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OBSERVATIONS ON THE CURIOSITY OF THOSE WHO
GO TO WITNESS PUBLIC EXECUTIONS.

The compiler of this work is of opinion that his book can not have a better introduction to the public than by giving place to the following observations by a highly talented gentleman of this city:

In hopes that these remarks may meet the attention of many who have hitherto considered it an innocent gratification to witness the death of a fellow being by hanging, they are respectfully offered to the public. They are the result of considerable reflection and careful observation during the scene of a late execution. It must be some uncommon and powerful motive which can impel multitudes to come from great distances, in a stormy season, and on a stormy day, avowedly for no other purpose than to witness such a scene.

This motive deserves to be analyzed. We all know that the great mass of men are continually moved by a desire of *wealth*—some by a desire of fame, others by a love of knowledge. Wealth is sought, that it may bring ease, independence, and afford the possessor the means of gratifying his love of show. The acquisition of knowledge is a simple and natural gratification, and is chiefly obtained by what is properly called *curiosity*. Now the desire of seeing a man hung has no connection with any of these motives. It certainly has no affinity to the desire of wealth—It is not a love of fame, neither is it a desire of knowledge; for all have known from childhood exactly how the whole performance goes on at such times, and they all know there is nothing *curious* in it. It can not, therefore, be called *curiosity*. Perhaps some who pride themselves upon their honesty, will say they go from a love of justice to one who has committed such a horrible crime. But do such think that the law will be less sure in its aim, the arm of justice less strong, or the officers less faithful, if they do not go night and day, through mud and rain, to

gaze at a distance on the horrible picture? How silly the pretension! Some, and perhaps the majority, will still contend that it is a simple curiosity, the same that is felt when they go some distance to see a great man, or to look at an elephant, or the like. But let such reflect a moment. We go to see a great man, because we have heard of his great deeds, because we suppose he is possessed of some extraordinary powers of mind, or because he has been a great benefactor to his country and to mankind. The feeling is simple, natural and elevated. We know exactly what we go for—it is admiration. We go to see the elephant or lion, because he is an extraordinary animal which we have never seen. We know not exactly how they appear, they are objects of curiosity—We are impelled by a love of knowledge.

Now any man who reflects a moment will see how totally different are all these motives from that strong, exciting and horrible feeling, with which a public execution is witnessed. I have now shown what this motive and this feeling *are not*—In few words I attempt to show what they are.

The science of *Phrenology* (every intelligent reading man must now allow this the title of a science) teaches us that all the operations of the mind are carried on by means of the brain as its great organ; that the different operations or faculties are exercised by different organs or portions of the brain. Among these is what is called the organ or faculty of *destructiveness*. Now let no one think to avoid the conclusions to which I am coming, by disbelieving in phrenology. Those conclusions are not to depend on the truth of that science—I call it to my aid in order to give a *clearer*, not a more certain view of the subject.

This organ of destructiveness is always exercised when we are employed in hunting or destroying any *living creature*. It was given us by our benevolent Maker, for wise purposes—To make us prompt in self-defence in a barbarous state of society; to authorise us

in the destruction of animals necessary to our food, and always to be exercised under the control of reason. Its wrong exercise is seen in children, in their desire to wound and destroy flies and other insects—in pinching and pulling the hair of a school fellow, and in many other actions, where there can be no other possible motive, than the simple gratification of a strong propensity. In youth and manhood its exercise is seen in the glorious excitement of the chase. The hunter pursues his game with an intensity of feeling, which not even the love of wealth or fame can inspire in their greatest votaries. And this feeling is frequently the strongest when he can not even *pretend* to any other motive than the gratification of a strong propensity to overtake and destroy his victim. It is true he may pursue the hare or the deer for food; the wolf, or the bear, because they infest his flocks, or his cornfields—but no such motive actuates the gunner who follows and destroys squirrels, woodpeckers and other innocent animals, which he throws away as soon as they are killed. The real sportsman never makes any distinction in the size, nature or usefulness of his game—he only delights in destroying.

I mention these instances here, both to illustrate this propensity in men, and to show how its gratification is considered by many, and perhaps most people, a favorite and innocent amusement, so that the lovers of public executions may not think that I am directly charging them with the sin of murder. The worst exhibition of this same propensity is seen in the murder of a fellow being. This we all agree in abhorring, because it inflicts a wrong upon our own species. We seldom extend our notions of right beyond our own kind, and more frequently it falls far short. We are first jealous in guarding our own rights, and consider a violation of them a dreadful evil. We next extend our sense of justice to our families and friends, next to our town and neighborhood, then to our country; and the more enlightened and benevolent to all mankind. But there

are very few who extend their sense of right to their other fellow animals of creation. And savages, we know, regard as little the rights and happiness of men beyond the narrow limits of their own tribe, as the genteel English hunter does those of the game he pursues only for the pleasure of destroying.

The distinction then is easily seen in all these actions. The propensity in all is the same. It is this same propensity which draws the gazing multitude to witness the scene of the gallows. It can be nothing else. The excitement is more powerful because the object is of more importance—even a fellow being. And who does not know that the interest would be infinitely enhanced, if a man of the highest rank were to be hanged? Other circumstances may indeed increase the intensity of interest on such occasions—such as the collection of great numbers to one place—the noise and show of military parade, &c. But these do not by any means form the chief cause of that all-absorbing interest felt at such times. It is a horrible and gloomy foreboding of death, like that which the midnight assassin feels—and by one who has stood and looked upon the rushing crowd, without having any sympathy in their feelings, this truth will not be doubted. Mark the ghastly and fiend-like expressions of countenance in those most deeply interested, and tell me can you believe it produced by any rational motive? No. It is the love of death like that which demons feel. Let not the more rational and refined attempt to escape this conclusion, by saying that they had no such intense feeling. They only differ from the ignorant mob by having better cultivated minds—by having brought this propensity more under the influence of reason. I am aware that many highly respectable citizens, have attended these spectacles, and without a consciousness of any sinful motive. Let such reflect that the refined hunter is equally unconscious of wrong.

Let it be remembered that I am now speaking of the identity of a propensity, not of its sinfulness. The

murderer generally has some additional motive to urge him on in his hellish deed. Man does not often kill his fellow man, simply from a love of butchery, though history furnishes examples where there was no other pretext. That of Nero and Caligula are in proof on this point. Generally, however, revenge, jealousy, or misnamed honor, comes in to the aid of this propensity. But the deed is by no means always committed by those in whom revenge, jealousy, or the sense of honor is the strongest. The duellist will call this want of *courage*—the phrenologist, a weakness of the organ or propensity of *destructiveness*. Some may still say, that they *know* they would not go to see a man killed under any other circumstances, and affect as much tenderness as an old woman did at a late execution, who had come some ten or fifteen miles, only to hear what the *poor* man would say, declaring that she would not for all the world look at him when he dropped. But do not *such* persons recollect that crowds rush to the bloody ground of the duellist, to witness an *affair of honor*?

Let no one any longer attempt to evade the conclusions that in all these cases men are chiefly actuated by the same propensity; that is by the exercise of the same organ of destructiveness; which was given us, as I have shown, for wise purposes, but which is always abused when exercised for no rational purpose; as in the case of witnessing a public execution. Of the sinfulness of the gratification of this misnamed curiosity, I leave the reader to judge for himself.

The fact will no longer appear strange to us, that murderers have generally been witnesses of public executions, as was the fact in relation to Diddel Holt, who came from considerable distance to see the Thayers hung, and commenced at that time his residence in Buffalo. We can also account for the frequent violence, assassination and cruelty of those times, when public executions have been the most common. Look at the reign of king John, Henry Eighth, Queen Mary, and several other earlier reigns, when men were

less civilized, and compare them with the mild and Godlike reign of Alfred, when England had but just emerged from a state of absolute barbarism. Take any portion of history and you will find, that crimes have increased in proportion as men have become familiarized with blood and death.

By phrenology we learn that these organs of the brain are developed and strengthened by exercise, especially when exercised without the restraint of the higher faculties, that is, without a reasonable purpose; just as the right arm acquires an uncommon degree of strength by its continual use in the business of printing. By experience we learn the same fact; that any faculty of the mind gains uncommon power in any particular pursuit where its frequent exercise is required. Observe how acute is the perception of color in the painter—of sound in the musician, &c. The conclusion does not therefore rest on the truth of phrenology, that every gratification of the propensity to see life destroyed increases and strengthens this propensity.

Several important inferences may be drawn from these facts. First, that we should check in children the earliest manifestations of a disposition to hurt, injure or destroy any living thing. Not merely because it is in itself cruel, and inflicts pain which is as real to the sufferer, as the pain we feel; but because it is developing an organ, or if you please, increasing a propensity, which may be manifested in age, in acts of violence, cruelty, and murder. Next, that we should avoid in the same manner, and for the same reasons, a fondness for hunting without some rational purpose; that whipping horses, oxen, and other animals unnecessarily, is equally unjust, cruel and dangerous. And finally, that the miserable desire of seeing a fellow being hung is a dangerous gratification of this same propensity, in its most disgusting form.

The science of phrenology further informs us, and experience fully verifies its truth, that the organs of the other low propensities are closely connected and power-

fully excited by the operations of this organ of destructiveness, and especially when the higher faculties have no influence over it. Hence we see on these days, an exhibition of all the most abhorrent vices, drunkenness, brawling and prostitution.

I perhaps need not add, that I am opposed to all executions, for crime, and especially to those which are made public. Not because I do not believe that the greatest punishment should be inflicted upon the monster in wickedness, who shall imbrue his hands in the blood of a fellow being, but because crime is increased by such spectacles. And further, I believe it is *certainly*, not *severity*, of punishment which prevents crime, and that solitary confinement for life is a more horrible punishment than death, to one who usually cares so little for a future state as the murderer does. Duelling and wars are to be deprecated for the same reasons. Perhaps some will infer from these premises, to show their absurdity, that the trade of the butcher is to be abandoned, and that we are to become hereafter constant good Friday Catholics. But let such remember, that ~~the~~ *reasonable* exercise of this faculty has already been defended. It is only its unreasonable exercise which produces violence, wars, duelling and death, to add to the misery of mankind.

I will only add a few words to those who have not looked into the merits on which the doctrine of phrenology is founded, that they may avoid the uncandid charge so frequently brought against it by cavillers and superficial observers; that it leads to *materialism*, by attempting to explain the operations of the immortal mind. I am not here to defend the truth of the science, because as I have before said, the truth of my observations does not rest upon its correctness. The great supporters of ~~this~~ science, Gaul, Spurzheim and Combe, whatever drivellers may have taught, have not attempted to explain the *nature* of mind, nor its mysterious connexion with the body. They ~~only~~ contend, and have proved very satisfactorily, ~~that~~ the brain is the

organ through which it manifests itself. We know little or nothing of the influence which is exerted upon the arm, when we raise it for any particular purpose, but we know it is the organ of a particular action; and if the arm is diseased or destroyed we are unable to perform that action. So it is found by numerous experiments, that if particular organs of the brain be diseased, or the use of them lost, the possessor is incapable of exerting particular faculties of the mind.

If this doctrine were to do away the immortality of the soul, or blight those joyous hopes of the christian which refine, ennoble and elevate his nature—which sustain him in all trials, prompt him to deeds of kindness, and finally point him to an eternal home of happiness beyond the grave, God forbid that I should advocate it. Yet a partial, but candid examination, has been sufficient to convince me that there is at least much truth in it, that it only turns another leaf in the volume of nature, where we may read in legible characters, the grandeur, the design and benevolence of our Creator. That this science may do much to aid us in cultivating the higher faculties of our being, and in weakening and suppressing the base and grovelling propensities; thus increasing our happiness in this life, until the soul, separated from its material organs, shall be lost in the eternity of God's own being.

If I have any where offended the nice honor of the duelist in these remarks, he must remain offended—I have no sympathy for his horrid trade, though sanctioned by this world's greatness. I can appreciate and admire the noble feelings of a man who is indignant at a wrong, but I can not sanction the low propensity which urges him to imbrue his hands in the blood of a fellow man; and I can only pity the victim of the same propensity, who sacrifices ease and all the finer feelings of his nature, to gratify the same low desire, by seeing

HUMANITY.

Buffalo, 1833.

CHARLES GIBBS, *alias* JAMES D. JEFFERS,

WITH NOTICES OF HIS PARTNER IN CRIME,

THOMAS J. WANSLEY.

This notorious villain was a native of Providence, Rhode Island. His true name was James D. Jeffers, but as the name by which he is known in the community is Charles Gibbs, we shall accordingly designate him by that name, in the history of his bloody atrocities which is here subjoined.

It appeared in evidence that the brig Vineyard, William Thornby, master, sailed from New-Orleans for Philadelphia with a crew of eight persons, viz. William Roberts, mate, Charles Gibbs, John Brownrigg, Robert Dawes, Henry Atwell, A. Church, Thomas J. Wansley, and James Talbot, most of whom were shipped at that port. During the passage, on the 5th day out, Wansley, the steward, informed the crew that there was money on board, which led to a combination to murder the captain and mate, take possession of the vessel, and divide the money. The night of the 23d November was fixed on for the perpetration of the deed. That night, while Dawes was at the helm and Brownrigg aloft, Wansley, who was called by Dawes to trim the lamp, struck the Captain with a pump-brake on the back of the head, which levelled him, and followed up the blow with others until he was dead. Gibbs and Wansley then took him by the head and feet and threw him overboard. The murder of the mate was assigned to Atwell and Church. They stood by the companion-way, waiting for him to come out of the cabin, and as he, hearing the noise, was hastening up to ascertain the cause, they struck him over the head with a club. He turned and ran below, fol-

lowed by Gibbs, who being unable to find him in the dark, returned, took out the binnacle light, and proceeded again in search of him. He found him bleeding below, dragged him on deck, and held him firmly, while Atwell and Church beat him over the head. Before he was dead, the three seized and hove him overboard. He did not sink immediately, but swam after the vessel, crying for help for three or four minutes. They then took possession of the vessel, and promising not to injure Talbot, Brownrigg, and Dawes, if they proved true to them, proceeded to open the kegs and divide the money. They found about \$50,000 on board, which was distributed equally among all. They then steered a north-easterly course towards Long Island, and when they had arrived within 15 miles south of Southampton Light, they scuttled the brig, set fire to her, and took to the boats. Gibbs, Wansley, Dawes and Brownrigg, were in the long boat, and Talbot, Church and Atwell, in the jolly boat. It blowed very hard, and the jolly boat was upset, and her crew drowned. Those in the long boat, in order to save themselves, found it necessary to throw over more than half the money they had, and finally succeeded in reaching Pelican Island, whence they crossed to Great Barn Island, buried the money, and went to the house of Mr. Samuel Leonard. Soon after they reached Mr. Leonard's house, Brownrigg gave information respecting the murder and robbery, and the next day, when they left the island, they were arrested at the house of Mr. Johnson, and committed to Flatbush jail.

The evidence of the guilt of the prisoners was full and conclusive. Their own confession of the crime, gratuitously made to Messrs. Merrit and Stevenson, who had the custody of them from Flatbush to the city of New-York, could have left not the semblance of a doubt on the mind of any person who heard the testimony of those officers. And we learn

from the persons who reconveyed them to the Penitentiary on the night of the conviction of Gibbs, that both freely admitted that Brownrigg and Dawes had given a faithful relation of the circumstances, except in some trifling particulars.

There was nothing peculiar in their deportment during the trial. The iron visage of Gibbs was occasionally darkened with a transient emotion, but he had evidently abandoned all hope of escape, and sat the greater part of the time with his hands between his knees, calmly surveying the scene before him. Wansley was more agitated, and trembled visibly when he rose to hear the verdict of the Jury.

The U. S. District Attorney moved for judgment upon Thomas J. Wansley, and he was accordingly put to the bar. Judge Betts addressed him as follows:—"You were indicted by the Grand Jury in behalf of the U. S. for the wilful murder of Captain William Thornby, on board the brig Vineyard, on the high seas. You were tried and found guilty of the murder. Have you any thing to say why judgment should not be pronounced upon you according to law?" The prisoner replied in a firm tone of voice, that he had a few words to say. He had often understood that great prejudices existed in respect of color, and he had seen it to his sorrow. Antipathies against blacks existed in the breasts of white men, who thought them worthy of less justice. The same influence extended to Jurors, and was seen in the District Attorney, by the preference he had shown in taking the two white men as witnesses against him. The greatest part of the testimony against him, he said, was false; but he would not say there would be any injustice in taking his life. His agitation here so overpowered him that he declined saying any thing more; but the Judge encouraged him and he proceeded. He said he was not acquainted with any one of the crew when he shipped, and that he saw

the money put on board the brig. He mentioned it, and when it reached the ears of Atwell, he said, "let's have it." A few days afterwards, Atwell told him that they were determined to take the brig and have the money; and when he found that the whole crew had joined in the conspiracy, he was induced to take a part in it, from a belief that his own life would otherwise be in danger.

Charles Gibbs was then asked what he had to say, and replied in a firm, unembarrassed manner, that he wished to explain how far he had participated in the transaction. "I was a stranger to all the crew when I went on board the brig, but Dawes and Church. Atwell first mentioned about the money, and wished me to aid in getting it, but I refused. Some days afterwards, when it was again proposed, I agreed. Brownrigg and Dawes also agreed to take the brig, and the lives of the mate and captain. A few days afterwards, I tried to abolish their determination, and all consented but Dawes and Atwell. I told them I would break the nose of the first man that insisted on taking life, and it would have been well for me, if I had stood to my resolution; for then I should not have been here. This man, (alluding to Wansley) agreed to strike the captain, and I helped to throw him overboard; but of the murder of the mate I am innocent. I now commit myself to the care of that God who knows all hearts, and the hearts of false swearers."

His Honor Judge Betts then proceeded to address the prisoners. The Court, he said, had listened to their appeal, and although there might be something in their story, it admitted enough to confirm the justice of their sentence. Wansley had conceived that his color had exerted a baneful effect upon his cause; but if he would look back and review the proceedings, he would find the charge on which he had been convicted, supported by the most ample proof; and

even admitting that both Dawes and Brownrigg had sworn falsely, did not the conspiracy prove beyond a doubt, that he was a free, voluntary, and active agent in depriving two fellow beings of their lives, who had given him no cause of offence, nor provocation? If there were the shadow of a belief that the proceeding were perverted to produce his conviction, the Court would allow another opportunity to him to be heard. But there was no uncertainty in the case, and his very address to the Court showed the judgment to be true. There was generally, in such cases, something palliative, and something to call forth human sympathy:—some heat of passion, and long smothered resentment. Was it so in this case? Had Capt. Thornby offered any provocation, or what offence had the mate given? None. They confided in the fidelity of the crew, and had done no act, wounding or offensive to the feelings of either.

Gibbs had declared that he did not throw the mate overboard, but was he not there aiding by his presence and assisting. The very reaching of his hand would have saved him. It was murder in law, and murder in his heart. The testimony proved that both had been guilty, not only of murder, but of robbery, revolt, and the piratical destruction of the vessel; and had they been tried on any of those charges, they must have been convicted, and the judgment of the law would have been death.

It now only remains, said the Judge, to pronounce that judgment which the law exacts at the hands of the Court. That judgment is, that you, Thomas J. Wansley, and you, Charles Gibbs, be taken hence to the place of your confinement, and thence to the place of execution, and that you be hanged by the neck until you are dead, and that the Marshal cause this sentence to be executed on the 22d day of April next, between the hours of 10 in the morning and 3 in the afternoon.

The Judge proceeded to remark that it was in the power of the Court to have ordered an immediate execution, but that it had been deemed advisable to defer it for a period of six weeks. That brief interval was not allowed for the purpose of giving them any hope of pardon. The justice and humanity of the law exacted punishment, and it would be in vain for them to suffer their minds to be deluded by any such expectation. There were many affecting and distressing considerations, arising from the relation in which they now stood to the world. Did they realize it, and could they understand that they were in a condition desperately hopeless? In his closing remarks he should address them, he hardly knew how to do it, in the manner which he considered best calculated to penetrate their hearts. It had no doubt occurred to their minds that it was a dreadful thing to die—it was dreadful in old age, when the faculties and feelings were worn out: the individual still clung to life. It was doubly so in youth and manhood: the soul shrunk from its earthly termination, and could hardly submit to the stern decree. If they had gone through all the scenes and perils of their vocation and escaped those feelings, they could do so no longer. And it would be well for them to ask themselves, what would be their condition after death? The period allowed them would afford them time to consult their own reflections, and the humanity of the Marshal would allow them to communicate with such pious men as might be disposed to administer to them the consolation of religion, preparatory to their final departure.

The prisoners were then delivered into the custody of the Marshal, and reconveyed to prison.

The confessions of this wretched being, now on the confines of eternity, to one of the Police Magistrates, unveil a career of long and desperate crimes; and they bring the varying torments of his partially

awakened conscience into an existence that is almost visible upon his agitated brow while he recites the horrible catalogue. He has been familiar with scenes of blood and carnage, even from his boyhood, and an active participator in the commission of crimes that are stamped with the most shocking barbarity. We have been unable to obtain the entire confession which he has made, but the following brief sketch of his life may be relied on as authentic as far as it goes.

