had since searched the red barn at Polstead, on the 19th of last April. On lifting up the straw from the barn floor, he saw some great stones lying in the middle of the bay, and an appearance of the earth having been disturbed. On that spot, he poked down the handle of a rake, and turned something up which was black. On getting further assistance, they discovered, a little under the ground, a small round sharp iron, about a foot long, like a hay-spike, and then they came to the body, and near the head found the handkerchief tied round her neck, apparently very tight. The body was lying down, though not stretched out. The legs were drawn up, and the head bent down into the earth. He quitted the barn for half an hour, and returned with another person to make a further examination. They let the body alone until the coroner and the surgeon came, when they cleared the earth entirely from the body, and raised it up from the floor. On examining it in the light, the mouth looked like Maria's, who had a wen on her neck, and had been ailing for a year or two with a cough. Underneath the body was found a shawl: there were also earrings, parts of a stays, of a chemise, and two combs in the hair.

Ann Marten, sister of the deceased, deposed, that she was at home on the 18th of May, when Maria went away with William Corder, and described what then occurred, in nearly the same words as her mother, particularizing each article of her dress. Witness had seen the dead body, when the coroner and jury were present, and was positive it was her sister Maria's. She knew it by the things which were on it, also by her teeth, her mouth, and her features generally. The witness particularly identified

the clothes as belonging to her deceased sister, as well as the earrings, the combs, &c.

Cross-examined. Her sister left home on the 18th of May, in very low spirits; but she never heard her say she was anxious to be married to William Corder. Witness and Maria sometimes quarrelled, and there used to be words between her and her step-mother.

George Marten (brother of the preceding witness), a boy about eleven or twelve years of age, deposed, that he saw his sister on the day she last left the house with Corder, who carried a gun in his hand, which he said was loaded, and therefore cautioned witness not to meddle with it. He saw Corder on the same day, between three and four o'clock, come from the barn alone with a pickaxe, and proceed homewards through the fields.

Phoebe Stow lived at Polstead, about thirty rods from the red barn. She remembered Corder calling about one o'clock one day in May last year, when he said, "Mrs. Stow, has not your husband got an old spade to lend me?" She lent him one, and he only said a few words, saying he was in such a hurry he could not then stop and talk to her. The spade was afterwards returned; but she could not say by whom. On a subsequent occasion Corder again called, when she asked him where was Maria Marten's child. He said it was dead and buried. He also said she would have no more children. Witness said, "Why not; she is a young woman yet?" He replied, "Never mind, Maria Marten will never have more children." "What do you go by?" added witness. "O," said he, "she has had several, but I'll be d—d if she shall have any more." Witness continued: "If you are married, why don't you live with her?" "O, no," was his reply,

"for I can go to her any day in the year, just when I like." "Perhaps you are rather jealous," said I, "and when you are not with her, you think somebody else is." "O, no," said he; "when I am not with her, I am sure nobody else is."

William Pyrke deposed, that he drove the prisoner, on the 8th of September, to Colchester, and talked with him about the business of the farm. Maria Marten's name was mentioned; and he said he had not seen her since May, but spoke very highly of her.

Mr. Matthews. "I left Polstead on the 9th of August last. Corder, on that morning, told me he did not know exactly where Maria Marten was, but he believed she was in the neighborhood of Yarmouth. On the 19th of November following I met him accidentally near Somerset House. I asked if he had forwarded a letter of mine written to Maria Marten, and forwarded to him in one on the 2d of September. He said he had. I told him I was surprised at not receiving any letter, or any answer at all from the young woman. I asked him where she then was. He said he had left her in the Isle of Wight. I told him that her father had written to me once or twice respecting her, and that he was uneasy, not knowing where she was. I inquired of him if he was married to her. He said 'No;' he had not yet settled his family affairs."

James Lea. "I am a police-officer of Lambeth Street. On the 22d of last April I went to Grove House, Ealing, at about ten o'clock in the morning. As I entered, Corder came into the hall out of the parlor. I told him I had a little business with him. The prisoner said, 'Walk into the drawing-room,' and we went in. I then told him I was an officer from London, and was come to apprehend

him on a very serious charge, and he must consider himself my prisoner. He replied, 'Very well.' I told him the charge was respecting a young woman of the name of Maria Marten, whom he had formerly kept company with. I said she had been missing for a length of time, and strong suspicions were attached to him. I continued, 'I believe you know such a person? It was a young woman you kept company with in Suffolk.' He said no; he did not know such a person. I asked him, 'Did you never know such a person?' He said no; I must have made a mistake—he was not the person I wanted. I said, 'No, I have not made a mistake—your name is Corder; and I am certain you are the person.' I told him to recollect himself; I had asked him twice if he knew such a person, and I would ask him a third time. He still said no, he did not; he never knew such a person. I then proceeded to search his person, and took from his pocket a bunch of keys. I took him to the Red Lion, at Brentford. On our way thither, I said the body of the young woman had been found in his red barn. He made no remark then. We proceeded some distance, and he asked me, 'When was the young woman found?' I told him on Saturday morning last. He made no further reply. I then left him at the Red Lion, and returned to his house. When I entered, Mrs. Corder showed me up stairs into a dressing-room. I found in the house a pair of pistols, which he admitted to be his, and likewise a sword."

Robert Offord. "I am a cutler, residing at Hadleigh, in this county. The prisoner called at my house in the latter part of March, or beginning of April, 1827. He brought a small-sword, and said, 'Mr. Offord, I have brought a small-sword, which I wish to have ground as sharp as a

carving-knife, for the use of a carving-knife.' He wished to have it done, and he would call for it that night." The witness identified the sword produced by Lea as the one he had sharpened for Corder.

John Balam. "I am the constable of Polstead. I never had told the prisoner that I had a warrant to apprehend Maria Marten, or that I had a letter from Mr. Whitmore to apprehend her."

Thomas Acres. "I recollect Stoke Fair, in 1827. I know the red barn at Polstead, and the thistly lay there. I never went over that field with a pickaxe on my shoulder."

John Lawton. "I am a surgeon, and was present when the coroner's jury went to view the body found in the red barn on the 20th of April. It had not been disturbed, except that the earth had been removed from the top of it. It lay in the hole in the barn in which it had been buried, in the right hand bay of the barn. It was, in parts, much decomposed. I should have said it had been in the ground nine or ten months, or more. There were with it stays, flannel petticoat, shift, a handkerchief round the neck, stockings and garters, and high shoes, with portions of a leghorn bonnet, trimmed with black. [Produced a silk handkerchief.] This was found underneath her hips. [The rest of the articles he mentioned were produced and identified; they were nearly indistinguishable as to material or form.] There was part of the sleeve of a blue coat, and the body was in part of a sack. The right hand was on the right breast. It was the body of a full-grown young woman. There was an appearance of blood about the face, particularly on the right side. I found the green striped handkerchief round her neck, tied in the usual

way, but drawn extremely tight, so as to form a complete groove round the neck. It would have produced strangulation. There was in the neck an appearance of a perpendicular stab, about an inch and a half in length, and extending deep into the neck. There was the appearance of injury having been done to the right eye and the right side of the face. It seemed as if something had passed in at the left cheek, removing the two last grinders, and then out at the right orbit. A ball so passing would not of itself cause death; but the strangulation, and the stab in the neck, would have been sufficient, with the ball, to produce death. There was an adhesion of the lungs to the membrane which lines the ribs on the right side. This would, in life, cause inflammation; and the person would have complained of cough, with pain in the side. The ribs and the heart were brought by Mr. Nairn, a surgeon, to my house. I then saw where something had penetrated between the fifth and sixth ribs, and there was a stab in the heart which corresponded with the opening in the ribs. I found a corresponding opening in the shift. The sword which has been produced appears to fit the wound through the ribs and the opening in the shift. I found one part of the wound wide and the other narrow, so as to correspond with the sword.

The evidence of two other surgeons was to the same effect.

The mother and sister of the deceased identified the articles of dress found on the body taken from the red barn as being Maria's.

The prisoner, being called on for his defence, advanced to the front of the bar, took out some papers, and read, with a very tremulous voice, an address, of which the material passages were the following:—

"It has been well observed that truth is sometimes stranger than fiction. Never was this assertion better exemplified than in this hapless instance. In a few short months I have been deprived of all my brothers, and my father recently before that period. I have heard the evidence, and am free to say that, unexplained, it may cause great suspicion; but you will allow me to explain it. Proceeding, my lord and gentlemen, to the real facts of this case, I admit that there is evidence calculated to excite suspicion, but these facts are capable of explanation; and, convinced as I am of my entire innocence, I have to entreat you to listen to my true and simple detail of the real facts of the death of this unfortunate woman. I was myself so stupefied and overwhelmed with the strange and disastrous circumstance, and on that account so unhappily driven to the necessity of immediate decision, that I acted with fear instead of judgment, and I did that which any innocent man might have done under such unhappy circumstances. I concealed the appalling occurrence, and was, as is the misfortune of such errors, subsequently driven to sustain the first falsehoods by others, and to persevere in a system of delusion. At first I gave a false account of the death of the unfortunate Maria. I am now resolved to disclose the truth, regardless of the consequences. To conceal her pregnancy from my mother, I took lodgings at Sudbury. She was delivered of a male child, which died in a fortnight in the arms of Mrs. Marten, although the newspapers have so perverted that fact; and it was agreed between Mrs. Marten, Maria, and me, that the child should be buried in the fields. There was a pair of small pistols in the bed-room; Maria knew they were there. I had often showed them to her. Maria took them away

from me. I had some reason to suspect she had some correspondence with a gentleman by whom she had a child in London. Though her conduct was not free from blemish, I at length yielded to her entreaties, and agreed to marry her; and it was arranged we should go to Ipswich and procure a license and marry. Whether I said there was a warrant out against her, I know not. It has been proved that we had many words, and that she was crying when she left the house. Gentlemen, this was the origin of the fatal occurrence. I gently rebuked her; we reached the barn; while changing her dress, she flew into a passion, upbraided me with not having so much regard for her as the gentleman before alluded to. Feeling myself in this manner so much insulted and irritated, when I was about to perform every kindness and reparation, I said, 'Maria, if you go on in this way before marriage, what have I to expect after? I shall therefore stop when I can; I will return straight home, and you can do what you like, and act just as you think proper.' I said I would not marry her. In consequence of this, I retired from her, when I immediately heard the report of a gun or pistol, and running back, I found the unhappy girl weltering on the ground. Recovering from my stupor, I thought to have left the spot; but I endeavored to raise her from the ground, but found her entirely lifeless. To my horror, I discovered the pistol was one of my own she had privately taken from my bed-room. There she lay, killed by one of my own pistols, and I the only being by! My faculties were suspended. I knew not what to do. The instant the mischief happened, I thought to have made it public; but this would have added to the suspicion, and I then resolved to conceal her death. I then buried her in the best

way I could. I tried to conceal the fact as well as I could, giving sometimes one reason for her absence, and sometimes another. It may be said, why not prove this by witnesses? Alas! how can I? How can I offer any direct proof how she possessed herself of my pistols? — for I found the other in her reticule. That she obtained them cannot be doubted. All I can say as to the stab is, that I never saw one; and I believe the only reason for the surgeons talking of them is, that a sword was found in my possession. I can only account for them by supposing that the spade penetrated her body when they searched for the body in the barn. This I know, that neither from me nor from herself did she get any stab of this description. I always treated her with kindness, and had intended to marry her. What motive, then, can be suggested for my taking her life? I could have easily gotten over the promise of marriage. Is it possible I could have intended her destruction in this manner? We went, in the middle of the day, to a place surrounded by cottages. Would this have been the case had I intended to have murdered her? Should I have myself furnished the strongest evidence that has been adduced against me? I might, were I a guilty man, have suppressed the time and place of her death; but my plain and unconcealed actions, because they were guiltless, supplied both. Had I intended to perpetrate so dreadful a crime, would I have kept about me some of the articles which were known to be Maria's? Had I sought her life, could I have acted in such a manner? Had I, I would have chosen another time and place. Look at my conduct since. Did I run away? No; I lived months and months with my mother. I left Polstead in consequence of my family afflictions. I went to the Isle of

Wight. It is said that the passport was obtained to enable me to leave England at any time. No, it was to enable me to visit some friends of my wife's in Paris. Should I have kept her property, had I anything to fear from their detection? In December last I advertised in the Times newspaper the sale of my house, and gave my name and address at full length. Did this look like concealment? You will consider any man innocent till his guilt is fully proved."

He was heard with the utmost silence and attention by the court and the jury, and he occasionally drew his eyes from the book and fixed them on the jury-box, as if to ascertain the impression he had made. Towards the close of his address his voice faltered so as, in particular passages, to be nearly inaudible. His address, which was delivered between eleven and twelve o'clock, occupied the court about twenty-five minutes.

Some witnesses were called for the defence, who merely proved that the prisoner treated the deceased with kindness; that she was generally in very bad spirits; and that he was a humane man.

The mystery of the unfortunate woman's death was only the more easily unravelled at last, as will be seen by the foregoing evidence, by the persistent statements of the murderer that she was living and well, and his circumstantial accounts of her condition. When, at last, by the just verdict of the jury, and the sentence which followed, he found that his deception was vain, the night before his execution he confessed his guilt.

XIV.

TRIAL OF GEORGE C. HERSEY,

THE POISONER.

It is difficult to conceive of a nature so utterly cruel and cold-blooded as to plan and accomplish the death of one to whom, at the same time, it is using the words and caresses of love and endearment. Yet there are such cases on record, and cases even where the fatal act is committed possibly to hide what, in comparison, is a trivial offence, or a shame to be outlived. Illicit love has caused many a tragedy; but even these have generally been the result of jealousy or sudden anger, or been committed as the only supposed means of escape from ignominy, or an abhorred position. But when, in respectable society, surrounded by good influences, a man pays addresses to a young woman of excellent character and good position, and wins her affections, and they become engaged to be married, with the consent and approval of their friends, and with no obstacle whatever to their union, and then he, while professing to love her, who has, perhaps, loved him "not wisely, but too well," deliberately administers to her a draught which must be certain death, and thus rewards her devotion, and the kindness of a father who has received him into his family, he is a monster more cruel and depraved than the wretches who, in the control of some baser

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passion — hate, jealousy, revenge, or avarice — commit their bloody deeds.

The following is a case of such devilish wickedness, masked under the guise of love, and governed by no conceivable motive. George C. Hersey, at Weymouth, Massachusetts, in May, 1860, caused the death of a young woman, Betsey Frances Tirrell, by administering to her the deadly poison — strychnine. We state it thus broadly at the outset, for he confessed his guilt before he received the punishment for it, and it is only too probable that his confession did not go far enough, and include other similar crimes.

Hersey was tried before the Supreme Judicial Court of Massachusetts, at Dedham, in May, 1861, and the facts connected with the tragedy, as shown at the trial, were substantially as follows: —

Betsey Frances Tirrell was the daughter of Wilson Tirrell, a highly respected citizen of said Weymouth, who had by his first marriage two daughters, Mary and Betsey Frances, who were unmarried, and lived with him; also a daughter Susan, who was married, and lived in the neighborhood; also a son, Wilson Tirrell, Jr. By his second marriage he had a daughter, Louisa. Hersey was a native of Hingham, a town adjoining Weymouth, and distant therefrom about five miles, where his aged and respectable parents were then living. Some two years previous to this time he had buried his wife, a beautiful young woman, who suddenly died a little more than a year after her marriage with him.

Hersey for some time resided in Weymouth, and was engaged in some part of the shoe manufacturing business.

After several months of intimate acquaintance, he had engaged the affections of Mary Tirrell, before alluded to, and it was expected that they would soon be married; when, in the last of December, 1859, Mary was taken suddenly and violently ill, and, on the 2d day of January, 1860, after an illness of less than one week, died. During the sickness of Mary, the prisoner, from his intimate relations with her, and supposed interest in her welfare, was invited to her father's house, and he became her bedside attendant, and watched beside her till her death. In this afflicted and bereaved family the prisoner was looked upon as one bowed in sorrow under the afflicting Hand which had so suddenly torn from him his loved and affianced bride; so much so that the parents, brother and sisters of the deceased, deeply sympathized with him, and claimed him as one of their own household. Mr. Tirrell offered him a place in his house and family as long as it should be agreeable to him to accept the same; and he availed himself of the kind and considerate offer, so that even before Mary's funeral he became an inmate of the father's home, and continued there until the death of Betsey Frances, which occurred on the 3d of May following. During this period the prisoner and Betsey Frances were much in each other's society. She mourned a beloved sister, younger than herself, who had been her companion and care from early childhood. He also appeared to mourn her loss, and their sympathy seemed well to comport with the relation of brother and sister. They were seldom in society, but attended church together, both day and evening, and walked, and sometimes rode together, though not often unattended. The general relations of the Tirrell family, and the immediate particulars connected

with the death of Betsey Frances, are so fully described in the testimony of Mrs. Almira B. Tirrell, wife of Wilson Tirrell, at the trial of the prisoner, that we extract from, and give some of the principal parts of the same.

Mrs. Tirrell testified as follows, viz.:—

"I am the wife of Wilson Tirrell, step-mother of Betsey Frances. She was twenty-five the September before she died. I think I was married twenty-five years ago last March. Betsey Frances has always resided in the family. George C. Hersey was also living in the family at the time of her death. He had been there four months. He came there the Saturday before Mary's death. She died on Monday, the 2d of January. I had known him for some three years before. I supposed he was engaged to Mary. He had visited there for a year prior to Mary's death. It was understood that there was an engagement between them by everybody. He came to the house as a friend during her sickness. He appeared to take her death very hard. He said he was not very well, and we took him for company, as a friend."

Mrs. Tirrell also testified to going to visit her brother at South Weymouth on the day of Betsey Frances's death, and to Mr. Hersey, Frances, and Louisa's coming, towards night, to fetch her home; that they all went home in the carriage, and arrived there about eight o'clock; that there was not much conversation on their way home.

Witness then continued:—

"When we got home, Mr. Tirrell staid out in the yard, and we got out, and he and Mr. Hersey unharnessed the horse, and put him up, and Frances and I went into the house, into the same room, and took off our bonnets and

shawls. I went out to get some wood, and she kindled the fire; and, during that time, the Herald came, and she took it, and sat down to the table, and went to reading. When they got the horse put up, Mr. Hersey and Mr. Tirrell came in, and Mr. Hersey took off his coat and hung it up. Mr. Tirrell said, 'Are you going to bed a'ready?' He said, 'Yes; I have a violent headache, and am going to bed;' and he went up the back stairs. I should think it was just after eight o'clock — early candle-light. Frances sat and read the paper some time, and during that time there were several May-baskets hung for Louisa. She went to bed about half past eight. One was hung before she went to bed, and I think Louisa and Frances went to the door and took it off; and then there were two hung after Louisa went to bed, and one had a little china doll. When Frances went up, she said she would take it up and show it to Louisa. We were in the habit of retiring about nine o'clock, and, about that time, she got up and went to the stairs, and turned back, and asked, 'What are you going to have for breakfast in the morning?' We took turns in getting the breakfast, and that was her morning. Mr. Tirrell and myself went up stairs, after I had wound the clock and fastened the doors. Frances went up the back stairs; we were all in the habit of going up that way. There had never been any other persons members of the family since Mary's death. The next thing I heard, after going to my chamber, was some one hallooing, and I thought it was Louisa. She hollered twice, and then there was a dreadful screech, or something — I don't know how to describe it. I raised my head, and said to Mr. Tirrell, 'What is that?' and at that moment Mr. Hersey came, and opened the door, and said,

'Frances is in a fit, or something,' and we all ran to her room as soon as we could. Mr. Hersey went ahead, Mr. Tirrell next, I followed. I should not think it more than twenty minutes after we went up stairs.

"Mr. Tirrell said, 'Frances, what is the matter?' and she said, 'I shall die! I shall die!' She said it twice. Mr. Tirrell said, 'Rub her! rub her!' and I took the lower limbs and he took one of her arms. They were very rigid. I asked her father to go for an aunt of hers, Mrs. Vining, a near neighbor of ours, and he went as quick as he could. I kept on rubbing her arms. She seemed to groan two or three times, and then she seemed to come out of her fit somewhat, and said, 'Give me some physic.' Mrs. Vining, who is a sister of Mr. Tirrell, had got there then. I said, 'The doctor will be here in a few minutes.' I think Mr. Hersey had left the room to go for him, and I don't know but he had gone. I asked her, 'Are you in great distress, Frances?' and she said, 'Yes.' I asked her if she was sick at her stomach, and she made some answer, but I cannot tell what she said, and then she went into another fit. She was lying on her left side, and her head was hanging out of the bed some; she was very stiff, and appeared like a person in a fit; she seemed to look up at me, when she came out of the fit, and move her eyes. Her arms twitched during the fits; I don't know about the other parts of her body. As soon as Mrs. Vining came, I asked to have water heated; we were going to put her into a warm bath. I went down to make a poultice for her stomach. Several persons had come into the house in the mean time. I had made a mustard poultice. I don't know how long I was about making that, but it was only a short time. When I was carrying it up

stairs, I saw Dr. Howe behind me, and stepped back for him to go into the room, and he pronounced her dead."

Mrs. Tirrell further testified that she made an examination, after the death of the deceased, of her room and clothing, and also that of the prisoner's, but found nothing unusual, excepting a pewter spoon, which was found in the fireplace behind the fire-board in Frances's room. The spoon was like others she had in the house, and had on the bowl of it some preserve; she laid the spoon in the closet, where it remained for a week or more, when Dr. Howe called, and took it away. She picked up some pieces of newspapers, and some small pieces of red and blue paper from behind the fire-board, which she burned — perhaps some of the pieces of paper picked up were yellow and other colors, and on one of the pieces was the word "Lubin." She also described where her sauces and preserves were kept. Mrs. Tirrell further stated, that after Mary's death Frances seldom went out, and then only to visit her near friends and neighbors, and that none other called to see her. She visited her sister Susan, who lived less than a quarter of a mile distant; the prisoner frequently accompanied her, and returned with her. For the first two months after Mary's death, Mr. Hersey came to her house, and sat around reading; he did not do any work after Mary's death; he said his health was poor, and Mr. Tirrell asked him to stay there, and told him he was welcome to do so. The prisoner and Frances were together in the house considerable, and when she had work, he would sit with her; he staid in the house five or six weeks the most of the time; she had known them to be in a room alone together, and had left them sitting up when she and the rest of the family had retired. Frances showed some

signs of attachment for the prisoner during the time spoken of, and spent some time in fixing and repairing prisoner's clothing; and on the very night of her death she left on the table, when she retired to bed, a shirt partly finished for him. She noticed, after five or six weeks, a marked change in the prisoner — he spent no more evenings in the house, and entered into little or no conversation with her or Frances; neither of them seemed to know the cause of it.

Mrs. Tirrell further testified to the apparent delicate state of Frances's health, and her melancholy state of mind, which she could attribute to no cause other than that of grief for the loss of her sister Mary. The prisoner left Mr. Tirrell's house soon after Frances's death, and took away his valise; he had no trunk there.

Louisa Maria Tirrell testified that she was a half sister of the deceased, and was twelve years of age; that she occupied the same room, and slept with Frances until the time of her death. Her testimony was of a similar character to that of Mrs. Tirrell's, with the addition of what took place after her retiring to bed, which was as follows: —

"I went to bed on the night of Frances's death about half past eight o'clock; when Frances came up, she brought up to me a May-basket, which had been hung at the door: it contained a doll. I was awake when she came into the room. I don't think I had been asleep. I thought she was longer than usual in coming to bed. I asked what made her so long, and she said she was almost ready. I thought she went out of the room, but don't know where she went. I was sleepy, but I heard some one go out, and supposed it her. She went out before I asked her the question. I don't remember that I spoke to her

when she came to bed. The next thing I remember, I woke up, and she was twitching, and told me to call father and mother; and I screamed. She said, 'Don't scream; get up.' I called, Mother! mother! and said, Frances is in a fit! I was not out of bed when father came into the room. Frances seemed to go all round in bed, and I think she hit me. I did not call George, but called out once, Mother! mother! It was very soon after I awoke that father came in; Mr. Hersey came right in ahead of him."

Mrs. Vining (an aunt of the deceased) testified to being present at the time of the death of Frances. Her description about what took place at the time was substantially the same as that already narrated. She said the prisoner had boarded with her before his marriage, and after the death of his wife. He left her house to go to the house of her brother, Mr. Tirrell. She said she had asked the prisoner several times what made Frances so sad and melancholy. At one time he said it would not surprise him if Frances made way with herself. He said he had asked her to go to his mother's house in Hingham, where his sister would cheer her up. He said, also, that Frances had bought a new dress, but she told him she did not know as she would live to wear it. This was a few days before Frances's death. Mrs. Vining further stated that the prisoner called at her house on Saturday, in the forenoon, after Frances's death, and she asked him how Frances was when he first found her on that night. He said he heard a noise, or some one "holler," and supposed it the boys in the street; but on hearing whom he supposed to be Susan call George, he sprang up, and went to see what the matter was, and found Frances lying very stiff, and apparent-

ly moving towards the front of the bed; and he put his hands under her, and put her back, and then ran to her father and mother's room, and said, "Do, for the Lord's sake, come and see what ails Frances!" Witness said she told prisoner it was strange what the matter was with the deceased, and said she was sorry she could not wait until the afternoon, when the doctors would come to learn. He said, "Perhaps you would not know then." After the post mortem she saw the prisoner again, and he said they, the doctors, knew what the matter was; they think she was poisoned. I said she is or was in the family way; he said, "It cannot be that Frances was such a girl as that! It cannot be! I should as soon think of my mother!" She further stated that she had heard the prisoner charged with being the father of the unborn child; which he denied, and said he was innocent of being so. It was in evidence, also, that the prisoner told another witness, that on the night of Frances's death, about an hour after he had retired, Frances came up, and, as she was passing his room to the clothes-press, she stopped, and asked him if his head felt better; and that he said it did not, but he thought it would if he could get some sleep. This witness further stated that the prisoner had said at another time, that Frances had mentioned to him that she had dizzy spells when she retired, &c.

It was shown from the testimony, that some of the friends of the deceased were anxious to have an examination, to learn the cause of her death; but the prisoner opposed it, and said he would never consent to having a friend of his opened. He said it was regular butchery, and that they never found anything. He also said that no money would hire him to be in a room where such an

operation was to be performed. When the doctors were in the room making the post-mortem examination, the prisoner at times seemed excited, and at times seemed to be in a study. At the same time he appeared to be willing, and even anxious, to render the family assistance. It further appeared in evidence, that upon a remark being made to the prisoner, that it seemed to be very mysterious that there should be such sudden deaths in the family, he replied, "Can it be that Mary and Frances have met in heaven!" And upon another remark being made, expressing a fear that something had been given to the deceased to eat which had caused her death, he said, "Don't worry about that; that didn't hurt her." Upon the prisoner being asked, "Do you think she can have taken poison?" he said no; he had been talking with Frances's uncle about that, and told him it could not be, as there was nothing in the house. He also said that some, who had expressed surprise at the sudden death, thought it might be in the water, and wished to have it analyzed.

Many witnesses were examined on behalf of the prosecution, the character and substance of whose testimony was substantially the same as that we have already given.