When but about 15 years of age, he was a sailor on board the sloop of war *Hornet*, and was in the action when she captured the British sloop of war *Peacock*, off the coast of Pernambuco. Upon the return of the *Hornet* to the United States, he followed the gallant Capt. Lawrence to the Chesapeake, and became a prisoner of war, after the melancholy result of her encounter with the *Shannon*. He states that previous to the engagement, the crew of the Chesapeake were almost in a state of mutiny, growing out of the non-payment of their prize money, and that the address of Capt. Lawrence was received by them with coldness and murmurs. After his exchange, he returned to Boston, where having determined to abandon the sea, he established himself in the grocery business, with a capital of one thousand dollars, which he procured from his friends in Rhode Island. How long he continued in that business we know not, but in the end it proved unsuccessful, and he resolved again to try the sea for a subsistence. With a hundred dollars in his pocket, the remnant of his property, he embarked in the ship *John*, for Buenos Ayres, and his means being exhausted soon after his arrival there, he entered on board a Buenos Ayrean privateer, and sailed on a cruize. A quarrel between the officers and crew in regard to the division of the prize money, led eventually to a mutiny; and the mutineers gaining the ascendancy, took possession of the vessel, landed the

officers somewhere on the coast of Florida, and steered for the West Indies, with hearts resolved to make their fortunes at all hazards. The horrible atrocities which they committed are fully developed in the confessions of Gibbs. By which we know that he was a *co-operator* in the capture of nearly twenty vessels, and in THE MURDER OF NEARLY FOUR HUNDRED HUMAN BEINGS.

On one occasion they captured a Dutch ship, bound from Curacoa to Liverpool, with a valuable cargo, and company of thirty souls, including the crew. All were put to death with the exception of a young lady about 17, who though spared, was compelled to witness the heart-rending spectacle of the butchery of her father and mother, before her eyes. They kept her on board for some time, and when it was determined to proceed to Havana, a consultation was held to decide whether it would be safe to give her liberty upon their arrival. The majority were apprehensive that she might betray them, and it was therefore resolved that she must die. Poison was administered to her, and she soon shared the fate of her parents. Gibbs declares that of all the murders in which he has participated, no one has harrowed his soul with so much remorse as the recollection of the cold blooded destruction of this interesting and accomplished female. He avers that he made a vigorous effort to rescue her, but that he was overawed by the rest of his comrades, who would listen to no mercy.

On another occasion, an American ship, the *Caroline*, was captured by two of the piratical vessels, and run ashore off Cape Antonio. They were busily engaged in landing the cargo, when the U. S. brig *Enterprise* hove in sight, and sent her barges to attack them. The pirates defended themselves for some time behind a small four gun battery, which they had erected, but in the end were forced to abandon their own vessels and the prize, and fly for safety to the

mountains. This account, as given by Gibbs, may be true, though we have no distinct recollection of such a circumstance. We find, however, by a recurrence to our files, that a piratical sloop and schooner were destroyed by the British sloop of war *Icarus*, near Havana, in the summer of 1824, under similar circumstances, and that most of the pirates, when attacked by her barges, made for the shore and fled to the woods. The sloop of war found there twelve vessels which had been burnt to the water's edge, and it was satisfactorily ascertained that *their cretos amounting to one hundred and fifty persons had been murdered*. There is, therefore, some reason to believe that Gibbs may refer to this affair, and that the vessel was the British sloop of war above mentioned, and not the *Enterprise*, as the pirates supposed at the time.

The barque *Transit*, an American vessel, was also captured by them, and the whole of her crew destroyed.

Havana was the general resort of the pirates, to dispose of their booty. There they sauntered about without apprehension, and even lodged at the same houses with many of the American officers who were sent out to destroy them. He states that he was acquainted with many of the officers, and was apprised of all their intended movements before they left the harbor.

After their complete expulsion from these seas, we are unadvised of the course of Gibbs until he sailed sometime during the last spring for Gibraltar, and thence to Algiers, in the hope of getting on board some of the Barbary corsairs. The blockade of the harbor by the French fleet prevented the accomplishment of his purpose, and he returned by the way of Marseilles to Boston. He embarked thence for New-Orleans, where he shipped as one of the crew of the brig *Vineyard*.

We have seen two letters from him to a friend, since sentence was passed upon him, which evince some

anguish of spirit, but there is no reason to conclude that he is so thoroughly penitent that he would not, by the recovery of his liberty, rush again, if he had an opportunity, into the perpetration of similar acts of atrocity. Wansley, the steward, appeared to be comparatively happy, and devoted the whole of his time to a preparation for the awful scene that so soon awaited him. Brownrigg and Davis, the two of the crew upon whose testimony Gibbs and Wansley were convicted, were discharged, with a solemn and impressive admonition.

CONFESSION.

Soon after his arrest, and before his trial, he expressed a desire to Henry W. Merritt, one of the Police marshals, to make some communications to a magistrate respecting his career and crimes. The officer made known his wish to James Hopson, Esq. one of the Police Magistrates of the city of New York, and that gentleman, presuming that a developement of the circumstances attending his piracies would be highly important and valuable to the mercantile community, proceeded to the prison at Bellevue, to receive his confession. The disclosures made to that gentleman will be found in the sequel. The other details presented in the following narrative, were communicated to Mr. Merritt, Police Officer, the deputy keeper of Bridewell, and another person, at different times, and were committed to paper by them on the spot, very nearly in his own language. That they are all true we do not undertake to affirm; but that they are in the main, founded in truth, we do most sincerely believe. Some of them are so strongly corroborated by circumstances, as to leave hardly a doubt on the minds of the most sceptical.

The first account that he gives of himself is, that his father obtained a situation for him in the United States sloop-of-war *Hornet*, Capt. Lawrence, during

the last war with England, in which vessel he made two cruises; in the last of which she captured and sunk the enemy's sloop of war Peacock, off the coast of Pernambuco, after an engagement of 20 minutes. On the arrival of the Hornet in the U. States, Capt. Lawrence was assigned by the government to the command of the frigate Chesapeake, then lying in Boston harbor, and Gibbs accompanied him to that ill-fated vessel in the month of April, 1813. "Early in the month of May," says he, "we received a challenge from Capt. Broke, of the frigate Shannon, and we instantly made preparations to go to sea, and risk a battle. We stood down the harbor about 11 o'clock, and commenced the action about 3, P. M. off Cape Ann. It lasted about 30 minutes, with great slaughter, especially on board the Chesapeake. I escaped miraculously, with only a sabre wound upon my nose, the only wound I ever received in my life. The loss of the Chesapeake was 65 killed and 100 wounded—one half mortally. We were taken into Halifax, where I remained about four months."

After his exchange, he abandoned all idea of following the sea for a subsistence, went home to Rhode Island, and remained there a few months, but being unable to conquer his propensity to lead a roving life, he entered on board a ship bound to New Orleans and thence to Stockholm. On the homeward passage they were compelled to put into Bristol, England, in distress, where the ship was condemned and he proceeded to Liverpool, and returned to the United States in the ship Amity, Capt. Maxwell. Shortly after his return home, the death of an uncle put him in possession of about two thousand dollars, with which he established himself in the grocery business in Boston. This undertaking was far from being profitable, and he was often under the necessity of applying to his father for assistance, which was always afforded, accompanied with good advice and his

blessing. The stock was finally sold at auction, for about 900 dollars, which he soon squandered in ale-houses and among profligates. His father hearing of his dissipation, wrote affectionately and earnestly to him to come home, but he stubbornly refused, and went to sea again, in the ship John, Capt. Brown, bound for the Island of Margarita.

After their arrival, he left the ship, and entered on board the Colombian privateer Maria, Capt. Bell. They cruised for about two months in the Bay of Mexico, around Cuba, but the crew becoming dissatisfied in consequence of the non-payment of their prize-money, a mutiny arose, the crew took possession of the schooner, and landed the officers near Pensacola. A number of days elapsed before it was finally decided by them what course to pursue. Some advised that they should cruise as before, under the Colombian commission; others proposed to hoist the Black Flag. They cruised for a short time without any success, and it was then *unanimously determined to hoist the black flag, and declare war against all nations.* Their bloody purpose was not carried however, into immediate execution. They boarded a number of vessels, and allowed them to pass unmolested, there being no specie on board, and their cargoes not being convertible into any thing valuable to themselves. At last one of the crew named Antonio, suggested that an arrangement could be made with a man in Havana, that would be mutually beneficial;—that he would receive all their goods, sell them, and divide the proceeds. This suggestion being favorably received, they ran up within two miles of the Moro Castle, and sent Antonio on shore to see the merchant and make a contract with him. Previous to this, Gibbs was chosen to navigate the vessel. Antonio succeeded in arranging every thing according to their wishes, and Cape Antonio was appointed as the place of rendezvous. The merchant was to furnish drogers

to transport the goods to Havana, which was done by him for more than three years.

The *María* now put to sea, with a crew of about 50 men, principally Spaniards and Americans, with every hope of infamous success. The first vessel she fell in with was the *Indispensable*, an English ship, bound to Havana, which was taken and carried to Cape Antonio. *The crew were immediately destroyed: those who resisted were hewn to pieces: those who offered no resistance, were reserved to be shot and thrown overboard.* Such was the manner in which they proceeded in all their subsequent captures. The unhappy being that cried for mercy in the hope that something like humanity was to be found in the breasts of even the worst of men, shared the same fate with him who resolved to sell his life at the highest price. A French brig, with a valuable cargo of wine and silk, was taken shortly after: the vessel was burnt and *the crew murdered.*

The sanguinary scenes through which Gibbs had passed, now effectually wrought up his desperation to the highest pitch, and being as remarkable for his coolness and intrepidity as he was for his skill in navigation, he was unanimously chosen to be their leader in all their future enterprises. To reap a golden harvest without the hazard of encountering living witnesses of their crimes, it was unanimously resolved to *spare no lives* and to *burn and plunder without mercy.* They knew that the principle inculcated by the old maxim that "dead men tell no tales," was the only safe one for them, and they scrupulously followed it. Gibbs states that he never had occasion to give orders to begin the work of death. The Spaniards were eager to accomplish that object without delay, and generally every unhappy victim disappeared in a very few minutes after they gained the deck of a vessel.

He now directed his course towards the Bahama Banks, where they captured a brig, believed to be the *William* from New-York for some port in Mexico, with a cargo of furniture; *destroyed the crew*, took her to Cape Antonio, and sent the furniture and other articles to their friend at Havana. Sometime during this cruise, the pirate was chased for nearly a whole day by an U. S. ship, supposed to be the *John Adams*; they hoisted Patriot colors, and finally escaped. In the early part of the summer of 1817, they took the *Earl of Moira*, an English ship from London, with a cargo of dry goods. *The crew were destroyed*, the vessel burnt, and the goods carried to the Cape. There they had a settlement with their Havana friend, and the proceeds were divided according to agreement.

Gibbs then repaired to Havana, introduced himself to the merchant, and made further arrangements for the successful prosecution of his piracies. While there, he became acquainted with many of the English and American naval officers, inquired respecting the success of their various expeditions for the suppression of piracy, and made himself acquainted with the speed of their vessels, and all their intended movements.

On his arrival at Cape Antonio, he found that his comrades were in a state of complete mutiny and rebellion, and that several of them had been killed. His energy checked the disturbance, and all agreed to submit to his orders, and put any one to death who should dare to disobey them.

During the cruise which was made in the latter part of 1817 and the beginning of 1818, a Dutch ship from Curacoa was captured, with a cargo of West India goods, and a quantity of silver plate. The passengers and crew, to the number of 30, *were all destroyed*, with the exception of a young female about 17, who fell upon her knees and implored Gibbs to

save her life. The appeal was successful, and he promised to save her, though he knew it would lead to dangerous consequences among his crew. She was carried to Cape Antonio, and kept there about two months; but the dissatisfaction increased until it broke out at last into open mutiny, and one of the pirates was shot by Gibbs for daring to lay hold of her with a view of beating out her brains. Gibbs was compelled in the end to submit her fate to a council of war, at which it was decided that the preservation of their own lives made her sacrifice indispensable. He therefore acquiesced in the decision, and gave orders to have her destroyed by poison, which was immediately done.

The piratical schooner was shortly afterwards driven ashore near the Cape, and so much damaged that it was found necessary to destroy her. A new sharp built schooner was in consequence provided by their faithful friend in Havana, called the Picciana, and despatched to their rendezvous. In this vessel they cruised successfully for more than four years. Among the vessels taken and *destroyed, with their crews*, were the Belvidere, Dido, a Dutch brig, the British bark Larch, the other vessels enumerated in the list furnished to Justice Hopson, and many others whose names are not recollected. They had a very narrow escape at one time, from the English man-of-war brig Coronation. In the early part of October, 1821, they captured the ship Lucius of Charleston, took her to Cape Antonio, and were busily engaged in landing her cargo, when the U. S. brig Enterprise, Captain Kearney, hove in sight, and discovering their vessels at anchor, sent in her barges to attack them. A serious engagement followed; they defended themselves for some time behind a four gun battery, but in the end, were defeated with considerable loss, and compelled to abandon their vessels and booty, and fly to the mountains for safety. In the list of vessels

destroyed as stated in the confession to Justice Hopson, Gibbs speaks of this ship as the *Caroline of Charleston*. But he afterwards recollected that it was the *Lucius*, and proceeded to state a variety of circumstances, which prove beyond a question the correctness of his recollection. By a recurrence to newspaper files, we find that such a ship was captured by the pirates off Cape Antonio in October, 1821, and was shortly after retaken by the U. S. brig *Enterprise*, Capt. Kearney, while the pirates were landing her cargo. Gibbs states that according to the best of his belief only one of the crew had been killed at the time they were forced to abandon the ship. The same account says that the British brig *Larch*, of St. Andrews, from Kingston for Havana, was taken by the pirates, and recaptured at the same time by the *Enterprise*. This is doubtless the *Larkin* spoken of by Gibbs in the confession made to Justice Hopson, which we here subjoin:

City Prison and Bridewell, March 6, 1831.

Question. Charles Gibbs,—my name is Mr. Hopson. I understand from Mr. Merritt you wished to see me. He told me so some ten or twelve days since, and the weather being so cold, I have put off coming until now. He informed me you wished to make some communications which you would not make to any other person.

Ans.—I have.

Ques.—Gibbs, are you going to tell me the truth, or is it to amuse me, and make me write a long story that will not amount to any thing.

Ans.—I shall tell nothing but the truth; and it is only on condition that you will swear not to divulge any thing I may say when I am on my trial, and at no time after, if I should get clear.

My reply was, (says Mr. Hopson,) that I should not take my oath, but I would give him my word that it should be kept a secret according to his request.

Under this promise he stated as follows:—That he commenced piracy in the year 1816, in the schooner Sans Souce, belonging to the Island of Margarita, and that since that time he has been in several other vessels engaged in the same business. That many of his comrades are now living in the United States, but whose names he never would mention: That they had taken from many vessels large sums of money, and various articles of merchandise. He had no doubt he had been concerned in robbing forty different vessels; and on reflection, could mention many of the names. He then gave me the names of the following vessels:

Brig Jane, of Liverpool; cargo dry goods, Crew destroyed, vessel burnt.

Brig (name forgotten,) of New York, from the Spanish Maine; took money from her. Crew destroyed, vessel burnt.

Brig Belvidere, of Boston, taken in the Gulf; crew and vessel destroyed.

Two French Brigs, in the Gulf of Mexico; money taken—crews and vessels destroyed.

Ship Providence, of Providence; took from her \$10,000. She was suffered to pass, as Examinant could not consent to destroy his own townsmen.

Ship William, of Salem; took from her dry goods and money. Crew and vessel destroyed.

Bark Dido, of Bremen, took from her dry goods. Vessel and crew destroyed.

Bark Larkin, of London; took from her a large quantity of dry goods. Vessel and crew destroyed.

Genoese brig, name unknown; took from her a large quantity of plate, some gilt edge paper, and from twenty to thirty piano fortes.

A French ship, cargo wine; vessel and crew destroyed.

The William Dawson, of New York; boarded her and let her pass.

Ship *Earl of Moira*, of London; took from her dry goods and money. Vessel and crew destroyed.

Ship *Indispensable*, of London; took from her dry goods and money. Vessel and crew destroyed.

A Dutch ship from Curacoa, bound to Holland. There were thirty passengers in her; some of them were females. Took a large quantity of plate, destroyed the vessel, and all on board except a young girl, the daughter of one of the families. Took her to the west end of Cuba, Cape Antonio, where we had a rendezvous, and where we had a small fort that mounted four guns. We kept her about two months, and she was then killed; and this circumstance hurt his feelings more than any act of his life; which is the only act he can say he was sorry for. [Afterwards told me that she was poisoned.] The girl was about 17 or 18 years of age; her father, mother, and all her relations were on board the vessel.

There were many other vessels taken and destroyed, and among them, Americans. Every thing valuable was taken from them, and vessels and crews destroyed. The goods were sent to a Spanish House in the Havana, who sold them. We had a contract with the House, and received half the proceeds.

While I was in the schooner *Margarita*, we took the American ship *Caroline*, and run her on shore at Cape Antonio, (Cuba.) The United States armed vessel, the *Enterprise*, came along shortly after, and before we had a chance of taking any thing out of her, the crew or part of the crew of the *Enterprise* landed; we had a fight with them, some of our men were killed, and I believe some of theirs. We were beaten and driven to the mountains, where we remained some days. We then separated; some got to Trinidad, south side Cuba; others got to the Havana. The crew of the *Enterprise* destroyed our fort, took the goods from the *Caroline* and our two vessels, the *Margarita* and *Picciana*, which were principally dry goods. The cargo

of the *Caroline* was dry goods principally, as appeared from the bills of lading.

[Here is a long statement given of the moneys taken, and where secreted.]

Ques.—Gibbs, why were you so cruel as to kill so many persons, when you had got all their money, which was all you wanted?

Ans.—The laws are the cause of so many murders.

Ques.—How can that be? what do you mean?

Ans.—Because a man has to suffer death for piracy; and the punishment for murder is no more. Then you know, all witnesses are out of the way, and I am sure if the punishment was different, there would not be so many murders.

Ques.—Have you any objection to tell me the names of any persons who have been concerned in piracy, or who received the gains of pirates?

Ans.—There are many now in the United States, but I will not mention their names. I know that when I was cruising, the Governor of the Isle of Pines was concerned with pirates, and I wont mention any others.

Here we separated (says Justice Hopson) and he wished me to call and see him again, which I promised.

I visited him again on the 19th March. At that visit, nothing but conversation took place. I asked him many questions; he conversed with great freedom; repeated to me the vessels he first informed me had been robbed and destroyed. At this visit I questioned him about the following vessels, at the request of Mr. Amos Butler, who handed me a list of them, viz:—*Mary Augusta*, from Antwerp to Mobile? said he had no recollection of her.

Dutch vessels from Europe to Curacoa? To this question he said that in the year 1822, a Dutch ship and a bark were taken off the Bahama Bank; and two days after, they (the pirates,) run in under the Moro Castle. Their vessel was a privateer schooner, with a *Big Gun* amidships, which they had under cover.

After they had been in port two days, two boats' crews came in and said their vessels had been taken, off the Bahama Bank.

Providence of Providence? Two times; once from Liverpool to N. York, and once from Mobile to New York; stopped her once, as will be seen by his first account.

Br. brig Lacoover, two years ago from Jamaica to St. Johns? Knew nothing of her.

Brig Transit, Ellet, from Trinidad to N. York, two years ago? Knows nothing of her.

Candace from Boston to Sumatra, in 1824, robbed of \$19,000? Knows nothing of her.

Topaz in 1828, from Calcutta, crew murdered? Knows nothing of her.

I then left him, under the promise that I would come and see him again. He set the following Wednesday week.

I again visited him on Wednesday morning, 23d March, and then told him I expected all he had told me could not be true; and as I had a list of the various vessels he said had been plundered, and the crews murdered, I wished him to go on and repeat them again, and such others as he could recollect. Here follows the account, as given this day:

Brig William, of N. Y. vessel and crew destroyed.		
Bark Larkin, of London,	do	do
Brig Belvidere, of Boston,	do	do
Ship Indispensable, of London,	do	do
Ship Earl of Moira, of London,	do	do
Two French brigs, on Bahama Banks,		do
A Genoese brig, from Straits,	do	do
A N. York brig, name forgotten,	do	do
A French ship from Europe,	do	do
Dutch ship, on S. Cuba, cargo dry goods		do
Dutch ship Dido,	do	do
Do. brig, from Europe,	do	do

Providence of Providence, took out \$10,000, and let her pass, because the crew were his townsmen.

Bark Transit, in year 1824 or 25, cargo molasses, vessel and cargo destroyed.

Dutch ship from Curacoa in 1819, vessel and cargo destroyed.

Commenced in the year 1816, in the privateer Maria, Capt. Bell, of the port of Margarita, in the Island of Santa Martha. Capt. Bell was from somewhere up North River, at or near Hudson. Took the vessel from the officers, and set them on shore at Pensacola.

The Picciana was sent to Cape Antonio for them, from the Havana; wont tell by whom.

The ship that he mentioned as having been run on shore at Cape Antonio, was the Caroline of Charleston, from Liverpool—[Gibbs afterwards recollected that this ship was the Lucius.]

I then withdrew from the prison, and left Merritt with him.—When I saw Merritt afterwards, he informed me that Gibbs had given him an account of himself up to the time he commenced piracy.

Delivered to Mr. Merritt, March 31st, 1831, at the request of Gibbs.

On one occasion Gibbs states that he cruised for more than three weeks off the Capes of the Delaware, in the hope of falling in with the Rebecca Sims, a Philadelphia ship, bound for Canton. They knew that she would have a large quantity of specie on board, but they were disappointed in their booty. The ship passed them in the night.

Sometime in the course of the year 1819, he states that he left Havana and came to the United States, bringing with him about \$30,000. He passed several weeks in the city of New-York, and then went to Boston, whence he took passage to Liverpool in the ship Emerald. Before he sailed, however, he had squandered a large part of his money in dissipation and gambling. He remained in Liverpool a few months and

then returned to Boston in the ship *Topaz*, Capt. Lewis. His residence in Liverpool at that time is satisfactorily ascertained from another source besides his own confession. A female now in this city was well acquainted with him there, where, she says, he lived like a gentleman, with apparently abundant means of support. In speaking of his acquaintance with this female, he says, "I fell in with a woman, who I thought was all virtue, but she deceived me, and I am sorry to say that a heart that never felt abashed at scenes of carnage and blood, was made a child of for a time by her, and I gave way to dissipation to drown the torment. How often when the fumes of liquor have subsided, have I thought of my good and affectionate parents, and of their Godlike advice! But when the little monitor began to move within me, I immediately seized the cup to hide myself from myself, and drank until the sense of intoxication was renewed. My friends advised me to behave myself like a man, and promised me their assistance, but the demon still haunted me, and I spurned their advice."

He subsequently returned to Boston, sailed for Havana, and again commenced his piratical career. In 1826, he revisited the United States, and bearing of the war between Brazil and the Republic of Buenos Ayres, sailed from Boston in the brig *Hitty* of Portsmouth, with a determination as he states, of trying his fortune in defence of a republican government. Upon his arrival, he made himself known to Admiral Brown, and communicated his desire to join their navy. The admiral accompanied him to the Governor, and a Lieutenant's commission being given him, he joined a ship of 34 guns, called the *Twenty Fifth of May*. "Here," says Gibbs, "I found Lieutenant Dodge, an old acquaintance, and a number of other persons with whom I had sailed. When the Governor gave me the commission, he told me they wanted no cowards in their Navy, to which I replied that I thought he would have no apprehension of my cowardice or skill when he be-

came acquainted with me. He thanked me, and said he hoped he should not be deceived; upon which we drank to his health and to the success of the Republic. He then presented me with a sword, and told me to wear that as my companion through the doubtful struggle in which the Republic was engaged. I told him I never would disgrace it, so long as I had a nerve in my arm. I remained on board the ship in the capacity of 5th Lieutenant for about four months, during which time we had a number of skirmishes with the enemy. Having succeeded in gaining the confidence of Admiral Brown, he put me in command of a privateer schooner, mounting two long 24 pounders and 46 men. I sailed from Buenos Ayres, made two good cruises, and returned safely to port. I then bought one half of a new Baltimore schooner, and sailed again, but was captured seven days out, and carried into Rio Janeiro, where the Brazilians paid me my change. I remained there until peace took place, then returned to Buenos Ayres, and thence to New York."

After the lapse of about a year, which he passed in travelling from place to place, Gibbs states that the war between France and Algiers attracted his attention. Knowing that the French commerce presented a fine opportunity for plunder, he determined to embark for Algiers and offer his services to the Dey. He accordingly took passage from New-York in the Sally Ann, belonging to Bath, landed at Barcelona, crossed to port Mahon, and endeavored to make his way to Algiers. The vigilance of the French fleet prevented the accomplishment of his purpose, and he proceeded to Tunis. There finding it unsafe to attempt a journey to Algiers across the desert, he amused himself with contemplating the ruins of Carthage, and reviving his recollections of her war with the Romans. He afterwards took passage to Marseilles, and thence to Boston. From Boston he sailed to New Orleans, and there entered as one of the crew of the brig Vineyard.

To a question why he who had been accustomed to command, should enter as a common sailor on board the Vineyard, he answered that he sought employment to assuage the horrors of reflection.

He solemnly declared that he had no agency in the murder of the mate, for which he was tried and convicted, and was unable to understand how he could be found guilty, when he stood by and looked passively on the scene of destruction. He readily admitted, however, his participation in the mutiny, revolt and robbery, and in the murder of Capt. Thornby. He often asked if he should not be murdered in the streets, if he had his liberty, and was recognized, and frequently exclaimed, "Oh, if I had got into Algiers, I never should have been in this prison to be hung for murder."

Though he gave no evidence of a "contrite heart" for the horrible crimes of which he confessed himself guilty, yet he evidently dwelt upon their recollection with great unwillingness. If a question was asked him, 'how were the crews generally destroyed?' he answered quickly and briefly, and instantly changed the topic either to the circumstances that attended his trial, or to his exploits in Buenos Ayres. After his trial, his frame was somewhat enfeebled, his face paler, and his eyes more sunken; but the air of his bold, enterprising and desperate mind still remained. In his narrow cell, he seemed more like an object of pity than vengeance; was affable and communicative, and when he smiled, exhibited so mild and gentle a countenance, that no one would have taken him to be a villain. His conversation was concise and pertinent, and his style of illustration quite original.

To correct the impression which some of our public prints have thrown out that Gibbs, like other criminals, was disposed to magnify and exaggerate his crimes, it may be well to state that while in prison, a chart of the West Indies (Jocelyn's) was handed him, containing the names of about 90 vessels which were boarded

and plundered by pirates from 1817 to 1825, with a request that he would mark those of whose robbery he had any recollection. The chart was returned with but one mark, and that upon the ship *Lucius* of Charleston. When questioned afterwards in regard to that vessel, he gave such an account of her, and of her subsequent re-capture by the *Enterprise*, as left no doubt respecting the truth of his statement. Had he been desirous of increasing the black catalogue, here was so fine an opportunity, that he would undoubtedly have availed himself of it. He has repeatedly stated that he was concerned in the robbery of more than *forty vessels*, and in the destruction of more than *twenty, with their entire crews*. Many of those destroyed had passengers on board, which makes it probable that he has been an agent in the murder of nearly **FOUR HUNDRED HUMAN BEINGS!!**

Gibbs was married in Buenos Ayres, where he now has a child living. His wife is dead. By a singular concurrence of circumstances, the woman with whom he became acquainted in Liverpool, and who is said at that time to have borne a decent character, was lodged in the same prison with himself. He wrote her two letters after his confinement, both of which are before us. They indicate a good deal of native talent, but very little education. The spelling is bad, and no regard is paid to punctuation, capitals, &c. One of these letters we subjoin to gratify the perhaps innocent curiosity which is naturally felt to know the peculiarities of a man's mind and feelings under such circumstances, and *not* for the purpose of intimating a belief that he is truly penitent. The reader will be surprised at the apparent readiness with which he makes quotations from Scripture.

BELLEVUE PRISON, March 20, 1831.

It is with regret that I take my pen in hand to address you with these few lines, under the great embarrassment of my feelings, placed within these gloomy

walls, my body bound with chains, and under the awful sentence of death. It is enough to throw the strongest mind into gloomy prospects, but I find that Jesus Christ is sufficient to give consolation to the most despairing soul. For he saith that he that cometh to me I will in no wise cast out. But it is impossible to describe unto you the emotions of my feelings. My breast is like the tempestuous ocean, raging in its own shame, harrowing up the bottom of my own soul. But I look forward to that serene calm when I shall sleep with kings and counsellors of the earth. There the wicked cease from troubling, and there the weary be at rest. There the prisoners rest together; they hear not the voice of the oppressor. And I trust that there my breast will not be ruffed by the storm of sin,—for the thing which I greatly feared has come upon me. I was not in safety, neither had I rest; yet trouble came. It is the Lord, let him do what seemeth to him good. When I saw you in Liverpool, and a peaceful calm wafted across both our breasts, and justice no claim upon us, little did I think to meet you in the gloomy walls of a strong Prison, and the arm of justice stretched out with the sword of the law, awaiting the appointed period to execute the dreadful sentence. I have had a fair prospect in the world, at last it budded, and brought forth the gallows. I am shortly to mount that scaffold, and to bid adieu to this world, and all that was ever dear to my breast. But I trust that when my body is mounted on the gallows high, the heavens above will smile and pity me. I hope that you will reflect on your past, and fly to that Jesus who stands with open arms to receive you. Your character is lost it is true. When the wicked turneth from the wickedness that they have committed, they shall save their soul alive. Let us imagine for a moment that we see the souls standing before the awful tribunal, and we hear its dreadful sentence, depart ye cursed into everlasting fire. Imagine

you hear the awful lamentations of a soul in hell. It would be enough to melt your heart, if it was as hard as adamant. You would fall upon your knees and plead for God's mercy, as a famished person would for food; or as a dying criminal would for a pardon. We soon, very soon, must go the way whence we shall ne'er return. Our names will be struck off the records of the living, and enrolled in the vast catalogues of the dead. But may it ne'er be numbered with the damned. I hope it will please God to set you at your liberty, and that you may see the sins and follies of your life past. I shall now close my letter with a few words which I hope you will receive as from a dying man: and I hope that every important truth of this letter may sink deep in your heart and be a lesson to you through life.

Rising griefs distress my soul,
 And tears on tears successive roll,—
 For many an evil voice is near,
 To chide my woes and mock my fear;
 And silent memory weeps alone,
 O'er hours of peace and gladness flown.

I still remain your sincere friend,

CHARLES GIBBS.

On Friday, April twenty-second, 1831, Gibbs and Wansley paid the penalty of their crimes. Both prisoners arrived at the gallows about twelve o'clock, accompanied by the marshal, his aids, and some twenty or thirty United States' Marines. Two clergymen attended them to the fatal spot, where every thing being in readiness, and the ropes adjusted about their necks, the throne of Mercy was fervently addressed in their behalf. Wansley then prayed earnestly himself, and afterwards joined in singing a hymn. These exercises concluded, Gibbs addressed the spectators nearly as follows:

MY DEAR FRIENDS,

My crimes have been heinous—and although I am now about to suffer for the murder of Mr. Roberts, I solemnly declare my innocence of the transaction. It

is true, I stood by and saw the fatal deed done, and stretched not forth my arm to save him: the technicalities of the law believe me guilty of the charge—but in the presence of my God, before whom I shall be in a few minutes, I declare I did not murder him.

I have made a full and frank confession to Mr. Hopson, which probably most of my hearers present have already read; and should any of the friends of those whom I have been accessory to, or engaged in the murder of, be now present, before my Maker I beg their forgiveness—it is the only boon I ask—and as I hope for pardon through the blood of Christ, surely this request will not be withheld by man, to a worm, like myself, standing as I do, on the very verge of eternity! Another moment, and I cease to exist—and could I find in my bosom room to imagine that the spectators now assembled, had forgiven me, the scaffold would have no terrors, nor could the precept which my much respected friend, the marshal of the district, is about to execute. Let me then, in this public manner, return my sincere thanks to him, for his kind and gentlemanly deportment during my confinement. He was to me like a father, and his humanity to a dying man I hope will be duly appreciated by an enlightened community.

My first crime was *Piracy*, for which my *Life* would pay the forfeit on conviction; no punishment could be inflicted on me farther than that, and therefore I had nothing to fear but detection, for had my offences been millions of times more aggravated than they now are, *Death* must have satisfied all.

Gibbs having concluded, Wansley began. He said he might be called a pirate, a robber, and a murderer, and he was all of these, but he hoped and trusted God would, through Christ, wash away his aggravated crimes and offences, and not cast him entirely out. His feelings, he said, were so overpowered that he hardly knew how to address those about him, but he

frankly admitted the justness of the sentence, and concluded by declaring that he had no hope of pardon except through the atoning blood of his Redeemer, and wished that his sad fate might teach others to shun the broad road to ruin, and travel in that of virtue, which would lead to honor and happiness in this world, and an immortal crown of glory in that to come.

He then shook hands with Gibbs, the officers and clergymen—their caps were drawn over their faces, a handkerchief dropped by Gibbs as a signal to the executioner, caused the cord to be severed, and in an instant they were suspended in the air. Wansley folded his hands before him, before he was run up, and did not again remove them, but soon died with very trifling struggles. Gibbs died hard; after being near two minutes suspended, he raised his right hand and partially removed his cap, and in the course of another minute, raised the same hand to his mouth. His dress was a blue roundabout jacket and trowsers, with a foul anchor in white on his right arm. Wansley wore a white frock coat, trimmed with black, with trowsers of the same color.

After the bodies had remained on the gallows the usual time they were taken down and given to the surgeons for dissection.

Gibbs was rather below the middle stature, thick set and powerful. The form of Wansley was a perfect model of manly beauty.

The boy Dawes was not prosecuted, having been received as State's evidence against Gibbs and Wansley.

GEORGE SWEARINGEN,

Was born in the year eighteen hundred, in Berryville or Battletown, Frederick County, Virginia. His father, beside being a wealthy man, belonged to one of the best families in the state. After attending school till the twelfth year of his life, young Swearingen was sent to the Academy at Battletown, where he comported himself to the satisfaction of his superiors, and made considerable progress in polite learning. Nor was his religious education neglected: his parents were methodists, and therefore procured for him the instructions of the most eminent preachers of that persuasion.

At the age of sixteen his father placed him in the office of the clerk of the county, where he remained six months, and behaved so well that on his departure he obtained a certificate of his ability and good character from his principal. After this he remained a twelvemonth in his father's house, and then obtained a place in the office of the clerk of the Washington County court in Hagerstown, Maryland. During the fifteen months he remained there, he attended so strictly to his business, that a pulmonary disease was the consequence, and he was compelled to relinquish the situation. His employer was so well pleased with Swearingen, that he wrote a letter to his father, expressing his regret at losing his services.

He availed himself of the time of his illness to acquire a knowledge of the law, and after the restoration of his health, was examined by the competent authorities, and obtained a license to practice law in Virginia.

Toward the end of eighteen hundred and twenty-one he became a clerk in the office of his uncle, John V. Swearingen, who was at that time sheriff of Washington county in Maryland. Here he remained three years, boarding in his uncle's house; gaining daily on

public esteem by his assiduity in business. Up to this time his character was excellent: He was temperate, seldom or never profane, and not at all addicted to the vices common to young men of his age. No event of any importance occurred to chequer his life, excepting his marriage, and a previous attachment to a young lady, to whom he engaged himself. He became estranged from her by the intermeddling of certain officious persons, and the engagement was finally broken off by mutual consent.

In eighteen hundred and twenty-three Mr. James Scott of Cumberland, brought his daughter, Mary Scott, to Hagerstown, in order that she might attend the schools in that place, and boarded her with Mr. John V. Swearingen, in the same house with our hero. As she was the child of wealthy parents and of a very respectable family, some of George Swearingen's relations advised him to make prize of her. Though he was at the time engaged to the damsel before mentioned, he determined to follow their counsel, and paid his addresses to Miss Scott. When the other engagement had been broken off he asked her in marriage of her father, who gladly gave consent, and they were married. Little did the parent think that what he intended should contribute to her happiness and respectability would soon prove her destruction. As for Swearingen's fault, though a common one, it must be pronounced a moral fraud, practiced on an affectionate and inexperienced girl. However, he took her home to his uncle's house, where they lived together harmoniously till eighteen hundred and twenty-five, when he removed her to a house of his own.

For awhile Swearingen's habits continued to be regular, and if he was not a truly loving husband, he was at least a kind one. He lived with her in peace, neither contradicting, denying her any thing, nor setting bounds to her expenses. But, as she was a thoughtless, heedless woman, as might be expected from her

age, and was constantly desiring to visit her relations in Cumberland, their harmony was ere long interrupted. It became apparent to his neighbors and friends, that he would gladly have been rid of her.

When they had been married nearly two years, she, being then at her father's house, gave him a daughter. Her own and her child's ill health kept her from her husband six months, during which he more than once transgressed the marriage law, according to his own confession. At this time he began to associate with lewd and lascivious women, a habit to which he owed his utter ruin.

As yet these irregularities were covered with a veil of decent mystery, and his wife returned home with him, unsuspecting. Shortly after her return her father died suddenly, and Swearingen administered on the estate, at the request of his mother-in-law. Some time after this, Mrs. Scott sent another of her daughters to school in Hagerstown, and confided her to the care of Swearingen. These circumstances serve to prove that he had the confidence of his mother-in-law up to this time. In the meanwhile, he being a candidate for the Sheriffalty, attended public meetings, visited private houses, and, in short, used every means to ensure his election.

In June, eighteen hundred and twenty-seven, while his wife was absent on a visit to her mother, Swearingen became acquainted with his infamous paramour, the since celebrated Rachel Cunningham. The prevalent belief that this woman was exceedingly beautiful, well educated, and fascinating in her manners, is unfounded. She was an ignorant, vulgar prostitute of the lowest grade, with no other attraction than a very moderate share of personal beauty. She had had an illegitimate son years before Swearingen saw her, and at the time he first knew her received the visits of high and low. It seems strange that a man of family, property and respectability should form an attachment to

such an object, but such was the case. Such as she was Swearingen saw and loved her.

He first called at the house where she resided with her brother to hire her to wash and mend for him, one of her avocations being that of laundress. Soon after he took her with him to a camp meeting, in a barouche. It seems he was but an indifferent driver, for on his return he ran the vehicle against a stump, broke it in pieces and hurt his ignoble mistress. About this time her conduct became so publicly scandalous that her landlord gave her notice to quit, of which she complained to Swearingen, whose sympathies were thereby more strongly excited in her behalf. He furnished her with the means to hire a single apartment, where he visited her constantly, supported and protected her. On one occasion he severely horsewhipped a negro woman for speaking to her as she deserved.

Bringing his wife back from Cumberland, Swearingen upset the gig in which they rode, over a steep bank on Martin's Mountain. Mrs. Swearingen was thrown to a considerable distance, much bruised, and otherwise sorely wounded, but her husband and child suffered no injury. Her head struck foremost on an oak stump, was deeply cut, and she bled profusely. For some days her case was considered doubtful. However, neither she nor her mother imputed the occurrence to design. They made no complaint: on the contrary, Mrs. Scott often solicited Swearingen to give up his pretensions to office, and live near or with her in Cumberland. Mrs. Swearingen continued to repose full confidence in her spouse, insomuch that she gave him a fee simple of her inheritance, in order to enhance his credit and enable him to procure security for the bonds he was about to be obliged to give.

His own account of the affair is this. As they were about to descend Martin's Mountain, they discerned a dark cloud before them that appeared to be uncharged

with wind. Moreover, it was drizzling about them. Things being thus, Mrs. Swearingen desired her partner to return to a house a quarter of a mile back, for the sake of the child. As he was turning the vehicle, with its back toward the precipice, the horse caught one of the reins under his tail, which caused him to back. A wheel came off and the gig went over the bank: Swearingen jumped out as it fell. He immediately ran to see if his wife and child were injured, and found Mrs. Swearingen in the condition already related. The child had been received and protected from harm by some grape vines. The gig was turned bottom upward, and the horse lay on his back in the shafts as if dead.

Mrs. Swearingen was sensible, and exclaimed, "O, George!" Her husband first deposited their child in a safe place, and then, lest the horse should injure his wife in trying to rise, cut the harness with his pocket knife. This done, the animal rose and ran down the hill. Swearingen then ran with the child to the house before mentioned, and obtained assistance to carry his wife under cover.

This accident, if it was an accident, afterwards did him great prejudice on his trial. At the time, his enemies imputed it to design, in order to hinder his election. His connexion with Rachel Cunningham was also made an objection to him. Yet few believed him capable of murder, and though he had several highly respectable competitors, he was elected sheriff by a large majority. As for our own opinion, we think the upsetting of the gig was accidental. He had before upset one whom he loved better than his wife, and he had no interest to injure her. When under sentence of death, he called his Maker to witness his innocence in the matter, though this, alone, is not conclusive. Besides, men do not become hardened in crime at once.

So bad was Rachel Cunningham's character, that even Swearingen, infatuated as he was, had no confi-

dence in her. When, in the next winter, she was likely to become a mother, he let her know that he believed she had been faithless to him. Thereupon she attempted suicide, by swallowing a large dose of laudanum. One of the neighbors informed Swearingen of it, and going to the house he found her in an apparently dying condition. The physician he called to her relief refused to attend, swearing it would be better that she should die, that Swearingen was insane, and that he, the doctor, was too much his friend to do any thing for her. The sheriff then returned to the house, forced open her mouth, and administered an emetic that saved her life.

His intercourse with this abominable woman led to several occurrences which afterwards were brought in evidence against him. Having, at her request, written a letter for her (she was incapable of writing intelligibly herself) to the father of her child, he heedlessly signed his own name to it. Before the ink was dry he perceived his error, ran his finger across the signature, to blot it; and signed her name over it. However, his name was still legible and the letter was afterwards used to his damage, as were several others he wrote to her.

On another occasion, seeing some verses inscribed to ——— in a newspaper, he cut them out, erased the name, substituted "To Rachel" in its place, and wrote "George" at the bottom. When her effects were seized by the sheriff his successor, these verses were found in her trunk, and once more found their way into a newspaper. Here they are:

TO RACHEL.

I've seen the darkened, waving cloud
 Curl o'er the sky at night;
 And still, beneath the mantle proud,
 The stars were dazzling bright.
 Still I can see that lovely eye,
 Though hid beneath the mantled sky.

Still I can view the smiling beam
 That glows upon thy cheek;
 Those chidings, which so fearful seem,
 In sweetest friendship speak.
 They tell that thou hast still a heart
 That can the sweetest charm impart.

Rachel, I swear no power above
 Would make my tongue deceive,
 Or make my heart forget to love,
 Couldst thou my vows believe:
 No power but thine can rule my heart,
 And from thy charms I ne'er can part.

Ask of the angels in the sky
 If I can change my love;
 The cherubs would in joy reply,
 "His friendship can not rove;
 Believe his vows—thou ne'er shalt sigh,
 Nor tears fall from thine angel eye."

Rachel, I love but thee alone;
 I can not view another's charms;
 That love which I can call my own
 Is that which fond affection warms.
 Then Lady, smile again in peace,
 And let thy doubts and chidings cease.

GEORGE.

Much can not be justly said in praise of this namby pamby, but as those lines which have any meaning at all, happened to coincide with Swearingen's feelings, the whole pleased his fancy prodigiously.