Dr. Appleton Howe testified to being called, on May 3, to go to the house of Wilson Tirrell in great haste, by the prisoner. The prisoner, on the way, made to him a statement about Frances being in a fit, and gave to him a similar statement to that already given about his being called up, and going to Frances's room. The doctor further stated that upon his arrival at Wilson Tirrell's house he found Frances dead; he gave a description of the deceased as he found her on his arrival, and that he then made an arrangement to have an examination of the body take place on

Saturday, and called upon Drs. Fifield and Tower to be present; and that on Saturday, in the afternoon, Drs. Fifield and Tower being present, just as they were about to go into the room, Hersey came to him and said, "Doctor, will there be any objection to my being present at the examination?" Dr. Howe said, "No, not on my part; if no one else objects, I shall not." The examination was commenced, and continued until the discovery of pregnancy was made. No remark was made upon this discovery; but the prisoner was desired to leave the room, and he did so. It was then determined to have an inquest; and a coroner was called for that purpose. Dr. Howe further stated that at the coroner's inquest, he and his associates, finding no adequate cause of death in the brain, removed the intestines and stomach, and put the same into a clean earthen pot, with an earthen cover, covered it with wrapping-paper, and tied and sealed it up, and kept it securely under lock and key until the next morning, when he took the same to the city of Boston, and delivered it to Dr. Hayes, State Assayer, telling him that there were suspicions of poison; and, without further remark, left it with him. Dr. Howe's testimony further showed that the fœtus, discovered in the examination of the body of the deceased, was about two months old. Dr. W. C. B. Fifield, one of the medical gentlemen referred to, in his testimony gave a description of the appearance of the body of the deceased at the time of the examination, and also a description of the effects of strychnine when taken into the system or human body. His description of the effects of poison, by the use of strychnine, was nearly, if not exactly, the same as that given by him of the appearance of the deceased at the time and subsequent to her death from

what he observed, and learned from the testimony about the symptoms, &c. He said that he at once formed his opinion of the cause of death, and that no other cause was discovered from the examination which had been made.

Dr. Fifield further testified, that after Hersey left the room, when the examination was being made, he left the room himself to call some one at the request of Dr. Howe. As he stepped into the little entry leading to the door, the prisoner came to him from the kitchen, and asked him where he was going. He told him he was going out doors. "He asked," to use the language of the witness, "what I was going for. I told him I heard my horse stamping in the stable, and I feared he had broken his halter. He asked me if we had found anything. I said, Nothing in particular."

Dr. Augustus A. Hayes, consulting and analytical chemist, and State Assayer, testified that he analyzed the contents of the earthen jar delivered to him by Dr. Howe; and, after giving a very full and minute description of the method of analyzing, &c., stated that he found in the contents of the jar delivered to him a large quantity of strychnine. He also found strychnine in the preserve or substance upon a spoon given to him by Dr. Howe, before alluded to, as being found behind the fire-board in the room of the deceased.

Susan E. Hersey (a sister of Frances, and wife of the prisoner's brother) testified, that after the result of the examination was known to her, and the pregnancy of her sister, &c., that the prisoner said to her he wished he was dead; that it would be laid to him. He further said that he should never go anywhere again; he could not bear the disgrace of the charge, and expressed a feeling that he

should not live long. He bewailed his condition, and appeared to cry, though witness saw no tears.

Dr. Howe, in his testimony, also stated that, after the examination before spoken of, as he was about to leave, and was untying his horse, Hersey came up to him, and asked if they had found anything, or any cause of death. He said, "No; what did you expect we should find?" After a short pause, the prisoner said, "Nothing." He then told him, looking him in the face, he expected she was poisoned; the prisoner exclaimed, "Heavens and earth!" and turned and left.

Dr. Frederick Morrill, of Boston, testified to having seen Hersey on two occasions at his office; the last time was in 1859 or 1860. At that time, among other things in his conversation with the prisoner, the prisoner admitted to him that he was a libertine and seducer, and said he had a case on his hands, and that he would rid himself of his difficulty, let the consequences be what they might be. The prisoner inquired of him about the various remedies used to procure an abortion, and the effects of an operation. The prisoner inquired of him if he had strychnine, and said he wished to kill a dog. The witness said that he told him he did not keep strychnine; and, after considerable conversation with the prisoner, he concluded him to be a rascal, and declined to have anything to do with him; he did not know at the time the prisoner's name.

The evidence in the case further disclosed that, by means of a photograph of the prisoner put into the hands of the Boston police, the prisoner was traced, just before the death of Betsey Frances Tirrell, to an apothecary's shop, kept by Dr. Ellis F. Miller, at the corner of Hanover and

Union Streets, where he, under an assumed name, purchased of the clerk, Alfred W. Coburn, a vial, containing sixty grains of strychnine. He represented that he wanted to kill a dog. It was also proved in the case, that a short time previous to the death of Frances he did make way with a dog; but from his own declaration made to others, he shot the dog; and on an examination being made by analyzing the dog, it appeared that the dog was not poisoned, or at least no traces of poison were discernible. It also appeared from the evidence, that during a few weeks prior to the death of Betsey Frances, the prisoner had frequently conversed with his shopmates concerning the different kinds of poison and their effects. Strychnine was mentioned as the surest and quickest of all others in its operation, &c.

The foregoing presents all the material parts of the evidence against the prisoner at his trial, without much detail of the same.

The evidence for the defence established little or nothing beyond that of the prisoner's apparent good character.

The case was very fully and ably tried, Attorney General Foster and District Attorney Harris conducting the same for the government, and George S. Sullivan and Elihu C. Baker for the prisoner.

The jury found the prisoner Guilty.

Before the prisoner was executed, he confessed the murder, but denied any knowledge of the cause of the sudden death of his wife, or Mary Tirrell.

XV.

THE CASE OF SAWNEY CUNNINGHAM.

A WICKED CAREER.

SAWNEY CUNNINGHAM had no reason to say that a good education or tuition was denied him, whereby he might have avoided the several villanous actions he afterwards committed. His family lived in tolerable good repute at Glasgow, in Scotland, where he was born; but, in spite of all the learning his parents had given him, or good examples they had set before him to regulate his passions and direct his conduct right, he abandoned himself, from his earliest acquaintance with the world, to evil practices, till at last he became a monster of profaneness and wicked living. However, these great disadvantages did not hinder him from making a very honorable marriage; for, as his parents still kept up an honest and genteel character in the neighborhood where they lived, and as it would have been infamous to have reproached them for those miscarriages in the son which they had striven all they could to root out of his mind, and could not help, so an old gentleman, who had preserved for a long time an inviolable friendship for the family, entered into an alliance with Mr. Cunningham the elder, which at last terminated in giving his daughter to Sawney, and an estate in portion with her of above one hundred and forty pounds per annum, thinking that marriage might be a means to reclaim the adventurer from

his ill course of life, and at last settle his mind, to the mutual satisfaction of both families, for which he thought his daughter's portion would be a good purchase, and well laid out. Sawney no sooner found himself in possession of an estate able to support his extravagances, but he immediately gave a greater scope to his passions than he had hitherto done. He made taverns and ale-houses the frequent places of his resort; and, not content to waste the day in debauchery and drunkenness, the night, too, was passed in the same manner. These steps could not but be attended with hurtful consequences, and he was too soon an eye-witness of some of them; for not having always wherewithal to indulge his usual expenses and method of living, he was forced to have recourse to indirect measures, which ended in pawning everything he had, not only of his wife's, but of his own. Sawney laughed at his follies, and could not bring himself to believe he should ever want while he had either hands or heart to support him. He was determined to enter upon business as soon as possible; we mean such business as generally brings so many unhappy men to the gallows. His wife, who was beautiful and intelligent, saw this, and, with a prudence that became her sex, had some time stifled her uneasiness, till, no longer able to bear the torment upon her mind, she entreated him, since all they had in the world was gone, to fall into some honest way of livelihood to support themselves, for it was much more commendable to do so, than for him to give his countrymen every day so many instances of his riotous and profuse living. Had Sawney given ear to this remonstrance, without doubt things had succeeded well, and we should never have read the miserable end he suffered. But all admonition was lost on a man

abandoned to wickedness, and determined to support his usual extravagances at any rate. The poor young woman, instead of being answered civilly for her love and affection to him, met with nothing but harsh and terrifying words, attended with a thousand oaths and imprecations. The parents, on both sides, observing this, were in extreme grief and concern, and determined, after a serious consultation, to dissolve the couple; but the young and handsome wife would never consent to part from her husband, though so base to her.

It was impossible for Mrs. Cunningham to hide the charms of her face and person in Glasgow, where there is a university, and, consequently, young gentlemen of fortune and address. Several immediately offered their respects, and money was not wanting to promote their suits; but she could not endure to think of dishonoring the bed of her husband by a base compliance with the richest man in the kingdom, and always put off her suitor with a frown and a seemingly disdainful air. But this only served to animate her lovers the more, who now seemed to attack her with a resolution not to quit the siege till she had either capitulated or surrendered herself. Among the rest was a certain lawyer, who was so frequent in his importunities that she was quite tired out. However, she was so discreet, all the while, as to conceal from her husband, Sawney, the importunities of her several lovers; but their solicitations increasing, and being determined to be delivered of them as soon as possible, she, one night, as she lay in bed with her husband, began to discourse with him to the following effect:—

"You are sensible, my dear, of the inviolable love I have, from the first day of our marriage, preserved for

you, which shall still, let whatever will happen, be as chastely maintained. As a proof of what I tell you, I have been strongly importuned by Mr. Hamilton, the lawyer, to consent to his embraces; but still I have warded off his addresses, though I cannot be free from him, which makes me now desirous to hear your opinion in the matter, and see which will be the safest and best expedient to be delivered of his company."

Here she ended, and Sawney, being thoroughly convinced of his wife's loyalty and fidelity, first answered her with a desire she should forget all his irregularities, confessing their present poverty had been the immediate consequence of his too liberal and profuse living, but that, for the future, she should see a good alteration in his conduct, and he would make one of the best of husbands.

"As for Mr. Hamilton," said he, "it is my advice that you do not give him an absolute refusal, but, pretending a kind of love at a distance, make him think that a considerable sum of money will finish his expectations, and gain him what he so much longs for. You have youth and beauty on your side, and you may, consequently, command him as you please; for I am not so much a stranger to Mr. Hamilton's temper and inclination, but that I know love will influence him to perform generous things. My dear, I have no occasion to acquaint you with our poverty at this time, but our wants and necessities may be amply made up by dexterously managing this adventure, the prosecution of which I leave to your own prudence and conduct; and, for my part, I shall take effectual care to extricate you and myself out of any consequence that may happen upon it."

Mrs. Cunningham, after this conference with her hus-

band, had a thousand thoughts in her head how to manage this scheme so as to make the most advantage of it: she saw that the want of money in her family must oblige her to it, though extremely against her inclination; and, therefore, determining to put it into execution as soon as possible, she composed herself to rest for that night. The next day Sawney went purposely out of the way, not without a longing expectation of deriving extraordinary advantage from his wife's conduct. Hamilton appeared as usual, and, protesting his love for her was the sincerest in the world, said, that it was impossible for him to enjoy a moment's rest without tasting those joys she could so easily afford him. Mrs. Cunningham, at first, reproved him for such a bare declaration of his desires, and said, —

That so long as her husband lived, she could not, without the most manifest breach of conjugal fidelity, and an eternal infamy to herself, give way or comply with his demands. "Your person, Mr. Hamilton," said she, "is none of the worst, neither is your sense to be despised; but, alas! Heaven has decreed it that I am already another man's wife, and therefore deprived from gratifying you as I would were the case otherwise. And I have apprehensions of my husband, who is a choleric person, and urged to passion upon the most trifling affair, which either he doth not like, or squares not with his happiness or interest." "Interest!" replied Hamilton; "why, if that be the case, neither your husband nor you shall have any reason to complain; for, let me tell you for once and all, I do not require a gratification from any one without making a suitable return; your circumstances, madam, are not unknown to me, and I am sorry to think that,

after having brought Mr. Cunningham so plentiful a fortune, I should have a just occasion to say that you are poor; but mistake me not; I scorn to make a handle of your circumstances; neither do I believe Mrs. Cunningham would ever consent to my desires on such servile terms."

Upon this madam answered him with a great deal of prudence and art; she told him that he pleaded handsomely for himself, and if she was not a married woman, there should be nothing to obstruct their desires.

Mr. Hamilton, hearing this, made her a long harangue, in which he endeavored to show how weak her objection was with respect to her husband, concluding that what they did might be so artfully contrived that neither Mr. Cunningham nor the world should know anything of it. In fine, the lawyer pleaded as if it were for life for her consent, which madam observing, and not caring to prolong the time too far, but despatch a great deal of business in a little time, she artfully told him, "that since her stars had so directed the actions of her life, that she had no power of herself to contradict them, she resigned herself to him, and said that it was to no purpose to stifle her inclinations for him any longer, for, to be plain with him, she had loved him from their first acquaintance together, before all the men she had ever seen, and that she hoped there was no transgression in an affair which her destiny ruled; and if the world proved censorious, she did not care."

In short, an assignation was made, and a porch of one of the churches in Glasgow designed to be the place where these two lovers were to meet. Nothing in the world gave the lawyer so much satisfaction as the thought of having obtained the consent of his fair mistress, who had declared

her love to him, and resigned herself up to his arms. Hamilton promised to make her a present of a purse of a hundred pounds sterling; and she, on her side, assured him that he might expect all the kindness she was able to afford him. Here they parted, and the lawyer thought the time very long till the hour appointed was come. It arrived, and both appeared in the porch. Hamilton wanted to know where Mr. Cunningham, her husband, was, and was informed, that he had gone a short journey into the country, which, however, would take him eight days; whereas madam had posted him, or he had done it himself, in a private place in his chamber at home. Hamilton seemed extraordinarily pleased at his success, and the repose he should find in indulging his passion, now his antagonist was out of the way, as he thought. In a little time both went to Sawney's house, and having entered his bed-chamber, where he was concealed, and a good fire burning, Mr. Hamilton pulled out two purses of gold and gave them to her, and then going to undress himself, Sawney sprang out of his hiding-place, and with one stroke of a club he had in his hand, knocked Mr. Hamilton down: not contented with his wife's having received the two purses of gold, he determined to have the lawyer's clothes too, and therefore redoubled his blows, till the poor gentleman died at Mrs. Cunningham's feet. Mrs. Cunningham, not dreaming her husband would have carried matters to such an issue, seemed frightened to the last extreme at what had been done; but Sawney endeavored to give her ease by telling her that he would work himself out of the scrape immediately; and so saying, he hoisted the body on his shoulders, and went out at a back door which led directly to Hamilton's house, which easily open-

ing, and the darkness of the night favoring him, he carried the lawyer to the vault, and placed him upright on the seat, to the end that the first who found him there might conclude he had died in that place and posture.

It seemed Mr. Hamilton had the day before acquainted a particular friend who lived in his house with his success, and how he was to have a meeting with Mrs. Cunningham that night. This friend, having a very violent looseness, rose about midnight in his night-gown, and stepped down to the vault, where, opening the door, he spied Mr. Hamilton sitting; and imagining that he was come there on the very same errand as himself, he staid without a considerable time, to his own uneasiness, till, finding his friend did not stir, he opened the door again, and taking him by the sleeve of his coat, was surprised to find him fall down. He stooped to take him up, but found him dead; upon which, being in a great perplexity, he called to mind his acquainting him with the assignation between him and Mrs. Cunningham; he concluded his friend had found no fair play there, knowing the husband to be none of the easiest of men. Fearing that he himself should be thought the murderer, he took up the body upon his shoulders, and carried it to Sawney's house door, where he set it down. Madam, a little after midnight, having occasion to go down, got out of bed, and opening the door, let the body of her late lover tumble into the house, which putting her into a fright, she ran up stairs into the chamber, and told Sawney that the lawyer had come back. "Ay, ay," says he, just waking out of his sleep, "I'll warrant he shall come back no more; I'll secure him presently;" and so saying, he sprang immediately out of bed, put on his clothes, and hoisted the dead lawyer once more on his shoulders

with a design to carry him to the river and throw him in, but seeing some persons, at some distance, coming towards him, he stepped to the side of the street till they were got by, fearing his design might be discovered. These persons were half a dozen thieves, who were returning from a plunder they had made of two large fitches of bacon, out of a cheesemonger's shop, and, as they came along, were talking of a vintner hard by, who sold a bottle of extraordinary wine. Sawney was somewhat relieved from his fears at hearing this conversation. He had not been at his post long before he had the satisfaction of seeing this company put their bacon, which was in a sack, into an empty cellar, and knock the master of the tavern up to let them in. The coast being now clear, Sawney conveyed the dead lawyer into the cellar, and, taking out the purloined goods, put his uneasy cargo in the sack, and then marched home. Meanwhile the thieves were carousing, little dreaming what a change they should presently find in their sack. Little or no money was found amongst them, and the fitches were to answer the full reckoning, so that they continued drinking till they thought the bacon was become an equivalent for the wine they had drank. One of them, addressing the landlord, told him, —

"That he must excuse him and his comrades for bringing no money in their pockets to defray what they had expended, especially at such an unseasonable time of night, when he had been called out of his bed to let them in; but, landlord, in saying this, we have no design of doing you any wrong, or drinking your wine for nothing. For we have got two fitches of bacon in a cellar hard by, which will more than answer our expenses; and if you care to have them, they are at your service."

"Gentlemen," said the vintner, "if the fitches of bacon you say you have are good, I'll take them off your hands, and quit scores with you, so they but answer my demands."

Immediately one of them said he would go and fetch them, and accordingly, coming into the cellar, strove to hoist the sack up. "Zounds," says he, "why, I think the bacon is multiplied, or I am deceived. What a load is here to gall a man's shoulders! The vintner will have a rare bargain."

And so saying, he carried the corpse on his shoulders to the tavern. On opening the mouth of the sack, they were surprised to see a man's head peep out. The vintner presently knew the lineaments of the deceased's face, and cried out, "Rascals, this is the body of Mr. Hamilton, the lawyer, and you have murdered him."

At this all the six were in the utmost horror and confusion, and really appeared like the guilty persons. But the vintner, observing them endeavoring to get away, made such a noise of murder that immediately all the family were out of their beds, and the watch at the house door, to know the reason of such an alarm. The thieves were instantly conveyed to a place of durance for that night, and in the morning were sent to the main prison, when, after a little time, they took their trials, were found guilty of Mr. Hamilton's death, and executed accordingly.

Sawney came off very wonderfully from this matter, though neither his wife's admonitions, nor his own frequent asseverations to her to leave off his irregular course of life, were of any force to make him abandon it; the bent of doing ill, and living extravagantly, was too deeply rooted within him ever to expect any reformation to take place. He



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began to show himself a monster in iniquity, and committed every wickedness that could exaggerate the character of a most profane wretch. For it is impossible to enumerate, much more to describe, the quantity of his villanies, they being a series of such horrid and incredible actions, that the very inserting them here would only make the reader think an imposition were put upon him in transmitting accounts so shocking and horrible. The money he had obtained of Mr. Hamilton was a dear purchase; it was soon played away with and consumed, which made him throw himself on other shifts to support his pockets; to which end he visited the highway, and put those to death who offered to oppose him. His character was too well known in the west of Scotland to want any further information about him, which obliged him to hasten to Edinburgh, where, meeting with a gang of his profession, who knew him to be the most accomplished in their way, he was constituted general of their body, and each man had his particular lodging in the city. But Sawney, who ever chose to act the principal part in all encounters, industriously took lodgings at a house noted for entertaining strangers, where he was not long in insinuating himself into their acquaintance, by making them believe that he was a stranger as well as they, and was come to Edinburgh on no other account than purely to see the city, and make his observations upon its public buildings and other curiosities, and that his ambition had been always to procure honest and genteel acquaintance. Sawney had a most artful method to conceal the real sentiments of his mind, and hide his actions, which, in a little time, so gained upon the belief of these strangers, that they could not help believing him to be one of the sincerest men breathing; for it was

his custom sometimes to take them along with him two or three miles out of the city, to partake of some handsome dinner or supper, when he was sure never to let them be at a farthing's expense, but generously discharged the reckoning himself. The design of all this was to make his advantage of them, and force them to pay an extravagant interest for the money he had been out of pocket in treating them; for constantly were persons planted in one place or other of the road, by his immediate direction, who fell upon them as they returned to the city, and robbed them of what they had. But, to avoid suspicion, they always made Sawney their first prize, and rifled him, who was sure, in the morning, to obtain his own loss back again, and a considerable share of the other booty into the bargain.

Some time after this, our adventurer, with two of his companions, meeting on the road with three citizens of Edinburgh, affronted them in a very audacious manner, and used such language towards them as plainly discovered that either death or bloodshed was near at hand. He told the person who seemed the genteelst and best dressed of the three, that the horse he rode on was his, and had been lately stolen from him, and that he must return it to him, or else the sword he wore should do him right. Sawney's companions began with the others after the same manner, and would needs force them to believe that the horses they rode upon were theirs. The citizens, astonished at this gross piece of impudence, endeavored to convince them the horses were their own, and that they had paid for them, and wondered how they dare pretend to dispute such an affair. But these words were far from having any effect on Cunningham; and the citizens, in the conclusion, were

forced to dismount and give them their horses, and money into the bargain, being somewhat consoled that they had suffered no worse consequences, for Sawney, by this time, was drenched in all manner of villany, and bloodshed was now accounted a trifle, so little value did he set on the lives of any persons.

Sawney, having run a merry course of roguery and villany in and about Edinburgh for some time, where he made a considerable advantage to himself, so that fortune seemed to have requited him for all the poverty and want he had before endured, determined now to go home to his wife, and spend the remainder of his days agreeably with her, on the acquisitions and plunder he had made on his countrymen. Accordingly he came to Glasgow, where, among a few acquaintances he conversed with, for he did not care to make himself too public, he gave signs of amendment, which at first they could hardly be brought to believe in. One night, being in bed with his wife, they had a close discourse together on all their foregoing life, and the good woman expressed an extraordinary emotion of joy at the seeming alteration and change in her husband. She could not imagine what reason to impute it to, for she had been so much terrified from time to time with his barbarities, that she had no room to think his conversion was real. Neither, reflecting on the many robberies and murders he had committed, could she persuade herself that he could so soon abandon his licentious and wicked courses; for she supposed, if his altered conduct was real, it was miraculous, and an original piece of goodness hardly to be met with. The sequel will prove that this woman had juster notions of her husband than the rest of his acquaintance and those that knew him, and

that she built all her fears on a solid and good foundation, as we shall endeavor to show in its proper place. For all the signs he gave of an altered conduct, and all the plausible hints to rectify his former and mistaken steps, were no other than only to amuse the world into a good opinion of him, so that he might make his advantage of it with the greater freedom and impunity. And he was not out in his aim; for it seems, whenever he committed anything sinister, or to the disadvantage of any of his countrymen, and he was pitched on as the transgressor, the town would say, "It could not be, for Mr. Cunningham was too much reclaimed from his former courses ever to give into them again."

We shall insert a very notable adventure Sawney had with a fortune-teller, to which end we shall trace it up from the fountain-head, and give our readers the first cause that induced him to it. When Sawney was an infant, he was put out to nurse to a poor countrywoman, in a little village, a mile or two out of Glasgow. The woman, as the boy grew up, could not help increasing in her love for him, and would often say to her neighbors, "O, I shall see this lad a rich man one day." This saying coming to the ears of his parents, they would frequently make themselves merry with it, and thought no more of it than as the pure result of the nurse's fondness. Sawney, having enriched himself with the spoils about Edinburgh, actually thought his old nurse's words were verified, and sent for her, to give her a gratification for her prediction. She came, but Sawney had so disguised himself that the poor woman did not know him. He told her that he was an acquaintance of Mr. Cunningham's, who, on her coming, had ordered him to carry her to Mr. Peterson, the astrolo-

ger where she would be sure to see and speak to him, for he was gone there to get some information about an affair that nearly concerned him. The nurse and her pretended conductor went to the fortune-teller's, where, desiring admittance, Peterson thought they were persons that wanted his assistance, and bade them sit down, when Sawney began to harangue upon astrology, and the laudable practice of it.

"I and this old woman," said he, "are two of the most accomplished astrologers, or fortune-tellers, in Scotland; but I would not, reverend sir, by so saying, seem to depreciate from your knowledge and understanding in so venerable a science. I came to communicate a small affair to you, to the end that, not relying on my judgment and this woman's, I might partake of yours. You are to know, sir, that, from six years of age, I have led a very untoward life, and have been guilty of many egregious sins, too numerous to tell you at present, and what your ears would not care to hear; for my employment has been to make myself a sharer of other people's money, bilk my lodging, and ruin the vintners. For a bottle I have sold the twelve signs in the zodiac; and if I had not a profound respect for the persons of my venerable order and profession, I should call Mercury the ascendant in the fourth house, at this minute, to lug half a score pieces of yours. By my exceeding deep knowledge in astrology, I can perfectly acquaint all manner of persons with every occurrence of their lives; and were it not to frighten yourself, I would conclude, from the appearance and conjunction of Saturn and Vulcan, that your worship would be hanged for your profession. But, sir, though destiny hangs this unfortunate death over your head, it is at some distance from it,

and may be some years before it strikes you. Is it not surprising that a man shall be able to read the fates of mankind, and not have any pre-knowledge of his own? And is it not extremely afflicting to think that one who has done so much good in his generation, and assisted so many thousands to the recovery of things that would have been inevitably lost without his advice, should come at last to the ignominious halter, as a fit recompense for his services? Good heavens! where is the equity of all this? Certainly, sir, if we are to measure the justice of things by the laws of reason, we must naturally conclude that laudable and good actions deserve laudable and good recompense; but can hanging be said to be this good recompense? No; but the stars will have it so, and how can mankind say to the contrary?"

Cunningham paused here a while, and the astrologer and old nurse wondered whom they had got into company with. Mr. Peterson could not help staring at the physiognomy of our adventurer, and, in spite of himself, began to be in a panic at his words. The nurse was in expectation of seeing Sawney come in every minute, little dreaming the person she was so near was the man she wanted.

"Well, venerable sir," said he, "do not be terrified at my words, for what cannot be avoided must be submitted to. To put you out of your pain, I'll tell you a story. A gentleman had a son, who was his darling, and consequently trained up in all the virtuous ways that either money could purchase or good examples teach. The youth, it seems, took to a laudable course of life, and gave promising signs of making a fine man; nor, indeed, were their expectations deceived, for he led a very exemplary life of prudence, excellent conduct, and good manners,

which pleased the parents so much that they thought everything they could do for him too little. But the mother, out of an inexpressible fondness for him, must needs go to an astrologer, and inquire how the remaining part of his life must succeed. Accordingly the horoscope is drawn, but a dismal appearance results from it. It acquaints the mother that her son shall remain virtuous for two and thirty years, and then be hanged. 'Monstrous and incredible!' says she; 'but I'll take care to secure him in the right way, or all my care will be to no purpose.' Well, the family are all soon acquainted with this threatening warning. The person determined to be the sacrifice is already nine and twenty years old, and surely, they suppose, they can easily get over the other three years, when all shall go well with their kinsman. But what avails all the precautions of mankind? This same son obtains a commission of a ship, goes to sea, and acting quite contrary to his orders, turns pirate, and in an encounter happens to kill a man, for which, on his return to his native country, he is tried, condemned, and hanged. What think you of this, venerable brother? Is not he a sad instance of an overruling influence of the stars? But not to prolong too much time on a discourse of this nature, let us come to the purpose. You are now, as I cannot do it myself, to tell me my fortune, and this old woman is to confront you if you tell me a lie. There is no excuse to be made in the matter; for, by heavens, on your refusal, I'll ease this room of your damnable trumpery, and send you packing to the devil after them."