"George" also employed a painter to take her likeness, but the artist, discovering the relative situation of the parties, became disgusted and refused to finish it. We have seen a fac simile, and if the outlines, even, are correct, Rachel Cunningham had no more pretension to beauty than the female ourang outang lately brought over. Indeed the ape is insulted by the comparison.

Swearingen's attachment grew stronger and stronger, notwithstanding the remonstrances and entreaties of his almost broken-hearted father, who was at the time dangerously ill. The old gentleman implored his lost son in the name of every thing sacred, for the sake of his reputation, family, friends, and self, to put the wanton away. His advice was disregarded, and so was that of a committee of the first men in the county, among whom were two of his uncles. They sent for him, and after a world of useless advice informed him, that for the honor of the neighborhood, they would take measures to remove his harlot, if he continued recalcitrant. To this he replied that the matter was in nowise connected with his official duties or obligations, and that they had no right to meddle with his private affairs. Howbeit, he was willing to resign his office if they were dissatisfied with him. His uncles persisted to remonstrate, till, overcome by his feelings, he wept aloud; but all was of no avail.

The intercession of Mrs. Scott in her daughter's behalf had no better effect. When she heard of Swearingen's illicit connexion she came to Hagerstown and entreated him to put Rachel Cunningham away, at the same time saying she had no other reproach to make. She threatened to take her daughter home with her if he refused. He made no answer, and she did take Mrs. Swearingen away, without opposition on the part of her husband or herself. In this, the good lady was certainly indiscreet, for no one has a right to interfere between husband and wife in any case but that of personal violence, but if ever there was excuse for such a proceeding, she had it.

By this time the infamous cause of all this trouble had removed to a new house, that Swearingen had built expressly for her reception, where, however, she did not remain long. As soon as the gentleman who was her next neighbor discovered her residence, he wrote

to request her keeper to remove her, on account of the bad example she presented to his daughters. The sheriff promised to remove her, and was speedily compelled to keep his word. The mob being about to demolish the house, he took her home to his own, and kept her there five days for fear she should be torn to pieces. She was not safe, even with him: the threat was renewed, and the infatuated man procured weapons; resolved to defend her to the last extremity. But by the advice of a friend, he gave over his desperate intention, and took her to his father's dwelling, where there were none but servants at the time. He then went to Cumberland and told his wife he had sent her rival away, whereupon she joyfully consented to return home with him.

He soon again sought the foul embraces of the courtesan. Being advised by his father's overseer to abandon her, he promised to think of it, and took her to a tavern near Charlestown where he left her, provided with money, for some time. During this period she visited Charlestown, and calling herself Mrs. Swearingen, was invited to visit several respectable families. The true Mrs. Swearingen, it should be observed, had never been in that part of the country. For awhile, the shameless played her part well, calling Mrs. Scott mother, and answering all questions touching the family with equal facility and assurance. At last she was discovered, and wrote to her dupe, who provided her with a new lodging, whence she was once more compelled to remove, at short warning. In short, after being obliged to remove her several times from place to place, and being himself threatened with public shame, he finally fixed her with a person named Bargdoll, one of his tenants, at a place called the Tevis Farm, six miles from Hagerstown. There he continued to visit her, sometimes staying three or four days together. He accounted to his wife for his absence by pretending official business.

In August, eighteen hundred and twenty-eight, Mrs. Swearingen visited her mother in Cumberland. In September her husband went to bring her home again. They had necessarily to cross a small stream, and there, it was alleged on his trial, the husband attempted to drown the wife. But as she said nothing of it to one of her relations at whose house they lodged that night, and as she showed no displeasure, it is probable that such was not the fact.

They travelled on horseback, and the next day their road brought them near the Tevis Farm. They were seen approaching it. This was on the eighth of September.

A man who was conducting a drove of cattle from Hagerstown found Swearingen sitting beside his wife's dead body, with his child in his arms, within half a mile of the house where Rachel Cunningham was. The sheriff told this person that Mrs. Swearingen had been thrown from her horse, and desired him to keep on to Cresaptown (which was near) and send one Robert Kyle to bleed her. He did so, and Kyle soon arrived. They got a cart, placed the corpse in it, and carried it to the house of Mrs. Cresap, Swearingen's aunt, in Cresaptown. The coroner's inquest sat on the body, and finding that the knees of the horse that she had ridden were cut, as if by a fall, found a verdict of, "came to her death by an act of Providence."

While the jury were sitting, Swearingen was informed that one of the women had said his wife had received an internal injury, but that the jury had paid no attention to her. He accompanied the funeral procession to Cumberland, where the body was interred, without exhibiting compunction or feeling.

The next day violent suspicions arose, founded on the remarks of the women who had seen the body, that the deceased had come to her death by foul means. A Mr. Reid proposed to Swearingen to have the corpse taken up and examined, but he refused, alleging that he

was averse to an indecent exposure. He said, however, that he would consult Mrs. Scott, but did not do so. He asked another person's opinion on the subject, and was advised to permit the examination. The same man told him that Mrs. Scott suspected not him, but Rachel Cunningham, of having killed her daughter. His brother consulted Mrs. Scott, at his request, and returned with the old lady's declaration that rather than have her daughter exposed, she would cause her to be taken up and reinterred in her cellar. They then went together to Mr. Reid and told him of Mrs. Scott's determination. He observed that it was unfortunate that Rachel Cunningham had been at Tevis Farm when the accident happened. The younger Swearingen instantly replied that she was not there, and that he defied any one to prove it. He merely affirmed what his brother had told him and he believed. The sheriff bade him hush—and told him that she was there, but knew nothing of the matter. He spoke incoherently and in confusion.

The two Swearingens then repaired to Mrs. Scott's house, while Mr. Reid went to summon a jury. The body was disinterred for dissection, and Swearingen was invited to attend. After the dissection, the surgeons and physicians decided that, from the state of the body, they could form no opinion respecting the causes of her death.

Fearing that the suspicions now prevalent would have consequences dangerous to his *chere amie*, the criminal went to Tevis Farm to take her away. If his confession is to be believed, she said to him, "George, why, in the name of God, if you had any idea of killing Mary, didn't you tell me? I could have told you better—that you could not do such a thing *here* without being accused with it, especially as I am here, and so much fuss has been made about us." To which he, as he said, replied that he would have told her, if he had had any such intention, but

that his wife's death had been sudden, and unexpected by him. He then told her that Mrs. S. had been killed by an accidental fall from her horse, so that it might not be in her power to become a witness against him. What follows depends on better authority than the word of a convicted murderer.

They started before day, both riding on the same horse, intending to flee into Canada. They avoided every one they saw by turning into the woods, till they came to an old man, of whom they were not afraid. He told them that the grand jury had found an indictment against both, and that the people of Cumberland were in quest of them. He also told them of a by-road to Springfield, by which he thought they might escape, and they started again to gain it. In the evening they were upon it. They soon arrived at a bridge which they believed was watched, as indeed it was, but avoided the danger by striking into the woods, where they lost themselves in the darkness. After long trying in vain to regain the road, they let the horse take his own way, which brought them in sight of Cumberland, which they passed unobserved, and took a road leading to Hagerstown. At daylight they turned into the woods, secured the horse, and lay down to sleep on a blanket they had brought with them.

A minute detail of their adventures would be entirely uninteresting. They moved toward Kentucky, Swearingen calling himself Campbell, and his companion passing for his wife. They were often taken for persons running from their friends to be married. When their horse gave out they exchanged him for two mean ponies, and went on as fast as they could. When they started they had but little money, part of which was in eastern and part in western bills, the latter not in very good repute. When their current money was spent, they had much difficulty to pass the rest, and whenever any dispute on the subject

occurred, they were always abused as runaways. But they were not suspected as to what they were. At last they arrived in Kentucky, and at Elizabethtown the sheriff was recognized by a man he had known in Hagerstown. This person asked him if his name were not Swearingen. He answered in the negative, and succeeded in convincing the fellow (he was a slave-driver,) that he was mistaken. He was again suspected in Owenville, but finally arrived safe among his relations in the Green River country. He told them the same story respecting his wife's death that he had told his mistress, adding that as he had been suspected of murder, he had judged it most prudent to escape. He told them, too, that he had since married Rachel Cunningham. They believed, and pitied him, and he remained some time with them, his concubine passing for his wife. He had land there, and thought of settling on it, and probably would have done so, but for a piece of information he received from home.

He had written to his father for money, and in due time a friend came within fifteen miles of his place of abode, and sent for him. This person gave Swearingen an hundred and fifty dollars, and told him that the governor of Maryland had issued a proclamation offering a great reward for his apprehension. He advised the fugitive to go to Texas with all speed, and recommended above all things, that he should not take his *soi disant* wife with him. Swearingen could not think of deserting her and would have preferred Canada as a place of refuge, but his friend overruled him in both points.

When the criminal was about to depart, a scene took place between him and the partner of his flight that affected his friend to tears. They wept and embraced, and could not tear themselves apart. At last he told her that as she could not be happy without her child, his friend should go to Maryland for it

and bring her and it after him. She replied that she did not care for the child, but was willing to accompany him without it. He objected that the danger of detection would be doubled should they travel together, bade her not be uneasy, and promised not to forsake her entirely. He gave her money, kissed her, and at last they parted, his friend accompanying him to Shawneetown.

At Shawneetown this person promised to take care of the woman and bring her child from Maryland. He was then to take them to Swearingen, who would wait for them in New-Orleans. To give him more time to do this, the criminal embarked in an ark or flat boat, and floated down stream very slowly. He found on board this conveyance a newspaper giving an account of the murder, but as his person was not described, and as he had called himself Joseph Martin, he did not fear discovery. By doing a little writing for the owner of the boat he obtained his passage gratis.

Immediately on his arrival in New-Orleans he was seen and recognized, by one Ramsay, who, however, at first said nothing to him. He might have escaped: a schooner was ready to convey emigrants to Texas, and he had engaged his passage, but could not bear to think of leaving Rachel Cunningham. He preferred losing his passage. During this time he saw Ramsay several times and recognized him, but did not suspect that he was himself known to the other. Finally he became acquainted with a gentleman who had a son settled in Texas, and succeeded in getting into his good graces. This person told him that he might get employment as a schoolmaster and gave him a letter to his son; whereupon he resolved to leave a letter directing his intended how to follow him, and start alone.

He had taken lodgings on board a flat boat and was waiting for an opportunity to depart, when one

day he saw a number of police officers approaching ; Ramsay among them. He saw them go on board another boat and converse with a man on its deck. Something alarmed at this, Swearingen, as soon as they left the boat, slipped down the bank, and passed along the margin of the river to speak with the man with whom they had been conversing. To a question what their business had been, the boatman replied, "They are looking for a man by the name of Martin. Is that your name, sir?" The fugitive replied, "No sir; I thought they wished to purchase some corn. We have some in our boat to sell." With that he returned and began to get his effects in readiness for immediate departure. While he was so doing he looked through a crack and saw the officers coming. He hastily threw himself into a corner and covered himself with his cloak, desiring the owner of the conveyance to tell any one who might inquire for him that he was not there. Scarcely had he time to do this before the officers entered the boat. One of them pulled the cloak off him, presented a pistol, and bade him surrender on pain of death. He knew, he said, that his name was Swearingen, and he had a warrant for him. The other confessed his name and surrendered without resistance. He expected thus to put them off their guard and render escape easier after he should have left the boat. They took from him a dirk, pistol and rifle. According to his own story he had procured two of these weapons for very innocent purposes. He had bought the pistol in Maryland to defend himself and Rachel. The rifle he had gotten to hunt in Texas, and he had obtained the dirk as a makeweight in some trifling bargain on the river.

As the officers were taking him to the Mayor's office, Swearingen suddenly attempted to break from them. Thereupon one of them struck him a severe blow over the eye, and the wound bled freely.

They then put him into a coach and took him before the mayor without further difficulty.

He admitted his name, and that he was the person indicated by the proclamation before mentioned, and requested to be sent immediately to Maryland for trial. He was committed to jail and ironed, and remained there two months without a change of raiment and covered with vermin. As he did not hear anything of his paramour he for a long while thought she must have been taken, but a man was at last confined in the same cell with him who told him she was in New-Orleans. On hearing this, he sent for the jailor and advised him to have her taken too, that they might be sent to Maryland together. The officer informed the mayor of what he had heard, and the city was searched for her, but she was not to be found. The fact was that the very precaution taken by Swearingen to insure a meeting had caused him to miss her altogether. The friend before mentioned (his brother) had kept his word. Finding it impracticable to return to Maryland for the child, he had immediately taken its mother to New-Orleans in a steamboat, and passed Swearingen on the way. Waiting there a long while and hearing nothing of our hero, who had not yet arrived, they returned to Louisville. There they heard of his apprehension.

The reason that his brother was unable to bring the child from Maryland was, that another brother opposed it; for what reason does not appear.

After having been confined three or four weeks Swearingen became melancholy, and dropped some hints of an intention to destroy himself. To prevent it the keeper put him into a very small, close apartment, called the *cache* hole. Here he was more uncomfortable than before, and when a ruffianly convict was put into the cell with him for an assault on one of the officers, he wrote to the keeper to remonstrate. He was then taken out and lodged in the same room

with the chain gang convicts, who are permitted to work abroad in the city every day. One of them told him that vessels often lay many days in the river before the wind would suffer them to depart, and offered him a saw to cut his irons in such an interim, if it should occur. He might gain the shore, the convict said, by swimming. But he thought his mistress was in prison in Maryland, and the hope of seeing her overcame the sense of danger and the love of liberty: in a word, he refused to accept the implements.

On the sixth of April he was conveyed on board the brig *Artic*, bound to Baltimore. As the *Artic* was actually detained three days in the river, he might have escaped in the way suggested by the convict. In due time he arrived in Baltimore and was conveyed to Alleghany County, where he was fully committed for trial.

The principal facts disclosed in evidence, on his trial beside those we have related, were these. He had told different tales respecting the manner of his wife's death, one of which was that Rachel Cunningham had struck Mrs. Swearingen from her horse and killed her. This, he afterwards declared, was false. Another fact which endangered Rachel, was, that a little before the murder a woman, supposed to be her, passed through the drove before mentioned, in a direction that would, apparently, bring her to the spot where the body was found. As for a long time she could not be traced, she was generally supposed to have been Rachel. Howbeit, after Swearingen's conviction she was found, and proved to be quite another person.

Several letters that had passed between the two principal actors in the tragedy, seemed to confirm the prisoner's guilt, though by themselves, they would have done him little injury. Blood was seen on his ruffles at the time of the murder. He explained

this circumstance by stating that it fell from his wife as he lifted her up. Those who saw the body deposed that it was bruised in several places, as if by blows. A fall might have accounted for all this excepting the marks on her back, as he had stated that she fell on her face. The women deposed that she had received a severe internal injury. The strongest circumstance was, that Swearingen's horse and that of his wife were tracked into and out of a thicket close to the spot where the body was found. In the thicket a spot was trampled and stained with blood, and a club was found at hand.

When Swearingen was first committed he consulted several persons learned in the law, who told him that no jury would convict him on the evidence. He therefore felt easy during the trial, and even wrote to his intended to come back, as the trial had been favorable to him. He hoped, however, that she had behaved well since their separation and requested her to bring a certificate to that effect from the person with whom she had been living. The verdict of "GUILTY OF MURDER IN THE FIRST DEGREE!" was as the shock of a thunderbolt to him. He shuddered and wept aloud.

The final sentence of the law was pronounced, by the Hon. John Buchanan, who accompanied it with the following prefatory remarks:

Upon a full and minute investigation before a jury of your country, commensurate with the character of the offence with which you stand charged, and the awful consequences of conviction, you have been found guilty of the horrible crime of murder of the first degree; and it has become my painful duty as the organ of this Court, to pronounce the solemn and appalling sentence of the law.

Of your guilt, not a shade of natural doubt is perceived to exist.

Three different juries have pronounced you the murderer of your wife; the jury of inquest, the grand jury that found the indictment on which you have been tried, and finally the petit jury of your own choice, after an attentive and patient hearing of the elaborate arguments of the counsel engaged in your defence, by whom nothing was left undone, that zeal and ingenuity could suggest.

Far be it from me, to entertain any, the remotest wish, to insult, or unnecessarily offer violence to your feelings—they must be already sufficiently harrowed.

But I am constrained to say,—(would to God it were otherwise,) that wilful, deliberate and premeditated purpose, though essential to murder of the first degree, does not give to the offence of which you stand convicted, its deepest die; does not constitute its blackest atrocity.

Murder is shocking to humanity under any circumstances, and a well regulated mind, ~~one~~ not callous to every proper and correct feeling, always turns from the contemplation of it, with shuddering and abhorrence.

Yet there are degrees of turpitude even in murder of the first degree, and that perpetrated by you, mounts to the highest grade of enormity.

Yours is an instructive, but melancholy lesson; a practical, but shocking illustration of the awful truth, which can not be too often, nor too strongly inculcated, that one false step is ever followed by another.

Reared and educated in an enlightened society, surrounded by respectable and numerous friends and relations, and enjoying in a high degree the esteem and confidence of all who knew you, you found your abused and unhappy victim at a boarding school, a young, inexperienced, innocent and guileless girl;—the daughter of a wealthy parent, who had sent her abroad for her education.

Alas! he little thought, he was sending her to destruction; and that what was intended for the advance-

ment of her respectability and happiness in this life, was destined soon to prove her ruin.

Departing from the path of rectitude, in which until then, you seem to have trodden ; and uninfluenced by any of the finer feelings of the heart, but attracted only, (as it appeared in evidence) by the allurements of wealth, you sought and won her affections; and with no corresponding attachments, made her at an inauspicious moment, the confiding partner of your bed—but an alien from your bosom.

It was a false and vicious step, a moral fraud practiced upon the credulity of a fond and unsuspecting girl.

That one false step soon begat another. Scarcely had you, under the sanction of a holy vow, deprived her of her virgin charms, ere (regardless of all decorum, of the feelings of the friends and relatives by whom you were encompassed, and of every thing that was due to the society in which you lived) you dashed her from you, to revel in the foul embraces of a base and common wanton.

Thus hurrying onward, (forgetful of every law, human and divine) from one false and vicious step to another, you arrived at last to the perpetration of the unnatural and cruel murder of your unoffending wife, the mother of your infant child, whose presence alone should have been her protection—the bloody deed, that has drawn down upon you the vengeance of the offended law which, under the direction of Him, by whose all-seeing eye, the fall of a sparrow is not unobserved, from whom nothing can be concealed and no secrets are hid, seldom fails sooner or later, to overtake the guilty; the very means suggested by guilt, and resorted to for concealment and escape, however deep laid and well planned, often proving to be the sure means of detection ; such are the inscrutable ways of Providence, and such the blindness of man, with all his boasted wisdom.

Suffer not yourself to be deceived by a vain hope of pardon or of any interposition by the Executive of the State in your behalf—it might prove a fatal delusion.

The blood of that much injured and murdered woman, whom at the sacred altar, you had vowed to cherish, and whom it was your duty to protect, cries to heaven; outraged humanity calls aloud for justice; the offended majesty of the law must be appeased, and the hour of retribution draws near.

Trust me, when I assure you it is my sincere belief, that there is nothing to be hoped from any earthly power on this side the grave; and that your only hope, must now rest upon another, and a higher tribunal for peace and happiness, in "another and better world."

Permit me then to beseech you, no longer looking to things of this world, to direct your attention to that dreadful tribunal; and diligently to employ the small remnant of life that remains to you, in earnest and humble supplication to the Throne of Grace, for that pardon and forgiveness which can only be extended to you; by Him from whom you have your being—the great searcher of all hearts—the high and mighty ruler of the universe.

And may the God of mercy in compassion to your soul, incline and guide your heart to penitence and prayer, sustain and strengthen you in the hour of trial, and suffer you not at the last sad moment, from any pains of death to fall from Him.

Your sentence is, that you be taken to the gaol of Allegany county, from whence you came and thence to the place of execution, at such time as shall be duly appointed, and that you *be there hanged by the neck till you are dead!*

He wrote again to Rachel. We shall give her answer to his first letter, as it was written, to a comma, to correct the impression that she was well educated and accomplished.

Henderson, 5th September, 1829.

MY DEAR.

I received your letter the first of September I was very much surprised for I never had heard A word of you And never expected to hear from you Again it relieved me very much to hear from you I seen great eal of trouble since I have seen you after you left me more than I could explain. I have had a son since you left me, three or four months which caused me a great eal of troubel I was A bout five miles from the yellow banks in the country I am now at hinderson I hired A boy and went out to see John I have been in louisville all this summer at Mr. Dillers I am Afraid that letter you wrote to Mr. diller will ruin me for I am Abliege to leave there on the account of that if you had of putt it in crisup town the would never been nothing mistrusted I was reseved by evry person and was taken in the first company between Frankle (his brother) and your aunts famly the was part of the money you left me taken from me Franklin treated me scandlous and threatened my life and I believed if it had not been for John he would of struck me I should be very glad to see you I had got quite reconsiled but since I have heard from you I am as unhappy as ever it my hope you will get through all your troubles and come to me to be as happy as ever you must know I must love you very much or I would not have followed ofter you the day I left you I thought I nevar should have got over it in the world for it had like to have killed me I am Afraid after you get cleare that you never will think any more of me you mentioned in your letter that I must come in there but god forbid I ever should for I have seen troubel Anough without coming there to see more I have caused my friends Anough trouble without my coming in there stere to it Afresh Among them I would rather go three thousand of miles further the other way I stand in need of nothing at this time I have plenty of everything I have sufered A great eal

on the account of little James I have thought A thousand times I would go in there at the risk of everything I expect he has seen hard times since I have left him I intend to have him at the risk of my life let it cost what it will I expect the people blames me more than they did you you know and god knows that I am not to blame that I am as clear as an angel in heaven and now I am Agoing Away And I dont know where I will go to yet Franklin is turned evry one of your friends Against you so as they told evrything About you they ever heard or knowed Abought you every body knows all About it at Johns My dear I neer can for get you know I have seen hard times with you you still write to me you are the same but I am not the same the has A great alteration took place since you seen me John will be in there soon I wish wish you all the luck this world can Afford I am glad I did not hear from you sooner for I believe it would have killed me. god bless you.

I remain your dearest until deth.

GEORGE SWEARINGEN.

Swearingen received this elegant epistle a week before his execution. It had no signature but he knew at once whence it came.

He slew his wife on the eighth of September, eighteen hundred and twenty-eight, and received sentence of death on the same day of the same month, in eighteen hundred and twenty nine. After his condemnation the clergy visited him and offered him the pardon of our blessed Saviour, and a peace the world can not take away. His sin had been great—and so, eventually, was his repentance. Perhaps wishing to unburden his conscience—perhaps wishing to leave as fair a name behind him as might be, for the honor of his family, he procured his life and confession to be written by a clergyman. His account of the murder was as follows.

When he and his wife came near the road which turns off from the main road to the Tevis Farm, she proposed that they should go thither and see their tenants. He observed that they had better call as they came back, but she insisted upon going on the instant. Accordingly, when they came to the turn, Swearingen, knowing that she must needs see his paramour, again tried to dissuade her, but she would have her own way, as women sometimes will. Her husband, therefore, dismounted, and with well assumed indifference began to pull down the bars. Finding that she was determined, he was compelled to thwart her, even at the risk of her just displeasure. He put up the rails again, saying it would be as well to call at another time. Mrs. Swearingen then said she had heard, and her mother had received a letter, informing her that Rachel Cunningham was at Tevis Farm, and that she was resolved to go there and see if it was so. She believed it, because he refused to go with her. As he persisted in his refusal, she gave him harsh words, which soon brought on a hot quarrel, and she turned her horse into the road, calling him a deceiver.

He took the child, mounted, and followed, while she continued to reproach him, taxing him with falsehood and broken faith. At last, boiling with passion, he pushed his horse toward her, dropped the reins, and struck her on the back of the head with his right hand with all his might. She was just at the beginning of a steep declivity and fell forward on her forehead in the hard, flinty road. The horses did not stop, and whether they trod on her or not he could not say.

He dismounted, and saw with horror that she was dead. The cries of the child increased his confusion. He knew not what to do, and was on the point of leaving the infant beside the body and flying for life. Having at last recovered his presence of mind, he be-

thought him that there was a stony place a little farther, and that by taking the corpse thither, and giving the alarm; he might give a stronger color to the supposition that she had been killed by an accidental fall. So he pacified the child and threw the corpse across the horse to take it to the stony place. Before he got there he saw the drove before mentioned, and was obliged to turn to avoid being seen by its conductors. Ere he reached the place where Kyle found him with the body, it fell off three times. In order to corroborate the tale he intended to tell, he scarred the knees of his wife's horse with his knife. He supposed the bruises found on the body might have been occasioned by the several falls, or by the rough motion of the cart that conveyed it to Cresaptown. As to the appearances in the wood he positively denied all knowledge of them, saying he never left the road. The rest is already known to the reader. Such was his story, and he persisted in it to his last breath. We again repeat that such declarations are not entitled to full credence, many having been proved false, but in so much of this, we see nothing that may not, possibly, be reconciled with the testimony.

He went firmly to the gallows, and sung a psalm upon it. When asked if he had anything to say, he answered that he wished to have it understood that he died in peace with God and with the world. He had no fears, and had no doubt that his repentance would be accepted. The scene soon closed.

The life of this felon presents one more warning to the vicious—another proof of the adage that *quem Deas vult perdere, prius dementat*. He came on the stage of life with prospects more than commonly flattering, with fame as bright as any of his young compatriots, but his career has given the world a demonstration that, unless sustained by the grace of God, no man can stand long. It has proved that the

eye of Providence watches the path of every one, and that the very wisdom of the wicked, their deep laid plans, their active measures to avoid public justice, are often made the means of divine vengeance. In this case, the tongue of a babbling old woman proved more powerful than the verdict of a legal tribunal, and so excited the popular indignation that a second inquest was held. When the skillful were unable to judge and gave such a verdict, as, probably, would have alone cleared Swearingen; he fled though no man pursued, frightened by his own guilty conscience. Far in the west, and almost beyond the reach of detection, his own brother was the instrument to bring him to justice. Swearingen wished to go to Canada and take the accomplice of his sins with him. His brother dissuaded him, and sent him where he was more likely to be detected. Again, another brother disturbed arrangements which would have insured his safety, and so managed that he did not meet his harlot in New-Orleans. He shifted from place to place, waiting for her, till the avenger of blood was upon him. Let the midnight marauder, the bloody assassin read this, and remember, that while they fancy themselves most secure the all-seeing eye overlooks all, and notes their doings, while his arm is uplifted to strike.

NELSON, ISRAEL JR. AND ISAAC THAYER.

IN all ages of the world, and among all nations, murder has been considered the most shocking and abhorrent of all crimes. From the beginning of time, it has been prohibited, and punished with death, by the laws of God and man. In this country, where the means of subsistence are abundant; where common industry and prudence, will, at all times, secure at least a competence of the necessaries of life; where virtue is the only passport to power; where the means of obtaining a moral education, are within the reach of all classes of people; and where the light of christianity shines upon every part of community, high crimes must be less frequent than in other countries, not enjoying the same privileges. It is to be desired that the crime of murder may continue to be of rare occurrence; that it may never become frequent and familiar, nor its recital fail to shock the ear of humanity.

It may, perhaps, be thought, by some, that the good of the public would be as well consulted, by burying with the perpetrators of the crime, such a transaction as that which is the subject of the following sketch; but it is believed that the murder of John Love, and the circumstances connected therewith, will be found more than sufficient to gratify a vain curiosity. Its incidents were singular and extraordinary; and its consequences fatal to the peace and happiness, and almost the existence of an entire family. It forms a transaction replete with lessons of admonition, and it stands a warning beacon in the path of vice.

Israel Thayer, senior, the father of the three brothers, whose career and fate we are about relating, emigrated from Uxbridge, Massachusetts, about the

year 1815. After that time he resided in the town of Boston, in the county of Erie. He was a laboring man, and had, at some period of his life, been in possession of considerable property. His moral sentiments were of the loosest kind. He disbelieved in a future state of rewards and punishments, and wholly denied the accountability of man to his Creator. These erroneous and dangerous sentiments he openly avowed, both in his family and among his neighbors.

It might well be expected that a man entertaining and professing such sentiments, would neglect the education of his sons; that he would be little disposed to instruct them in those principles of morality and religion, so admirably calculated to subdue the evil propensities of the human heart, and conduct youth in the peaceful and pleasant paths of virtue. To this defect of moral sentiment and this neglect of education, may be ascribed that severe calamity that has now fallen upon his unhappy and devoted family.

The three sons, whose names were Israel, Jr. Nelson and Isaac embraced the opinions and sentiments of the father, and practiced accordingly. They indulged very freely in the use of profane language. The most disgusting oaths formed a part of their common conversation. They frequently applied the name of the Deity to their horses and cattle. Their old father, they often called *Jesus Christ!* To these blasphemies, they added many other vices; such as gambling, stealing fruit and other property, from their neighbors. Other crimes, of a higher nature, were also alleged against them, and probably not without foundation.

They became acquainted with John Love about two years before his death. According to the account which Love gave of himself, he had no family connexions in this country. He represented himself to

be a native of England. That he had a mother and sister living near Bath, in England; that he left that country sometime before the late war between England and the United States. After arriving in this country, and after the declaration of war against England, he enlisted into the service of the United States, and served on board the frigate Constitution. After the termination of the war, he went to Utica, where he resided some time, and then came to Buffalo. Here he embarked in the carrying trade on Lake Erie; sailing the Lake, in the summer season, and in the winter retiring into the country, to trade and traffic with his money.

It was in this last employment that he became acquainted with the Thayers. By his industry and economy, he had accumulated a very considerable sum of money. This money he loaned out, in the neighborhood of the Thayers, in small sums, and for short periods; always taking care, to be well secured, and well paid for the use of his money. While engaged in this petty brokage, he became intimately acquainted with the Thayers; and as he had no fixed place of residence, he often made his home at one of their houses. In this manner Love spent two winters in the town of Boston, principally in the vicinity of the Thayers. In the fall of 1824, after having spent the summer, as usual, upon the Lakes, he returned to Boston with the avowed intention of closing up his affairs, and embarking, early in the spring, for his native country; anticipating the pleasures of meeting once more a mother and a sister, endeared to him by a thousand tender recollections, and an absence of about fifteen years. But a different destiny awaited him.

On his first acquaintance with the Thayers, he had lent them about sixty dollars in money. By getting their notes often renewed, and exacting exorbitant interest, he had increased that sum to two

hundred and fifty dollars, for the amount of which he held their obligations. He now pressed them hard for a settlement; and insisted on their paying the debt, or giving further and better security. They were wholly unable to raise the money; and at length consented, that Israel and Nelson should put their property into the hands of Isaac, the youngest of the three brothers, and that he should confess judgments to Love, for the amount due him; and that Love should be permitted to take out executions and levy on the property, thus in the possession of Isaac, and thereby secure the demand. Love obtained the judgments, and took out executions; but immediately after, and before he had delivered the executions over to an officer, he suddenly, and rather mysteriously, disappeared. This was about the middle of December. At this time, Love had a great number of small demands against men in the neighborhood; some of which were in a train of collection, and others were in obligations. The Thayers pretended to account for the absence of Love, by stating, that he had committed a forgery in the State of Pennsylvania, for which he was pursued; and to avoid being arrested, he had "cleared out." As there had long before been a report in the neighborhood of such an accusation against Love, and considering his singular character, this statement was thought probable enough, and was, for a time, satisfactory.

Isaac Thayer now declared himself Love's general agent; that he had authority to transact all Love's business; to settle and collect all his demands. He presented Love's obligations to his debtors and demanded payment on them. He also presented orders from Love for moneys collected and in the hands of the magistrate; and finally, appeared with a full power of attorney from Love, authorizing Isaac Thayer to collect all Love's demands. Whilst engaged in collecting these demands, he alleged that

Love had not left the country; but was concealed in the County; that no person but himself could see Love; that he had seen Love, several times, and paid him over money, since he disappeared. These statements were confirmed by Nelson Thayer, who declared that he was present when Love first parted with Isaac, and saw him deliver over all his papers to Isaac; that he was also present when Love executed the power of attorney, and signed it as a subscribing witness.

It was a matter of much surprise, to those who were acquainted with John Love, and who knew him to be a careful, calculating man, remarkably provident with his property, that he should have entrusted all his affairs, in the hands of a man, who had no economy in his own business, and who was himself a debtor to Love, to a large amount. And suspicions began to be entertained, that there was mischief in the transaction. The whole affair, however, seemed wrapt in impenetrable mystery, and no clue offered by which the truth could be ascertained; at length it was discovered that those executions which Love had taken out against Isaac Thayer, to secure the debt of \$275, were in Isaac's own hands; he having had the folly and imprudence to show them, and boast of having them in possession. Some few persons now began to entertain a strong belief that Love was murdered; they however very prudently refrained from openly expressing such opinions until they should be better confirmed by other circumstances. The account given by the Thayers, respecting Love's absence, and affairs, was indeed very singular, and tended strongly to confirm the suspicions arising from other circumstances.

Two months had now elapsed since Love disappeared, and the suspicions against the Thayers increasing as the matter was inquired into, and the accusation beginning to be a matter of public noto-

nety, it was thought advisable to bring the transaction to a legal investigation. Accordingly, on the 19th of February, the Thayers were arrested and brought before a magistrate for examination. As it could not be ascertained that Israel Thayer, the father, and Israel, Jr. had taken any part in the disposition of Love's property, and nothing appearing against them, they were discharged; and Nelson and Isaac only, detained in custody. On their examination, they stated that Love was concealed, and would not suffer any person, except themselves, to approach him; that they were bound not to make known his place of retreat; that they had seen him several times, since he absconded, but never at any house, or in presence of any other persons. The prisoners appeared open and bold and manifested little disposition to shrink from an investigation.

So slight were the circumstances against them, that many of the neighbors, who were present, treated the complaint with ridicule, and manifested their displeasure against those who had encouraged the prosecution. The magistrate, however, considered it reasonable, that the prisoners, if they knew where Love was, should produce him; as that would effectually exonerate them from the charge, and remove all suspicion. He accordingly informed them, that they could have twenty-four hours to find Love, and that they must produce him in that time or be committed to prison. At this decision they appeared, for the first time, disconcerted. It was quite unexpected to them, and the thought of a prison seemed to give them some alarm. After a little hesitation however, they replied, that they could not produce Love in that time, that he was in Canada, and that it would be of no use to send for him.

On their way to the jail they manifested little or no uneasiness, engaged in light conversation, and on passing the rope factory, as they entered Buffalo, Isaac said to the officer who had them in custody, "Do you

suppose they have got hemp here? I should hate dam'dly to be hanged with a flax rope!"

They were committed to jail, but expected to be soon set at liberty again; for which purpose they sued out a writ of Habeas Corpus, and were brought before the first Judge of Erie County, supposing the circumstances against them, were not sufficient to detain them in prison. But on their stating before the commissioner, that Love was in Canada, and that they had seen him and transacted business with him; within a few days, at Black Rock, they were remanded to prison, until they should be able to prove their statements true.

In the meantime, the people of the town of Boston had commenced searching for the body of Love. Little or no snow had fallen during the winter, and the ground continued yet uncovered. Large parties of men assembled and ranged the fields and forests, in every direction, in the immediate neighborhood of the Thayers; and their labors would probably have been unavailing, had it not been for a singular, and perhaps Providential circumstance. After considerable search had been made, and many were disposed to look no further, Israel Thayer, the elder, happening to be at the house of one of the neighbors, entered into some conversation about the searching for the body of Love, and manifested great anxiety on the subject. Among other things, he inquired if the search was to be continued. Being told that it was, he paused a moment, and then hastily inquired if "they had searched *on the hill?*" This question, and the old man's peculiar emotion, at the time, was remarked by the family as singular; and they communicated the incident to a party of men, who afterwards came along. They immediately repaired to the spot which he had thus unwittingly indicated. Here they soon discovered the appearance of a grave, recently covered. It was in an enclosed field, though partly concealed by logs and shrubs, and was within thirty rods of the house of Israel Thayer, Jr.

They immediately uncovered the grave, and found the body of Love, wrapped in the same clothes that he had on when last seen living. A ball had been shot through his head; his skull had been beat in on the back part; and his face and throat mangled in a most barbarous and shocking manner.

The old man, and Israel, Jr. were then arrested; and soon joined the company of Nelson and Isaac, in the cells of the county jail.

On being put in irons, the father appeared deeply affected, but the three sons maintained a studied indifference, and importuned the jailor to furnish them with a pack of cards, "to kill time with." They all protested against having had any knowledge of the murder.

On the 21st day of April, they were arraigned for trial, before the Court of Oyer and Terminer, at the Court House in Buffalo. Isaac and Israel, Jr. were first put to the bar. They appeared calm and unruffled, and betrayed no symptoms of guilt or timidity. Assisted by able counsel, they entered upon their trial, with apparent confidence of an ultimate acquittal. In addition to the facts already stated, it was proved that Love disappeared on the 15th of December; that he was seen that day about sun-set, at the house of Nelson Thayer, in company with the three brothers; that they invited him over to the house of Israel, Junior; that he consented to go to Israel's and stay all night: he was seen in company with them, on the way, riding a young horse, which he owned and usually rode. It was proved that in the afternoon of that day, the three brothers were together, at Israel's, killing hogs; that a boy living there was sent home to his father's, with permission to stay all night; that in the evening, Israel's wife was conducted to a neighbor's house, and spent the evening there. It was also proved by a great number of witnesses, that about eight o'clock on the evening of the 15th, the report of a gun was distinctly heard, at or near the house of Israel Thayer; that Nel-

son and Isaac were seen, very early the next morning, going from Israel's towards home; that they were away from home during the night; (both residing about one mile from Israel's;) that the horse on which Love rode was seen, soon after, in Israel's stable; that Isaac afterwards took the horse to Buffalo, and sold it as his own; stating when he left home that he was going after Love, and when he came back that he had taken the horse to Love. A pocket book had been found in their possession, containing a great number of notes, and other writings, which were known to have belonged to Love. It was proved that they suddenly became able to pay their debts, by which they had been harassed for years; that they spent money profusely on all occasions, and boasted that they had enough of it. It was proved that the orders from Love, by which they had drawn money from a number of persons, were all forged; that the power of attorney, by virtue of which Isaac had assumed to transact Love's business, and which they had several times sworn was genuine, was also forged. It was also proved that they had, at different times, made various contradictory and improbable statements concerning Love; sometimes saying that he had "cleared out"; at other times, that he was concealed in the county, but that nobody could see him; that they had met with him, at different times, in a mysterious manner, and undiscovered by any other persons. This is the substance of the evidence on the part of the prosecution. It consisted entirely of what the lawyers term presumptive or circumstantial evidence, but was perfectly conclusive and satisfactory. No person who heard it could doubt of the prisoners' guilt. The jury, after having retired a few minutes, pronounced them both GUILTY. During the progress of the trial they assumed a more serious aspect, and probably anticipated the result before it closed. They heard the verdict pronounced without evincing much agitation or change of countenance.

Nelson was then put to the bar and convicted nearly on the same testimony. His wife, Mrs. Sally Thayer, on the trial of Israel and Isaac, was sworn and testified as a witness; her husband having been separately indicted, for the purpose of improving her as a witness against them. Her appearance was highly respectable, and her conduct commendable. She appeared fully aware that her husband was deeply implicated in the charge, and that her evidence, if not in form was in effect against him. Yet she testified freely, and with the utmost candor. She seemed to foresee the inevitable destruction of her family, which appeared sufficiently dear to her. To some questions by the Court, respecting her family, she replied that she had several small children; then wiped the falling tear, as though she anticipated the fatal catastrophe, that was to render them orphans, and herself a widow. Her deep distress awakened the general sympathy of a crowded audience; and her candor, sensibility, and respectful demeanor, excited much regard. The trials occupied three days, and closed about twelve o'clock on Saturday night.

The fate of the unhappy culprits was now sealed. Whatever might have been their expectations before the trial, the last ray of hope was now extinguished, and their destiny was inevitable. In this situation they were conducted from the Court room, and transferred from a gazing crowd, to the silent and gloomy cells of the prison, not to rest and sleep, but to feel the stings of a guilty conscience; to brood over the horrors of that transaction which produced their calamity; to reflect upon the disgrace and misery which they had brought upon their family and friends; and to look forward to the speedy approach of an ignominious death, from which neither the entreaties of their distracted parents, the tears of their affectionate wives, nor the imploring hands of their innocent offspring, could save them.

They immediately made a full confession of their guilt. They stated that Love had obtained a large demand against them, the greatest part of which was for unlawful interest; that he manifested a disposition to sacrifice their property; boasted that he had got the staff in his own hands, and intended to use it. His conduct was so overbearing, that it was proposed by Nelson to murder him. This was some days previous to the 15th December. On that day, as they were together, engaged in killing Israel's hogs, they thought this a favorable opportunity; agreed on the plan, and concluded to put it in execution that night. Accordingly, the boy living there was sent home. The rifle was loaded and secreted by a log near the house. They then went in quest of Love, and found him at Nelson's, and persuaded him to go over to Israel's. On their way they procured an old axe, for the purpose, as was alleged, of cutting up Israel's pork. In the evening, after they had returned with Love to Israel's, Isaac went over to Mr. Irish's, a near neighbor, and remained there until after Israel had conducted his wife over to the same place and returned home; he then went and got the rifle and came up to the window; when Israel, happening to be out at the door, asked Isaac if he was going to shoot Love? He replied if he ever shot him, he should do it then. Israel requested him to wait until he could go in. He went in, and Love was sitting his face to the fire, and Nelson had the axe, cutting up the pork. Isaac immediately stepped to the window and shot Love through the head. Love did not fall, but continued sitting erect in his chair. Nelson then despatched him with the meat axe. Isaac did not go into the house, but turned and went over to Irish's. Nelson and Isaac drew the body out around the house, then returned and cut up the pork. Isaac came in and said, "You have been butchering here, it seems." To which Nelson replied, "Yes, there has been butchering done." Isaac then

said, "Well, I have done my part, and will do no more," and again went away. Nelson and Israel then washed up the blood on the floor, but omitted the chair, in which Love sat, until the blood had dried and become difficult to remove. To remedy this, a few pieces of bloody meat were put into the chair, which were removed by Israel's wife, and the chair cleaned after her return. Nelson and Israel went out to carry off the body. On taking it up, they began to feel the effects of guilt. Although Love was a small sized man, and either of them could carry him with ease when living, yet it was with the utmost difficulty they were enabled to raise the body from the ground; and it required the exertion of all the strength of both of them, to carry it without falling at every step. They succeeded in dragging the body about thirty rods; and attempted to bury it in the bottom of a small brook, but were prevented by rock. They then hastily buried the body, where it was ultimately discovered.

Isaac stated that when he first brought down his gun to shoot Love, his nerves failed him, and his arm was unsteady; but he regained his firmness by reflecting on Love's bad conduct, particularly some abuse he had once offered his aged mother. The three brothers stated that ever since the death of Love, they had felt neither peace nor security; but had been in a constant state of misery and apprehension; that whenever they were alone in the dark, the mangled remains of the murdered Love, rushed upon their imaginations, and produced a sensation altogether indescribable; that all their efforts to shake off and overcome these feelings, were entirely unavailing.