These words were enough to frighten any man out of his senses; nor could Peterson well discover the intention or drift of his talkative and uneasy visitant.

"What would you be at?" says the astrologer.

"Why, do not you see what a terror you have put that good woman into, who trembles like an aspen leaf?"

"I am not used, friend, to have persons come into my house, and tell me to my face that I am to be hanged; and then to confirm it, as you pretend, tell me an old woman's story of a cock and a bull, of a young man that went to sea, and was hanged for robbing, for which he certainly deserved the punishment he met with. As for telling your fortune, I'll be so plain with you, that you'll swing in a halter as sure as your name is Sawney Cunningham."

"Sawney Cunningham," quoth the nurse, who, straightway throwing her arms about his neck, began to kiss him very eagerly, and looking earnestly in his face, cried aloud, "And art thou Sawney Cunningham! Why, I thought thou wouldst come to be a great man, thou wast such a Scotty lad."

"Do you see now," says Sawney, "what a lie you have told me, in impudently acquainting me that I shall be hanged, when my good prophetess here tells me I am a great man; for great men never can be hanged."

"I don't care for what she says, nor you neither, for hanged you'll be, and that in a month's time, or else there never was a dog hanged in Scotland."

"Pray, brother, how came you to know this without consulting my horoscope?"

"Know it! Why, your very condition tells me you have deserved hanging this dozen years; but the laws have been too favorable to you, else Mr. Hamilton's death had been revenged before this time of day. Now, to convince you of my superior knowledge in astrology,

—I mean, in telling how far their influence extends over any man's actions, — I'll point you to the very action and persons that will bring you to the gallows. This very day month you shall go (in spite of all your foresight and endeavors to the contrary) to pay a visit to Mr. William Bean, your uncle by your mother's side, who is a man of unblamable character and conversation. Him shall you kill, and assuredly be hanged."

Sawney, having observed the air of gravity wherewith Mr. Peterson delivered his words, could not help falling into a serious reflection about them: and, thinking the place he was in not convenient enough to indulge the thoughts he found rising within him, abruptly left the fortune-teller, and giving his old nurse five shillings, returned home.

After having seriously pondered on the several particulars of Peterson's words, he could not for his heart but think that the old man, in order to be even with him for telling him of being hanged, had only served him in his own coin; so that, after a few hours, every syllable was vanished out of his mind, and he resolved to keep up to his usual course of life.

We draw on to his last scene now, which shall be despatched with all the brevity we are masters of. Sawney, having escaped many dangers, and run through many villainies with impunity, must needs go to his uncle Bean's house to pay him a visit, with no other design than to boast to him of his late successes, and how fortune had repaired the injuries his former misconduct and remissness had done him. He went; and his uncle, with his moral frankness, bade him sit down, and call for anything his house could afford him.

"Nephew," says he, "I have desired a long time to see an alteration in your conduct, that I might say I had a nephew worthy of my acquaintance, and one to whom I might leave my estate, as deserving of it; but I am acquainted from all hands, that you go on worse and worse, and rather than produce an amendment, abandon yourself to the worst of crimes. I am always willing to put the best interpretation I can upon people's conduct; but when so many fresh reports come every day to alarm my ears of your extravagances and profuse living, I cannot help concluding but that the greatest part of them are true. I will not go about to enumerate what I have heard, the discovery of mistakes only serving to increase one's uneasiness and concern. But methinks, if a good education, and handsome fortune, and a beautiful and loving wife, could have done any service with respect to the reclaiming you, I should have seen it before now. Your wife has been an indulgent and faithful friend to you in all your misfortunes; and the lowest employment in life, could you but have confined yourself, would have proved more beneficial, and secured your character, and the esteem of your family and friends, better than the ways you now tread in. I am sensible my advice is insignificant, and men of my declining years are little valued or thought of by the younger sort, who, in this degenerate age, think none wiser than themselves, and are above correction and reproof. Come, nephew, Providence may allot you a great many years more to run; but let them not be such as those already past, if Heaven should grant you the indulgence. If I could build any hopes on a good foundation, that you would yet repent, methinks I could wish to have vigor and strength to live to see it; for what my

satisfaction would be then, none are able to declare, but such only as are in the like case with myself. Our family has maintained an unspotted character in this city for some hundreds of years, and should you be the first to cast a stain upon it, what will mankind or the world say. You may depend that the load of infamy will be thrown on your back, for all who know, or have heard the least of us, will clear us of the dishonor, as knowing how well you were educated, how handsomely fitted out for the world, and how well you might have done. If fame says true, you are to be charged with Mr. Hamilton's death; but I cannot bring myself to think you would ever be guilty of so monstrous an impiety. It seems he had been your benefactor, and several considerable sums of money he had given you, in order to retrieve your lost circumstances; but was to give him his death the way to recompense him for his kindness? Fie on it. Not pagans, or the worst of infidels, would repay their benefactors with such usage; and shall we Christians, who boast so much above them, dare to do that which they abhor from their souls? It cannot be, nephew; but all thoughts of humanity and goodness are banished from your mind, otherwise some tincture would still have remained of Christian principles, that would have told you, you were highly indebted to that good and eminent lawyer's bounty. I am more diffusive on this head, because it requires a particular disquisition; neither mistake me in this matter, for I am not determined to rip up things to the world, in order to blacken your character more than it is already, nor to bring you under condemnation; only repent, and lead a more sober life for the time to come, and all the wishes and expectations of your friends and family are

then fully answered. First, endeavor to reconcile your passions to the standard of reason, and let that divine emanation conduct you in every action of your future life; so will you retrieve the time you have lost, patch up your broken reputation, be a comfort to your family, and a joy to all who know you. Ill actions seem pleasing in their commission, because the persons that pursue them have some aim of advantage in doing them; but let me tell you there is nothing in the world like a virtuous pursuit, though the road is beset with thorns and briers; but there are inexpressible delights and pleasures in that wilderness, which not all the vices in the world can balance. This exhortation, probably, may be the last that may come from my lips; but, indeed, you have need of advice every moment, and want the leading-strings of a child, yet neither want you sense or understanding; how comes it, then, you make such bad use of them? Are not all the miserable catastrophes of profuse and wicked livers sufficient to deter you from your licentious course of life? If gibbets and gallows could have any influence on a mind, unless lost to all sense of goodness, certainly the melancholy ends so many monthly make here, should be a means of opening your eyes and reclaiming you. But, alas! the wound, I fear, is too deep, and no medicines can now prevail; your enormities are of such an egregious dye, that no water can wash them out. Well, if neither the cruel consequences of an iniquitous and misspent life, nor all the advice which either your friends and relations can give you; if good examples, terrors, or death cannot awaken you from your profound lethargy and inactivity of mind, I may well say your case is exceedingly deplorable, and what, for my part, I would not be involved in for ten

thousand worlds. You cannot but surely know what you have to depend on, now your friends and relations abandon you, for you are styled a murderer; and the man that has once dipped his hands in blood, can never expect enjoyment of any felicity either in this or the next world; for there is an internal sensation, called conscience, which brings an everlasting sting along with it when the deeds of the body are heinous and black. Indeed, some may pretend to stifle their iniquities for a considerable time, but the pause is but short; conscience breaks through all the barriers, and presents before the eyes of the guilty person his wickedness in frightful colors. What would not some give to be relieved of their racking nights and painful moments? When freed from the amusements of the day, they might wish to rest, but cannot. 'Tis then that Providence thinks fit to give them a foretaste of those severities, even in this life, which will be millions of times increased in the next."

Here the good old man shed a flood of tears, which pity and compassion had forced from his eyes; nor could Sawney forbear shedding a tear or two at hearing; but it was all pretence, and an imitation of the crocodile, for he was determined to take this reverend old gentleman out of the world, to get possession of his estate, which, for want of male issue, was unavoidably to devolve upon him after his death. With this view, after he had made an end of his exhortation, he stepped up, and without once speaking, thrust a dagger into his heart, and so ended his life; and, seeing the servant-maid come into the room at the noise of her master's falling on the floor, cut her throat from ear to ear; and then to avoid a discovery being made, set fire to the house, after he had rifled it of all the valuable things

in it. But the Divine vengeance was resolved not to let this barbarous act go unpunished; for the neighborhood, observing a more than ordinary smoke issuing out of the house, concluded it was on fire, and accordingly unanimously joined to extinguish it, which they effectually did; and then, in going into the house, found Mr. Bean and his maid inhumanly murdered. Our adventurer was got out of the way, and no one could be found to fix these cruelties upon; but it was not long before justice overtook Cunningham, who, being impeached by a gang of thieves that had been apprehended, and were privy to several of his villanies, he was taken up, and committed a close prisoner to the talbooth, where so many witnesses appeared against him, that he was condemned, and hanged at Leith, the 12th of April, 1635.

When he went to the place of execution, he betrayed no signs of fear, nor seemed any way daunted at his approaching fate. As he lived, so he died, valiantly and obstinately to the last, unwilling to have it said that he, whose hand had been the instrument of so many murders, proved pusillanimous at the last.*

* The foregoing account of Cunningham's career, as will be seen, is in the style of the last century, when it was first published. Most of the facts were, probably, substantially as stated, while the raciness of the account adds to the interest of the story of his wild career.

XVI.

CASE OF MOSES CHAPMAN ELLIOT.

THE trial of Moses Chapman Elliot, before the Supreme Judicial Court of Massachusetts, at Springfield, in the county of Hampden, September 17, 1834, for the murder of Josiah Buckland, excited a degree of interest, which has scarcely a parallel in the judicial proceedings of Massachusetts.

The prisoner was a lad of only twelve years of age. The deceased was three months short of thirteen years when he died. They were both children of very respectable parents, living in that village; and the sympathy of the community, strongly excited by the developments of the case, which, for five months had been the constant theme of village conversation, unfortunately, though almost unavoidably, took sides with one or the other suffering families.

Most of the material facts were ascertained beyond contradiction or doubt. The two children were companions and playmates. On the 4th of April they slept in the same bed. On the morning of the 5th they went out together, with a pistol belonging to Elliot; Buckland, for some purpose, taking a bundle of clothes with him, and having a quarter of a dollar, which was all the money they possessed. For an hour they amused themselves by firing at a mark, near the house where the deceased lived. They then went off together in the direction of a building called

a hop-house, situated in an open field, at considerable distance from any habitation or public road. There they resumed their amusement, by firing at least nine bullets at the door of the hop-house. The firing was heard till about twelve o'clock at noon, by a witness who was at work at some distance in a field, and who soon after saw a boy, of the appearance of the prisoner, running from the direction of the hop-house, alone. Young Buckland there received a mortal wound by a pistol bullet, which entered on the left side of the breast, an inch below the left pap, passed through both lobes of the lungs, and came out at the back, near the spine, two inches higher than the point at which it entered the body, carrying with it into the breast shreds of the garment worn by the deceased. The wound was not immediately fatal. The lad was found the next morning (Sunday) under a hedge, near some water, to which he had crawled during the night, to slake that burning thirst which always attends an injury of this description. He was taken to his parents' house, where he languished until the Thursday following, when he died.

It being perfectly certain that the wound was given by the prisoner, the only question in the case was, whether it was the result of accident or design. To this point the dying declaration of the deceased, made to his mother, and by her repeated evidence, was adduced by the attorney-general, and heard by a crowded auditory, composed in a great proportion of ladies, with the most thrilling emotion.

Mrs. Elizabeth Buckland testified, that after her son was brought home, his wound was examined and dressed by the surgeons; and after the exhaustion consequent upon this painful operation had been somewhat relieved, he attended to the exhortations and instruction of the Rev. Dr.

Osgood; and when all was still, and she was alone with him, and while his head lay upon her bosom, and she had given him a parting kiss, and told him he must die, she begged him to let her know how it happened, from beginning to end; declaring to him that it would be the only consolation she should have, to hear the entire truth. She said Josiah was then perfectly in possession of his reason; that he was calm and collected, and that slowly, but distinctly, he gave her the following account:—

That Moses and he had agreed to go to Boston, to seek their fortune; that Moses told him they could easily get there, and find employment on board a ship; that he had packed up his clothes, but Moses came without any; that they were irresolute, and undetermined how to proceed; that Moses had a pistol, and he (Josiah) got some powder and ball at his father's, and they practised some time at a mark near the house. They then went into the field, and began again the same sport. Moses loaded the pistol, and told Josiah to fire it. He did; but it was loaded so heavily that it knocked him down; that Moses then told him that they must divide the clothes. Josiah consented; but Moses wanted the best coat, which Josiah refused to let him have. Words ensued, and, instead of going off, they recommenced firing. Moses told him to put up a mud mark on the hop-house, and while he was doing so, fired, and nearly struck him. Josiah said he would go home if he did so again; but Moses laughed at him, and said he should not go home. Moses then again loaded the pistol, and threw the ramrod from him, and told Josiah to pick it up: while he was doing so, Moses fired, and the ball entered his body. Moses then came up, and asked if he had killed him. Josiah re-

plied, "I don't know;" and Moses then struck him with the pistol on his arm. He then took out of Josiah's pocket a twenty-five cent piece, and said, "I may as well have this as anybody else." Josiah asked him to help him home, but he refused; he begged him to tell his mother what had happened, but he made no reply; threw down the pistol, and ran off. Josiah said he felt as if he could not live, and all he wanted was to see his mother; that in the course of the night he crawled to the water, and lapped up some to quench his thirst. He was sorry for his fault in running away; had prayed to God to forgive him, and, since he had heard what Dr. Osgood said, he felt he would forgive him. He hoped his mother would forgive him, for he was very sorry for his fault.

Other witnesses testified to other conversations, after this time, with more or less particularity, and, of course, with some variation of circumstances, but always with a distinct declaration that the wound was given while he was picking up the ramrod. It was manifest, however, that as his strength failed, his mind wandered; though at times perfectly sensible, he was unable to tell a connected tale of events.

The conduct of the prisoner, after the mortal wound, was the next subject of inquiry. It was certain he never mentioned the circumstance to any one until after Josiah had been found, on Sunday morning.

Achsah Buckland, sister of the deceased, aged ten years, testified that about twelve o'clock, on Saturday, she was carrying dinner to her father, who was at the water shops, and passed Moses, who was running in a direction from the hop-house to his father's. He said nothing.

Solomon Mackary, about four o'clock on Saturday, was

planting trees in the burying-ground. The prisoner came by him, having a spade in his hand. Witness asked what he was going to do with it. He said, "To dig angle-worms." Witness said the burying-ground was a good place for worms. Prisoner said he knew a better, and passed on in the direction towards the hop-house.

James Hubbard saw the prisoner coming from the direction of the hop-house on Saturday afternoon, but thought the time was between two and three o'clock. Prisoner said he had been after worms.

Thomas Warner, Jr. saw the prisoner on the same afternoon, and knew the time to be after four o'clock, and so much after as it took him to walk from the water shops to the place where he met the prisoner, which he judged would be four minutes. His attention was attracted to the prisoner, because he was running when witness first saw him; but when the prisoner observed him, he changed to a walk. At this time the prisoner had no spade, and he saw no worms. Prisoner was not going in the direction of his father's house.

George B. Phelps met the prisoner, about four o'clock, on the same afternoon. He had a spade, and said he had been to get angle-worms, and that he had sold his pistol for four dollars.

Philo F. Cook testified to the same facts. The prisoner then joined Phelps, Cook, and other boys, and played ball for half an hour, and kept company with them until six o'clock.

In the evening, after his return from work, Epaphras Buckland, the father of Josiah, alarmed at his absence, went to the house of Mr. Elliot, the father, to inquire for him. There he saw the prisoner, whom he did not before

know. The prisoner, in answer to Mr. Buckland's inquiries, said that he supposed Josiah had run away; had gone to Boston, to get on board some vessel; that he had twenty-five cents with him, which he had procured by selling some old iron. Being asked where he last saw Josiah, he would not give much of any answer. At this time it must have been known to the prisoner that Josiah was wounded and perishing in the open field, and that a word of information might save his life.

On the Sunday morning, before Josiah was found, Mr. Luther Horner, and his son Chester, one of Moses Elliot's playmates, met Moses half a mile from the hop-house. Moses had a pistol. He said he had lent it, the day before, to Josiah, to go shooting; that Josiah had run off; that he had found the pistol by the hop-house, and also Josiah's clothes.

Walter Buckland, aged sixteen, a brother of Josiah, was out on Sunday morning, and met Moses at some distance from home. He reported the matter to his father, who sent him out again to watch Moses. Walter found him, and asked him if he knew where Josiah was. He replied, "He has gone to Boston." Being interrogated where he had been himself, he said to the hop-house, and that Josiah's clothes were there. Walter asked him to go and show him the place, but he refused, and said he must go home, and prepare to go to meeting. Walter told him he should go, and obliged him to go. Under the hop-house steps he found Josiah's clothes; on the steps he found the pistol, and at some distance he found the ramrod. Moses said the pistol was his, and Walter let him take it. Walter then proposed to go in search of Josiah, and wanted Moses to assist; but Moses declined, and went home. Walter pro-

ceeded to search, and called in a loud voice for Josiah, for some time without effect. At last he found him, crawling along by the fence, near the running water, twenty or thirty yards from the hop-house. Josiah then said Moses had shot him, and he should die; that Moses had loaded the pistol, and thrown the ramrod off, and told him to get it; that while he was getting it, Moses had fired, and shot him, and then ran away. Help was now immediately obtained, and the child was carried home. The examination and dressing of the wound then took place, as before stated; after which, and after a religious conversation with the Rev. Dr. Osgood, and when Josiah was fully impressed with his dying condition, the declaration was made to his mother which is above narrated.

The evidence produced by the prisoner related, first, to statements made by Josiah after the one testified to by his mother, with a view, from certain discrepancies between them, to raise a belief that he was not of sane mind after he was brought home; but the contrary to this plainly appeared from the testimony of the attending physician and the Rev. Dr. Osgood.

It appeared from other evidence that the boys had been together on Friday, and slept in the same bed, at the house of one Adams, Friday night. It was hence inferred there was no unfriendly feeling between them. Some attempt was made to show a want of mental capacity in the prisoner, but the reverse was clearly established.

The defence, which was conducted by Messrs. Morris and Ashmun, of Springfield, rested mainly on the entire want of any adequate motive for so malignant an act; on the youth and inexperience of the prisoner, and the extreme probability that the pistol went off by accident, so that the

death thereby occasioned was involuntarily caused by the prisoner. It was attempted also to show, that, by the direction of the ball through the body of the deceased, the pistol could not have been discharged when the deceased was in the position represented by his dying declaration. Much evidence was given, on both sides, to this point, showing the nature of the ground and the direction of the other balls fired upon the hop-house. It appeared that the ground at the hop-house was at twenty inches elevation from certain bushes, which, from the appearances about them, was the position taken by the boys when they were firing; and if the ramrod had been thrown in that direction, the inclination of the wound would correspond with the course of the other balls, which, by an actual measurement, were found from five feet eleven inches, which was the highest, to four feet one inch, which was the lowest. From the appearance of the body, it could be seen that the ball entered in front; but, except from the declaration of the deceased, which was full to this point, it could not be proved in what position he was when he received the wound.

The conduct of the prisoner, after the fatal wound, was attributed by his counsel to fear and ignorance.

On the last day of the trial, which was occupied by the arguments of the counsel, the court was in session from eight o'clock A. M. until eleven o'clock at night, during all which time the house was thronged with an unmoving, compact mass of the female population of the county.

The jury acquitted the prisoner.

XVII.

ASSASSINATION OF THOMAS D. MCGEE.

THE assassination of Hon. Thomas D'Arcy McGee, in Ottawa, Canada West, or the Province of Ontario, as it is now called, created an intense excitement throughout the New Dominion. The excitement was all the greater, because it was supposed that the murder was the work of a Fenian conspiracy, and it was uncertain how far it might extend, and who else among those in high official station might become the victim of its enmity.

Thomas D'Arcy McGee was born in Carlingford, Ireland, in 1825, and came to the United States in 1842, when but seventeen years of age. He obtained a position connected with the press in Boston, and manifested more than ordinary ability as a writer, and more than ordinary enthusiasm in the cause of Ireland. In 1848, when the "Young Ireland" movement took place, he returned to Ireland, and was attached to the editorial staff of the *Nation* newspaper, where he displayed brilliant talents as a writer and politician. When the attempted revolution utterly failed, he succeeded in avoiding the English detectives, and escaped to the United States again, where he conducted a newspaper, called the *American Celt*, which maintained the cause of "Free Ireland" in an able manner. By his career up to 1854, he became one of the idols

of the Irishmen who hoped to see the independence of Ireland established. But when the American, or "Know-Nothing" party arose, and swept all others out of sight, McGee was suddenly converted in his politics as to Ireland, and became as violent a royalist as he had before been an ardent republican.

This change, of course, was not very pleasing to those who still sympathized with the cause of Irish independence, and he was bitterly denounced by many of his countrymen in the United States. He then went to Canada, as a country more congenial to his royalist sentiments; and there he was received with great cordiality by the monarchists, and regarded with great dislike by others. His brilliant talents were of great service to his new friends, and he soon reaped honors and profit from his change. He was elected to the Provincial Parliament, and in 1864 was made President of the Executive Council. In 1867 he was reelected to the Parliament of the Dominion of Canada, and was appointed Minister of Agriculture.

McGee's career was regarded with feelings of disgust by the great body of the Irish who still were true to the principles and sentiments which he had abandoned. He was looked upon as a renegade; and the dislike entertained for him was in proportion to his talents, which had been perverted from the cause of Ireland, as the Irish patriots thought, to the side of her enemies. His course and language was such as to provoke the hostility of the party which he had deserted, and they were often bitter in their denunciations.

On the night of April 6, 1868, Mr. McGee left the Parliament Houses in Ottawa, to return to his residence, and just as he reached the house, and was about to open



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the door, he was shot by a person who came up behind him. The shot was but too truly aimed, and proved fatal in a very short time.

The hostility which McGee's recent career had created among the Irish patriots, who were now organized, and known as Fenians, led to the belief, among the Canadian authorities, that the assassination was committed by one of that brotherhood, and that it was the result of a conspiracy among some of the order who resided in Canada, with ramifications extending to the United States. This belief, as already stated, caused a good deal of excitement in Canada, and aroused fears, which were, probably, by no means well-founded. Great efforts were made to discover the assassin, and to trace out the conspiracy. The efforts in the latter direction were not attended with any really satisfactory results; but among a number of arrests was a man named James Whelan, who was held as the supposed murderer, and was brought to trial in September following the assassination. The excitement of the loyal people, during all the efforts made to discover the murderer and the conspiracy, continued through the trial, which attracted the greatest interest. There was, indeed, some reason to suppose that there was a band of conspirators in Montreal, who had planned the murder, and that Whelan was the instrument; but the evidence was not sufficiently conclusive to fix the guilt upon any other person, and he was alone tried, the fear of that mysterious band still haunting the minds of officials and timid royalists.

At the trial, the prosecution introduced the following testimony, which was the only direct evidence in relation to the assassination, and was afterwards sharply criticised by the prisoner's counsel:—

Jean Baptiste Lacroix sworn. "I lived in Ottawa in the spring, in Gray Nun Street; I know the Chaudiere Flats, in the upper town; I had business there early in April; it was on a Monday night, between the 6th and 7th; I went there in the evening, and returned about half past one in the morning; I took the regular course between the upper and lower towns; I know the street opposite the Parliament Buildings; I came along that street till I came to the Parliament Buildings, and then crossed the street, being the shortest way, and down a street to the street below. [At this stage it was found necessary to allow the witness to give his evidence in French, Mr. G. H. MacAulay being sworn to interpret.] I came along the straight road from the Chaudiere Flats till I came to the Parliament Buildings, where I crossed; there was a large stone house; I was on the left side going down; there was a fence at the corner; there were houses near the fence; the fence was about a quarter of an acre before coming to the houses; saw a man dressed in black, with a beaver hat on, walking on the street; he was going towards the Chaudiere Way, and making for a door; the door was about half the distance of the fence, and opposite a telegraph post; the man I saw was from twelve to fifteen yards from the door when I saw him first; I saw another person; he was from about seventeen to eighteen yards behind the first; he was on the opposite side from me, but on the same side as the other man; both were going in the same direction; the second man had on lightish pants, a dark coat, a cap on his head; I then heard a shot fired; the man in the rear left the sidewalk, got in the street and behind the first man; he came in the rear of the first man, and fired; the first man appeared to be trying to open the

door; he was at the door when the shot was fired; the face of the first man was close to the door when the shot was fired; the second man came round behind the first, held out his hand, and fired; I was so surprised I gave a jump; the man shot at fell over against the door, between the corner of the door and the wall of the house; he fell head first towards the wall."

On being reexamined, witness said the first man fell on the sidewalk.

He explained. "The first man fell into the corner, then rolled round, and on to the sidewalk; on returning, the second man made a turn round, as he had gone to fire at the man; on getting on the sidewalk he struck a small post, and called out, 'Jesus, Jesus!' he then got on the sidewalk, and at a little distance, got into a gateway. I was standing at the doorway of a brick house, near the house. It was nearer the Sapper's Bridge than where the men were standing; the man who fired came a short distance towards me, but turned, and struck the post; I was nearing the house at the time this transpired; when I saw this I started for home; I did not cross over; I was too much frightened; I was standing at the brick house; when the man who fired disappeared I started for home; he came within seven or eight yards of me before he turned and struck the post; I could distinctly see his face; I think the man did not see me; I have seen him since in the office of the jail; there were several others there; he was dressed in white trousers, black vest, and dark coat and cap; I see the man here now, (pointing to the prisoner); that is the man I saw; I did not say much about it till I had a conversation with Mr. Parent; I said nothing about it, as I did not know whether the man was dead or not; next

morning I spent a short time working about my house, and then moved to the flats, to the place of a man named Laffour, near the small bridge crossing the creek; I then went to work with Mr. Harris, near the Chaudiere Falls, and below the Chaudiere Bridge; I worked besides at the Deschene Rapids; it was called nine miles from the bridge; I went there to work; somebody brought me down; I was taken before a magistrate, and I believe since that time I have been in jail; it was about seven or eight days after the occurrence when I was brought before a magistrate; I was twice before a magistrate; it was after the first examination that I went to Deschene Rapids; I don't expect to receive anything for my evidence; I don't remember ever to have seen the man before he fired the shot; I did not see him from that night till I saw him in jail; I then identified him; it was on the day after the shooting that I moved to the flats; I have seen Sheriff Powell once or twice in jail; he was present when I pointed out the prisoner in jail; there might have been thirteen, fourteen, or fifteen persons present; they were all strangers; I had no difficulty in recognizing the prisoner."

Most of the other evidence was circumstantial, and traced the movements of Whelan previous to the murder at Quebec, and afterwards at Montreal, where it was supposed the conspiracy was entered into. There was, however, no evidence which absolutely proved the existence of such a conspiracy, or identified the parties concerned in it, if there was one, and that matter still remains a mystery.

There was evidence to show that Whelan entertained a hatred of McGee, which appeared to be of a political nature; that he had several times used threatening language

with regard to him, vowing to take his life; that he was present at the Parliament House when McGee spoke that night, and had made threatening gestures; that when the speaker used the words "struck below the belt," Whelan shook his hand, passed it over his breast, where it was afterwards supposed he carried a pistol, and made a significant nod to a confederate who was with him. It was also shown that some time previous to the assassination, he had made visits to McGee's house under an assumed name; and it was proved that, when arrested, the prisoner had a pistol in his possession, one of the barrels of which appeared to have been discharged recently. After putting in this various circumstantial evidence, which was rather damaging to the prisoner, but which did not show that he was the tool of a conspiracy, except as it might be inferred from the nature of the enmity entertained by Whelan towards McGee, the government put in the testimony of two detectives who visited the prison where Whelan was confined, and overheard his conversation with other prisoners, in which he admitted he had committed the murder.