On Monday morning after the trials, the prisoners were again brought into court to receive the sentence of the law. The sentence was solemn and impressive. They received it with the same firmness that had supported them through the trials. Nelson and Isaac acknowledged the justness of their fate; but Israel

submitted to his destiny with great reluctance. He said he was persuaded into the measure, and acted ignorantly; supposing as he took no part in the act of killing Love, he should not be liable. To think, too, of the sufferings of his young and faithful wife, who was indeed, worthy of a better fortune, was to him particularly painful. Israel's wife was from a respectable family. She had received from her parents the benefits of a religious education; and the thought of her husband's being accused of the crime of murder, filled her mind with horror. It was a long time after her husband was committed to prison, before she would consent to see him. At length, however, she went to the jail, and was conducted into the room occupied by the jailor. Her husband was brought out of the cell, and as he entered the room where she was, with his chains rattling, the sight of him entirely overpowered her senses; and she was prevented from falling upon the floor by the interposition of the jailor. She remained insensible for some time; when her senses returned, a copious flood of tears gushed forth, which relieved the anguish of her heart, and restored her speech.

This scene was only equalled by an interview that took place between the three brothers and their aged mother. She visited them a few days before they were to be executed and remained about them several days. On going into the prison, accompanied by her only daughter, for the purpose of taking her final adieu, she became perfectly distracted. She could neither speak nor weep. She gave a wild and frantic look, first at one, and then at another; wildly grasping each by turn in her hands. Her sons in the mean time were dumb and motionless. The sister was enabled to call a shower of tears to her relief, and she gave vent to her anguish in loud and repeated lamentations, that pierced every cell in the prison. Every person in the jail was deeply affected; even the hardened felon, though a

stranger to the sufferers, was compelled to yield to the impulse of humanity, and mingle his tears in the general flood of grief.

As the time of their execution approached, the Thayers became more and more seriously inclined. They read the scriptures attentively, and joined in acts of devotion, with their attending clergy; and that Name, which they had so frequently, and so recently, used as a common by-word, they now called upon with reverence; and rested upon it their hopes of pardon and future felicity.

On the morning of the 17th June, the day of execution, Israel Thayer, the father, was let out of prison on bail. At 12 o'clock the three sons were brought out to be conducted to the gallows. The concourse of people, that had assembled during that, and the two preceding days, to witness the awful spectacle, was immense: estimated by those who took pains to ascertain the number as nearly as was practicable, at thirty thousand. The prisoners were conducted into an open square, in front of the jail, preserved from the rushing crowd by a strong guard of armed men. They appeared sedate and calm, and seemed to have summoned all their fortitude to support them through the trying scene. As the band of music commenced playing a slow and plaintive air, the prisoners took the step upon the ground, and marched off with firm and regular step. On their right and left, were ranged the military, infantry and cavalry, marching each in single file, the whole surrounded by a countless throng of silent spectators. In this manner they proceeded slowly through the village of Buffalo, towards the place of execution; forming one of the most solemn processions perhaps ever witnessed. Three brothers, in the vigor of youth, all between 21 and 26 years of age, in the full tide of life, yet clad in the habiliments of death, and walking directly to their graves, formed a sight truly melancholy. The memory of their crimes was

lost in the contemplation of their approaching suffering and dissolution; and the tear of sympathy flowed freely from the thousand female faces that appeared at the windows. They walked on to the gallows and took their seats. Prayers were offered up, during which they devoutly kneeled. Their fortitude seemed to hold out until after a short discourse, and until their time had elapsed within two or three minutes, when they seemed to lose command of their feelings, and to shrink from death's approaching grasp. A respectable surgeon standing by, they requested him to bleed them, having heard it said that it would mitigate their suffering. He however, humanely dissuaded them from it, and encouraged them to meet their fate. They then shook hands with those about them, and took each other by the hand in a most solemn and affecting manner; then, in a few interrupted accents, commended themselves to their God, and in an instant were plunged into eternity. Thus closed the painful and tragical scene. What an admonition does it hold out to parents, and what a warning to youth!

How careful ought parents to be to instruct their children in the principles of morality and virtue! to remember that, "as the twig is bent the tree's inclined"! How important, too, that the youth consider how much depends on the early part of his life! If he would sail securely and happily over the tempestuous sea of life, he must launch his bark aright at first, and avoid the gulf-stream of vice; which, though it waft him easily along for a while, will be sure, in the end to plunge him in the whirlpool of misery and ruin.

SAMUEL BELLAMY.

As we can not with any certainty, trace this man from his origin, we shall begin where we find him first a declared enemy to mankind.

He had been in company with one called Williams, in search of a Spanish wreck, and had been disappointed. After engaging in such gambling speculations, men are seldom willing to return to the regular pursuits of life; and therefore, these worthies, in order to be rich at once, agreed "to go on the account"—a cant term, by which pirates designate their nefarious occupation. The first who fell into their hands was a Captain Prince, bound from Jamaica to London, with a rich cargo, and a fine vessel, adapted to the purposes of marine warfare. She was called The Whidaw. A part of her crew joined Bellamy, making his crew amount, in all, to an hundred and fifty men. He armed her with twenty-eight guns, so that she was one of the strongest piratical vessels that ever cruised on the coast of the United States. This adventure took place in the month of February, seventeen hundred and seventeen.

Thus provided, Bellamy steered to the shores of Virginia, where he took several vessels. He had, at the outset, like to have been cut off in his course of iniquity, for the Whidaw was very near being lost in a storm. At the first appearance of bad weather Bellamy took in sail; which was scarcely done, when a squall struck the ship and threw her on her beam ends. However, she righted, and as the wind increased toward night, the top and topgallant yards were sent down, and she ran before the wind under her forsail only, and finally under bare poles. Four men at the tiller and two at the wheel, could scarcely keep her from broaching to, which she was nigh

doing more than once. As the darkness thickened around, the horror of their situation became more apparent. The darkness of the night was total—such as, to use a quotation from holy writ, “might be felt,”—and was only broken by the blinding and incessant flashes of lightning. Every sea washed the deck, and tremendous claps of thunder seemed to intimate the wrath of the Supreme. It might be supposed that this jarring of the elements would have awakened contrition in the breasts of these unhappy wretches, but instead of this, they endeavored to drown the voice of sea and air with fibaldry, and the most atrocious blasphemies. Bellamy swore that he was sorry he could not run out his guns to return the salute, meaning the thunder. He said he believed the Gods had got drunk, and were gone together by the ears over their tipple. We will not repeat more of his impiety. They continued scudding all night, and the next morning, finding the mainmast sprung in the step, they were obliged to cut it away, and at the same time the mizzen went by the board. These mishaps renewed the blasphemies of the pirates, and their vociferations became louder when they found, by trying the pumps, that the ship made a great deal of water; though by constant labor they could keep it from gaining on them. The sloop in which Bellamy had at first sailed, and which still accompanied him, was abandoned to the mercy of the winds, but did not lose her mast. The wind shifted all round the compass, making a short and outrageous sea, so that their expectations of outliving the gale were small. One surge broke upon the stern, drove in the tafferel, and washed two men away from the helm, who were, however, saved by the hammoc nettings. Thus the sea continued to rage four days and three nights, when it abated of its fury.

As the weather was now clearing up, and the wind hourly decreasing, Bellamy spoke the sloop, and find-

ing that she was not damaged, determined to steer for the coast of Carolina. But the wind suddenly shifting to the southward, he resolved to change his course and sail to Rhode Island. The Whidaw's leak still continued, and it was as much as all the pumps could do to keep the water from gaining. Upon examination it was found to be owing to the oakum having worked out of a seam, which was easily remedied. Having set up jnymasts, they became very merry again, especially as the sloop had received no other injury than the loss of her mainsail, which was torn out of the boltropes when the squall first struck her. Having reached the waters of Rhode Island, about the first of April, their first exploit was to take a sloop belonging to Boston, commanded by a Captain Beer. While they plundered his vessel, they detained Beer on board the Whidaw. Williams and Bellamy would have returned the vessel, but their men would not consent to it; for where the commander has no virtue, and has forfeited all claim to respect, there is never any obedience. So they sunk the vessel, and put Beer ashore on Block Island.

A conversation that took place between Beer and Bellamy, proves the latter to have been an acute, though ignorant man. "I am sorry they won't let you have your sloop again," said he, "for I scorn to do any one a mischief when it is not of any advantage to me. D—n the sloop; why must they sink her, when she might be of use to you. But you are a sneaking puppy, and so are all those who will submit to be governed by laws that rich men have made for their own safety. They get what they have by lying and tricking, and hav'nt the wit to defend it any other way. D—n you all together. D—n them for a pack of crafty rascals, and you that serve them, for a pack of henhearted numskulls. They run us down, the scoundrels do, when there is only

this difference between us, that they rob the poor under cover of the law, and we plunder them with no protection but our own courage. Had you not better make one of us, than sneak after such villains for employment?"

Beer replied, that his conscience would not suffer him to break the laws of God and man.

"You are a devilish conscience rascal!" rejoined the pirate; "I am a free prince, and I have as much right to make war on the world, as he that has a hundred sail at sea, and an army of an hundred thousand men ashore. *My* conscience tells me that. But there is no arguing with such snivelling puppies, that allow superiors to kick them about the deck as they please."

The pirates, wanting neither provision nor water, and the Whidaw's damage being repaired, passed the time very jovially.

A fortnight after setting Capt. Beer ashore, Williams boarded and took a vessel off Cape Cod, laden with wine; the crew of which increased the number of their prisoners. They put seven men on board the prize, with orders to keep company with the ship and sloop, and left on board her the master.

As they had been long off the careen, they stood away to the northward, and made the best of their way to Penobscot river. When they were at the mouth of it, it was thought more eligible to careen in the river Mechisses. They entered it as agreed, and run up about two miles and a half, where they came to an anchor with their prizes. The next morning all the prisoners were set ashore with drivers, and orders to assist in building huts; the guns were also set ashore, and a breast work raised, with embrasures for the cannon on each side of the river. This took up four days. A magazine was dug deep in the earth, and a roof raised over it by the poor slaves, the prisoners, whom they treated after the same manner

as the negroes are used by the West-India planters. The powder being secured, and every thing out, they hove down the sloop, cleaned her, and when she had all in again, they careened the Whidaw by the largest prize.

They now thought of cruising again, and accordingly steered for Fortune's Bay in Newfoundland. They made some prizes on the Banks, forced all the men, and sunk the vessels.

They had not been long on this coast before they were separated by a storm, which held some days. Off the island of St. Paul the Whidaw descried a sail, which she immediately gave chase to. The ship brought to and lay by for her, and proved a Frenchman of 36 guns, carrying soldiers to Quebec. The Whidaw engaged with great resolution, and the French did not show less, for he boarded the Whidaw and was twice put off, with the loss of men on both sides. Bellamy, after two hour's engagement, thought the Frenchman too hard a match, and was for shaking him off; but his enemy was not as willing to part with him, for he gave chase, and as he sailed altogether as well as Bellamy, the latter had certainly been taken, and had received the due punishment of his crimes, had not the night coming on favored his escape. He lost in this engagement 36 hands, besides several wounded.

Returning to Newfoundland, Bellamy rejoined his consorts off Placentia Bay; when they held a council, and agreed to return to the coast of New-England, as the Whidaw had suffered severely in the last engagement, and had a great many shot holes in her hull. They ran down the coast, and took a vessel called the Mary Anne, between St. George's Banks and Nantucket Shoals.

Williams still retained command of the wine vessel, on board which her rightful master remained. He was well acquainted with the coast, and Williams

compelled him to act as pilot, keeping him constantly at the helm. He was determined on revenge, and one night when Williams and his men were intoxicated, according to custom, he ran the ship ashore near the table land of Wellfleet, on Cape Cod. The night was dark, and the wind high: every soul on board, excepting the pilot, perished; an example, if an example were needed, of the evils and dangers of intemperance.

The Whidaw, followed in the wake of her consort, was wrecked in the same manner, and all her company but two, lost their lives. It is supposed, that when the Whidaw first struck, the pirates murdered all their prisoners and impressed men, as many of the bodies came on shore shockingly mangled. The sloop ran ashore on a sandy beach, and five of her crew landed and escaped into the country. Captain Cyprian Southack was sent in search of them by the government of Massachusetts.

He arrived at Wellfleet just after the sea had forced a passage across the cape, and made such a channel that he passed through it in a whale boat. This channel was soon closed, and has ever since been kept so, by the attention of the inhabitants, or, it is probable, that twenty or thirty miles of the extremity of this wonderful arm of land would have been washed away long before this time.

Captain Southack found and buried the bodies of an hundred and fifty two men, pirates and others, which had been washed on shore. Of those captured, six were tried in Boston by a special court of admiralty, convicted, condemned, and executed. They were all foreigners, the dregs of mankind. Five of them died penitent, the sixth behaved with unexampled contempt. When asked if he had any thing to say, he kicked off his shoes, saying, "that his mother always said he would die with his shoes on, and he was resolved to make a liar of her."

Thus ended Samuel Bellamy, and his crew. From the clearness of the water, and the whiteness of the sandy bottom, objects can be seen at a great depth about the spot where he was wrecked. Even to this day, the great caboose of the Whidaw is sometimes discovered, as the loose sand in which it is imbedded is shifted from place to place by the turbulence of the sea. Some of the coppers of the reign of William and Mary, and specimens of cob dollars, are still occasionally found on the beach.

For many years after the shipwreck of the good ship Whidaw, a man of singular and frightful aspect, used every spring and autumn to be seen traveling on the cape, who was supposed to have been one of Bellamy's crew. The presumption is, that he went to some place where money had been secreted by the pirates, to get such a supply as his exigencies required. When he died, many pieces of gold were found sewed in a girdle which he constantly wore about him.



ROBERT KIDD.

THE subject of this sketch was not a native of the United States, and neither was he convicted or executed here; but as our coast was the place from whence he started on his career of crime, and as his name is familiar to every American, we have judged it not improper to incorporate in this work, some of the most prominent events of his life. His crimes have been the groundwork of many a legend, and his supposed "last words and dying speech" beginning thus,

" My name was Captain Kidd,
As I sailed, as I sailed;
My name was Captain Kidd;
And most wickedly I did
As I sailed,"

has been hawked about the streets of our principal cities in a ballad. Yet, though all know that he was tried, convicted, and executed as a pirate, few are acquainted with the nature or extent of his crimes.

The earliest accounts of him, state that he was a mariner of good credit and fair reputation. In the early part of the reign of William the Third, he commanded a privateer in the West Indies; and by his bravery and good conduct earned the character of a gallant officer, and skillful seaman. In such esteem was he, that the Lord Bellamont, then Governor of Barbadoes, recommended him to the crown as a person fitted to suppress piracy, then very prevalent in those parts, by his knowledge of the West Indian seas, and acquaintance with the haunts of these depredators. Lord Bellamont, therefore, advised that the command of a government ship should be entrusted to him for this purpose. This suggestion met with no attention, which was the more pity, as great injury to commerce was the consequence of the neglect.

About this time the pirates had made several very important captures, and it was supposed that immense wealth was accumulated at their places of rendezvous, in the smaller West India Islands. Under this impression, Lord Bellamont and others, fitted out an armed vessel, the command of which they gave to Captain Kidd, hoping to find their account therein. To give their undertaking the support of law, as well as to insure subordination among the crew, they procured the King's commission for Kidd, of which the following is an authentic copy.

“WILLIAM REX.

WILLIAM THE THIRD, by the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c. To our trusty and well beloved Captain Robert Kidd, commander of the ship the Adventure Galley, or to any other, the commander of the same for the time being, **GREETING** :

Whereas, we are informed that Captain Thomas Too, John Ireland, Captain Thomas Wake, and Captain William Maze, or Mace, and other subjects, natives or inhabitants of New-York, and elsewhere, in our plantations in America, have associated themselves with divers others, wicked and ill-disposed persons, and do, against the laws of nations, commit many and great piracies, robberies, and depredations on the seas upon the parts of America, and in other parts, to the great hindrance and discouragement of trade and navigation, and to the great danger and hurt of our loving subjects, our allies and all others, navigating the seas upon their lawful occasions. Now Know YE, that we being desirous to prevent the aforesaid mischiefs, and as much as in us lies to bring the said pirates, freebooters, and sea rovers to justice, have thought fit, and do hereby give and grant to the said Robert Kidd (to whom our commissioners for exercising the office of Lord High Admiral of England, having granted a commission as a private man of war, bearing date the eleventh day of December sixteen hundred and ninety-five,) and unto the commander of the said ship for the time being, and unto the officers, marines, and others, which shall be under your command, full power and authority to apprehend, seize, and take into your custody, as well the said Captain Thomas Too, John Ireland, Captain Thomas Wake, and Captain William Maze, or Mace, as all other such pirates, freebooters, and sea rovers, being either our subjects, or of other nations associated with them, which you shall meet with upon the

seas or coasts of America, or upon any other seas or coasts, with all their ships and vessels, and all such merchandizes, money, goods, and wares as shall be found on board or with them, in case they shall willingly yield themselves; but if they will not yield without fighting, then you are by force to compel them to yield. And we also require you to bring, or cause to be brought, such pirates, freebooters or sea rovers, as you shall seize, to a legal trial, to the end they may be proceeded against, according to the law in such cases. And we do hereby command all our officers, ministers, and others our loving subjects whomsoever, to be aiding and assisting to you in the premises. And we do hereby enjoin you to keep an exact journal of your proceedings in the execution of the premises, and to set down the names of such pirates, and of their officers and company, and the names of such ships and vessels as you shall by virtue of these presents take and seize, and the quantities of arms, ammunition, provision, and lading of such ships, and the true value of the same, as near as you can judge. And we do hereby strictly charge and command you, as you will answer the contrary at your peril, that you do not, in any manner, offend or molest our friends or allies, their ships, or subjects, by color or pretence of these presents, or the authority thereby granted. In witness whereof we have caused our great seal of England to be affixed to these presents. Given at our court of Kensington, the twenty-sixth day of January, sixteen hundred and ninety-five, in the seventh year of our reign.

WILLIAM REX."

Capt. Kidd had also another commission from the King of England, called a Commission of Reprisals, to justify him in taking French merchant ships, in case he should meet with any, England being then at war with France.

With these two commissions he sailed from Plymouth, for the city of New-York, in May, sixteen hundred and ninety-six, in the Adventure, of thirty guns, and eighty men. On his passage he took a French merchant vessel, according to the authority in his commission of Reprisals.

As he proposed to deal with desperate enemies; when he arrived at New-York he set up a rendezvous, and issued a handbill, in order to enlist more men. The terms he offered were sufficiently liberal: every seaman was to have a share in what should be taken, after a reduction of forty shares for himself and owners. This encouragement soon increased his company to an hundred and fifty-five men.

This done, he sailed to Madeira, where he took in wine and necessaries, and thence to Bonavista, one of the Cape de Verd Islands, to furnish the ship with salt. At St. Jago, another of the Cape de Verd group he obtained provisions. After this he steered for Madagascar, where a formidable crew of pirates was then established, and made the coast in February, sixteen hundred and ninety-six, just nine months subsequent to his departure from Plymouth. It so happened that, at the time of his arrival, all the pirate ships were absent; and getting no satisfactory intelligence respecting them, Captain Kidd, after watering his ship and procuring a fresh supply of provisions, sailed for the coast of Malabar, which he reached in the following June. Hereabout he cruised for awhile, without the smallest success, till his provisions failed and his ship needed repair. At Johanna he borrowed money from some Frenchmen, who had been cast away, but had saved their effects, and with it he managed to refit the Adventure.

It does not appear that during all this time he had any intention to commit piracy, for it is known that he met several richly laden India ships, to which he did not the smallest injury, though he was amply provided

with the means. The first transgressions on record, was a robbery he committed on the natives of a place called Mabbee, on the Red Sea, from whom he took a quantity of corn by force. After this depredation, he sailed to Bale's Key, a little island at the entrance of the Red Sea. Here he first advised his crew of his intentions. He informed them that he meant to change his measures; and speaking of the expected Mocha fleet, he said, "We have hitherto been unsuccessful; but courage my boys! we shall make our fortunes out of this fleet." Finding his men very willing to embrace piracy as a business, he sent a boat to explore the coast and make discoveries. It returned in a few days with the tidings that fourteen or fifteen ships were coming, some English, some Dutch, and some Moorish.

At first Kidd had meant well, while his hopes of making a fortune out of the spoils of the pirates lasted; but now, discontented at his want of success, and fearing lest his owners in their disappointment, should dismiss him, and that so he should be brought to want, he resolved, since he could not succeed in one business, to try another.

He ordered a constant watch to be kept from the mast head, lest the fleet before mentioned should pass unobserved. In a few days, and toward evening, the fleet hove in sight, convoyed by two men of war, one under Dutch, and the other under English colors. Kidd steered into the midst of the fleet, and fired into a Moorish ship, when the armed vessels bearing down upon him, he was forced to sheer off, as he was not strong enough to cope with them. But in piracy as in many other things, *ce n'est que le premier pas qui coûte*, and as he had now begun hostilities with mankind, he determined to persevere, and so continued his cruise, on the coast of Malabar. His first prize was a Moorish vessel belonging to Aden, the owners of which were native merchants. The master was an Englishman named Parker, and there was also a Portuguese, by the

name of Antonio, on board. These men Kidd impressed, intending to use the former as a pilot and the latter as an interpreter. He used the Mahometan crew with great barbarity, tying them up and scourging them, to make them discover whether they had money. As they had neither gold nor silver, he gained nothing by his cruelty but one bale of pepper and another of coffee, which he took from them before he let them go. It would seem that one act of piracy is enough to render men bloody and barbarous; for there are few cases within our knowledge, where the sufferers have not been personally maltreated as well as robbed. Highway robbers are not unfrequently known to carry on their trade with some degree of generosity and humanity, whereas the very reverse is the case with pirates.