The testimony of Andrew Cullen, one of the detectives, was as follows:—

"Have been detective in the city of Montreal for three years next November; as detective, was here the day after the death of McGee; got news about six in the morning; reached here by afternoon train; was present at the arrest of Whelan, with O'Neill; have been in Ottawa jail, and through corridors; know corridor and cell where prisoner is confined; is first to left as you go in; the prisoner's corridor is at side of building; the cells are to the left of windows; his cell is at east end; examined cell of prison-

er, the turnkey of jail being with me; Whelan and a prisoner named Doyle were in the cell, or in the corridor; Whelan was nearest the door, Doyle seven feet off; outside is a landing; at head of stairs an iron door between the corridors and landing; another at head of stairs; on that landing you could go within two and a half or three feet from him; on the evening of the 16th of April, heard a conversation between Doyle and Whelan, Hess with me; remained from half past five to eight; when there prisoner and Doyle conversed; Doyle said, 'James, I'm sorry you've done it;' Whelan said, 'Don't care a damn; I'm prepared for the worst. I'll either swing or go to penitentiary for life; don't care a damn only for one thing;' Doyle asked, 'What is that?' Whelan made allusions to the old woman, and said, 'The bloody guts would fall out of her;' Doyle said, 'The whole world will know it;' Whelan answered, 'Yes, I'm a great fellow; I shot that fellow; you are here, poor beggar! and here am I, which makes three of us;' Doyle said, 'What's that?' I was standing with my boots off, expecting he would repeat the same thing; I nodded to the man who was with me as Whelan repeated, 'I shot the fellow like a dog,' adding, 'I'm a great fellow, my name will go down to posterity;' Doyle then said, 'I'm sorry for you;' I forgot, till reminded by Doyle, that he said, also, 'I'm sorry that you did not tell me you were going to do it, as I would not have let you.' They then talked over little matters; Whelan was asleep three quarters of an hour; before I left could hear him breathing — snoring; he would go to bed, snore shortly after, and again jump up; made a minute immediately after coming down stairs, both of us together; I signed it (minute produced and identified); don't recollect any other conversation."

To J. H. Cameron (counsel for defence). "I now remember more. Whelan said, 'I don't care about anything but my poor mother, and there is more of us in trouble; my brothers are in for Fenianism, for firing at the police barracks, Tallaght, Ireland;' he then mentioned about Turner swearing bad against him; that he swore they were all Fenians, and there were fourteen witnesses; he said, also, that I was covered by a fellow in Griffintown at fourteen paces; am the same man as was shot by Garner; don't know where he is; both accounts were the same I gave of the shooting; received five hundred dollars from Mr. Devlin on that account; he is now here; the first words Whelan said, 'Are you there, John? I was nailed very tight to-day; do you know who was the informer? it was Aleck Turner.' Doyle said, 'No,' in a loud voice; Whelan said, 'Yes, by Jesus Christ, I wouldn't give much for his carcass for this;' another voice called out loud from the other corridor, 'Whelan, how did you get on to-day?' Whelan called out, in a loud, slow tone, 'Bloody bad;' the voice then made answer, 'I'm sorry to hear it.' Whelan then said to the voice, 'I had a nod from your brother to-day;' the voice asked, 'Is he in town?' Whelan called, 'Yes,' and added, 'You must keep as mute as a mouse here — do you understand?' the voice said, 'Yes.' That finished the conversation; but I heard Whelan tell Doyle that he saw Slittery's brother to-day; he also said to Doyle, 'John, you and me must quit talking here about what we know; we must be mute as mice, because these detectives might be around listening.' Doyle began regretting what he had done, and said, 'I wonder what they will do with me?' Whelan said, 'You are all right; they can't prove anything against you; I

wish I was as safe as you ; they will only keep you a week or a fortnight.' Doyle said, 'What will my wife and two children do?' Whelan said they would be all right, as they would get his pension. Doyle said, 'No.' Whelan said they would be all right, for as long as his (Whelan's) wife had a bit or sup she would share with Doyle and his family ; there may be more in that paper than I have stated, but don't know."

The defence offered some evidence to contradict the testimony put in by the government, and some witnesses were brought up from Montreal to testify in direct opposition to some of the government evidence. But, when sworn, these witnesses did not testify as they had promised, and declined to perjure themselves. The affair had the appearance of an attempt to bribe the witnesses to testify for the prisoner, and caused some commotion in the court.

The counsel for the defence made an eloquent plea, but the case, as presented for the prosecution, was too strong, and the jury brought in a verdict of Guilty. Before his sentence, Whelan was permitted to speak for himself, when he said, —

"I have been tried and found guilty of the crime, and, of course, supposed to be a murderer. Standing here on the brink of my grave, I declare to you, my lord, and to God, I am innocent. I never committed this deed ; that I know in my heart and soul. I have been accused of being a Fenian, but I never was." Whelan here detailed his career in Quebec, Montreal, and Ottawa, giving at length his proceedings on the night of the murder and his arrest. He complained of his treatment by the sheriff, and said, "When I was in jail, the witness Lacroix was brought to my cell ; I was pointed out to him, and he

said he did not know me. Then Sheriff Powell took my clothes down stairs, and showed them to Lacroix, and then he made me put them on. He then put me in a line with others, and made us right about face. While I had my back turned, in sight of Goode, he pointed me out, and Lacroix swore to me. They would not let me look at his deposition, nor question him, but ran me out of the room. I know that the minds of the people, and the prejudice of men of opulence, are against me, because I am an Irish Catholic. The sheriff came to me in my cell, and ill-treated me, and gloated over me, and said he would have the hangman's fee. I would spend the last drop of my blood for the woman whose portrait hangs above your lordship (pointing to the picture of the Queen). I served her nine years and six months, — four years in India, — and would spill the last drop of my blood for her to-morrow. I never took McGee's life. I never owed him spite. I looked upon him as talented and clever. We Catholics are looked on as traitors. There is a curse on this land — it is party, and I am a victim to it. I may be accused and found guilty, but I am innocent. Had I been on a jury, with the same evidence before me, I would have given the same verdict. I exonerate them ; but did they know how the crown evidence was manufactured, they would have given another verdict. Every Roman Catholic is accused of being a Fenian. Any Englishman is welcome to say what he likes ; but if a poor, starved Irishman dares to lift his voice for Irish liberty, he is seized, charged with assassination, hanged, or sent in chains to an English jail, — that terrestrial hell, — where he lingers one of the living damned."

Chief Justice. "I have given you plenty opportunity."

Whelan. I am speaking facts —"

Chief Justice. "I will hear you on matters connected with your trial; but we are not in England."

Whelan. "But these things were practised on me. God knows it. He and I know all."

The Chief Justice then sentenced Whelan to be hanged on the 10th of December, and said he had no hope of mercy. Whelan bowed and said, excitedly, —

"My lord, all that sentence cannot make me guilty."

An attempt to obtain a new trial failed, and Whelan was executed pursuant to his sentence.

With his conviction and death, the fears of a conspiracy seem to have passed from men's minds.

XVIII.

THE WILSON AND THORN CASE.

THIS case was tried at Portland, Maine, on the 2d and eight following days of May, 1863, before the Supreme Court of the State.

The prisoners were separately arraigned on two indictments for the murder of Elisha Wilson, the husband of one of the accused, at Harpswell, on the 5th of February last. Thorn was first tried.

The facts in the case were entirely circumstantial. It appeared in evidence that Elisha Wilson, the deceased, his wife, and Thorn, were the only occupants of Wilson's house, which was separated from the house occupied by Benjamin Wilson, the brother of the deceased, by a stone wall in the cellar, and wooden partitions above the cellar. Thorn had been a favorite suitor of Wilson's wife previous to her marriage, but during his long absence at sea, she had married the deceased about a year before his death. When he left her on a foreign voyage, she promised to marry him if he returned in a certain time. He was absent two years. On his return from sea, Thorn had renewed his intimacy with Mrs. Wilson, residing part of the time in the family of Benjamin Wilson, who had married his sister, and the latter portion of the time, about six weeks, in Elisha Wilson's family. Here his familiarity with Mrs. Wilson was more noticed. He was often found

alone with her, and twice when they were alone the door of the room was fastened. At another time he was seen sitting in her lap, with his arms around her neck, by Benjamin Wilson, who was present. Wilson was forty years old, his wife twenty-two, and Thorn twenty-five.

Thorn had frequently mentioned, within seven or eight weeks of Wilson's death, that "Elisha's health was poor, and that he did not think he would live long;" but it appeared in evidence that he was a rugged, healthy man, and not afflicted with any disease.

It was also proved by the government, that about the 30th of January, Thorn had procured a quantity of arsenic at an apothecary's, in Brunswick, on the common pretence that he wanted it to kill rats, and at the same time making inquiries as to the quantity it would take to kill a man. But no proof was exhibited of its having been administered, and a careful analysis of the contents of the stomach showed no trace of it. But about the time of the purchase, the deceased was taken violently sick with faintness and vomiting. On this occasion it was that Thorn made the remark, that he thought he would not live long.

On the morning of February 5, between three and four o'clock, Thorn aroused a neighbor, who lived at a short distance, and Mrs. Wilson called up Benjamin Wilson and his wife, in the adjoining house, informing them that Elisha Wilson was dead. But they gave different versions of the manner of his death. Mrs. Wilson's account was, that he waked her in the night, complaining that he was sick; that his head ached. He was restless, and turned in bed, as though he wished to get up. She threw the clothes off, and got up to strike a light. While doing this, he fell upon the floor. She thought he had fainted; threw some

water in his face, and called Thorn, who was sleeping in the room alone. When he came down, they put him in bed, and went to call the neighbors. He lay upon the floor about fifteen minutes. Thorn's first account was, that Wilson had had a dreadful fit; that it was as much as he could do to hold him in bed; he frothed dreadfully at the mouth; in his thrashing he cut his head on the head-board, and bled a good deal; and to one witness he said that Wilson fell out of bed, and cut a hole in his skull.

They subsequently varied their statements, and Mrs. Wilson very materially. She said she awoke in the night in a terrible fright; dreamed or thought she heard a terrible noise. Elisha's head was moving on the pillow. She asked what the matter was. He said his stomach was in great distress; that his head ached, and he was very dizzy. She said the noise sounded like a blow, and he got out of bed, &c., as she before stated; that she called Thorn, and they saw no blood until they got him into bed.

On arriving at the house, the witnesses found Wilson dead and cold. He was lying on his back, in the middle of the bed, covered with one quilt. The bed appeared to have been occupied by only one person. A blanket, a pillow-case, and towel, somewhat bloody, were in a tub without water; the blanket had been wet. No other bed-clothes, except a cotton quilt lying on the table, and another pillow-case under Wilson's head, were in that apartment. One or two coverlets were hanging on a line in Thorn's chamber. Two corners of one and one corner of the other were spotted with blood, and one appeared to have been wet. Two pillows, without cases, were lying in an adjoining room; the top of one had blood on it. The under sheet upon the bed was bloody, but there was

no blood upon the floor or furniture. A fire had apparently been kept all night in the room, over which a tea-kettle was hanging, in which the water did not boil until after the arrival of the witnesses. Mrs. Wilson appeared depressed and confused, but shed no tears, as one witness affirmed, but another testified that she wept.

There were on the left side of the head of the deceased two wounds, one lacerating the ear, the other under and a little forward of the ear, — a fracture of the skull, which caused the death. Some of the witnesses testified to a third wound, cutting through the scalp, below the ear. These wounds were made with a blunt instrument, and the fracture was an inch and three quarters in length, and from half to three quarters in breadth. The blow occasioned a rupture of the temporal artery, or a large branch of it, caused a large effusion of blood, and drove the scalp, with a part of the temporal muscle, and the fractured bone, upon the brain.

The surgeon, who made the post-mortem examination, found that the bow of a large pair of wrought iron tongs, belonging to the house, corresponded to the form and size of the wound. He did not doubt that the wound was caused by a blow from that or some such instrument, and could not have been inflicted by the deceased himself.

Two other surgeons present agreed that the wound was caused by some blunt instrument, — a brickbat, or some other, — and that Wilson probably never spoke or moved after the wound.

Such are the principal facts disclosed by testimony introduced by the government, taken principally from the scene of the death. No testimony was produced on the part of the defence.

Two letters, written by Thorn to Mrs. Wilson after they were in prison, and attempted to be clandestinely sent, were also introduced, expressing a strong interest in her, and a desire to see her; adding, "You must mind when you come to court and clear me, if you don't they will hang me" — supposing, probably, that she would be a witness on behalf of the government. It also appeared in evidence that Thorn said he fastened the outer door before retiring to bed.

The question of guilt or innocence was to be determined upon this evidence, and the inquiry is pertinent, whether it produces upon the mind the clear conviction that the deceased could not have come to his death in any other manner than by violence, and whether that violence was the act of one or both of the prisoners?

Thorn was convicted, and the government withdrew any further prosecution against Mrs. Wilson.

XIX.

THE KLEINSCHROT FAMILY,

THE PARRICIDES OF THE BLACK MILL.

UPON a streamlet called the Sittenbach, which runs at the bottom of a narrow glen enclosed within steep mountains, stands the lonely Schwarz Mühle, or Black Mill, at about three hundred and forty paces from the last house in the neighboring village. The miller, Frederick Kleinschrot, a strong, powerful man of about sixty, lived there until the 9th of August, 1817. He and all of his family were Protestants. His business was a thriving one, and his property, as was subsequently proved, amounted to a capital of thirteen thousand five hundred and seventy-seven florins. He had been married for thirty years, and had had twelve children by his wife Barbara, five of whom were still living. His eldest son, Leonard, was settled as a master miller at a distance, but the second and third sons, Conrad and Frederick, the former twenty-eight and the latter twenty-three years of age, lived in their father's house, the one managing the farm, and the other assisting his father in the mill. The two daughters, Margaret Barbara, aged twenty-three, and Kunigunda, aged eighteen, supplied the place of maid-servants.

In the farm-yard belonging to the mill, and not above twenty paces distant from it, was a separate cottage, rented

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at a low rate by a day laborer of the name of John Adam Wagner. In addition to his rent, he was bound to work for the miller, when required to do so, for six kreutzers a day and his food.

Besides the miller's family, and that of the day-laborer, a stable-boy of about thirteen lived at the mill. He slept in a distant stable, so that he could hear nothing that took place there by night.

On the 9th of August, 1817, the master miller disappeared. It was not until the 11th of October of the same year, that his wife informed the provincial magistrate that her husband had left his home nine weeks ago, taking with him all the ready money, and that they were without any tidings of him. She requested that he might be publicly advertised, — which was accordingly done, but without success, — and that all outstanding claims might be called in. The property of the absent man was accordingly put into the hands of trustees appointed by the court.

About a year after his disappearance, it was rumored abroad that he had been murdered in the Black Mill. The report no doubt arose out of suspicious expressions uttered by Wagner to one of his fellow-laborers of the name of Wiedman. One day, when he was angry with the Kleinschrot family, he said to Wiedman, "If you did but know what I know, you would be surprised. If I were to tell of the miller's family, the mill would be shut up, and they would all go to prison. If I want money, they must give it me, and if I want the cottage, they must give me that, too."

On the 1st of September, 1818, Metsieder, a gendarme, informed the provincial court of this expression of Wagner's. Suspicion was further increased by the knowledge

of the domestic quarrels which had constantly taken place in the Black Mill, and by the strangely embarrassed manner of the miller's family, and of Wagner and his wife, towards him (the informer).

The provincial magistrate had been already made aware, by former proceedings, of the bitter animosity subsisting between Kleinschrot and his family. Two months before his disappearance, the old man had laid a complaint before the magistrate that his wife and sons had possessed themselves of his keys and his money, and assumed the whole management of the house and mill; that they had ceased to treat him with reverence, or to obey his orders, and had even threatened him with blows. The wife and children, on the other hand, replied that the plaintiff was a profligate spendthrift, who neglected all the duties of a husband and a father, and wasted his substance on low women. The magistrate ordered them to submit to him as the head of the family, and to restore to him the lawful control over his own household. But on the following day the miller complained to the magistrate that his family would not abide by the decision of the court, and that his children had actually struck him. A commission was accordingly sent to reinstate old Kleinschrot in his rights as head of the house. But even in the presence of the commissioners the family expressed the bitterest hatred towards him, and declared their settled determination to obtain redress from justice for his extravagance, profligacy, and cruelty.

These and other circumstances, added to the statement of the gendarme, were sufficient grounds for a serious inquiry. The provincial judge of the district took steps evincing great zeal in this matter. On the very night in which this information reached him, he caused Wagner and

Wiedman to be arrested, and went in person to the Black Mill to examine the miller's wife and her sons. Wiedman repeated before the court the expression used by Wagner, which we have already mentioned, and the common rumor that Kleinschrot had been murdered in his mill, and that Wagner had helped to bury the body in the saw-mill. On the other hand, Wagner and the miller's family maintained that old Kleinschrot had privately absconded. The elder of the parish, who was examined as to the character of the Kleinschrot family, declared that he knew nothing against either them or Wagner; and a shepherd, of the name of Sperber, stated, that during the hay harvest of 1817, he had been employed by Kleinschrot to accompany him to a neighboring village, and to carry a bag of money, which, from its weight, must have contained at least two thousand florins. Hereupon the proceedings were abruptly stopped. Wiedman was not examined upon oath, the miller's daughters were not questioned at all, and no search was made in the saw-mill, which rumor pointed out as the spot in which the body had been buried. The provincial judge, contrary to his bounden duty, sent no report of the case to the central tribunal, and thus the matter rested for three whole years.

In the autumn of 1821, the provincial judge of the district was suspended from his office on suspicion of malversation. A commission was sent by the central court to direct the inquiry into his conduct, and to install his successor. The commissioner had scarcely commenced the inquiry, when, on the night of the 11th of November, a fire broke out in the record chamber, which was kept constantly locked, and the greater part of the records were destroyed, to the extreme injury of many members of the

community. Suspicion immediately fell upon the suspended magistrate, who had an especial interest in the destruction of records which might betray his malpractices, and who, moreover, was alone able to effect it. The commissioner was directed to inquire into the origin of the fire; and with the view of discovering fresh cause of suspicion, and of confirming those already existing, he set on foot a rigid examination of the records which had escaped the flames, in order to discover those which the suspended magistrate might have had a peculiar interest in destroying. During the course of his research, he found a small volume of documents relating to the appointment of trustees for the management of the absent miller's property. The rumor that Kleinschrot had been murdered by his own family, and that the magistrate had received a considerable bribe from them for letting the inquiry drop, and hushing up the whole affair, reached the commissioner's ears at the same time. On further search, several other papers connected with the proceedings were discovered.

These were sufficient grounds for fresh investigation, and on the 6th of December, 1821, Wiedman's evidence was taken on oath, and Wagner, and Anna his wife, were summoned as witnesses. Wiedman repeated his former statement. Wagner renewed his assurances that he did not know what had become of the miller; but his wife immediately confessed that "in August, or September, 1817, the miller's sons tried to persuade her husband to assist them in getting rid of their father; that she would not suffer it, but that the sons never ceased urging him, till at last her husband went one night into the miller's bedroom, and helped the sons to murder him. Whereupon the body was buried in the cleft of a rock, near a field belonging to

the miller." John Wagner, who in the mean time had been given in charge to a gendarme, in order to prevent any communication between himself and his wife, was examined afresh, and the following confession extracted from him:—

"Old Kleinschrot, who was a cruel husband and father, and a man of most abandoned habits, lived in constant enmity with his family. One morning in September, 1817, his son Conrad informed him (Wagner) that the Kleinschrot family had determined to put their father to death on the following night, in order to save themselves from utter ruin. Conrad promised to provide for him if he would assist them in the deed, and told him how it was to be accomplished. After much hesitation, he (Wagner) agreed. Conrad fetched him at night, and, with the help of the younger brother, Frederick, they murdered the old man in the kitchen. The body was first buried in the saw-mill, but was afterwards carried away from thence, thrown into the cleft of a rock, in a field called the Krumacker, and covered with earth and stones. The miller's wife and daughters were privy to the murder."

On the 7th of December the court resolved upon the provisory arrest of the miller's family, and proceeded that very evening with a proper guard to the Black Mill, where the whole family were found saying grace after supper. When the prayer was ended, the warrant of arrest was shown to the miller's wife and her two sons. Every member of the family was then arrested, and confined separately. The mother and her two sons were examined on the spot, but confessed nothing. They asserted that all they knew was that Kleinschrot had been gone for some years, they knew not whither.

On the following day Wagner was fetched from the prison, to show where the body of the murdered man had been buried. He led the authorities up a steep ascent to the left of the mill, and across several fields, till they came to a cleft among some rocks, which Wagner pointed out as the spot. After removing several loose stones; they came to some leaves and moss, whereupon Wagner remarked, "that they must now be near the body." Under the layer of leaves and moss were found some tattered scraps of linen, part of a skull, several ribs, and other bones, which the physicians pronounced to be those of a man. When these were taken out of the cleft, Wagner said, "These must be the bones of the murdered Frederick Kleinschrot, of the Black Mill, for his sons brought his body here in my presence, four years ago, and threw it into this cleft. We then covered it with leaves and moss. Moreover, Kleinschrot had remarkable fine teeth, just like those in the jaw-bone before us."

The miller's children were then led separately, one after the other, first to the place where the bones had been deposited, and then to the cleft in the rock. As soon as Conrad saw the bones, he exclaimed, before a question was asked, "That is my father!" and added, after a pause, "but I am not the murderer." Frederick looked at them, without betraying emotion or embarrassment, and on being asked, "What are these?" answered, "Why, what should they be but bones; but whether of a man or a beast I cannot say. I do not know the difference." The youngest daughter, Kunigunda, cried out, when led to the cleft, "I know nothing about *this*. I know *that* about my father; but of what happened up here, I know nothing. I am innocent — completely innocent." When it came to

the turn of the eldest daughter, Margaret, she exclaimed, "I am innocent of the deed! I am innocent! I knew nothing about it till I heard my father's dreadful scream, and then it was too late. I have never had a moment's peace since. O God, what will become of us!"

Thus, then, a mystery was brought to light, which had been concealed for so many years — a murder committed by a hired assassin on the person of the miller, in which his wife, sons, and daughters were all more or less concerned as instigators or accomplices.

Barbara, the wife of the murdered man, and the daughter of a miller, was born on the 8th of April, 1764. Her parents were, as the clergyman expressed it, "equally wanting in head and heart." Her memory and powers of comprehension were so defective that she could retain nothing at school. The little intellect she had ever possessed was so much impaired by the constant ill-usage she had received from her husband during her long and unhappy marriage, that she occasionally sank into a state of stupidity bordering on idiocy. Her husband's constant complaint was, that he had a wife so stupid that she could not manage her own household. All the witnesses concurred in describing her as a kind-hearted, patient, well-meaning woman, and of spotless life and reputation.

The same was said of her children by the clergyman and many other witnesses, who unanimously praised their piety, integrity, goodness, gentleness, love of order, and industry. But they were all deficient in intelligence, extraordinarily ignorant of everything which did not concern their own immediate occupation, and filled with the grossest superstition. They believed ghosts and witches to belong to the natural order of things. For instance, they were firmly

persuaded that Wagner's wife was a witch, and Frederick took some trouble to convince the judge of it. As positive proof of the truth of his assertion, he related how, after refusing her something, she had plagued him unmercifully with the nightmare on the following night, and how she had once in his presence drawn circles round a haycock with her rake, muttering strange words the while, whereupon a whirlwind suddenly seized the haycock, lifted it high into the air, and bore it away as far as his eyes could reach, which plainly must have been witchcraft, as the other haycocks remained quietly standing in their places.

Old Kleinschrot was described as a man of considerable talent and information for his station in life, and as a good manager in a certain sense. He sent his children to school, and communicated regularly twice a year. But his character was in every respect the very reverse of that of his kind-hearted wife and well-disposed children. Coarseness, cruelty, brutal violence, quarrelsomeness, and niggardliness, excepting where his own pleasures were concerned, were the principal ingredients of his repulsive and hateful character. He was an unnatural son, and had frequently raised his impious hand against his father, and forced him to take refuge from his violence behind locks and bolts. The son who ill-treated his own father was still less likely to spare either wife or children, whom he looked upon as creatures born to serve and suffer under him. All his children on leaving school became his menial servants, and fulfilled their household duties with care and fidelity; in spite of which he refused them decent clothing, and allowed them and their mother to suffer the greatest privations, more especially whenever he left home for several

days, on which occasions he left them no money for their daily wants. His ill-humor vented itself not only in abuse, but in actual violence. The peasant Röhl, who had lived for twelve months in Kleinschrot's service about twenty years before, stated that the old miller never let a day pass without quarrelling with and beating his wife and sons, who were then boys. In his fury he seized the first weapon that came to hand. He once struck his wife such a blow with an axe that she had her arm in a sling for fourteen days. The daughter Margaret asserted that her mother had lost half her wits from a blow on the head, which she received from her husband some fifteen years ago. The old miller's kept mistress, Kunigunda Hopfengärtner, who had formerly served at the Black Mill, had once been present when the miller flung a hatchet at his son Frederick, which must inevitably have killed him had he not started forward, so that it only grazed his heel. The schoolmaster once saw him beat his wife and children with a bar of iron.

The children, who beheld in their father only the tormentor and oppressor of their suffering mother, drew closer around her, and formed a defensive league among themselves, united by affection for the oppressed, and bitter hatred towards the oppressor. The children felt bound to protect their mother, and to assist each other against the common enemy, whom they not only hated, but also despised; for they knew that their father, notwithstanding his age, constantly associated with the lowest women, by whom he had several illegitimate children, and upon whom he wasted his money, while his rightful children were suffering want. Kunigunda Hopfengärtner, a worthless creature, who was sent to the House of Correction soon after

Kleinschrot's disappearance, had been kept by him for years, and declared him to be the father of her illegitimate child, born on the 7th of April, 1817. When it was known at the mill that she was with child by old Kleinschrot, all the children, with the exception of the youngest daughter, rose up against him, and the quarrel reached such a pitch that the two sons, Conrad and Frederick, came to blows with him; one witness stated that Margaret, on being attacked by her father, snatched up a pitchfork, with the words, "You old rascal, if you come near me I will stick it into your ribs." This, however, she strenuously denied.

In order fully to understand the character of the murdered man, and the terms on which he lived with his family, it is necessary to hear the description which the wife and children gave of him. "You cannot think," said the wife, "what a bad man my husband was. He knocked my poor head about till I quite lost my memory. Once, when he had knocked us down, my son Frederick and I lay all night bleeding at the head in the hay-loft. He was a mischievous man, as all who knew him can testify: he ill-used me as no one else would use a beast, and for no possible cause: he was always particularly savage at the holy times of Christmas and Easter, and his fury against every one then knew no bounds; formerly, too, he used to go by night to the place where four roads meet, and where they say three things are to be got—money, or help in fighting, or something else, and I therefore believe that my husband stood in communication with the Evil One."