Kidd then touched at Carawar, a place on the same coast, where the report of the offence he had committed had arrived before him. Some English merchants in the place had been advised of it by the owners of the plundered vessel, and two of them came on board and inquired for Parker and Antonio. Kidd denied that he knew any such persons; he had indeed, confined them in the hold, where he kept them out of sight till he weighed anchor.

However the whole coast was alarmed, and a Portuguese man of war was sent out to cruise. Kidd met with her, and fought her about six hours, gallantly; but finding her too strong to be taken, he quitted her; for he was able to run away from her when he would. He then went to a place called Porca, where he watered the ship, and bought a number of hogs of the natives to victual his company.

Soon after this, he came up with a Moorish ship, the master whereof was a Dutchman, called Schipper Mitchell, and chased her under French colors, which they observing, hoisted French colors also; when he came up with her, he hailed her in French, and they

having a Frenchman on board, answered him in the same language; upon which he ordered them to send the boat on board; they were obliged to do so, and having examined who they were, and from whence they came, he asked the Frenchman, who was a passenger, if he had a French pass for himself; the Frenchman gave him to understand that he had. He then told the Frenchman he must pass for captain, and by —, says he, you are the captain: the Frenchman durst not refuse doing as he would have him. The meaning of this was, that he would seize the ship as fair prize, and as if she had belonged to French subjects, according to a commission he had for that purpose; though, one would think, after what he had already done, that he need not have had recourse to a quibble to shield him from the law.

In short, he took the cargo, and sold it sometime after; but it seems he was not altogether without misgivings of what the end of his proceedings would be, for on coming up with another Dutch ship, while all his crew were eager to attack her, Kidd alone opposed it. A mutiny took place, and a part of the crew armed themselves, and manned a boat in order to board the Dutch vessel, but Kidd told them that if they left the Adventure they should never come on board again, upon which they desisted. He then kept company with the Dutchman some hours, without offering any violence. Man seldom stops in the road of guilt, and so was seen of Kidd.

This very adventure caused him to add murder to the dark catalogue of his sins. One Moor, the gunner of the Adventure, was talking with him some days after on the subject of the Dutch ship, and hard words passed between them. Moor told our pirate that he had ruined the whole ship's company, whereat Kidd called him a dog, and seizing a bucket, struck him on the head with it. The blow fractured his skull, and he died the next day.

At first the freebooter was somewhat affected at the death of his follower in iniquity, and resolved to reform. He also read the scriptures diligently, but, unhappily, his penitence was of short duration, vanishing at the sight of the first vessel he saw. Following the coast of Malabar, he plundered a great many boats and small vessels, as well as a large Portuguese ship, of which he kept possession a week, and finally took from her a considerable part of her cargo. Shortly after he went to one of the Malabar islands for wood and water, where the natives killed the ship's cooper, who was so imprudent as to go ashore alone. Kidd landed, and burned and pillaged several houses, but the people fled. However, he took one, whom he tied to a tree and shot. Then putting to sea he took the greatest prize that ever fell into his hands, being a Moorish ship of four hundred tons burden, owned by natives and commanded by an Englishman, and named the *Queda*. Kidd chased her under French colors, and having come up with her, ordered the master to hoist out his boat and come on board the *Adventure*. He was obeyed. He told the master that he was a prisoner, and inquired of him who were on board the *Queda*. There were two Dutchmen and one Frenchman, but all the rest of the crew were Indians and Armenians; for it was at that time the custom of the Mahometans to man their vessels with natives, while the command was given to an European, as being more skilfull in navigation. The Armenians on the prize were part owners of her, and Kidd told them they must redeem themselves and their vessel with money. They offered him twenty thousand rupees, but he was not satisfied with the proffer. He therefore set the crew ashore at several places on the coast, and sold as much of the cargo as brought him about forty thousand dollars. He also traded with a part of it, receiving in exchange provisions, and such other articles as he needed, till by degrees he disposed of nearly the whole. The natives

of the coast came on board the *Adventure*, and Kidd trafficked with them in good faith, till he was ready to sail, when he took their goods from them, and set them ashore without payment. They said of this proceeding, that they had been used to deal with pirates, and had always found them enemies to deceit, honest in the way of trade, and that they scorned dishonesty of any fashion but their own. Kidd, they said, was the first who had behaved in a contrary manner. Nevertheless, the pirate divided the spoil, reserving to himself forty shares. His own part amounted to about eight thousand pounds, and his crew received two hundred pounds each.

Kidd put some of his men on board the *Queda*, and sailed in company with her to Madagascar. He had hardly dropped anchor when a canoe came along side, in which were several English pirates whom he had formerly known. They saluted him, and said they had heard he had come to take and hang them. This they thought would be less than kind in an old acquaintance. Kidd removed their fears by swearing that he had no such design, and that he was now one of them, and as bad as they. Then, calling for liquor, he drank the health of their captain.

These men belonged to a piratical vessel which lay at anchor close by. She was named the *Resolution*, and was commanded by one Culliford. Kidd went on board the *Resolution*, and offered his friendship and assistance to his brother robber; and Culliford, in turn, visited the *Adventure*, and reciprocated the offer. Finding Culliford in want of some necessaries, Kidd presented him with an anchor and several pieces of cannon, in token of sincerity.

The *Adventure* was now so old and leaky that she could be kept afloat no longer, for vessels decay rapidly in the East Indian seas. Kidd, therefore, shifted her guns and tackle to the *Queda*; and as he had already divided the money, he now made a division of the re-

mainder of her cargo. Soon after, the greater part of his crew left him. Some joined Culliford, and some gained the interior. He had but forty men left, but put to sea notwithstanding, and sailed to Amboyna.

The name of Kidd was now the terror of the Indian seas, and indeed famous, or rather infamous, all over the civilized world. His piracies had created so much alarm among the English merchants, that several motions were made in Parliament to inquire respecting the commission he had obtained, and the conduct of the persons who had fitted him out. Public indignation pointed particularly to Lord Bellamont, and that nobleman thought it incumbent on him to publish an account of his proceedings. In the meanwhile it was deemed proper to issue a proclamation, offering the King's free pardon to all such pirates as should surrender themselves before the last day of April, sixteen hundred and ninety-nine, of whatever crimes they might have been guilty. This amnesty, however, only extended to misdemeanors committed east of the Cape of Good Hope, as far as the meridians of Soccatara and Cape Cormorin, and Kidd with some others was excepted, by name.

It was on his arrival at Amboyna that he first learned that his fame had reached England, and that he was esteemed a pirate, but it is probable that he heard nothing of the proclamation, otherwise his subsequent conduct appears like insanity. He had found sundry French documents on board the ships he had captured, and imagined that he could so use them as to give his deeds the sanction of law. He relied, too, upon the protection of Lord Bellamont, and flattered himself that his booty would gain him new friends: well knowing that wealth, like charity, is a cloak for many sins. Thinking, therefore, that his doings would be hushed up, and that Justice would wink at him, he sailed directly to New-York. He had no sooner arrived, than he was taken into custody by order of the Lord Bellamont, and his papers and effects were secured.

About this time, many of his fellow adventurers, hearing of the royal proclamation before mentioned, came to America, and surrendered themselves to the proper authorities. These were the men who had forsaken Kidd at Madagascar. On their surrender they were at first admitted to bail, but soon after they were strictly confined, in order to be sent to England with Kidd, for trial.

Accordingly, Kidd was arraigned at the Old Baily, for piracy, and for the murder of Moor, the gunner, in May, seventeen hundred and one. Nicholas Churchill, James How, Robert Lumley, William Jenkins, Gabriel Loff, Hugh Parrot, Richard Barleycorn, Abel Owens, and Darby Mullins, were at the same time arraigned for piracy.

Kidd, on his trial, insisted much on his own innocence, and the wickedness of his crew. He said that he had embraced a laudable business, and had had no need to increase his store by piracy, having been in good circumstances and reputation. He stated that his men had often mutinied, and had threatened to shoot him in his cabin; and moreover, that ninety-five had deserted him at one time, and had burned his boat, so that he had been unable to bring home his ship, or the prizes he had taken, in order that they might be condemned in a regular manner. He affirmed that they were French vessels, furnished with French papers, and had been lawfully captured, by virtue of his commission.

Being accused of aiding and comforting Culliford, who was notorious as a pirate, he denied the fact, and said that he meant to have taken him, but that his men had refused obedience, and many of them had even deserted to Culliford. But the evidence on this particular was full and particular.

He called one Colonel Hewson to testify that he had always borne a good character. The witness declared that he had formerly served under Kidd,

and had been with him in two battles with French vessels, in which his skill and courage could not be too much praised. In one case Kidd, with two vessels only, had given battle to a squadron of six sail, and had the better of them. But this testimony was foreign to the matter, as it related to a period several years before the acts mentioned in the indictment were committed, and was of no service to Kidd.

Our pirate was found guilty of both indictments. When he was asked why sentence of death should not be pronounced against him, he replied, "that he had nothing to say, but that perjured wicked people had sworn against him." When sentence was pronounced, he exclaimed "My Lord! it is a very hard sentence. I am the most innocent of them all; but the witnesses have perjured themselves."

Churchill and How pleaded the royal pardon, and proved that they had surrendered to Colonel Bass, governor of Jersey. This plea was overruled by the court, on the ground that four commissioners had been named in the proclamation to receive the submission of pirates, and that no other person could receive their surrender. Wherefore, as the prisoners had not complied with the strict letter of the proclamation, they were not entitled to its benefits.

Mullins urged in his defence, that Kidd was his lawful superior, having the king's commission, and that he could not have disobeyed his commander without incurring severe punishment. He said that seamen were never allowed to call their officers to account, or to question their orders; if they were, there would be an end of all discipline. He thought that if anything unlawful were done, the officers should answer for it, as the men did no more than their duty in obeying their commands.

He was told by the court, that acting under the king's commission justified obedience in all things lawful, but not in things unlawful.

He answered, that he needed no justification in doing lawful things, but that the case of seamen was very hard, if they were to risk their lives by obeying their officers, and at the same time be liable to punishment for disobedience. If they were allowed to dispute their orders, there would be no such things at sea as order and subordination.

This defence seems very plausible, and if Mullins obeyed illegal orders, through ignorance or a sense of duty, it would seem unjust that he should be punished for it; but it was proved that he had taken a share of the plunder. It appeared, moreover, that the crew of the Adventure had mutinied several times; whence it appeared that they did not obey Kidd on account of the king's commission, but as a pirate chief, and that they had behaved in all things like pirates and freebooters. These considerations moved the jury to find Mullins guilty, like the rest.

Previous to his execution, Kidd's hardihood forsook him, and he made confession of his crimes. About a week after sentence was pronounced he was hanged at Execution Dock, together with Churchill, How, Loff, Parrot, Owens, and Mullins. When they were dead, they were hanged in chains, at some distance from each other, along the banks of the Thames, and there the bodies remained exposed many years.

These are the principal events in the life of this notorious freebooter. How it should be a generally received opinion that he haunted the coast of America, or how it should be believed that he sailed up the North River, and hid money there, and at other places, we can not explain, for there is no evidence that he committed any crime in any part of the Atlantic. Yet such is a very common belief. Perhaps tradition has blended his lawful exploits in the West Indies, with his piracies in the Indian Ocean. On account of this opinion, we have given him a place in this work.

JOHN VAN ALSTINE.

VAN ALSTINE was born at Canajoharie, Montgomery county, New-York, in the year seventeen hundred and seventy-nine. He was an only son and on that account was treated with injudicious indulgence. He was a youth of strong natural parts, ambitious, and so active and industrious that from the age of twelve years his parent confided to him the management of his farm and the chief control of his affairs. His education was such as is usually given to the sons of husbandmen; he could read and write, and knew something of figures. In seventeen hundred and ninety-five, the family removed to Sharon in Schoharie county, and the year after the elder Van Alstine died, leaving the subject of this memoir at the age of sixteen to support a mother and three sisters.

His worldly affairs prospered: his anxiety to acquire property stimulated him to uncommon exertions which were crowned with success. He gained considerable money by the barter of petty articles, and finally became a jockey and dealer in horses. In all these matters he held fast to his integrity, but his desire of getting and keeping money grew by habit into a passion, which finally brought him to an untimely and ignominious death. Nevertheless, he was for a long time considered one of the most respectable men in the neighborhood.

After a courtship of five years he married a young woman to whom he was warmly attached, and whose character justified his affection. Their harmony was never interrupted, and in all his crosses and afflictions she sustained her proper part; that of a kind, tender, and obliging helpmate. One affliction only had its source in his marriage. Two years after it took

place a dispute arose between his wife and the other members of his family. Van Alstine took part with his wife, and in consequence his mother and sisters left his house. After this event his fortune seemed to undergo a change, and his affairs did not prosper as before.

This change was in some measure owing to his peculiar character. He was, though a man of kind and warm feelings, very irritable and obstinate. He was close and prudent in his affairs, but the poor man never went away empty from his doors. He was easily moved by persuasion, but could not be swayed in the least by opposition or harshness; on the contrary he became more inflexible as difficulties thickened around him. His stubbornness was so great that when engaged in lawsuits with his neighbors, he would make any sacrifice rather than make the slightest advance toward an amicable arrangement. His temper, we have said was violent, but he was easily appeased, and it never caused him to raise his hand to strike, but in two instances. Once he killed a refractory horse of his own in a moment of passion: the other instance will presently come under consideration. Deliberate injury he never committed, unless he had been previously wronged. In such cases he often carried his revenge so far as to hurt himself. His character was partly constitutional, partly owing to the way in which he was brought up. The only other fault with which he can be charged was an inordinate fondness for horse-racing, which led him into many troubles. He was so fond of this pastime that he would ride sixty miles to enjoy it, neglecting his business. This conduct brought embarrassments on his property, which had become considerable, and these rendered him more irritable and morose than he would otherwise have been. It is painful to see a man so estimable in many things so led astray by passion as to imbrue his hands in the blood of a fellow-creature.

In the year eighteen hundred and eighteen Van Alstine was involved in lawsuits, the result of which was that a part of his property was advertised to be sold for the benefit of one Horning, his creditor. At a former sale of part of his property on a like account, Van Alstine had, or thought he had just cause of complaint against William Huddlestone, the sheriff. On the present occasion the sale was appointed to take place on the nineteenth of October, and on that day, Van Alstine remained in his house till the afternoon, but finding that no person came, he went into one of his fields and began to harrow it. While he was thus at work, four men came up on horseback, and he went with them to his house, leaving his horses in the field in their harness. One of them asked if there was not to be a vendue at his house, and he replied, "Yes, they are always having vendues, but they may sell and be d—d. If they take my property they will be glad to bring it back." He also abused Mr. Huddlestone in no measured terms. While they were thus conversing the unfortunate sheriff rode up, and Van Alstine asked why he had not come before, as they had been waiting for him. Mr Huddlestone said it was time enough, and asked if Van Alstine had any money for him. He replied, "No, and I don't want any." The others then rode off leaving Van Alstine and the sheriff together.

Mr. Huddlestone told Van Alstine that the sale was postponed for a week, but that he had another execution against him and asked if he could pay a small sum on an old one. He answered that perhaps he could, and Mr Huddlestone then proposing to give his horse some oats they went to the barn together. They had to pass through a fence and Van Alstine let down the bars. While the sheriff was leading his horse over, Van Alstine in a jocular manner remarked that he would take his own horse and run away. Huddlestone answered that he had better not, as he should

follow him. Van Alstine now gave the horse some oats, and the sheriff sat down on a bushel measure to calculate the sum due on the old execution, which amounted to about eight dollars. Van Alstine asked to see the last execution, and the sheriff showed it to him, without, however, letting it go out of his hands. He then said that he had been ordered to collect the whole sum due on it, without allowing for the payment of sums of which Van Alstine held receipts. These words put the miserable man in an outrageous passion, and without the least hesitation he struck Huddlestone a violent blow with an oaken bar that he held, and felled him to the floor. He then repeated the blow, beat out one eye and fractured the skull of his victim. The weapon was a heavy one, being the bar used to fasten the barn doors.

Compunction succeeded anger; he dropped his club and at the same moment perceived his two sons coming toward him. Thinking they had seen something he jerked the body into the barn by the foot, and ran to meet and prevent them from coming nigh. Having sent them away on other errands, he returned, dragged the corpse of his victim into a corner of the barn, and covered it with straw. Then to divert suspicion he busied himself in chopping wood, all the while resolving in his mind the means of concealing the body. Had he dug a grave in the green sod it would have attracted immediate notice, and he therefore determined to bury Huddlestone in the ploughed field he had been harrowing. Having formed this resolution he went home to sup, and await the darkness.

It was a bright moonlight night; and as the homicide was executing his purpose conscience raised up a thousand witnesses of his doings. After digging the grave he went to the barn, took what money was in the pockets of the deceased and shouldered the body. He carried it by a round about way to the grave, to avoid being seen, a distance of four hundred

yards, without once stopping. On the way he was obliged to climb over a fence with his load on his shoulder. At every sound he fancied he heard the footsteps of a pursuer. He then took off his victim's boots, threw him into the hole and covered him up. He hid the boots under a stone, and an inkstand that had been in Huddlestons pocket under a fence. All the bills he had taken, excepting a three dollar note, he put into a stump, where they were afterwards found nibbled by mice. Nothing now remained but to dispose of the sheriffs horse, and had he attended to this on the same night he might have escaped detection. Instead of so doing he went home and went to bed.

He rose in the morning at day-break, and rode the horse about half a mile from his house to a bridge, under which he hid the saddle. He next took the animal into a swamp and tied him to a sapling, returned, and harrowed over the grave. He also endeavored to efface the stains of blood from the fence over which he had taken it. A little before sunset he went and loosened the horse which run half a mile before he could lay hands on him again. Just as he had caught the horse he saw that he was observed by a woman, and putting a bold face on the matter he led the animal directly toward her. After this he hid the horse at different times in different places.

When Huddlestons was missed suspicion fell upon Van Alstine. He had passed the bill he took from the deceased, and it was observed to be stained with blood. On the sixteenth of the month conversing with a neighbor on the subject, he declared his belief that the sheriff had absconded with the money he had collected. He said it had been intimated to him that he had killed Huddlestons, that he had received the bill before mentioned from a friend whom he could produce if that would give any satisfaction. Having learned that a search for the body was to be made the next day, he went and hid Huddlestons horse in what he thought

a safe place in the woods, and returned home. He went to bed without any intention of escaping.

He awoke about midnight and his wife observing that he had been speaking about removing, and if he chose to go and look for a place she was willing and would take good care of his affairs in his absence. He asked her why she spoke in this manner, and she answered that every thing seemed to turn against him. He demanded to know if she believed him guilty, of the murder. She replied that she did not know. Guilty as he was Van Alstine could not bear to lower himself in this affectionate woman's esteem by acknowledging his crime. He said he should probably be apprehended the next day on suspicion, and that he would as lief be in hell as in jail. He added however that if he took to flight suspicion would be stronger. Finding that she wished him to escape, he arose, carried a saddle to Huddlestons horse and took the road to Canada.

The search took place the next day and the body was found, as well as the bills and other articles Van Alstine had secreted. Blood was observed on the fence and in the barn where the murder had been perpetrated.

The homicide reached Kingston, in Canada, in safety, passing by the name of John Allen. Here he fell in with one Page, who showed him a proclamation offering a reward for his apprehension. Thence he went to Buffalo and embarked on board a schooner, intending to proceed to Sandusky or some other remote town in the western states. Opposite Long Point a head wind compelled the vessel to anchor and increased in violence till she parted her cable. During the storm the clothes which Van Alstine then had on were wet, which caused him to change them for the identical suit described; and a passenger on board by the name of Slocum having a copy of the governor's proclamation compared him with the description in it

and came to the conclusion that he was the fugitive indicated. As soon as the schooner reached the shore, which she did at Black Rock, Slocum caused him to be arrested and lodged in Buffalo jail. He persisted in calling himself Allen till he was identified by a person who had seen him before. He then gave up all thoughts of concealment, and was conveyed to Schoharie.

He avowed that when apprehended at Buffalo he was strongly tempted to commit suicide, and went so far as to attempt to strangle himself with his neckcloth. He thought more than once on the road to Schoharie of throwing himself headlong out of the carriage, but the thoughts of what must be the punishment of such a crime in the next world deterred him.

On the sixteenth of November he was arraigned and pleaded not guilty. It was proved that the spectacle case of Huddlestone was found in the straw where his body had lain; and that Van Alstine had pretended to have paid the executions against him, wishing to make it appear that the sheriff had absconded with the money. It appeared too in evidence that he had made use of ambiguous expressions touching the intended sale of his property, which were now construed unfavorably for him. The fact of his having fled on Huddlestone's horse was also clearly established. His guilt was made apparent by other incontestible evidence, and the jury brought in a verdict of guilty. The chief justice then asked him if he had any reason to offer why sentence of death should not be pronounced, and he replied that he had none. Sentence was then pronounced.

He was executed pursuant to his sentence.

STEPHEN MERRIL CLARK.