The eldest son, Conrad, drew the following picture of his father:—

"My father was a savage man, who never treated us as

his children, nor even called us his children, but always rogues and thieves. When I was twelve years old he ill-used me, and left me lying in the mill quite senseless, and I bear the mark of one of his blows over my right ear to this day, where there is a scar and no hair. Once, during harvest, he beat me over the loins so that I was obliged to crawl home, and leave the horses standing in the field. I lay in bed for two whole days after it, and my father was cruel enough to forbid my mother to give me any food, as I earned nothing. No servant could stay with him; he had three or four in the course of the year, so that my brother and I had to do all the work, and we did it willingly. Every one will allow that we have improved our property by our industry to the amount of one thousand florins and more; and yet he was never satisfied, and constantly abused us, and said that we cost him more than we earned. He never gave us clothes, and we went about in rags. But ill as he treated us, he treated our poor mother far worse. He was a monster in every respect; he could not endure our mother, called her by the vilest names, and frequently beat her so that she lay in bed for days: she bears the marks of his cruel treatment on her body to this day. Sometimes he kicked and beat her till she was so covered with blood that no one could have recognized her. Thus we lived in constant fear of our lives. Meanwhile he had three illegitimate children by women upon whom he spent the money which my mother had brought him at their marriage; for all the property was hers. We should have sought our living elsewhere long ago, but that we must then have left our mother exposed alone to our father's cruelty. At length we sought for protection from justice, but found none. Had he been like any other

father, he might have been happy with his children, for we were honest, industrious, and well-conducted, as everybody knows. But he was a monster, whose only pleasure was in tormenting others. He often beat his own father, who endeavored to secure himself by six-fold bolts and locks, as you may see in the mill to this day, as well as the marks of the hatchet with which he tried to break open the door into the room where my grandfather had taken refuge, although it is now above twenty years ago."

The youngest son, Frederick, expressed himself much in the same manner:—

"He was not a father, but a monster, who hated us from our youth up, and almost killed our mother by ill-usage. His whole way of life was a shame and a disgrace to us: we had plenty of quarrels and blows from morning to night, and but little food or clothing. Six months before he was put out of the way, my father dealt me such a blow on the head with a hoe, that the blood ran down into my shoes, and the wound did not heal for three quarters of a year: the scar is still there. Once, when I was leaving the mill, I heard dreadful screams from the kitchen, and on going in, I found my father striking my mother with a hatchet, and threatening to kill her. He would certainly have murdered her but for me, for she was bleeding violently. I ran forwards, wrenched the hatchet out of his hands, and held him until my mother had escaped. I then let go of him, and ran away, but not till I had received one blow on the loins, and another on the arm, which prevented my working for several days. My mother and I slept that night in the barn, as we did not dare to return to the house. My mother's body is covered with scars. My

father's life was scandalous, and had been so from his youth. He had many illegitimate children, although his lawful ones were already grown up: we even found him in bed with our maid-servant. He stole money from his father to spend in these profligate courses. A short time before his father's death, as I well remember, he seized the old man by the feet, and dragged him down the stairs, and out at the mill door, so that his head was bruised and battered, and covered with blood. Such was the monster we had as a father. Alas! ever since we were born we have never known peace; while our father lived we were tortured by him, and now since his death we are tortured by our consciences."

It is true that these statements were made by the murderers; but the coincidence of their testimony, with the character given of the old miller by other impartial witnesses, leaves no doubt of their truth. Indeed, it is only on the supposition of such a father that we can comprehend how a wife and children, praised by all for their kindness and integrity, could be driven to commit so fearful a crime. He was himself the cause of all that befell him, and must be held morally answerable for a large share of the heavy guilt of the murder. His fate appears but as the act of avenging justice. He who had ill-treated and struck his own father, fell by the hands of an assassin hired by his own children.

The following account of the murder, and of its immediate cause, is compiled from the confessions of the murderers:—

The mother and sons had several times, in their impatience to be freed from their intolerable domestic oppression and misery, given utterance, even in the presence of

strangers, to ideas of murder. Once, about a year or even longer before the murder, one of the sons said to John Schuster, a forester, who accidentally came to the mill, "that he only wished he would shoot his father for a roebuck;" and the mother added, that "he should not then need to buy flour for some time to come." Schuster did not know whether this was meant in jest or earnest, and went away without answering a word. One evening, before Wagner lived in the cottage near the mill, a laborer of the name of Frederick Deininger was at work for the miller's family, and one of the sons said to him, "Whoever would put my father out of the way should be well paid for the job." Deininger is said to have replied that he could not do it, as the old man would be able to master him. The miller's family declared that these expressions fell from them in anger, caused by a sense of recent injuries, and not from any preconcerted scheme. Thus much, however, is certain, that the idea of killing the old miller was not strange to them, and that they would have been well pleased if any one to whom they had said as much in their anger had offered to do it for them. They wished him to be killed, but not by themselves.

An expression which the provincial judge imprudently repeated several times, tended to strengthen their desire for the old miller's death. When the sons endeavored to obtain protection against the cruelty of their father, or complained of his extravagance, the judge dismissed them with the disheartening observation, "I can neither assist nor advise you; you have a bad and quarrelsome father; the best thing that could happen would be his death." The mother and children concurred in saying that these words made the deepest impression upon them, and pointed

out to them the only way that was open to them. It was evident that nothing was to be hoped from the protection of the law, and that there was no release for them but by their father's death, which now appeared to them to be both necessary and justifiable.

Subsequently, when the girl Hopfengärtner accused the old miller of being the father of her child, at which the irritation of the miller's family was so great as to cause the sons for the first time to lay violent hands on their father, these thoughts took a stronger hold on their minds than ever. Just at this time, too, unhappily for them, a man was thrown in their way well able to understand thoughts of this kind, and who knew how to work upon men, and to place their thoughts in a light which deprived them of nearly all their horror. This was Wagner, the day-laborer, — a man exactly fitted to suit those who, without being villains themselves, stood in need of a villain to do that for which they felt themselves too faint-hearted.

John Adam Wagner was the son of a day-laborer, who was still living when the trial took place. He was born on the 9th of November, 1769, and was a Lutheran. Common report gave him a very bad character, especially for cruelty. One of his childish amusements consisted in catching birds, putting out their eyes, and then letting them fly. He served first in the contingent of an imperial city, then for twenty years in the Prussian army, and in 1807, in that of Bavaria. He afterwards wandered about Prussia, Hanover, and Bohemia, and returned home in 1808, accompanied by a mistress. He then served for three quarters of a year in the preventive service, after which he married a widow with two children, and supported himself with difficulty as a laborer. Those whom he served found

no particular fault with him, excepting a certain unwillingness to work, owing probably to his long military career. Another consequence of this was an utter want of feeling, added to his originally cruel nature, which he exhibited in the most revolting manner upon this trial. A murder, committed with every prospect of concealment, and for which he was well paid, was no more to him than any other task; at least he related all the circumstances of the horrid deed as circumstantially and as coolly as a laborer might do when called upon by his master to render an account of the work done on a particular day. 1817, the year of Kleinschrot's disappearance, was a year of famine, and Wagner had a wife and four children to support, for whom his wages were insufficient to buy bread, and he and his family often went supperless to bed. When, therefore, a prospect was opened to him of present gain and future support, he was ready to do anything.

It was Conrad Kleinschrot's misfortune to be constantly thrown into the company of this man, and while at work with him, he often talked freely of the misery of his home, and of his bitter hatred towards his father. On the 1st of May, 1817, Conrad told Wagner that his father had again left home on the previous night, taking with him all the money, and that his mother and the family knew not what to do. "The best would be," said Wagner, "for some one to follow him, knock him on the head, and take away his money; it would be easy to kill him in the Hinterhof" (a dark ravine about three miles from the mill): "there he might lie, and no one be the wiser." Conrad answered, "Dare you do it?" "To be sure I dare," said Wagner. Conrad then objected that "a murdered man, especially one so wicked, would find no rest in his grave, but would walk

the earth as a ghost." But Wagner bade him be at ease, for that "he knew how to lay the old man."

This conversation did not, however, lead to any immediate result; it was merely an expression of the general feelings and wishes of the family. The same subject was, however, the constant theme of conversation whenever Conrad was alone with Wagner, and the only objections he raised were the possibility of discovery, and fear of the old man's ghost. But Wagner was always ready with an answer to every scruple, doubt, or fear.

About six or eight weeks before the miller's death, Conrad and Wagner were again thrown together, and Conrad again exclaimed, "How lucky it would be if the old man were never to return!" Wagner, who saw that the family were not yet prepared for violence, endeavored to tempt them to an indirect attempt on their father's life, and proposed to destroy the old man by a sympathetic charm. "He knew," said he, "a piece of magic by which he could make the old man perish like a waxen figure within four weeks." Conrad, who was as superstitious as the rest of his family, replied, "It would indeed be best if we could get rid of my father in this way," and entered heartily into the plan. His mother had already consulted Anna Wagner upon a scheme of this nature, and had given her a pair of old Kleinschrot's stockings, which were to be hung inside the chimney. The mother and sons waited some weeks, hoping that the black art would produce its effect, but at length they informed Wagner that his magic had failed. Wagner, who was not easily disconcerted, rejoined, "Well, if magic fails, I must rid you of him by other means."

On the 7th of June, 1817, when old Kleinschrot com-

plained to the local authorities of the conduct of his family, he also petitioned that, to maintain his paternal authority and the order of his household, his sons should be sent on the Wanderschaft; * and on seeing that his sons did not obey the verbal order of the court, he renewed the request in writing. The mother and children were in terror lest old Kleinschrot should succeed in this application. She could not endure the thought that her sons, her only protection against her husband's cruelty, should quit her; and the sons, between whom the greatest unanimity prevailed, could not resolve to leave their mother exposed to the inhuman treatment of their father. In addition to this, the family were informed that the girl Hopfengärtner publicly boasted that the old miller was going to turn all his own family out of doors, and to take her as his housekeeper: they likewise suspected that he intended to procure a formal divorce from his wife.

During all the early part of August, Kleinschrot was busily employed in his own chamber in writing something which the wife and her children imagined to be intended against themselves. The youngest son, Frederick, probably at his mother's instigation, stole into his father's room on the 9th of August, to discover what he had been writing all the week, and found a memorial addressed to the provincial authorities, demanding the removal of his wife and sons from the mill. Frederick hastened up stairs with the paper, and read it to his mother and Conrad. Their consternation was extreme, especially that of the mother, who lamented at the thought of being divorced in her old days to make room for a harlot. Wagner's suggestion

* The custom of travelling for three years, and supporting themselves by occasional work, and sometimes by begging. — *Trans.*

was mentioned, and it was resolved that he should murder the old miller on the following night. It is not known who first gave utterance to their common feeling; in all probability it was the mother; at least so Conrad positively asserted. The mother did not deny that she and her sons had consulted together about putting her husband to death; but whether, when the murder was determined upon, she had told Conrad that he might go and settle the matter with Wagner, was more than she could say, as her memory was so defective. She, however, admitted that if her sons said so, they were probably right; she could no longer remember the exact words in which she had consented to her husband's murder; but in all her confessions she repeated that the fear of separation from her children, and of being divorced in favor of a worthless woman, had led her to say to her sons, "that she consented to Wagner's being employed to kill her husband." She even added, "If I had not agreed to it, the murder would never have happened; but I did agree, and I said so to my sons."

The two daughters, Margaret and Kunigunda, had taken no part whatever in the consultation upon the murder. When it was already determined, and Frederick was leaving the room, they entered it accidentally, and found Conrad with his mother. Their brother then told them what was about to happen, and, according to her own account, Margaret replied, "Do not do this. If our father leads a bad life, he will have to answer for it in the next world: let him live, and leave him to his conscience if he has behaved ill." On hearing that Wagner was to put her father out of the way that very night, she said to her brother, "Do not suffer it: Wagner is a bad man, who will bring you into trouble in order to get money."

Frederick, the younger son, appears to have taken no part in the transaction until the day of the murder. He had no communication with Wagner, and did not remember that his brother had formerly told him that Wagner had offered to rid them of the old man. On the contrary, he repeatedly stated, that on the 9th of August, after reading the memorial which he had found in his father's chamber, his mother, as he thinks, proposed that the miller should be murdered by Wagner; whereupon he had exclaimed, "O, mother, that would be a horrid thing! I would rather go away than that such a thing should happen." But when his brother represented to him that "if they two went away, the miller would marry a worthless woman, and have a number of children, and waste their whole patrimony;" and his mother added, that "there was no help for it;" he at length gave way, saying, "Well, as you please; if you think it right, do it; I agree to anything."

When the matter was thus settled, Conrad went out, called Wagner, and asked him whether he would still undertake to murder the old man on the following night. On Wagner's replying in the affirmative, Conrad promised to give him two hundred florins down, and never to lose sight of him, but to give him something every year.

They passed the afternoon together in the fields, talking the matter over, and devising how the plan was to be carried into execution. Conrad reiterated his former doubts as to whether Wagner really thought it would succeed, and supposing it did, whether his father would rest in his grave, and whether the crime might not be discovered, and their lives endangered. Conrad even desired him to consult his wife on the subject. But Wagner overruled his scruples, and it was definitely settled that the murder should take place on the following night.

On the evening of the 9th of August, old Kleinschrot supped in company with his wife, his children, and the Wagners. After supper, Wagner and his wife returned to their cottage, and Kleinschrot went into his bedroom, which communicated with the kitchen by a small flight of steps. At about ten o'clock, after his mother and sisters were in bed, Conrad went to Wagner, and told him that everything was quiet. Wagner immediately armed himself with a hatchet, and returned to the mill to earn his two hundred florins. Wagner and Conrad had agreed, during their afternoon's walk, that old Kleinschrot should be lured into the dark kitchen, and there killed by Wagner. After a long opposition, Frederick consented to ring the mill bell, which would bring his father out of his bedroom. At first he refused, as he knew that his father was in the habit of going into the mill every night, and he thought that Wagner might wait till then. At length, however, he went to the mill, and rang the bell. Meanwhile Wagner stood beside the steps leading from the bedroom, with the axe in his hand, and Conrad went to his own room, and sat on his bed waiting the event.

Wagner stood with his hatchet raised and ready to strike, when the mill bell rang violently. The old miller came out of the bedroom in his shirt; and when he had reached the lowest step, Wagner aimed a blow at his head with the back of the hatchet. He, however, missed it in the dark, and struck him somewhere else. Either from fright or pain the miller uttered a loud scream, which was heard by Conrad and his mother and sisters in their beds, and endeavored to run back into his room. But Wagner, having missed his blow, threw away the hatchet, and seized the miller, who defended himself, occasionally

exclaiming, "O God! O God! let me go! let me go, my dear fellow, and I will never injure you again as long as I live!" They struggled together for some time, and such was the old miller's strength, that Wagner at one time thought he should be overpowered by him. At length Wagner remembered that he had a clasp-knife, and, loosening his hold of the miller for a moment, he drew it out of his pocket, opened it against his own body, and thrust the blade into the old man's side.

On hearing his father's scream, Conrad concluded that Wagner's blow had failed, and rushed out of the house in terror; he ran round the saw-mill, but soon returned; and on hearing repeated cries for help, went into the kitchen. His father had received the stab, but still stood upright, moaning. Conrad took a log of wood from the pile in the corner of the kitchen, reached it to Wagner, and then ran out into the road to see if all was safe.

Wagner, who had dropped his knife in the mean time, struck the miller on the head with the billet of wood. He staggered, and fell back upon the hearth.

But this blow lost part of its force, owing to Wagner's proximity to his victim, and the miller still lived, and lay groaning. Wagner, therefore, snatched up a brick which lay on the hearth, and struck the miller with it on the head, until the brick was broken to pieces. The miller at length ceased from moaning.

Meanwhile Conrad had gone in again, but he had scarcely lain down on his bed when Wagner came and told him that his father was dead, and requested him to bring a light. Conrad went to the mill to fetch Frederick, and the two brothers returned to the kitchen with a candle. They found their father weltering in his blood, but still breathing

faintly. Wagner then asked Frederick for a string: he gave him a bit which he happened to have in his pocket, and went away. Wagner placed it round the miller's throat, intending to strangle him, but did not tighten it, as the old man was already dead.

While all this was going on, Margaret went quietly to sleep, and even after her father's fearful scream had awakened her, she did not ask what had become of him. Kuni-gunda also went to bed at about ten o'clock, at her brother's request, because, as she said, she had done her work, and was afraid to interfere, lest her brother or Wagner should do her a mischief. Wagner and Conrad dragged the dead body into the bedroom, laid it on the floor near the bed, and locked the door. After refreshing himself with a glass of brandy, Wagner returned to his cottage to rest. Conrad went up stairs to his mother, exclaiming, "O, mother, if the deed were not done, it never should be done!" The mother did not shed a single tear; for, said she, her husband had used her so ill that she thought that God himself must have inspired her children and herself with the idea of having him murdered. When asked, on her final examination, whether she believed that it would go well with her after death, she replied, "Certainly I do believe that I shall be received into God's mercy; for I have suffered so much in this world, that there would be no such thing as justice if it were not made up to me in the next."

Early on the following morning, which was Sunday, Conrad fetched Anna Wagner. She washed out the blood stains in the kitchen, and received the bucket she had used as a reward. Conrad and his brother went in the afternoon to the fair at Petersau, not for pleasure, but

because they had been invited by their customers, and could not well avoid going. Far from amusing themselves, they stole away to a neighboring hill, fell on their knees, and prayed to God for forgiveness of their crime.

Early on Monday morning, Wagner rolled the corpse in some linen, given him for the purpose by the old miller's wife, and sewed it up in a sack which Anna Wagner had made of some coarse canvas. He then dug a hole at the back of the saw-mill, whither Conrad and Wagner carried the corpse at midday, and Wagner buried it, with the assistance of his wife. Frederick stamped down the loose earth over his father's grave, while his mother stood in the doorway praying.

Here the dead body lay for nearly a year; but about Michaelmas, 1818, when it was rumored abroad that the old miller had been murdered, and buried in the saw-mill, it was disinterred by Wagner and Conrad. The two brothers carried it on a bier to some rocks in a field called the Weiheracker, where they and Wagner covered it with stones and moss. Wagner was rewarded for this job with another hundred florins.

This case presented many difficulties; above all, that of the *That bestand*, or fact of a murder having been committed.

It was impossible to prove the violent death by inspection of the remains (*augenschein*), as the body was entirely decomposed, and the bones so scattered, that there were not enough forthcoming to form a complete skeleton. The physician supposed that some of the larger bones lay still deeper, and had not been discovered; but it is more likely

that a fox or some other animal had gnawed the body, and carried away the missing parts.

The only fact juridically proved was, that old Frederick Kleinschrot was no longer alive; but, according to the Bavarian code, the confession of one criminal is, under certain circumstances, equal to the testimony of a competent witness; how much stronger, therefore, were the concurrent confessions of several accomplices, whose statements were evidence not only against themselves, but against each other? But this same code further requires that, when a violent death is not distinctly proved by the remains, the witness or witnesses shall prove that "the injuries were of such a nature that death must necessarily have ensued from them." This was not the case with old Kleinschrot: there was nothing to show that the stab or the blows on the head were mortal.

Thus, therefore, although no reasonable man could doubt that the miller, Frederick Kleinschrot, died of the injuries which he had received, the legal evidence was incomplete. For although it was certain that he was dead, and moreover that his death had been caused, according to the full confession of the accomplices, by bodily injuries inflicted by themselves, nevertheless it was not proved, either from inspection of the remains, or by any witness, or by the opinion of the examining physician, that these injuries were fatal. The Bavarian criminal law requires certainty, and does not admit the ordinary conclusion from *post hoc* to *propter hoc*.

As the murder had not been judicially proved, sentence of death could not be passed upon any one of the criminals; but they were found guilty, according to their several gradations in crime, of attempt to murder. Wagner

had done everything in his power to accomplish the murder; nothing was wanting but the legal proof that his attempt had been successful. Conrad also was evidently a principal: he had hired the assassin, and originated the deed, which, in his case, was more criminal, as the victim was his own father. These two were accordingly sentenced to the severest punishment short of death — solitary imprisonment for life in heavy chains, involving civil death and previous public exposure.

Frederick Kleinschrot was considered as accessory in the first degree, and was sentenced to imprisonment for fifteen years.

The mother, Barbara Kleinschrot, as accessory in the second degree, and with extenuating circumstances, was sentenced to only eight years' imprisonment in the House of Correction.

The elder daughter, Margaret, would have been considered as accessory in the third degree had the evidence against her been clear; but both she and her sister Kuni-gunda, who appeared to be of very weak intellect, were acquitted for want of evidence.

Anna Wagner pleaded in her justification that she had acted in obedience to her husband. By the Bavarian code, a person who knows that a crime is about to be committed, and does nothing to prevent it, which he may do without thereby exposing himself to danger, becomes accessory in the third degree, and liable to imprisonment in the House of Correction of from one to three years' duration.

This was precisely Anna Wagner's predicament; and, in consideration of her confession, which produced the

discovery of this long-concealed murder, the court sentenced her to the smallest amount of punishment — one year's imprisonment in the House of Correction.

The sentences against Wagner and Conrad were sent for confirmation to the Central Court of Bavaria; the others were only to be sent in case of their being appealed against.

When Frederick Kleinschrot heard the sentence pronounced on him, on the 12th of August, he was violently agitated. "I cannot bear my sentence, but will appeal against it. I can never endure the punishment awarded me, and would much prefer death to fifteen years' imprisonment in the House of Correction. Neither am I convinced that it is just to condemn me to so severe a punishment on account of a man who was so wicked as my father. As long as my father lived, my home was a cruel prison, and if I am to live fifteen years more in another, I would rather die."

His mother, also, at first declared that she would appeal, but eventually they both submitted to their sentence.

Frederick afterwards said, "What determines me not to appeal is, that I shall thus be freed from the misery of suspense, and that I have some hope of being released from prison when I shall have proved by my conduct that I am only erring, and not corrupt."

On the 16th of November, the Supreme Court confirmed the sentence on Wagner and Conrad. They were both exposed in the pillory, with placards on their breasts, and the irons in which they were to die riveted upon them. They were then led to their solitary cells.

In the pillory, Conrad's demeanor was as might have

been expected from him: conscious of his guilt, he endured his punishment in silence, with his head sunk on his breast. Wagner, on the contrary, gazed upon the assembled multitude with an air of impudent defiance, and once even held up the placard which proclaimed his infamy, as if to show it to the crowd more plainly.

XX.

MURDER OF EDWARD MATHEWS.

A PHYSICIAN'S VICTIM.

DR. VALOROUS P. COOLIDGE was a physician, of large practice, in the town of Waterville, Maine. But, notwithstanding his extensive practice, he was frequently in want of money, either for purposes of speculation, or to meet extravagances in living. Among others to whom he applied for a loan or loans was Edward Mathews, a man of a somewhat varied and extensive business, who, in the latter part of September, 1847, had just returned from Brighton, Massachusetts, where he had disposed of a drove of cattle. Though Dr. Coolidge tried to keep his money dealings secret, it appears to have been known that Mathews had been to his office on the afternoon of September 30, and had an appointment to meet him there again at eight o'clock in the evening. On the morning of October 1, a dead body, which proved to be that of Mathews, was found in a cellar under the building in which Dr. Coolidge had his office. The body was resting on a pile of wood, partially behind a door, the head bearing marks of several heavy blows, the pockets rifled of money and a watch which the deceased was known to have had the evening previous.

A post-mortem examination, held under the direction

of the coroner, revealed the fact that, though there were marks of severe blows about the head which might have produced death, there was a quantity of that most deadly poison, prussic acid, in the stomach, brain, and other parts of the body, which had certainly caused death.

The presence of this deadly poison, with the fact that the deceased was known to have an appointment to meet Dr. Coolidge the evening before he was found dead, caused suspicion to attach to Dr. Coolidge. At the coroner's inquest he made a statement, in which he said that Mathews did visit him on the day named, in the afternoon, to borrow some money, in order to make up a sum which he was to let some gentlemen have for the purpose of speculating in lands at the west. That he (the doctor) could not let him have it then, but Mathews said he would call again in the evening. After taking a glass of brandy from a bottle that stood upon a shelf among the medicines, Mathews left. In the evening he came again, when, as Coolidge declared, he let him have two hundred dollars, and he left. Soon after, Coolidge said, he saw Mathews in conversation, in the street, with two strangers in cloaks.

It thus appeared that Mathews had been at the doctor's office the evening when he was murdered; and this, and other circumstances, which gave no clew to any other solution of the mystery of the murder, led to the belief that the doctor committed the deed. He was accordingly arrested, and an investigation of his affairs and his actions soon brought to light evidence of his probable guilt. It was found that, instead of there being any probability of truth in his statement that he had loaned Mathews money, his actions at that time indicated the most pressing want of money, and that he was greatly embarrassed; that he had

resorted to such shifts, and extravagant offers of interest, in order to raise money, as would naturally lead to most extraordinary and desperate measures to procure it: that he had offered one man five hundred dollars for the use of two thousand dollars four or five months, and a short time before had offered five hundred dollars for the use of one thousand dollars for six months; and that he had negotiated with the deceased for a loan of fifteen hundred dollars for ten days, for which he agreed to pay four hundred dollars. It was also found that the deceased had procured from the bank the fifteen hundred dollars which the doctor was to have, the afternoon of the day when he was last seen alive.

It was found, too, that on the 17th of September, Coolidge had sent to Hallowell for one ounce of prussic acid, "as strong as it can be made," and that he received it the next day; and that on the 19th he sent to Boston for an ounce of the same acid, "as strong as it could be made." As this acid, in this form, was never used as a medicine, and was seldom sold of this strength even by large dealers, the circumstance of such purchases was very suspicious when taken in connection with the result of the post-mortem examination. It appeared, also, that Coolidge had taken precautions to have no one about the building the evening he was to meet Mathews, having requested his students and office boy to go home, under the pretence that he was to meet a man, and make arrangements for procuring a body for dissection. An examination of the office showed that the bottle containing the prussic acid received from Boston was destroyed, and the brandy bottle emptied of its contents and washed.

At the trial, which took place at Augusta, in March

of the following year, all the above-mentioned circumstances were proved, with numerous details, showing that Coolidge not only had the motive, the means, and the opportunity for committing the murder, but that, in all probability, the act was deliberately planned. It was shown that he had made repeated inquiries, while Mathews was gone to Brighton, as to how much money the latter's drove of cattle would bring, and when he would return; and he made arrangements with the bar-keeper of the public house where the stage stopped to let him know when Mathews arrived, for he wished to see him before he went to Clinton, where he had a partner. It was also shown that he had made arrangements with Mathews, by which the latter was to obtain fifteen hundred dollars for him from the bank, on the security of the doctor's books, and that this arrangement was to be completed the night when Mathews was murdered, at the doctor's office, to which place he was invited by letter.

As in most cases of crime, Coolidge's efforts to conceal his guilt served rather to strengthen the evidence against him. He denied that he had wanted money, or had tried to obtain it of Mathews and others; but on the contrary, he declared that he had lent two hundred dollars to Mathews, and he attempted to make those to whom he had applied for money go before the inquest, and state that he had not so applied to them. By his denial of facts easily proved, and which were of themselves not inconsistent with innocence, he only made it more apparent that his account of his interview with Mathews was false, and at the trial this was used against him.

The evidence with regard to the cause of the death, as stated by the physicians who made the post-mortem exami-

nation, was, that it was caused by prussic acid, which was found in the system in such a quantity as would cause death; but that the blows, which had fractured the skull, and might alone have caused death, were given to hasten or make sure of the result.

But while a great deal of circumstantial evidence was offered, all tending to show that Mathews might have been murdered by Coolidge, the most direct evidence was given by Thomas Flint, a student in the doctor's office, which, though also circumstantial, brought the murder closer home to the doctor, and left little chance for explanation, and little doubt of his guilt. Flint's testimony was as follows:—

"On Thursday evening, the 30th of September, at six o'clock, or between six and seven, I returned from a visit to Clinton, took my tea, and went to the office. After sitting there a short time, Dr. Coolidge came in, and we commenced talking about procuring a subject for dissection, Dr. Coolidge opening the conversation on that point. He said he had made arrangements with Charles Stackpole to procure the subject; that he would probably be there at eight in the evening, and if he did, said he wished me to leave. At about eight o'clock, the door of the office being locked, some one came and knocked. The door was not opened, and shortly the doctor asked if I supposed that was Charles; shortly went out of the office to my boarding-house (Mr. Williams's), where I found a child, in company with its parents, who had a blistered head; examined the child, and sat down to play backgammon with Miss Williams. At about nine o'clock I took a lamp and was going to bed, when, in the entry, I met Dr. Coolidge, who said he wished me to go to the

office with him. He blowed out the lamp; I sat it down, and went with him. He unlocked the office, and I went in first; there was a dim lamp on the stand. After he had locked the door, he stood before me, and said, 'I am going to reveal to you a secret which involves my life. That cursed little Ed. Mathews came in here, and went to take a glass of brandy, and fell down dead. He now lies in the other room. I thumped him on the head, to make people believe he was murdered.' I sat down on a rocking-chair, when Dr. Coolidge asked me what we should do with him; replied that I did not know. He then said, 'We must get him out of the office,' and said he wished he was in the river; told him I did not think we could get him there; it was rather bright. A place back of the building was then spoken of; but finally I told him we could not safely carry the body farther than the cellar; that was as far as I would go. He objected to that, as he said he feared it would be found; told him it would probably be seven o'clock the next morning. After waiting a moment, he took the lamp and went to the door of the back office, and turned round as if for me to follow, which I did; went into the back office with him, and saw an old pair of drawers lying folded up, on which was an impression made, as if by a man's head; near the drawers was a spot on the floor, which had the appearance of blood partly wiped up; then passed on to the back window, which was raised as high as it could be; front of this window was a temporary counter, and between this and the window I saw the body. Dr. Coolidge then took the lamp, and went down into Shorey's shop, and opened the door; after he returned, he asked me if I did not think it best to put something around the head; told him I did not know but it was; he then

took the body and dragged it out from behind the counter; noticed at this time that the hat was pressed hard on the head; he then said it was best to take off our boots, which we did; put on another coat, and went to take hold of the feet, but he told me I had better take hold of the shoulders, that I could carry them better than he; I then took hold of the hands, and noticed that the arms were stiff; we then carried the body in that position down stairs; when we had got part way down, the body slipped, and the coat was drawn up partly over his head; the arms were also drawn up; we carried the body down through Mr. Shorey's shop, and left it on the wood-pile near the outside cellar door; Dr. Coolidge then took the hat off, and let it remain near the head; we then returned to the office; Dr. Coolidge took the lamp, went below to see that all was as before, and returned; after his return he wiped up a spot from behind the counter, and took the towel and the pair of drawers and put them in the stove. He then asked me what it was best to do. I told him to go on with his business, and let the matter come out if it would. He said, 'They can't suspect me, can they? and my popularity is too great.' He said he was going away to Skowhegan, and told me I must come to the office before breakfast, and see how things were; that there was a cask in the closet which ought to be headed up. I then started to go home, and asked him to go with me, but he said it was not best that both should go together. I then went home, and as I was going in, met George Robinson, who asked me where the doctor was. I told him he would be in by half past ten, and asked him what he wanted of him. He said there was a Mr. Morse who wanted to see him. It was nearly half past ten then; I took a light and went to

my room, and shortly Mr. Baker, my room-mate, came in; when the first bell rung in the morning, I got up, and went to the office, where I found a note requesting me to sweep both offices; that he had found a shirt button there. I destroyed the note, and then swept the offices; while doing this, I saw the same spot of blood I had seen the evening before; also a spot in the mop-board under the window. I saw some aromatic substances on the floor, called *cochæ aromatique*, I think. I then went to the head of the cask, and saw some spots of blood on that, which I rubbed off; while doing this I heard some one open the post-office, and I then replaced the cask, and put a hoop, which had been knocked off, into the stove, when I noticed there was a fire. I then went to my breakfast, and on my return shortly after, saw Edwin Getchell, the office-boy, sweeping the carpet; he noticed the spot on the oil-cloth carpet near the old case; he was sprinkling the floor at the time. I told him he might sprinkle it, and sweep it up. I soon went out of the office, and left Edwin there sweeping; shortly after I left the bag was found. I was called out to go to Mr. Boutelle's office, and on my return, Edwin called my attention to a spot on a piece of woollen carpet near the inside door and bookcase. I examined the spot, and found it was blood; I also saw on same a few hairs in the blood.

"Between eleven and twelve o'clock I saw Dr. Coolidge in his carriage near Dr. Thayer's office; Dr. Thayer was then talking with him. I went to them, and told Dr. Coolidge of the circumstance of my being called to Dr. Boutelle's office. Dr. Coolidge then driving away, I turned and went back to the office; as I went into the office I saw Dr. Coolidge charging Edward Mathews with two hun-

dred dollars; he took the account book and went out of the office, saying he was going into Mr. Williams's hotel. I remained a short time, when I was summoned to attend a coroner's jury at the hotel. Before I left, Dr. Coolidge came in, and handed me a sum of money from his pocket-book, and asked me to put it in my pocket, saying they might ask to see his pocket-book, and did not know but there was too much money in it; shortly after, they were assembled in Mr. Williams's hall, and preparations were in progress for a post-mortem examination. Dr. Coolidge sent me for his instruments to perform the examination with; I brought the instruments, and they were used in the examination. I was then sworn, with Dr. Plaisted, Dr. Thayer, and Dr. Coolidge. Dr. Coolidge did the cutting, and I assisted him when he desired it. After he had finished, I sewed up the cuts which were made, and was then sent out of the hall.

"Some time after Dr. Coolidge's return from Skowhegan, he gave me a letter to destroy, which I did by tearing it up and throwing the pieces into the street; after the post-mortem examination, I put the money which Dr. Coolidge had given me into a wood-pile, in Mr. Williams's woodshed; after they got through with the post-mortem examination, and was relieved from the coroner's jury, I went into the office, and Dr. Coolidge came in; he said there was one thousand dollars under the carpet under the iron safe, and wanted me to take care of it. I did not know what to do with it, but he thought it would be safe in my trunk. I did not remove any of it then; after supper, I went in and removed a part of it, which I put in my pocket, and, together with a small quantity of money which he had given me in the afternoon, put in a crevice

near the door which leads to Mr. Carter's printing office; in the evening, saw Dr. Coolidge, and he told me that he wanted a part of that money; after this, Mr. Baker and Dr. Coolidge went to the office, and I went up street; on my return, Mr. Williams told me I had better go to the office, that Dr. Coolidge was there taking on, and I had better go and quiet him; then I went to the office, and found Dr. Coolidge very much agitated; he expressed a wish to see Dr. Thayer, and I went to Dr. Thayer's house and called him; he went with me to the office, and talked with Dr. Coolidge a short time, when he appeared more calm. Dr. Thayer then left, and Dr. Coolidge went to the house in company with Mr. Baker; went to the house shortly after; Dr. Coolidge went to his room, asking me, as he went, to sleep with him. I hesitated, but finally went to his room; he then took the money he had given me, selected some of the bills, put them into his pocket-book, and gave me others from his own pocket-book; we then went to bed, and talked about taking care of the money, and concluded it would be safe in a jug kept in the office; don't think either of us slept much that night; in the morning I put the money in a jug, and put it with other jugs and bottles in a shop in the office.

"On Saturday afternoon I wished Dr. Coolidge to go out to Clinton, and visit a patient; he did not wish to go, but told me I had better; went, and in the afternoon returned, when he transferred his property to me, the business being done by Mr. Baker and Mr. Chandler; we were together a good deal in the afternoon, and talked more about the property than anything else; in the evening I wished him to take care of the money he had given me, but he did not seem inclined to; then went to the office, broke the jug,

and threw the money contained in it into the stove. The next morning I and the boy Getchell examined a hatchet that was in the office, but found no decided marks on it. I brushed a cloth on the bookcase near the door, and discovered a small spot of blood upon it; that forenoon the selectmen had searched the office; that night, after I and Dr. Coolidge had gone to bed, he importuned me very strongly never to record what I had discovered. The conversation turned upon the evidence before the coroner's jury. On Saturday night, the chief conversation was about a letter which was written to Edward Mathews, and testified to before the coroner's jury; asked him if that letter was in existence, and he said that it was not; that on Friday night he went down, and took it from the bag and destroyed it. The next day Squire Noyes was called in as his adviser; on Monday he (Dr. Coolidge) told me there was a bottle at the office that had contained prussic acid, and that it ought to be destroyed. I asked him what bottle it was, and he told me, one that I had not seen. I replied, 'If no one has seen it, why do you wish it destroyed?' He said, 'William Phillips has seen it.' I told him that Squire Noyes thought the bottles had better be left on the shelves as they had been. At his urgent request that I should fill up the bottle that came from Burnett (for he said some of it had been used), I went to the office, filled up the bottle out of the one that came from Hallowell, threw the cork, with other odd corks, away, and destroyed the Hallowell bottle. I then put the bottle which came from Burnett on the shelf, but subsequently put it into my trunk, having heard it suggested that, in his rage, Dr. Coolidge might destroy himself. The doctor told me the brandy bottle ought to be rinsed, and the water in the sink thrown

out. I took the cork out of the brandy bottle, but did not rinse it; the water was subsequently thrown out. On Sunday night he told me that he wished I would take the watch from his sleigh in the loft, and throw it into the river; this I declined to do, telling him I would follow no further, but that matters must come out as they would. On Monday of the week following the death, the doctor's books were transferred to Squire Noyes, as I understood, for the benefit of the doctor's creditors, the papers transferring the property to me having been destroyed. I slept with the doctor two or three nights following the death of Mr. Mathews, at his request, and on Sunday night, when I did not sleep with him, I think Mr. Baker did. I had never slept with him before; often when he was with me, he urged me not to divulge what I knew, and on no occasion expressed fears that I might so divulge."

The cross-examination of Flint elicited nothing to contradict his previous statements, or to afford any different explanation of facts. But in his argument, the counsel for the prisoner endeavored to discredit this testimony, on the ground that Flint had shown that he was an accessory to a murder, and was guilty of perjury, by testifying before the coroner's jury differently from his testimony at the trial.

The defence offered little evidence, except to show that Flint's testimony before the coroner's jury, and his statements at that time and afterwards, were inconsistent with his evidence given at the trial; and that Dr. Coolidge had borne a good character. The jury returned a verdict of Guilty.*

* Coolidge was sentenced to be hung after the expiration of one year, as the law of Maine provided. Before that time he died, though it was commonly believed that he escaped, under a pretence of death.

XXI.

GEORGE RAUSCHMAIER.

THE TELLTALE RING.

IN the year 1821, a charwoman, of the name of Maria Anna Holzmann, aged fifty-five, lodged in a house belonging to the shoemaker Sticht, of Augsburg: she underlet a part of her lodging to George Rauschmaier and Joseph Steiner.

Holzmann disappeared on Good Friday, 20th of April. Rauschmaier and Steiner left their lodging some days later, without having given notice to the landlord Sticht, who lived in another street, of Holzmann's disappearance. They afterwards gave out that she had quitted the house early on Friday morning, leaving behind her all her keys, and had never returned.

It was not till the 17th of May that Sticht informed the police of Holzmann's disappearance. Although Holzmann lived chiefly on charity, she possessed a store of good clothes and other property, and was supposed to have saved money. But when the magistrate went with her brother and sister-in-law to take an inventory of the property, and to seal it up, it was discovered that all the best part of her property was missing. The persons present on this occasion were overpowered by an insufferable stench, which they attributed to the accumulation of

dirt in the rooms lately occupied by Rauschmaier and Steiner.

The search made by the police, and the inquiries of the city magistrates after the missing woman, were fruitless. Holzmann's brother suggested that she might possibly have gone away and destroyed herself, as it was said that she had lately lost some money which she had lent at high interest. Rauschmaier, who was examined on oath before the magistrate on the 25th of June, stated that Holzmann left her home at eight o'clock on Friday morning, in company with another woman; that she had never returned, and that he did not know whither she was gone, or what had become of her. The inquiry was then suffered to rest until some discovery should be made.

The affair remained in this state till the 2d of January, 1822, when a washerwoman of the name of Therese Beltler, who also inhabited Sticht's house, informed the police that while she and her son were hanging some linen to dry in the loft, they had discovered the thigh and trunk of a human body—probably those of the missing woman. The usual legal commission immediately proceeded to the house, and found, among some rubbish in a corner of the loft, a human leg and thigh; about six yards off, wedged in between the chimney and the roof, they discovered a human trunk without head or limbs. In another corner they found an old gown and petticoat, together with a red neckerchief, all much stained with blood. These were recognized by another washerwoman in the house as part of the dress usually worn by Holzmann. On taking up the floor of Rauschmaier's room they found the other parts of the body. Among these was the left arm bent double, and wrapped in an old shift.

The head alone could nowhere be found; but this was soon accounted for. It appeared that at Whitsuntide, 1821, the inspector of a factory not far from Sticht's house, had found a human skull in the weir belonging to the factory. After showing it to his brother, he threw it back into the river, the stream of which carried it away. The skull, which was described as small, and as having only two or three teeth in the jaw, was, in all probability, Anna Holzmann's.

The limbs and body appeared as it were smoke-dried, and were much distorted by pressure in a confined space; but after being washed with water and spirits of wine, and thus restored in some measure to their natural form, the remains were put together, as well as possible, for inspection by the proper officers. The arms and thighs had been removed from the sockets with so much care and skill, that it betrayed a practised hand. While the physician employed by the court examined the left arm, and endeavored to straighten it, a brass ring fell out of the bend of the elbow. It had, in all probability, slipped from the murderer's finger while he was in the act of cutting up the body, in the keeping of which it remained as a silent witness against him.

Holzmann was described by her friends and relations as a small, well-shaped person, with this distinctive mark, that her right foot was considerably thicker than the left, and that one of the toes had been removed many years before. This description exactly corresponded with the body when put together, and her brother and other relations did not doubt its identity with Holzmann.

The discovery of the corpse in Holzmann's own house threw a strong suspicion on Rauschmaier and Steiner. It

was scarcely possible that any one could have had time or opportunity to commit such a murder, save one or both of Holzmann's fellow-lodgers. Their staying so long in the house in which the scattered remains of the murdered woman were hidden, without communicating what they must at least have known, was an additional proof of the justice of the suspicion against them, especially against Rauschmaier, who had declared on his oath that Anna Holzmann left her home on Good Friday, 1820, leaving the keys with him; whereas it was quite clear that she had been murdered on that very day, in her own house. Before long it was discovered that during Easter week Rauschmaier and his mistress had pawned or sold much of Holzmann's property.

Rauschmaier was arrested on the 2d of January, as soon as the dissevered body was discovered. Among other things found upon him was a tattered pocket-book, containing a remarkable document printed in the form of a patent at Cologne, and adorned with the effigies of a number of saints: it purported to be a letter written from heaven by Jesus Christ himself, and brought down to earth by the archangel Michael, granting full absolution for all sins and crimes, however horrible—in short, a patent well worthy to be worn by robbers, thieves, and murderers.*

* This impious and superstitious document bears the superscription: "Copia, or copy from a divine epistle writ in God's own hand, and now hanging before the image of St. Michael, on St. Michael's Mount, in Brittany, and no one knoweth whereon it hangeth; the which is writ in letters of gold, and was brought thither by the holy angel Michael. Whosoever willeth to touch this document, from him it turneth; whosoever willeth to copy it, unto him doth it bend down and unfold itself." Christ then writes in his own person, and first of all impresses upon the

On his summary examination Rauschmaier repeated his former assertion that Anna Holzmann had left the house early on Good Friday, and had never returned. His manner during examination, and when the corpse was shown to him in the churchyard, was cool and unembarrassed. He showed no emotion, and professed ignorance of the body exposed to view. On the 22d of January he requested an audience, in which, however, he said nothing, but that he wished to be soon released. On the following day he demanded another interview, and this time he confessed that soon after Holzmann's departure he had taken several of her things, which he had given to his mistress to carry away. The judge thought it expedient to examine Rauschmaier merely as to the robbery, without the slightest reference to the murder. Several articles of dress belonging to Holzmann, which were already in the possession of the court, were shown to the prisoner, and recognized by him as part of what he had stolen. A pair of earrings and two gold rings were then placed before him, together with the brass ring which had been found

faithful the absolute necessity of keeping holy the Sabbath, hearing the proper number of masses, never working on saint days, and the like. He then continues: "I say to you, by the mouth of my mother, by the Christian Church, and by the head of John my Baptist, that I, the true Christ, have writ this epistle with mine own divine hand. This epistle shall be copied the one from the other, and should a man have committed as many sins as there be sands on the sea-shore, blades of grass on the earth, or stars in the heavens, if he confesseth and repenteth him of his sins, they shall be forgiven him. Whosoever hath such a letter by him or in his house, his prayers will I hear, and him shall no thunder or lightning harm. Whatsoever woman big with child shall carry this letter upon her, shall be in due time delivered of a fair offspring. Keep my commandments, as I have ordained through my holy angel Michael. — *I, the true Jesus Christ.*"

in the elbow of the murdered woman. On seeing these, he exclaimed, "The earrings and the gold and brass rings are mine! The brass ring I always wore until within four or five weeks after Easter, since when I have worn the gold ones. The brass ring fits the little finger of my left hand." It slipped on and off with ease; had a doubt remained, the telltale ring must have dispelled it.

On the 11th of March, 1822, Rauschmaier, his mistress, Elizabeth Ditscher, and Steiner, were brought before the court for special examination.

At his first examination Rauschmaier repeated his former confession, that he had robbed his landlady. He adhered to the same story at his second examination, but answered the searching questions of the judge in monosyllables, and betrayed embarrassment by his confused and hesitating manner, and his changing color. On his third examination, which took place two days after, he fell upon his knees, and exclaimed, weeping bitterly, "Mr. Commissioner, I see that you are well disposed towards me. You spoke so kindly the other day, that I will confess my guilt to you sincerely:" and he kept his word.

George Rauschmaier, a turner by trade, was born at Augsburg, of Catholic parents. His father was a baker, and his mother a midwife. At the time of the murder he was about four and thirty. His mother and sister said in evidence against him, that his mind had been perverted from his youth; he had always been remarkable for coarse, ill-regulated passions, violence of temper, love of dissipation, idleness, and expensive habits. He could neither read nor write, and was so ignorant of the first principles of the Christian religion as to require instruction from a priest before he could receive the sacrament, towards the end of his trial.

In his seventh year he was apprenticed to a bricklayer, and during the winter he found employment in a manufactory. In his thirteenth year he learned turnery at Munich for three years, at the end of which he returned, on his father's death, to Augsburg, and in 1805 he entered the Austrian service. When the war was ended his regiment was disbanded, and he returned to Augsburg. He was occasionally employed, till 1807, both there and at Munich, as a turner; but his employers said that he was an idle, insolent, and dissolute fellow, whom no one could keep long in their service. In 1807 he was drawn for the Bavarian army, but soon deserted to the Austrians; and in 1809 he fought against his own countrymen. In 1809 he again deserted, and reentered the Bavarian service. In 1811 he underwent a military trial and punishment for theft. He passed through the horrors of the Russian campaign in 1812 and 1813, which, together with the observations that he had the opportunity of making in the military hospitals, completely obliterated the slight remaining traces of humanity left in his nature. When his regiment was at Warsaw, on its way back in 1814, he stole money and property to the amount of one hundred and ten florins from the adjutant, for which he was sentenced to fifteen months' imprisonment on his return to his native country. When released from prison, he returned to Augsburg, where he remained a year and a half, until his arrest, earning his bread how ever he could. He said to the judge, "You see from this account of my life how neglected I was, and how low I have sunk in consequence."

He continued: "I was always in want of money, and knew not whence to get it. I wanted to buy clothes, but

would not stint myself of meat and drink. The thought struck me that I would kill Anna Holzmänn, who, to my knowledge, possessed many good clothes, and who was supposed to have saved some money. I determined to strangle her, as that was easiest, left no trace of blood, and could be done without noise. I had also heard the army surgeons in Russia say that the bodies of persons strangled or suffocated bled but little when dissected. I made up my mind to the murder some six or eight days before Good Friday, and since that time I had no peace from doubting whether I should do it or let it alone. At length, on the morning of Good Friday, the people of the house went to church, even Steiner was out, and by eight o'clock I was left alone in the house with Anna Holzmänn. The opportunity overcame me, and, without saying a word, I walked straight into her room, rushed upon her as she was going towards the bed, upon which I threw her, and squeezed her throat with both hands, while I lay upon her with the whole weight of my body. She could make no resistance, and in five minutes she was dead without having uttered a sound, nor could she have suffered much, as she was old and weak. When I saw that she was dead, I let her body sink upon the floor.

"I then searched her chest for clothes and money, but was much disappointed; instead of what I expected, I found only eight kreutzers.

"After the body had lain upon the floor for about an hour and a quarter, and was quite cold, I dragged it into the loft, which was level with her room.

"To get rid of the corpse, I determined to cut it up with a large clasp-knife, which I afterwards threw into the Lech. I had frequently seen bodies dissected in the

hospitals in Russia." He then gave a minute description of the whole operation, which he seems to have performed in little more than an hour. He described how he hid the several parts of Holzmänn's corpse in the places where they were subsequently found, and threw the head, wrapped in an old apron, into the Lech, after taking off the gold earrings. Hereupon he immediately went, at between ten and eleven, to the church of St. Maurice, but could not pray from remorse, fear, and sorrow. In the evening he went to the Calvary. "I knew very well," said he, "that the murder I had committed was a great sin; but want of money, and the desire to possess some, blinded me to the heavy consequences of my crime. The murder of Holzmänn seemed to me the easiest and most convenient means of obtaining money. I shook from head to foot while I was cutting her up and hiding her remains, and since that time I have had no real happiness, as every one must have seen." When asked about the brass ring, he said he must have lost it while cutting up the body. The judge told him where it had been found, whereupon he exclaimed, "Yes, yes! nothing more likely. It must have slipped off my little finger while I was bending Holzmänn's arm, and been left sticking in the bend of her elbow."

After this confession, Rauschmaier seemed much more easy, showed great repentance, and frequently shed tears at his examinations.

While Rauschmaier's example affords a proof that there exist human beings in the heart of Europe as deficient in moral and intellectual culture as the savages of New Zealand, the conduct of the second prisoner, Steiner, shows how little importance can be attached to the state-

ments of a prisoner, more especially when made against another.

Steiner was thirty-four years old, an *urn* at Augsburg, of Catholic parents. He was a woodcutter by trade: his education had been as much neglected as Rauschmaier's, and in intellect he was even below him. When examined in 1820 as to Holzmann's disappearance, the authorities were forced to dispense with his taking an oath, as he could not be made to comprehend its nature and significance. After his examination, the judge remarked, that "the witness appeared utterly deficient in culture, and incapable of forming an idea; he was almost an idiot, and an answer could not be obtained from him without extreme difficulty."

On his first regular examination of the 2d of January, 1821, he asserted not only his innocence, but also his ignorance of the cause of Holzmann's disappearance. The judge again observed, that "his behavior proved the deficiency of his intellect, and that everything had to be very clearly explained to him before an answer could be obtained from him." He was examined on the 15th of January, merely with regard to his family and to his means of subsistence, when he began suddenly, and of his own accord, a long, rambling narrative, to the following effect: That he returned home at about ten or eleven at night on Good Friday, and went to wish his landlady good night, as was his usual custom; but not finding her in bed, he thought that she would not return that night, and thereupon got into her bed himself. During the night he heard a heavy fall overhead, and a noise as if something was being dragged backwards and forwards. On the Saturday he came home at about ten at night; his comrade opened the door to

him, and would not allow him to enter his landlady's room, but lighted him at once to his own. He had scarcely lain down when something dropped from the ceiling upon his nose, and when he turned in bed, upon his back. In the morning he found that this was blood. He called Rauschmaier's attention to this, who answered that he could not account for it, but that it was of no consequence. At first he thought nothing of it; but on seeing Holzmann's remains in the churchyard, the thought struck him that she must have been murdered by Rauschmaier. He himself had never harmed her. The judge remarked that Steiner took great pains to make his story intelligible, gave his evidence without embarrassment or hesitation, and showed that he had more sense than had at first appeared. On the 4th of February he requested another audience, and on being asked what he had to say, he replied, "Something has occurred to me: my memory is bad, and I have erred in several matters. Even a horse, which has four legs, sometimes stumbles; why should not I?" He now modified his former statement: it was not on Friday, but on Saturday, that he had slept in Holzmann's bed, and that the blood had dropped upon his nose on the Thursday night, not on Good Friday. He had said to Rauschmaier, early on Friday, "Surely, in God's name, you have not murdered our landlady?" whereupon Rauschmaier threatened to kill him if he said a word about the blood of their landlady. He then showed him a thick, knotted club, saying, "I will strike you dead with this if you say a word of the matter!" Steiner continued: "As he thus threatened me, and I was in fear of my life, I never said a word to any one; but, sir, you may be sure that my comrade, who is a bold, strong fellow, murdered the wo-

man." He then proceeded, after some interruption: "It now strikes me that the blood must have been wiped up on Easter Sunday with my shirt, which I found in a corner soaked with blood. No doubt my comrade did this on purpose to throw the suspicion on me. It likewise occurs to me, that about a week or a fortnight before Good Friday, my comrade wrestled with Holzmänn, in joke, of course, in order to try her strength. He must therefore even then have made up his mind to murder her. Nobody acts a play until the rehearsal has turned out well." He further added, that a week after Easter he was with Rauschmaier at a tavern: and when they were alone, his comrade offered him a silver ring and a pair of earrings to say nothing about the blood of their landlady; but he would take nothing from him.

Steiner's statement had every appearance of truth, and agreed in the main with what was already known; and so long as Rauschmaier withheld his confession, it appeared of the utmost importance.

But when the latter was asked, after making a full confession, whether any one was privy to the murder which he had committed, he answered, "No human being; I resolved upon and committed the murder alone, exactly as I have already confessed it, because I trusted no one; if, perchance, Joseph Steiner or Elizabeth Ditscher are suspected, I hereby attest their innocence; nor do I believe that Steiner saw anything; at any rate, he never gave me to understand that he suspected me." In the following examination, when he was told that Steiner asserted that he had discovered traces of the murder, and that he had taken Rauschmaier to task about it, the latter replied, "It is a thorough lie; he never said a word to me of the matter.

The fellow does nothing but tell lies from morning till night. Had he discovered anything, he would have informed against me. Why should not I confess this fact, if it were true?"

At Steiner's third examination, the discrepancy between his statement and Rauschmaier's repentant confession was fully explained. The judge called Steiner's attention to some marked contradiction; whereupon he exclaimed, "I am an ass, and have said a great deal that is not true. I must beg pardon for having lied so much. I thought to myself that, perhaps, my comrade murdered the woman, and that I was suspected, although I am innocent; I therefore said whatever came into my head to strengthen the suspicion against Rauschmaier, and to convince you of my own innocence. All that I have said about the blood dropping upon my nose, and my shirt, about the noise of one falling and being dragged overhead, and about my observations to Rauschmaier, his threatening words, promises, and so forth, are mere inventions. I neither saw nor heard anything; but I suspected that Holzmänn had been murdered by Rauschmaier. I then considered how it must all have been done, and told it accordingly: I wonder how it all came into my head; I should soon have believed the story myself. Forgive my stupidity, I am a mere ass. Only think how stupid! I now begin to see what trouble I have got myself into by my lies; but I hope I shall not suffer for them, as I did not harm the old woman. I thought I was doing the court a pleasure by saying what I fancied about Rauschmaier, for I still believe him to be guilty."

Rauschmaier's advocate was led by his sense of justice and propriety to confine the defence of his client to an

appeal to the mercy of the court. He did not attempt by legal quibbles to gain an acquittal for a man who had already confessed his guilt, but called the attention of the judge to his client's neglected education.

On the 9th of May, 1822, Rauschmaier was found guilty of murder, and condemned to death by the sword, with previous exposure for half an hour in the pillory.

Steiner was acquitted, and Elizabeth Ditscher was condemned to an eight days' imprisonment for receiving stolen goods.

Rauschmaier's sentence received the confirmation of the Superior Court on the 18th of June; but a royal rescript of the 28th of June directed that the exposure previous to execution should be omitted.

XXII.

CASPAR FRISCH.

THE MURDERER FROM VANITY.

ON the 17th of July, 1809, the Jew Parnas Samuel informed the court at Harburg, in the principality of Wallerstein, in Bavaria, that Joseph Samuel Landauer had gone the day before to Brunnsee, and that, contrary to his usual custom, he had not returned home. David Levi, his servant, and Andrew Bonländer had gone out to seek him, and had at last found him near the old castle of Wöllwarth, quite stiff and cold. The unfortunate man had been conveyed to Harburg, where the physician pronounced him to be dead.

On inspecting the corpse on the following day, a great part of the skull and brow were found to be beaten in, and the nose and upper jaw broken, but no injuries were discovered on any other parts of the body, excepting on the third finger of the left hand, the middle joint of which was broken and the skin abraded. The physicians pronounced the injuries quite sufficient to cause death, and conjectured them to have been inflicted with a large stone, weighing about six pounds, which was found on the spot, covered with hair and blood.

On the very same day distinct traces of the murderer were discovered. It seemed that the murdered man had

been seen, on the afternoon on which he was murdered, at the house of a certain Caspar Frisch. One George Keck had seen a man prowling about the castle of Wöllwarth soon after, and had recognized him by his lameness to be Caspar Frisch, who was crooked, and always walked with a stick. This same witness saw another person, whom he did not know, go to this spot about the same time, and perceived from a distance that two persons were beating a third. A young girl of about thirteen, who also witnessed the struggle from a distance, spoke of these *two* persons, one wearing a black smock frock and a peasant's hat, the other a white frock and a black cap. She also heard the man whom they had beat groaning for some time after.

They found on the murdered man two acknowledgments of debt, signed by Caspar Frisch, relating chiefly to some transaction about a watch. His widow made the following statement concerning Frisch:—

That "about ten days previous to the murder, he came to their house, and told her husband that he had buried his savings some years ago, and for a long time had been unable to find the spot. But that lately, as he was going to bury something else, he had accidentally discovered the first money, consisting of Bavarian kreutzers, which, after paying his debts, he wished to exchange. Frisch then appointed her husband to meet him on the following Sunday, the 16th of July, and to bring with him some money, and two watches which he wished to buy. He also charged him to say nothing of all this to his cousins, who would otherwise want the money to pay their debts with. Her husband at first thought the whole affair suspicious, but as Frisch protested that he had earned the money by honest labor, he was at last induced to go to meet him on the ap-

pointed day, and to take with him a large sum of money, and two silver watches, one of which was a repeater."

The court immediately summoned Frisch, and his cousins with whom he lived, to appear before it, but only as witnesses. Frisch stated as follows: "The murdered man came to me at one o'clock, partly in order to bring a couple of watches which he had sold me a week before, and partly to fetch a saucepan lid. About two years before I had bought two silver watches of the Jew for ninety-six florins, which I had agreed to pay in six instalments. I had paid a part of this debt, but not all, as I had never been able to find a sum of two hundred florins which I had buried about five years since during the French invasion. I most unexpectedly found this sum about a fortnight ago, while I was new laying the threshold of the old shed, and immediately went to the Jew, and offered to pay him the remainder of his debt. On this occasion the Jew proposed to sell me two watches which he then wore, and we agreed that the Jew was to take back the watches which he had formerly sold me, and to let me have the two others in exchange, upon payment of an additional sum of thirty-six florins. The Jew came to me yesterday to settle the matter: everything was done as we had agreed, and the Jew then changed what little money was left for twelve-kreutzer pieces. All this was done in about twenty minutes, after which the Jew went away. I staid at home for a short time, and then went to several places and talked with different persons, from whom I heard that three people had been fighting up at the old castle."

At the conclusion of his examination the judge asked him how he got the scratches upon his face, which looked as though they had been made by some one's nails. He

answered that he had got the scratch over his eye on Saturday, while thatching his cousin's house, and that those about his mouth had been done in shaving.

This evidence was thought sufficient to warrant Frisch's provisional imprisonment.

A number of suspicious circumstances soon appeared against him. Several witnesses were examined as to whether they had seen the scratches on his face on the Saturday or on the Sunday morning. Some said they could not remember, but the greater number confidently asserted that at that time there were no such marks upon his face. The wife of a certain Schwerdberger stated that Frisch had come to her while her husband was out, at about six o'clock in the afternoon of Sunday, the day of the murder, and, on entering the house, said that his legs trembled so violently, and he was so tired, that he must beg her to give him a glass of water. She then observed that there were fresh and bleeding scratches upon his face. On asking him the cause of them, he told her that he had been in the wood to catch squirrels, and had fallen from a tree, and scratched his face with the prickly leaves of a fir tree.

Another witness stated that "Frisch had been with him on that very Sunday, at one o'clock, when he observed no marks on his face; but that at six o'clock, when Frisch again called upon him, he saw the scratches, and said to him, 'You, too, must have been fighting up at the old castle to get so scratched.' But he denied this, and again attributed the marks to a fall while trying to catch squirrels."

Finally, the physician who examined his face declared that the wounds were evidently produced by a man's nails,

and added, that on the prisoner's left hand, more especially on the middle finger, there were similar wounds, inflicted beyond doubt with the nails.

Such strong grounds for suspicion induced the court to have Frisch brought before it for special examination on the 19th of July, that is, four days after the murder. It would be useless to recapitulate all the lies and contradictions in which he persisted during the first examination; but scarce had he returned to his cell when he demanded a fresh audience, and confessed his guilt.

Caspar Frisch, a Protestant, was at this time five and twenty; his mother had been dead about seven years, but his father was living, and had married a second wife. Frisch could not live with his step-mother, who was a well-conducted but severe and violent woman, and who made greater demands on her step-son's industry than he was either able or willing to satisfy. Frisch's right leg was quite stiff, his loins were paralyzed, and four of the fingers of his right hand wanted a joint. He could only walk with the assistance of a stick, and was unable to perform common field labor. To make up for this, he was very expert in wood carving, and in all kinds of work that did not require much exertion. The incessant contention between his step-mother and himself drove him to seek refuge with his cousins, who willingly received him. He served them, as well as his deformity permitted him, as a carter, and in repairing the house and the out-houses, and in his leisure hours earned a little money by his carvings. His cousins were always indulgent towards him; and his neighbors had no serious fault to find with him. The prominent defect of his character was vanity, and a desire to outshine his fellows in dress and trinkets. In these he

sought some compensation for the deformity with which nature had afflicted him. As he could not please by his person, he wished to do so by the splendor of his exterior. His crippled body rendered him an object of pity or contempt; but he endeavored, by dress and ornament, to turn the scorn of his associates into envy.

More than a year before, he had bought of the Jew, Joseph Samuel Landauer, first one silver watch, then another, a silver hat-buckle, and a silver watch-chain, for which he owed him one hundred and thirty-two florins. This sum greatly exceeded his means, but the possession of such ornaments was so tempting, and the term of payment so distant, as to silence all doubts and fears. Frisch could not, however, always pay the instalments when they became due, and the thought would then occur to him that the Jew had cheated him, and had asked more than the things were worth.

About a fortnight before the murder he saw in the Jew's possession a silver repeater, which took his fancy. The Jew offered to exchange it against his old watch and four carolins. Frisch returned home with his head full of this new temptation and of the old debt. "The repeater is so handsome! I cannot pay for it: and the Jew is a cheat." Such were the ideas which filled his mind, and which soon suggested to him a contrivance for getting rid of the debt without paying it, and for becoming, at the same time, the happy possessor of the two new watches: the Jew was to be induced to bring both watches to Frisch's house; and, under pretence of payment, to be persuaded to accompany him to the old castle, where he would pretend to have buried his money — and there the Jew was to be murdered. Frisch declared that his conscience was

disturbed, and that he could neither sleep, eat, nor drink during the whole week. This did not, however, alter his determination. He heard an owl hoot one night, and thought that it was intended as a warning to him; but he only said, "Hoot as much as you will, you carrion; I will do it spite of all your hooting." The scheme, engendered by covetousness, fed by pecuniary embarrassment, and strengthened by the idea that Landauer had cheated him, found a powerful apology in his contempt for the Jewish race. "He is but a Jew! there is no harm done: what business had he to charge so much, and to take away all my money?"

About a week before the murder, Frisch went to the Jew's house, and told him that he had at length found the money which he had buried in the shed in 1805, when the French entered Germany, and that he would now pay his debt, and give ready money down for the repeater. The Jew then produced not only the repeater, but another small watch besides, which he praised excessively, telling him that it was a most excellent watch, so good a one, that if he bought it, he would thank him for it all his life: that there were not two other such watches in all the country round. He agreed to purchase the repeater, and also a larger and flatter watch, instead of the other, but at the same price. Frisch made an appointment with the Jew for the following Sunday afternoon, when the one was to receive the watches and the other the money.

The Jew came as appointed at about one P. M., when Frisch's cousins were from home, bringing with him the two watches. He desired Frisch to give him a written assurance, to the effect that the money was really his, and the same which he had formerly buried. The Jew then

demanded payment of his debt, but Frisch told him that the money was concealed up in the old castle between two rocks, and that he must go with him to get it. This was in itself suspicious, and directly at variance with Frisch's former statement, according to which the money was buried in the shed. Nevertheless, the simple Jew, infatuated by the love of gain, merely exclaimed, "What, upon the hill! only think!" and went on his way thither. He sat down beside the stream at the foot of the hill to wash his feet while waiting for Caspar Frisch, who went up the other side of the castle hill, and beckoned to the Jew, whom he saw sitting below, to come up. The Jew, eager to possess the money, ran up, repeatedly exclaiming, "Caspar, where is it? where is it, Caspar?" In answer to this question, Frisch led him to a spot where three fragments of rocks formed a sort of cavern, in which he told him that the money was buried. Frisch now began to tremble in every limb. He was himself astonished at the blindness of the Jew in not taking alarm at his strange demeanor. At length Frisch stooped to the ground, and began to remove some stones; but he soon ceased, saying that it hurt his crippled fingers, and that the Jew must kneel down and scrape out the earth and stones himself. The Jew complied, and while he was busily employed in clearing away the stones, and thinking of nothing but the treasure which was soon to appear, Frisch snatched up a stone, weighing, as he said, about three pounds, and with it struck the Jew on the head as hard as he could. His victim fell backwards; but quickly recovered himself, and attacked his murderer, striking at his face, and exclaiming, in a broken voice, "Caspar, let me go!" Frisch now seized him by the body, or, as he

afterwards said, by the leg, threw him down and fell upon him. Even then, the Jew, who was undermost, struggled hard for his life, and would have overpowered Frisch, had not the latter got one finger of the Jew's left hand between his teeth, thus depriving him of the use of the hand. The stones which lay scattered around afforded ready instruments of murder. Frisch struck the wretched man about the head and brow; and although at each blow the stone dropped from his crippled hand, he quickly seized another, and continued the attack. He gave the Jew ten or eleven blows, until his head was crushed, and Frisch perceived that he was dying: he then robbed the dying man of his watches and money and left him.

The accused repeatedly confessed the deed as it has now been related. As his confession agreed with the circumstances stated by the witnesses, and was perfectly consistent in itself, it needs no further comment.

There was, however, one difficulty which must be noticed. The accused asserted that he committed the murder alone. It, however, seemed incredible that a feeble cripple—who could scarce walk without the help of a stick—should have overpowered a strong man in the full use of his limbs. This doubt was further increased by the statement of two witnesses, John Keck and Anna Vogt, who affirmed that they had seen two men attacking a third. But when we consider the rapidity of the motions of those engaged in conflict, one while struggling on the ground, at another standing; and moreover, that the witnesses saw the fight from a considerable distance, it appears very probable that they may have been deceived. Another witness, John Löw, who first called Keck's attention to the contest, stoutly maintained that he had seen

only two persons; moreover, Keck refused to repeat his statement as to three people on oath. The doubt arising from the disproportion in bodily strength between the murderer and his victim vanishes when we consider that the first blow fell upon the Jew unawares, and apparently stunned him: that fear often paralyzes the strong, while passion bestows unwonted strength and activity upon the weak. Finally, there was not the slightest clew that could lead to the discovery of this third person, and it is not conceivable that Frisch, who might gain much, and could lose nothing, by giving him up, should take the whole blame upon himself, and persist in the assertion, frequently and solemnly repeated, that he had no accomplice.

The District Court, and subsequently the Central Court of Appeal at Munich, found Frisch guilty of robbery and murder, and sentenced him to be beheaded.

According to the strict letter of the law, he should have been broken on the wheel, but the openness of his confession induced the judges to award the milder punishment.

There were no reasons for recommending the accused to the royal mercy. He endeavored to excuse himself as follows:—

"I could never get rid of the idea that the Jew had overreached me: but I always intended to satisfy his demands. It was not until one day when I was at work in the shed that it suddenly occurred to me to murder the Jew, and thus to free myself from my debt. I could never shake off this thought, which constantly troubled and disturbed me. After the first blow I repented, and the Jew might have escaped if he had but gone away, or asked me during our struggle to let him go; besides, I could not have pursued him. But when the Jew attacked me, I

thought he would do to me what I had intended to do by him."

This apology affords no excuse, or even palliation of his crime. The trouble and confusion which he described must arise in every mind during the contest between desire for any object and the scruples of conscience. The repentance to which he alluded must have been slight indeed, for he confessed that after the first blow the Jew did actually entreat him to spare his life. Nevertheless he again threw him on the ground, and completed the murder. Assuming even that Frisch, according to his own statement, killed the Jew outright only in self-defence, no apology can be made for his crime, as he struck the first blow with a murderous intent.

XXIII.

STEPHEN AND JESSE BOORN.

VICTIMS OF CIRCUMSTANTIAL EVIDENCE.

THE victims of "circumstantial evidence" are, fortunately, at the present day less numerous than they once were. The fatal mistakes which have been made, by which innocent persons have been condemned to death, and executed for crimes which they did not commit, and some of which were never committed by any one, have led to a more thorough sifting of evidence, and a better administration of justice. It would be difficult now, in England or this country, to convict upon circumstantial evidence alone, unless it was incompatible with any theory of innocence, or unless the jury were in some way prejudiced against the accused. Yet such things are not impossible in view of the record of past cases. Among the most remarkable instances of the conviction of innocent parties by circumstantial evidence, are the case of the Boorn brothers, and those which follow.

On the 19th of May, 1813, Stephen and Jesse Boorn, with Russell Colvin, and Lewis Colvin, his son, were seen in the morning by a neighbor, one Thomas Johnson, in Manchester, Vermont, picking up stones in a field. They were seemingly in a quarrel. Johnson had a full view

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of them, but was concealed from their sight. In the course of the quarrel, according to the testimony of Lewis, Colvin first struck Stephen, who then knocked the former down with a club. The blow brought no blood. Lewis ran off, and neither he nor Johnson saw Colvin again.

The sudden departure of Colvin excited, at the time, some inquiry as to what had become of him. As he was, however, in the habit of mysteriously absenting himself, sometimes for months together, being occasionally in a state of mental derangement, it was supposed by his friends and neighbors that he would shortly return. There were, however, some vague suspicions that this time he had been murdered. They arose from the fact of the quarrel, and from contradictory declarations by the Boorns in regard to his disappearance or death. Many witnesses subsequently, on the trial, testified to these contradictions, as well as to singular observations made by the Boorns in relation to the affair. Among other things, Stephen told Mr. and Mrs. Baldwin, four years after Colvin's disappearance, that the latter went off in a strange manner into the woods at the time he (Stephen), Colvin, and Lewis were picking stones; that Lewis had gone for drink; and when he (Baldwin) asked them *where* Colvin was gone, one replied, "Gone to hell;" the other, "that they had put him where potatoes wouldn't freeze." These circumstances were not deemed sufficient, however, to warrant their arrest. They both remained unmolested in the village until 1818, when Stephen removed to Denmark, in New York, making a visit to Manchester in the winter of 1818-1819.

Probably these men would never have been brought to

trial, if an uncle of theirs had not, some time in 1819, dreamed that Colvin came to his bedside, and declared that he had been murdered, and that the uncle must follow the ghost, who would lead him to the spot where the body lay. This dream being repeated three times, was finally attended to. Search was made in the place indicated, being where a house had formerly stood. Under the house was a hole about four feet square, made for the purpose of burying potatoes, but filled up at the time of the search. The pit was opened: only a large knife, a penknife, a button, found in it. Mrs. Colvin accurately described these articles previous to their being shown to her; and having seen them, declared the large knife and the button to have belonged to her husband. This wonderful dream, as near as could be learned, took place in April, 1819. It created a great sensation in the neighborhood, and was deemed by many a providential interference for the detection of the murderer. Immediate search was thereupon made for the body of Colvin, concerning whose murder by the Boorns no doubt now existed. Towards the end of April, 1819, on the strength of this dream, Jesse Boorn was arrested in Manchester. His examination was commenced on the 27th of April, during which day, as well as on the three following, search was unsuccessfully made for the body of Colvin. The ghost had played them false. It was not to be found in the pit indicated, nor in any other place ingenuity could assign. Still, so strong was popular belief in the honesty of their mysterious informant, that no one questioned his truth. Two pieces of bone were found in a hollow stump, which were pronounced to be the nails of a human toe; a cluster of bones were found in the same place. Several

physicians thought them human — only one thought otherwise. In order to determine this matter conclusively, they dug up a leg, which had been amputated from a man about four years previously, and, upon comparing the two sets of bones, it was unanimously determined that the set first found did not belong to the human race! But people would not admit the fallibility of their ghost, especially as the bones first found were discovered by the agency of a dog, in the most approved mode of canine sagacity. It was, therefore, surmised that the body had been burned, and some parts, not consumed, cast into the stump, and other bones put among them for deception. This surmise gained strength from the fact, that shortly after the disappearance of Colvin a barn belonging to the dreamer was accidentally consumed by fire, and about the same time a log heap was burned by the Boorns, *near the place where the ghost said the body was to be found*. Upon the examination of Jesse, the magistrate allowed none of this stuff to be given in evidence. The facts relied on were, the disappearance and continued absence of Colvin, the quarrel, and the contradictions and observations before alluded to. These circumstances were deemed insufficient to warrant his detention. He was accordingly on the eve of being discharged, when he stated to some of the myrmidons of the jail, "that the first time he had an idea that his brother Stephen had murdered Colvin, was when he was here last winter; he then stated that he and Russell were hoeing in the Glazier lot; that there was a quarrel between them; that Colvin attempted to run away; that he struck him with a club or stone on the back part of his head, or neck, and had fractured his skull, and supposed he was dead. That he could not tell what had become

of the body." He mentioned many places where it might be found. Search was accordingly made, but to no purpose.

A warrant was immediately issued for the apprehension of Stephen, who was committed to jail on the 15th of May. He strongly asserted his innocence, and was severe upon Jesse for making the confession. The latter, after an interview with Stephen, retracted all he had said, declaring the whole to be false. They were, however, committed to take their trial before the Supreme Court of Vermont, to be holden in Manchester, in September, 1819.

During the time of their imprisonment, before the trial, they were frequently visited by a clergyman. "They evinced no contrition," but persisted in solemnly declaring their innocence.

At length, in October, 1819, they were brought to trial, but such was the excitement against them, that it was difficult to get a panel, almost every one in the vicinity having expressed an opinion against the prisoners.

Upon the trial, in addition to the facts already stated, it appeared that some children had found upon the land, where the quarrel had taken place, and brought home, an old, mouldy, rotten hat, recognized as having belonged to the murdered man. That both Jesse and Stephen had, in 1815, told Mrs. Colvin, who was their sister, that she might swear a child, with which she was then pregnant; Stephen at the same time saying that he knew Colvin was dead. The most remarkable evidence adduced was the **CONFESSION** of Jesse, and the **FULL, CIRCUMSTANTIAL, WRITTEN, AND SIGNED CONFESSION** of Stephen, that he had quarrelled with Colvin, and murdered and buried

him. It was testified by the jailer that he exhorted Jesse to confess, but to confess only the truth, because a falsehood would increase his trouble. Thereupon Jesse "*confessed*" that he was afraid Stephen had murdered Colvin, and that he believed he knew very near where the body was buried. When the knife and hat of Colvin were shown him, he appeared much agitated.

The confession of Jesse to another witness was still more extraordinary and unaccountable. Every person believed him guilty. Each one who had access to him urged him to admit his guilt. Much was said to Jesse to get the facts from him. He was told that if he would confess the facts, it would probably be the means of clearing him. It appeared in evidence, that several had promised to sign for their pardon if they would confess; at the same time telling them that there was no doubt they would be convicted upon the testimony that was then against them. These inducements were eminently successful. Jesse, by means of them, was made to say that "Stephen knocked Colvin down twice, broke his skull, and blood gushed out. My father came up three several times, and asked if he was dead, and said 'damn him.' All three of us took the body and put it into the cellar, *when father cut his throat.* I knew the jackknife to be Colvin's. Stephen wore Colvin's shoes. About a year and a half after we took up the bones, put them under a barn that was burned, then pounded them up, and flung them into the river. *Father put some of them into a stump.*"

The following is the extraordinary written confession of Stephen, given verbatim:—

"May the 10th, 1812. I, about 9 or 10 o'clock, went down to David Glazer's bridge, and fished, down below uncle Nathaniel Boorn's, and then went up across their farms, where Lewis and Russell was, being the highest way, and set down and began to talk, and Russell told me how many dollars benefit he had been to father, and I told him he was a damned fool; and he was mad, and jumped up, and we sat down close together, and I told him to sit down, you little tory; and there was a piece of beech limb, about two feet long, and he caught it up and struck at my head as I sat down; and I jumped up, and it struck me on one shoulder, and I caught it out of his hand, and struck him a backhanded blow, I being on the north side of him; and there was a knot on it about an inch long. As I struck him, I did think I hit him on the back; and he stooped down; and that knot was broken off sharp, and it hit him on the back of the neck, close in his hair; and it went in about half of an inch on the great cord, and he fell down; and then I told the boy to go down, and come up with his uncle John, and he asked me if I had killed Russell, and I told him no, but he must not tell we struck one another. I told him, when he got away down, Russell was gone away; and I went back, and he was dead; and then I went and took him, and put him in the corner of the fence by the cellar-hole, and put briers over him, and went home, and went down to the barn and got some boards, and when it was dark I went down, and took the hoe and boards, and dug a grave as well as I could, and took out of his pocket a little Barlow knife with about a half of a blade, and cut some bushes and put on his face and the boards, and

put in the grave and put him in, four boards on the bottom and two on the top, and t'other on the sides, and then covered him up, and went home, crying along, but want afraid as I know on. And when I lived to William Boorn's I planted some potatoes; and when I dug them I went there, and something I thought had been there, and I took up his bones and put them in a basket, and took the boards and put on my potato hole; took the basket and my hoe, and went down and pulled up a plank in the stable floor, and then dug a hole, and then covered him up, and went into the house and told them I had done with the basket; and took back the shovel, and covered up my potatoes that evening. And then when I lived under the West Mountain, Lewis came and told me father's barn was burnt up; the next day, or the next day but one, I came down and went to the barn, and there was a few bones; and when they was to dinner, I told them I did not want my dinner, and went and took them, and there wasn't only a few of the biggest of the bones, and throwed them in the river above Wyman's, and went back, and it was done quick, too, and then was hungry by that time, and then went home, and the next Sunday I came down after money to pay the boot that I gave to boot between oxens; and went out there and scraped up them little things that was under the stump there, and told them I was going to fishing, and went, and there was a hole, and I dropped them in, and kicked over the stuff, and that is the first any body knew it, either friends or foes, even my wife. All these I acknowledge before the world.

"STEPHEN BOORNE.

"MANCHESTER, August 27, 1819."

The body of Colvin was not found, nor anything approaching nearer to it than the toe-nails. Presumption was piled on presumption to make out a case, it being first presumed that somebody was murdered, that the somebody was Colvin, and finally that the Boorns were the culprits. Confessions were made and retracted, and others made contradicting each other. Yet upon this evidence, the jury, after a trial occupying five days, a "short, judicious, and impressive charge" from Mr. Justice Doolittle, and a "lengthy and appropriate" one from Mr. Chief Justice Chase, rendered a verdict of guilty against both of the prisoners. They were accordingly sentenced to be executed on the 28th of January, 1820.

So much distress was manifested by these men upon learning their fate, that the usual reaction almost immediately took place in the public mind. Notwithstanding their confessions, they now vehemently asserted their innocence. A petition was presented to the Legislature for a commutation of punishment, which was granted to Jesse, but refused to Stephen. The former was accordingly carried to the State Prison on the 29th of October. Stephen remained in the "inner dungeon" of the jail, with "heavy chains on his hands and legs, being also chained to the floor." During this confinement his agony is described as extreme. He was unwilling to die, both on his own and his family's account, and vehemently protested his entire innocence.

Let it be observed, that the excitement of the village was very great. No man doubted the guilt of the prisoners. Many believed that the murderers had been detected by providential interposition. Their confessions, not very well agreeing, it is true, were the main reliance of the

prosecution, and caused their conviction. The confession of Stephen was introduced *by his counsel*, after it had been offered by the government and ruled out by the court, to explain oral evidence relating to the facts it contained. The counsel are represented to have made an earnest, eloquent, and learned defence. The trial was very laborious, occupying five days, during which fifty witnesses were examined.

Whatever may have been the public opinion on their conviction, it was shortly changed, for on the 22d December, 1818, *the murdered man was brought alive to Manchester!* The reaction in favor of the Boorns was now excessive. Stephen, sentenced to be hung, was released amid the congratulations of the crowd and the peal of artillery. Jesse, then at hard labor in the State Prison, was forced to wait the slow process of a regular discharge. Both became the heroes of the moment, and enjoyed, as a slight recompense for their months of agony, the sympathy of their former prosecutors.

It appeared that when Colvin left his native town, he went to Dover, in New Jersey, and resided in a state of harmless mental derangement, in the family of a Mr. Polhamus, during the whole time of his absence. The brother-in-law of Mr. Polhamus, a Mr. Chadwick, who lived at a distance of forty miles from Dover, seeing an account of the trial of the Boorns in the Evening Post, which paper he was not in the habit of reading, and had *taken up at that time by the merest apparent accident*, had an idea that the resident in Mr. P.'s house was the man for whose supposed murder the Boorns were indicted. Under this impression he published a letter, in which, as we suppose — for we have never seen the letter, nor any

intimation of its contents—he stated his suspicions that his brother-in-law's guest was the supposed murdered man. This suspicion was communicated to a Mr. Whelply, of New York, formerly of Manchester, and well acquainted with Colvin. Mr. Whelply went to New Jersey in quest of Colvin, and being convinced of his identity, brought him to Manchester. Thus by what may be considered almost a direct interposition of Divine Providence, two innocent men were restored to society.

XXIV.

THOMAS HARRIS.

THOMAS HARRIS kept the Rising Sun, a public house, about eighteen miles from York, England, on the road to Newcastle. Harris had a man and maid-servant. The man, whose name was Morgan, he kept in the threefold capacity of waiter, hostler, and gardener. James Gray, a blacksmith, travelling on foot to Edinburgh, stopped at Harris's, supped, and lay there. Early in the morning Morgan went secretly to a neighboring magistrate, and gave information that his master, Harris, had just then murdered the traveller, James Gray, in his bed. A warrant was issued, and Harris was apprehended. Harris positively denied the charge, and Morgan as positively affirmed it, deposing that he saw Harris on the stranger's bed, strangling him, but that he came too late to save him, and that Harris's plea was, the deceased was in a fit, and he was only assisting him. Morgan further deposed that he instantly retired, and made a feint as if going down stairs, but creeping up very softly to an adjoining room, he there, through a keyhole, saw his master rifling the breeches of the deceased.

Harris peremptorily denied every part of this story, from the beginning to the end. And the body having, by order of the magistrate, been inspected, and no mark of violence

appearing thereon, Harris was nearly on the point of being discharged, when the maid-servant desired also to be sworn. She deposed that, almost directly after her master came down in the morning, as she must conceive from the traveller's room, she saw him go into the garden, — being, unknown to her master, in a back wash-house which overlooked it, — saw him take some gold out of his pocket, wrap it up in something, and bury it at the foot of a tree, in a private corner of the place.

Harris turned pale at the information. He would give no direct answer as to the circumstance of the money. A constable was despatched with the girl, and the cash, to the amount of upwards of thirty pounds, was found. The accused acknowledged the hiding of that money, but he acknowledged it with so many hesitations, and answered every question with such an unwillingness, such an apparent unopenness, that all doubts of his guilt were now done away, and the magistrate committed him for trial.

Harris was brought to the bar at York summer assizes, which happened about a week after his commitment, in 1642. Morgan deposed the same as when before the justice. The maid-servant and the constable deposed to the *circumstance* of the money. The first, as to the prisoner's hiding, and both as to the finding of it. And the magistrate gave testimony to the confusion and hesitation of Harris on the discovery of, and being questioned about, the hiding of the money.

Harris, on his defence, endeavored to invalidate the charge by assertions that the whole of Morgan's evidence was false; that the money which he buried was his own property, honestly come by, and buried there for his better security; and that his behavior before the magistrate on

this particular, arose from the shame of acknowledging his natural covetousness, not from any consciousness of guilt. The judge then summed up the evidence, remarking strongly on the *circumstance* of the hiding of the money, and the weakness of the prisoner's reasons for his so hiding of it; and the jury, just consulting together for *two minutes*, brought in their verdict — Guilty.

Harris was executed pursuant to his sentence, persevering in his declarations of innocence, but desiring all persons to guard against the effects of an avaricious disposition; for it was that sordidness of temper which had led him, he said, into general distrustfulness, and that into the expedient of hiding his money, which *circumstance* had alone furnished the means to his enemies — for what reason they were so, he said, he knew not, but whom he forgave — for bringing him to an ignominious death.

The truth of the fact at last came out. Harris was, indeed, entirely innocent. Morgan and the maid were not only fellow-servants, but sweethearts. Harris's suspecting, covetous temper was well known to both, and the girl once, by accident, perceiving her master burying something, discovered the circumstance to Morgan. He, acting as gardener, took an opportunity when at work to dig for it. It proved to be five guineas. He left it, and informed the girl of it. They settled it not to touch the money, but to keep watching their master, as they had no doubt but he would add to it; and, when it arose to a good sum, they agreed to plunder the hiding-place together, marry, and with the spoil set up in some way of business. As they imagined so it happened. They got several occasions to see the stock increasing; but, equally covetous with their master, the golden harvest was not yet ripe.

One day, in a quarrel, Harris strikes his man, Morgan, several times. Morgan determines on revenge. At this fatal period arrives James Gray. Morgan finds him next morning dead in his bed. The diabolical thought strikes Morgan of first charging Harris with the murdering and robbing of Gray, and then of plundering his master's hiding-place whilst he (the master) shall be in prison. Morgan communicates this intention to the maid. She approves of it. They consult, and fix on the plan, and Morgan gives the information to the magistrate, as before related. The girl, unexpectedly, finds the accusation not sufficiently supported, and fears that her sweetheart, of whom she is fond, will be punished for perjury if her master is released; who, indeed, unfortunately had just hinted as much before the justice. The expedient, in a moment, strikes her to sacrifice the hidden money, and with it her master, to the safety of her lover; and the idea, as the reader already knows, fatally succeeds.

The whole of this stupendous piece of wickedness came to light in the beginning of the year 1643, on a quarrel between Morgan and the girl, who, after the death of Harris, had lived together as man and wife. They were taken up in consequence, and committed to prison, but escaped the public punishment due to their crime by both of them dying of a jail disease.

Harris's innocence became afterwards further illustrated, by its being found out that James Gray, the supposed murdered person, had had two attacks of an apoplexy some months previous to his death, and that he was never master of five pounds at one time in his life.

XXV.

JOHN JENNINGS.

A GENTLEMAN, travelling to Hull, England, was stopped late in the evening, about seven miles short of it, by a single highwayman, with a mask on, who robbed him of a purse containing twenty guineas. The highwayman rode off a different road, full speed, and the gentleman pursued his journey. It, however, growing late, and he being already much affrighted and agitated at what had passed, he rode only two miles farther, and stopped at the Bell Inn, kept by Mr. James Brunell. He went into the kitchen to give directions for his supper, where he related to several persons present his having been robbed; to which he added this particular circumstance, that when he travelled he always gave his gold a particular mark; that every guinea in the purse he was robbed of, was so particularly marked; and that, most probably, the robber by that means would be detected. Supper being ready, he retired. He had not long finished his supper, before Mr. Brunell came into the parlor. After the usual inquiries of landlords, of hoping the supper and everything was to his liking, &c., &c. "Sir," says he, "I understand that you have been robbed, not far from hence, this evening." "I have, sir." "And that your money was all marked." "It was." "A circumstance has arisen which leads me to think that I can point out the robber."

"Indeed!" "Pray, sir, what time in the evening was it?" "It was just setting in to be dark." "The time confirms my suspicion!" Mr. Brunell then informed the gentleman that he had a waiter, one John Jennings, who had, of late, been so very full of money at times, and so very extravagant, that he had had many words with him about it, and had determined to part with him on account of his conduct being so very suspicious; that, long before dark that day he had sent him out to change a guinea for him, and that he had only come back since he (the gentleman) was in the house, saying, he could not get change; and that Jennings being in liquor, he had sent him to bed, resolving to discharge him in the morning. That, at the time he returned him the guinea, he (Mr. Brunell) did not think it was the same which he had given him to get silver for, having perceived a mark upon this, which he was very clear was not upon the other; but that, nevertheless, he should have thought no more of the matter, as Jennings had so frequently gold of his own in his pocket, had he not afterwards heard (for he was not present when the gentleman was in his kitchen relating it) the particulars of the robbery, and that the guineas, which the highwayman had taken, were all marked: that, however, a few minutes previously to his having heard this, he had unluckily paid away the guinea which Jennings returned him, to a man who lived some distance off, and was gone; but the circumstance of it struck him so very strongly, that he could not, as an honest man, refrain from giving this information.

Mr. Brunell was thanked for his attention and public spirit. There was the strongest room for suspecting of Jennings; and if, on searching him, any of the marked

guineas should be found, as the gentleman could swear to them, there would then remain no doubt. It was now agreed to go softly up to his room. Jennings was fast asleep; his pockets were searched, and from one of them was drawn forth a purse, containing exactly nineteen guineas. Suspicion now became demonstration, for the gentleman declared them to be identically those which he had been robbed of! Assistance was called, Jennings was awaked, dragged out of bed, and charged with the robbery. He denied it firmly, but circumstances were too strong to gain him belief. He was secured that night, and the next day carried before a neighboring justice of the peace. The gentleman and Mr. Brunell deposed the facts on oath; and Jennings having no proofs, nothing but mere assertions of innocence to oppose them, which could not be credited, he was committed to take his trial at the next assizes.

So strong were the circumstances known to be against him, that several of his friends advised him to plead guilty on his trial, and to throw himself on the mercy of the court. This advice he rejected, and, when arraigned, pleaded not guilty. The prosecutor swore to his being robbed; but that, it being nearly dark, the highwayman in a mask, and himself greatly terrified, he could not swear to the prisoner's person, though he thought him of much the same stature as the man who robbed him. To the purse and guineas, which were produced in court, he swore, as to the purse, positively, and as to the marked guineas, to the best of his belief, and that they were found in the prisoner's pocket.

The prisoner's master, Mr. Brunell, deposed to the fact as to the sending of the prisoner to change a guinea, and

of his having brought him back a marked one in the room of one he had given him unmarked. He also gave evidence as to the finding of the purse and the nineteen marked guineas in the prisoner's pocket. And, what consummated the proof, the man to whom Mr. Brunell paid the guinea produced the same, and gave testimony to the having taken it that night in payment of the prisoner's master. Mr. Brunell gave evidence of his having received of the prisoner that guinea, which he afterwards paid to this last witness. And the prosecutor, comparing it with the other nineteen found in the pocket of the prisoner, swore to its being, to the best of his belief, one of the twenty guineas of which he was robbed by the highway-man.

The judge, on summing up the evidence, remarked to the jury on all the concurring circumstances against the prisoner; and the jury, on this strong circumstantial evidence, without going out of court, brought in the prisoner Guilty. Jennings was executed some little time after at Hull, repeatedly declaring his innocence to the very moment he was turned off. This happened in the year 1742.

Within a twelvemonth after, lo! Brunell, Jennings's master, was himself taken up for a robbery done on a guest in his own house; and, the fact being proved on his trial, he was convicted, and ordered for execution. The approach of death brought on repentance, and repentance confession. Brunell not only acknowledged the committing of many highway robberies, for some years past, but the very one for which poor Jennings suffered.

The account he gave was, that he arrived at home by a nearer way, and swifter riding, some time before the gentleman got in who had been robbed. That he found a

man at home waiting, to whom he owed a little bill, and that not having quite enough of loose money in his pocket, he took out of the purse one guinea, from the twenty he had just got possession of, to make up the sum; which he paid, and the man went his way. Presently came in the robbed gentleman, who, whilst Brunell was gone into the stables, and not knowing of his arrival, told his tale, as before related, in the kitchen. The gentleman had scarcely left the kitchen before Brunell entered it; and being there informed amongst other circumstances of the marked guineas, he was thunderstruck! Having paid one of them away, and not daring to apply for it again, as the affair of the robbery and marked guineas would soon become publicly known, detection, disgrace, and ruin appeared inevitable. Turning in his mind every way to escape, the thought of accusing and sacrificing poor Jennings at last struck him. The rest the reader knows.

XXVI.

WILLIAM SHAW.

WILLIAM SHAW was an upholsterer, at Edinburgh, Scotland, in the year 1721. He had a daughter, Catherine Shaw, who lived with him. She encouraged the addresses of John Lawson, a jeweller, to whom William Shaw declared the most insuperable objections, alleging him to be a profligate young man, addicted to every kind of dissipation. He was forbidden the house; but the daughter continued to see him clandestinely: the father, on the discovery, kept her strictly confined.

William Shaw had, for some time, pressed his daughter to receive the addresses of a son of Alexander Robertson, a friend and neighbor; and one evening, being very urgent with her thereon, she peremptorily refused, declaring she preferred death to being young Robertson's wife. The father grew enraged, and the daughter more positive, so that the most passionate expressions arose on both sides, and the words "barbarity," "cruelty," and "death" were frequently pronounced by the daughter. At length he left her, locking the door after him.

The greatest part of the buildings at Edinburgh are formed on the plan of large city tenement-houses, so that many families inhabit rooms on the same floor, having all one common staircase. William Shaw dwelt in one

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of these, and a single partition only divided his apartment from that of James Morrison, a watch-case maker. This man had indistinctly overheard the conversation and quarrel between Catherine Shaw and her father, but was particularly struck with the repetition of the above words, she having pronounced them loudly and emphatically. For some little time after the father was gone out all was silent; but presently Morrison heard several groans from the daughter. Alarmed, he ran to some of his neighbors under the same roof. These, entering Morrison's room, and listening attentively, not only heard the groans, but distinctly heard Catherine Shaw, two or three times, faintly exclaim, "Cruel father, thou art the cause of my death!" Struck with this, they flew to the door of Shaw's apartment. They knocked: no answer was given. The knocking was still repeated; still no answer. Suspicions had before arisen against the father; they were now confirmed. A constable was procured — an entrance forced. Catherine was found weltering in her blood, and the fatal knife by her side. She was alive, but speechless. But, on questioning her as to owing her death to her father, was just able to make a motion with her head, apparently in the affirmative, and expired.

Just at the critical moment William Shaw returns, and enters the room. All eyes are on him. He sees his neighbors and a constable in his apartment, and seems much disordered thereat. But at the sight of his daughter he turns pale, trembles, and is ready to sink. The first surprise, and the succeeding horror, leave little doubt of his guilt in the breasts of the beholders; and even that little is done away on the constable discovering that the shirt of William Shaw is bloody.

He was instantly hurried before a magistrate, and, upon the depositions of all the parties, committed to prison on suspicion. He was shortly after brought to trial, when, in his defence, he acknowledged the having confined his daughter to prevent her intercourse with Lawson; that he had frequently insisted on her marrying of Robertson, and that he had quarrelled with her on the subject the evening she was found murdered, as the witness Morrison had deposed. But he averred that he left his daughter unarmed and untouched, and that the blood found upon his shirt was there in consequence of his having bled himself some days before, and the bandage becoming untied. These assertions did not weigh a feather with the jury, when opposed to the strong circumstantial evidence of the daughter's expressions of "barbarity," "cruelty," "death," and of "cruel father, thou art the cause of my death," together with that apparently affirmative motion with her head, and of the blood so seemingly providentially discovered on the father's shirt. On these several concurring circumstances William Shaw was found guilty, was executed, and was hanged in chains, at Leith Walk, in November, 1721.

Was there a person in Edinburgh who believed the father guiltless? No, not one, notwithstanding his latest words at the gallows were, "I am innocent of my daughter's murder." But in August, 1722, as a man, who had become the possessor of the late William Shaw's apartments, was rummaging by chance in the chamber where Catherine Shaw died, he accidentally perceived a paper fallen into a cavity on one side of the chimney. It was folded as a letter, which, on opening, contained the following:—

"Barbarous father, your cruelty in having put it out of my power ever to join my fate to that of the only man I could love, and tyrannically insisting upon my marrying one whom I always hated, has made me form a resolution to put an end to an existence which has become a burden to me. I doubt not I shall find mercy in the other world; for sure no benevolent being can require that I should any longer live in torment to myself in this. My death I lay to your charge. When you read this, consider yourself as the inhuman wretch that plunged the murderous knife into the bosom of the unhappy

"CATHERINE SHAW."

This letter being shown, the handwriting was recognized and avowed to be Catherine Shaw's, by many of her relations and friends. It became the public talk; and the magistracy of Edinburgh, on a scrutiny, being convinced of its authenticity, they ordered the body of William Shaw to be taken from the gibbet, and given to his family for interment; and, as the only reparation to his memory and the honor of his surviving relations, they caused a pair of colors to be waved over his grave, in token of his innocence.

XXVII.

JAMES CROW.

IN the year 1727, Thomas Geddely lived as a waiter with Mrs. Hannah Williams, who kept a public house at York, England. It being a house of much business, and the mistress very assiduous therein, she was deemed in wealthy circumstances. One morning her scrutoire was found broken open and robbed; and Thomas Geddely disappearing at the same time, there was no doubt left as to the robber. About a twelvemonth after a man, calling himself James Crow, came to York, and worked a few days for a precarious subsistence, in carrying goods as a porter. By this time he had been seen by many, who accosted him as Thomas Geddely. He declared he did not know them; that his name was James Crow, and that he never was at York before. This was held as merely a trick to save himself from the consequences of the robbery committed in the house of Mrs. Williams, when he lived with her as a waiter.

He was apprehended, his mistress sent for, and, in the midst of many people, instantly singled him out, called him by name, Thomas Geddely, and charged him with his unfaithfulness and ingratitude in robbing her.

He was directly taken before a justice of the peace; but on his examination, absolutely affirmed that he was not Thomas Geddely; that he knew no such person; that

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he never was at York before, and that his name was James Crow. Not, however, giving a good account of himself, but rather admitting himself to be a petty rogue and vagabond, and M^s. Williams and another swearing positively to his person, he was committed to York Castle for trial at the next assizes.

On arraignment, he pleaded not guilty, still denying that he was the person he was taken for. But Mrs. Williams and some others swearing that he was the identical Thomas Geddely who lived with her when she was robbed, and who went off immediately on the commitment of the robbery; and a servant girl deposed she saw the prisoner that very morning in the room where the scrutoire was broken open, with a poker in his hand; and the prisoner being unable to prove an *alibi*, he was found guilty of the robbery. He was soon after executed, but persisted to his latest breath that he was not Thomas Geddely, but that his name was James Crow, and so it proved; for, some time after the true Thomas Geddely, who, on robbing his mistress, had fled from York to Ireland, was taken up in Dublin for a similar offence, and there condemned and executed. Between his conviction and execution, and again at the fatal tree, he confessed himself to be the very Thomas Geddely who had committed the robbery at York, for which the unfortunate James Crow had been executed.

We must add that a gentleman, an inhabitant of York, happening to be in Dublin at the time of Geddely's trial and execution, and who knew him when he lived with Mrs. Williams, declared that the resemblance between the two men was so exceedingly great that it was next to impossible for the nicest eye to have distinguished them one from the other.

XXVIII.

A NARROW ESCAPE.

IN the year 1723, a young man who was serving his apprenticeship in London to a master sailmaker, got leave to visit his mother, to spend the Christmas holidays. She lived a few miles beyond Deal, in Kent. He walked the journey, and on his arrival at Deal, in the evening, being much fatigued, and also troubled with a bowel complaint, he applied to the landlady of a public house, who was acquainted with his mother, for a night's lodging. Her house was full, and every bed occupied; but she told him that if he would sleep with her uncle, who had lately come ashore, and was boatswain of an Indiaman, he should be welcome. He was glad to accept the offer, and after spending the evening with his new comrade, they retired to rest. In the middle of the night he was attacked with his complaint, and wakening his bedfellow, he asked him the way to the garden. The boatswain told him to go through the kitchen; but, as he would find it difficult to open the door into the yard, the latch being out of order, he desired him to take a knife out of his pocket, with which he could raise the latch. The young man did as he was directed, and after remaining near half an hour in the yard, he returned to his bed, but was much surprised to find his companion had risen and gone. Being impatient to visit his mother and friends, he also arose be-

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fore day, and pursued his journey, and arrived home at noon.

The landlady, who had been told of his intention to depart early, was not surprised; but not seeing her uncle in the morning, she went to call him. She was dreadfully shocked to find the bed stained with blood, and every inquiry after her uncle was in vain. The alarm now became general, and on further examination, marks of blood were traced from the bedroom into the street, and at intervals, down to the edge of the pier-head. Rumor was immediately busy, and suspicion fell, of course, on the young man who slept with him, that he had committed the murder, and thrown the body over the pier into the sea. A warrant was issued against him, and he was taken that evening at his mother's house. On his being examined and searched, marks of blood were discovered on his shirt and trousers, and in his pocket were a knife and a remarkable silver coin, both of which the landlady swore positively were her uncle's property, and that she saw them in his possession on the evening he retired to rest with the young man. On these strong circumstances the unfortunate youth was found guilty. He related all the above circumstances in his defence; but as he could not account for the marks of blood on his person, unless that he got them when he returned to the bed, nor for the silver coin being in his possession, his story was not credited. The certainty of the boatswain's disappearance, and the blood at the pier, traced from his bedroom, were two evident signs of his being murdered; and even the judge was so convinced of his guilt, that he ordered the execution to take place in three days. At the fatal tree the youth declared his innocence, and persisted in it with such affecting asseverations,

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that many pitied him, though none doubted the justness of his sentence.

The executioners of those days were not so expert at their trade as modern ones, nor were drops and platforms invented. The young man was very tall; his feet sometimes touched the ground, and some of his friends who surrounded the gallows contrived to give the body some support as it was suspended. After being cut down, those friends bore it speedily away in a coffin, and in the course of a few hours animation was restored, and the innocent saved. When he was able to move, his friends insisted on his quitting the country and never returning. He accordingly travelled by night to Portsmouth, where he entered on board a man-of-war, on the point of sailing for a distant part of the world; and as he changed his name, and disguised his person, his melancholy story never was discovered. After a few years of service, during which his exemplary conduct was the cause of his promotion through the lower grades, he was at last made a master's mate, and his ship being paid off in the West Indies, he, with a few more of the crew, were transferred to another man-of-war, which had just arrived short of hands from a different station. What were his feelings of astonishment, and then of delight and ecstasy, when almost the first person he saw on board his new ship was the identical boatswain for whose murder he had been tried, condemned, and executed, five years before! Nor was the surprise of the old boatswain much less when he heard the story.

An explanation of all the mysterious circumstances then took place. It appeared the boatswain had been bled for a pain in his side by the barber, unknown to his niece, on the day of the young man's arrival at Deal; that when the

young man wakened him, and retired to the yard, he found the bandage had come off his arm during the night, and that the blood was flowing afresh. Being alarmed, he rose to go to the barber, who lived across the street, but a press-gang laid hold of him just as he left the public house. They hurried him to the pier, where their boat was waiting: a few minutes brought them on board a frigate, then under way for the East Indies, and he omitted ever writing home to account for his sudden disappearance. Thus were the chief circumstances explained by the two friends, thus strangely met. The silver coin being found in the possession of the young man, could only be explained by the conjecture, that when the boatswain gave him the knife in the dark, it is probable that, as the coin was in the same pocket, it stuck between the blades of the knife, and in this manner became the strongest proof against him.

XXIX.

JONATHAN BRADFORD.

JONATHAN BRADFORD kept an inn in Oxfordshire, on the London road to Oxford, in the year 1736. He bore an unexceptionable character. Mr. Hayes, a gentleman of fortune, being on his way to Oxford, on a visit to a relation, put up at Bradford's. He there joined company with two gentlemen; with whom he supped, and in conversation unguardedly mentioned that he had then about him a large sum of money. In due time they retired to their respective chambers; the gentlemen to a two-bedded room, leaving, as is customary with many, a candle burning in the chimney corner. Some hours after they were in bed, one of the gentlemen being awake, thought he heard a deep groan in the adjoining chamber; and this being repeated, he softly awaked his friend. They listened together, and the groans increasing, as of one dying, they both instantly arose, and proceeded silently to the door of the next chamber, from whence they heard the groans; and the door being ajar, saw a light in the room. They entered; but it is impossible to paint their consternation on perceiving a person weltering in his blood in the bed, and a man standing over him, with a dark lantern in one hand and a knife in the other. The man seemed as petrified as themselves, but his terror carried with it all the terror of guilt! The gentlemen soon discovered the person was a

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stranger with whom they had that night supped, and that the man who was standing over him was their host. They seized Bradford directly, disarmed him of his knife, and charged him with being the murderer. He assumed by this time the air of innocence, positively denied the crime, and asserted that he came there with the same humane intentions as themselves; for that, hearing a noise, which was succeeded by a groaning, he got out of bed, struck a light, armed himself with a knife for his defence, and was but that minute entered the room before them.

These assertions were of little avail. He was kept in close custody till the morning, and then taken before a neighboring justice of the peace. Bradford still denied the murder; but nevertheless, with such an apparent indication of guilt, the justice hesitated not to make use of this extraordinary expression, on writing out his mittimus: "Mr. Bradford, either you or myself committed this murder!"

This extraordinary affair was the conversation of the whole county. Bradford was tried and condemned, over and over again, in every company. In the midst of all this predetermination came on the assizes at Oxford. Bradford was brought to trial; he pleaded not guilty. Nothing could be more strong than the evidence of the two gentlemen. They testified to the finding Mr. Hayes murdered in his bed; Bradford at the side of the body with a light and a knife; that knife, and the hand which held it, bloody; that on their entering the room he betrayed all the signs of a guilty man, and that a few moments preceding, they had heard the groans of the deceased.

Bradford's defence on his trial was the same as before the gentlemen: he had heard a noise; he suspected some

villany transacting; he struck a light; he snatched a knife (the only weapon near him) to defend himself; and the terrors he discovered were merely the terrors of humanity — the natural effects of innocence as well as guilt, on beholding such a horrid scene.

This defence, however, could be considered but as weak, contrasted with several powerful circumstances against him. Never was circumstantial evidence more strong. There was little need left of comment from the judge in summing up the evidence. No room appeared for extenuation. And the jury brought in the prisoner guilty, even without going out of the box. Bradford was executed shortly after, still declaring he was not the murderer, nor privy to the murder of Mr. Hayes; but he died disbelieved by all.

Yet were those assertions not untrue! The murder was actually committed by Mr. Hayes's footman, who, immediately on stabbing his master, rifled his breeches of his money, gold watch, and snuff-box, and escaped to his own room; which could have been, from the after circumstances, scarcely two seconds before Bradford's entering the unfortunate gentleman's chamber. The world owes this knowledge to a remorse of conscience in the footman (eighteen months after the execution of Bradford) on a bed of sickness; it was a death-bed repentance, and by that death the law lost its victim.

It is much to be wished that this account could close here; but it cannot. Bradford, though innocent, and not privy to the murder, was, nevertheless, the murderer in design. He had heard, as well as the footman, what Mr. Hayes had declared at supper, as to his having a large sum of money about him, and he went to the chamber

with the same diabolical intentions as the servant. He was struck with amazement; he could not believe his senses; and in turning back the bed-clothes, to assure himself of the fact, he, in his agitation, dropped his knife on the bleeding body, by which both his hand and the knife became bloody. These circumstances Bradford acknowledged to the clergyman who attended him after his sentence.

NOTE.

The annals of English Criminal Courts contain numerous cases of the conviction of innocent parties by circumstantial evidence. As late as the year 1827 no fewer than six persons were convicted of capital crimes at the Old Bailey upon circumstantial evidence, and possibly some perjury to support it, who were afterwards proved to be innocent, and were saved from the gallows by the energy of the sheriff, who was satisfied of their innocence, and succeeded in proving it. Such convictions in capital cases are now, fortunately, not likely to occur. Of offences less than capital, a much greater number of convictions have occurred where the parties accused and convicted were innocent; and in such cases there is reason to suppose that, notwithstanding the greater care exercised in trials, and the greater privileges allowed to the accused, even at this day and in this country there are sometimes convictions of parties who are innocent of the particular offence charged, however guilty they may be of others. Under the German system, as shown in several of the cases in this volume, convictions of innocent persons could not easily be arrived at.