This person was a youth who never attained the age of eighteen years. He was the son of respectable parents in the town of Newburyport, where he resided all, or the better part of his life. He was a boy of profligate habits and bad character. No incident of his short and evil life possesses the smallest interest, excepting the crime for which he suffered capitally. We ask no youth to be deterred from the like offences by his ignominious death, for we do not believe a heart so utterly ignorant and depraved as his, beats within the boundaries of the Union. If, however, his story should hinder one individual from following the courses which confirmed his natural hardness of heart, we shall have rendered a service to the community.

On the morning of the seventeenth of August, eighteen hundred and twenty, Mr. Fitz, a gentleman who dwelt in Temple street, Newburyport, perceived that a barn belonging to Mrs. Phœbe Cross, about seventy yards from his own house, was on fire. This was before daylight. He went to the house of Mr. Frothingham, opposite to the burning building, and awoke the family. Scarcely had they escaped when their house caught fire, and within an hour was burnt to the ground. Two more dwelling houses and five or six other buildings were also consumed.

Many circumstances concurred to prove this conflagration to be the work of an incendiary, and suspicion was strong against Stephen M. Clark. To shield him from the consequences, his father sent him to Belfast in the state of Maine; but before he went he told one Hannah Downes that he would return and set fire to the town in four different places. This girl was an inmate of a brothel kept by a Mrs. Chase. As soon as the youth was found to be missing public indignation was directed against these women, and they were sent

to prison as lewd and lascivious characters. Hannah Downes was discharged a week after, but Mrs. Chase remained a month, after which she became the servant of Mr. Wade the keeper of the prison, in which capacity she behaved with strict propriety.

Young Clark returned to Essex county in September. On the twenty-second of that month, as he was passing by Mr. Wade's house on his way to Newburyport, Mrs. Chase saw and recognized him. He was asked to go in and get something to eat, a request with which he very unwillingly complied, showing much uneasiness. Mr. Wade went out for awhile, and on his return met Clark, who turned out of the way to avoid him. The jailor asked Clark to go with him, and the youth with some reluctance consented. Mr. Wade took him in his chaise to the office of Mr. Woart, a magistrate of Newburyport. On the way, the youth told Mr. Wade that he came from Belfast by the way of Boston.

Mr. Woart sent for the selectmen of the town, and in the meanwhile placed a keeper at the door to prevent improper persons from entering, for the news of Clark's apprehension had drawn a concourse of people about the office. He told the boy he was charged with having set fire to the town, and read to him the law for such cases made and provided. Clark denied the fact, upon which Mr. Woart told him he had been betrayed, but that he was not bound to say any thing that might criminate himself. Several gentlemen came in and questioned the prisoner, who remained steadfast in his denial, until a Mr. Prince asked him how he thought it was known that he had taken a candle from his father's cellar, which he broke, and then took another which he carried to a certain stable. At this question he evinced considerable agitation, and said that if they would tell him how they obtained that information he would disclose all. Mr. Woart told him that these particulars were obtained from Hannah Downes, Mrs.

Chase, and some others, on which he acknowledged his guilt and the manner of it; but said none of the persons named knew any thing of the matter, excepting Hannah Downes. Mr. Woart then issued a warrant against the prisoner, and proceeded to examine him, repeating however, at the outset, that he was not bound to criminate himself. Being asked whether he was guilty or not guilty, he replied "not guilty;" which words he explained by saying he did not burn all the buildings and had set fire to the barn alone. Clark was then fully committed.

It appears from the record that Clark's confessions were extorted by his fears, and that threats, promises, and persuasion were employed on this occasion. Nevertheless, the naivete with which they were made, leaves no manner of doubt of his guilt. The person implicated by his avowal, was a boy of about his own years, Joseph Lawrence by name. In jail, after his commitment, he acknowledged his guilt with all its circumstances, to five different persons. The only excuse or reason he gave for his conduct was, that Lawrence had incited him to it. Ten days after his incarceration he made an attempt to escape, which failed.

On the fifteenth of February eighteen hundred and twenty-one, Stephen Merrill Clark stood before the bar of the Supreme Judicial Court at Salem, to answer to the charge of ARSON.

The principal witnesses against him, without whose evidence he could not have been convicted, were his former associates, Hannah Downes and Mrs. Sally Chase. The former testified that she and Mrs. Chase had a conversation with the prisoner near the ruins early in the morning after the fire, whence he walked home with them. On the way he observed that "the fire blazed d—d well, and the fellow who made it was a d—d good fellow—and if he knew him he would treat him." To these profane remarks, she replied, that she

believed he knew as much about the matter as any one. He nodded assent, and took leave of her.

She met him again at sunrise, and heard all the particulars of his guilt from his own mouth. He went, he said, into his father's cellar and took a candle, but breaking it accidentally, he thought it would not serve his purpose, and therefore took another. Then taking matches and a lighted segar, he went to the barn and ascended into the upper loft. There he stuck the candle upright in a wisp of hay, put it under the stairs in a position to communicate with certain combustibles, and lighted it by means of his segar and matches. This took place between seven and nine o'clock. After this he returned home and went to bed to his father, that he might not be suspected. At twelve he awoke, and hearing no alarm, thought the candle had gone out, and slept again. When he awoke again at two the fire had broke out, and he went to see it, telling his father as he started that he believed some person intended to burn the town. By this he referred to recent fires in the place, particularly one that took place about twenty-four hours previous, and which he had himself occasioned.

As we have before stated, suspicion fell upon Clark, Hannah Downes, and Mrs. Chase, and they were imprisoned for a while. The women occupied an apartment adjoining Clark's. The prisoner now fearing that they would betray him, wrote Mrs. Chase a letter entreating her to keep silence, and sent it by William Stanwood, her cousin, to whom he delivered it through a window. Stanwood confirmed their evidence on this point. In the course of the night Clark knocked several times on the partition between them, and reiterated his request.

After his liberation he told Hannah Downes he meant to go eastward and stay in Maine till suspicion and alarm subsided, and then return to Boston. He would next come to Newburyport and set fire to it in

four different places, so that while the people were extinguishing the conflagration in one place it should break out in another. On her telling him that he would be sent to the state prison if discovered, he replied that that was a matter of indifference to him, and if he staid there twenty years he would be revenged on the town of Newburyport as soon as he came out.

On her cross-examination, Hannah Downes further stated, that the Thursday before the fire, as she was standing at her father's door, Clark came up and began to talk to her. He put something to her nose that had the odour of brimstone. Being asked what he meant to do with it, he replied that she would soon know. That evening a barn was burned down. This was the substance of the testimony of Hannah Downes.

Mrs. Chase confirmed all these particulars. She added that after the prisoner was liberated she believed the town in imminent danger, and considered it her duty to save it. Following the dictates of her judgment, she wrote an account of all she knew to Mr. Woart, in consequence of which Clark was arrested on his return, as has already been seen. It appears from her evidence, that some of Clark's relatives had opposed his intimacy with Hannah Downes, and that his motive for his crime was to revenge himself for this interference.

It was strongly contended by the prisoner's counsel that no faith should be given to the testimony of such notoriously profligate characters as these women; and that they were such, was proved by abundant evidence. Mr. Moses Clark, the prisoner's father, especially, did much to discredit them. He stated that being uneasy on account of his son's intimacy with them, he had gone to their house to remonstrate, a fortnight before the fire. On this occasion he asked Hannah Downes what she meant by enticing his boy, and said she would undo him. She replied that she meant to do so. Hard words passed between them. Finding he could not

keep his son out of their house, he had complained to the proper authorities. He never, he said, feared that his son would do any mischief, or had any apprehension on his account, excepting as far as related to the company he kept.

In answer to this, Mr. Marston, one of the selectmen, stated that when Mr. Clark complained of his son, he said he feared that if something were not done the lad would do mischief. Nay, he added that he could not sleep quietly for fear he should wake and find the town burning. In proof that Hannah Downes was not actuated by a desire to injure the prisoner, Mr. Woart was called to the stand. He said that on being apprised of Clark's guilt by Mrs. Chase, he sent for Hannah Downes and questioned her. At first she strenuously denied all knowledge of the matter, and told what she knew with great reluctance at last. She alleged her promise of secrecy to Clark as the reason of her unwillingness to confess.

Clark's counsel objected to the admission of the testimony of Hannah Downes touching his confession to her, inasmuch as it was not proved that an offence had been committed, or that the barn in question had not been set on fire by accident. The objection was over-ruled by the Court, who decided that nothing was necessary previous to admitting evidence of confession, save proof of the fact that the calamity *might* have been brought to pass by human agency.

In defence of the prisoner it was urged that the town of Newburyport had suffered often and severely by fire, and that the inhabitants were consequently much excited against him—that this excitement had influenced the testimony. The learned counsel insisted strongly on the infamous characters of the two principal witnesses, and on the threat uttered against Clark by Hannah Downes in conversation with his father. Furthermore it was argued that Clark's confessions to Mr. Woart and others, were extorted by illegal duress, restraint

and menace, and several witnesses were then introduced to prove an alibi: but in this they utterly failed.

After a deliberation of five hours the jury found the prisoner guilty and sentence of death was passed on him. He was executed accordingly.

We can give little sympathy to this malefactor, notwithstanding his youth and inexperience. The offence for which he suffered is the most atrocious and detestable on the catalogue of crimes. Theft, robbery, and murder, have certain objects, limited in extent; but no one can calculate the injury that may be done by arson. We find, too, that the criminal while yet uncertain what loss he had occasioned, whether of property or life, exulted over the ruins he had made, and planned schemes of more extensive desolation for the future.



JOHN FRANCIS KNAPP AND JOSEPH JENKINS KNAPP.

MILD and equitable laws, promptly and humanely executed, are justly considered among the greatest blessings any people can enjoy. Were all mankind honest and upright, there would be no need of bolts and bars, of laws and courts, of loathsome fetters and gloomy dungeons, if every one followed that golden precept promulgated by the divine founder of our religion, "to do unto others as we would that they should do to us," we should then sit down in safety, with none to disturb our tranquillity or make us afraid. But in the present sinful state of mankind, when a great part are more disposed to do evil than good, it is necessary for the peace and security of society, that their wicked propensities should be restrained by good and wholesome laws, whose infringement in or-

der to render them efficacious must be strictly and severely punished. Yet the warning that is given by the laws, and the terror that is held out by punishments, are insufficient to prevent the commission of crime. Knowing these things, a general exertion should be made, by all practicable means, to stop the continuance, and prevent the increase of such abominations; and as example has a more powerful effect on the mind than precept, we will give the following brief account of a most horrid murder, and its lamentable consequences to the perpetrators.

The person for whose murder these men suffered, was Capt. Joseph White, a very respectable and wealthy citizen of Salem, Essex county, Massachusetts. Capt. White retired to bed, at his usual hour on the evening of the sixth of April, eighteen hundred and thirty; the only inmates of the house besides himself were Benjamin White and Lydia Kimball, his servants. Mrs. Beckford a niece of his who acted in capacity of house-keeper, being this night absent on a visit to her family at Wenham. In the morning Capt. White was found dead in his bed; he had received several stabs with a dagger in his breast and left side, and his skull had been fractured by a violent blow. The fracture in his skull or the stabs were either sufficient to have caused his death.

This barbarous murder awakened the wildest alarm in the community. Such utter atrocity, had never been known in Massachusetts. Here was no purpose of revenge, no burst of passion, no provocation to palliate the guilt of the assassin. It was apparent from all circumstances that the crime was premeditated. No force had been used in effecting an entrance. The window by which the assassin had entered was unbarred, and the person who slept nearest Mr. White, was out of the way. The object of the murderer had been blood, not plunder, for nothing was taken away. There appeared to have

been no motive. The excitement was tremendous. A great reward was offered by the government for the discovery of the assassin, and Mr. Stephen White the nephew of the deceased, offered another. Some of the citizens of Salem formed themselves into a Committee of Vigilance for the express purpose of investigation : but for awhile no discovery was made.

Shortly after the two persons whose names stand at the head of this article, rode to Wenham in a chaise. On their return they reported that an attempt had been made to rob them near Wenham Pond, by two men. They had resisted manfully and saved their purses, and the robbers had taken to flight. This account appeared in one of the Salem newspapers, which at the same time vouched for the respectability of the Knapps. No one, for a while, doubted it. On the contrary the belief gained ground that Essex county was infested by an organized band of robbers and murderers.

The first step taken by the proper authorities was to arrest a young man, the nephew of Mrs. Beckford. Nothing appeared against him : besides, he proved an alibi and was discharged.

About the fifteenth of May, a letter was found in the Salem post-office directed to J. J. Knapp. The father of the young man bore the same name and took the letter from the office, supposing it to have been intended for himself.

“ *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 that 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 dispatch 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 reasons and a series of facts, which are founded on such a bottom as 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 that you do not leave town before the 1st 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.”

Mr. Knapp Senior handed this letter to the Committee of Vigilance. On the sixteenth of May J. J. Knapp, Jr. informed one Allen that his father had

received an anonymous letter "from a fellow down east," and had given it to the Committee of Vigilance at his request. He then requested Allen to put the two following letters in the post-office, in order, as he said, "that this silly affair might be nipped in the bud." Allen did as he was desired.

May 13th, 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 5000 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 was afraid to go into the house, so he said he'd 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 11. 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 stroke with another. He promised to send me the money 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 Salem post office on Sunday evening, May 16th, 1830.]

"Lynn, May 12, 1830.

"Mr. White will send the five thousand dollars or a part of it before to-morrow night, or suffer the painful consequences.

N. CLAXTON, 4th."

[This letter was directed to the "Hon. Stephen White, Salem, Mass." and put into the post office with the preceding one.]

Immediately on the receipt of the letter from Belfast signed Grant, the Committee of Vigilance sent a letter directed according to request. At the same time they dispatched a police officer with orders to watch the post-office, and arrest the person who should apply for the letter. In consequence of this arrangement a person by the name of Palmer was taken. He was a man of infamous character, and had been two years in Thomastown, where, as he said, he had been "occupied in cutting stone for the state." In other words he had passed two years in the state prison. Upon the strength of information obtained from this gallows bird six persons were apprehended, viz. John Francis Knapp, Joseph Jenkins Knapp, his brother, Richard and George Crowninshield, also two brothers, Benjamin Selman, and one Chase.

The Knapps were both very young men, mariners by profession. Joseph, the younger, had married the daughter of Mrs. Beckford, the niece of Mr. White before mentioned. The Crowninshields belonged to a highly respectable family, but were both desperate villains, Richard especially. He had been suspected of several daring robberies before. He was ostensibly a machinist, but in reality one who lived by depredations on the public. On searching his premises a quantity of stolen goods were found, which discovery and the belief that his case was hopeless reduced him to despair. He therefore hung himself with his neckcloth to the grating of his cell, and died as he had lived, obdurate to the last. He left two letters in which he acknowledged the excessive wickedness of his character in general terms, but made no direct avowal of his participation in the slaughter of Mr. White.

The Rev. Mr. Colman was anxious for the sake of their family that one of the Knapps should confess, and save his life by becoming state's evidence. He therefore went to J. J. Knapp's cell to advise him to

this course. He told him that unless he confessed before the arrival of Palmer's pardon, it would be too late. Joseph agreed to confess, provided the consent of his brother could be obtained. In this interview Mr. Colman learned some of the particulars of the murder, particularly where the club with which the first blow was struck, was hidden. He afterwards went to see John F. Knapp, and told him that if Joseph did not confess, there would be no chance of saving his life, but if he did, he might thereby escape, and he, John Francis, might be pardoned on account of his youth. He moreover asked Francis at what time the murder was done. He replied, at an early hour of the evening, and that but one person was in the house at the time. This person was Richard Crowninshield. He also stated that the club before mentioned was in a rat-hole under the steps of the Howard street Church, and that the dagger had been worked up in a factory.

It had been intended at first to indict Richard Crowninshield as principal in the murder, and the Knapps as accessaries, but the death of Crowninshield frustrated this arrangement. As the law stands no person can be convicted as an accessory to any crime before the principal had been convicted. It was therefore necessary to indict one of the Knapps as principal. The law itself is absurd: Here was a very valuable citizen slaughtered in his bed by a hired bravo, the bravo dead, and unless it could be proved that one of those who instigated and paid him was present aiding and abetting at the perpetration of the deed, this dreadful crime must have remained unpunished. The Knapps though more guilty than their miserable tool, must have gone at large, and might have avowed their sin with impunity. Luckily, evidence was found, sufficient to obviate this difficulty.

The grand jury found an indictment against John Francis Knapp as principal in the murder of Joseph White, and against Joseph Jenkins Knapp and George Crowninshield as accessaries before the fact. One count described the wounds as having been given by J. F. Knapp, Richard Crowninshield being present aiding and abetting. Another reversed these circumstances. J. F. Knapp was arraigned before the Supreme Court at Salem in July and pleaded not guilty.

The fact of the murder was proved by the evidence of Mr. White's domestics. Benjamin White stated that when he arose the morning after the murder he found the window of an apartment on the ground floor in the back part of the house open. The shutter of this window was very hard to open and fastened with a bar, which he found standing by the side of the window. A plank was leaning against the outside of the house under the window, as if for some one to climb in upon, and foot-prints were discernible on the ground.

The government had been pledged to pardon Joseph Jenkins Knapp, in case he would bear witness against his companions. He was now called into the court, but refused to testify, on which the court recalled the pledge of government, and Benjamin Leighton was called and sworn.

He stated, that being at Wenham, he, about a week before the murder, sat down behind a certain wall. In this situation he heard voices, and looking out beheld the two Knapps approaching. When they came nigh him he heard Joseph say, "When did you see Dick?" John replied, "I saw him this morning." Joseph rejoined, "When is he going to kill the old man?" John answered, "I dont know." Joseph said, "If he does not kill him soon I will not pay him." After this conversation they turned about and Leighton neither saw nor heard more of them at that time.

The day after the murder Leighton made use of some inadvertent expressions which induced a belief that he knew something of the matter. He was examined and declared all he knew. However, but for this examination he would have disclosed nothing, for he stood in mortal fear of the Knapps.

The Rev. Henry Colman was next called. He said that on the twenty-eighth of May he went to John F. Knapp's cell with his brother Phippen Knapp, at the request of Phippen. On entering, Phippen said, "Well Frank, Joseph has determined to make a confession, and we want your consent." The prisoner replied that he thought it hard Joseph should have the benefit of confession when the deed was done for his benefit. He said that when Joseph first proposed the thing to him that it was a silly business and would only get them into difficulty. Phippen then said that if Joseph should be convicted there would be no chance for him, but he, Francis, might hope for pardon, and appealed to Mr. Colman. Mr. Colman replied that he was unwilling to hold out any improper encouragement.

Mr. Colman had proceeded thus far in his testimony when Mr. Dexter, the prisoner's counsel, objected to the continuation of this confession, on the ground that an inducement had been held out to the prisoner. The court sustained the objection but directed Mr. Colman to state all that was said relative to encouragement.

He said that in the course of the interview Phippen Knapp more than once told his brother that there might be a hope of pardon. Frank asked him, the witness, to use his influence in his behalf. Mr. Colman replied that he could promise nothing, but though his youth might be in his favor. He received precise directions from Frank where to find the club before mentioned and found it accordingly.

When Palmer, the convict, was called, Mr. Gardiner, also counsel for the prisoner, objected to his evidence, on the ground of a want of religious belief, but on declaring his faith in a future state of rewards and punishments he was permitted to testify. He stated that on the second of April he saw the prisoner in company with George Crowninshield at Danvers. On the same day, the witness had a conversation with the two Crowninshields touching the proposed assassination of Mr. White. They had been moved to the undertaking by Frank Knapp. George Crowninshield proposed to Palmer to take a part in the murder, and offered him a third of the reward promised by Joseph Knapp, if he would consent. The reward was a thousand dollars. George said that Mr. White was then at his farm, and Richard urged that it would be easy to meet him and overturn his carriage that very night. George told Palmer that he was poor and needy, and that this would be a good opportunity to supply his wants. He added that the house-keeper *would* be away at the time of the murder. Joseph Knapp's object in the affair was understood to be to have a will destroyed which was contrary to his wife's interest as one of the heirs of Mr. White. The will was said to devise all Mr. White's property to Mr. Stephen White, and it was intended to destroy it at the time of the murder.

In the afternoon Frank Knapp came again to Danvers in a chaise and Richard Crowninshield went away with him. After this Palmer went to Belfast, whence he sent the letter already mentioned to Joseph Knapp. He did not positively know when he wrote, that Joseph Knapp had any hand in the crime, but wished to know. At the time the Crowninshields proposed the murder to him, Palmer thought it a mere joke and did not change his opinion till after the deed was done.

The testimony of Allen, who put the letters written by Joseph Knapp into the post-office, corroborated that of Palmer, as far as it related to the alledged visit of Frank Knapp to Danvers. The keeper of a livery stable in Salem also certified that Frank Knapp had had from him first a saddle horse, and afterwards a horse and chaise on the second of April.

Stephen Mirick kept a shop near Mr. White's dwelling. A little before nine on the evening of the murder he saw a man whom he believed to be Frank Knapp standing leaning on a post before his shop. When any one came along in the direction from Mr. White's house this man left his post, met him, and returned to his place. The witness stood awhile to see if any one would meet and accost him, but as no one did, closed his shop, and went away, leaving the man on his post.

If Richard Crowninshield was at that time committing or attempting to commit the murder, and if Frank Knapp was waiting for him in the street, the conduct of the latter would, it is probable, have been like that of the man seen by Mirick.

Near ten o'clock on the same evening, Mr. Peter Webster was passing through Howard street, and passed two persons in company one of whom he took to be Frank Knapp. They were walking very slowly, and appeared to be waiting for some one.

Several more persons saw the same man standing at the post before mentioned, and all believed him to be Frank Knapp, though none could swear positively to his identity. Two of them, thinking his appearance suspicious, watched him. One of these, Mr. Bray, saw a person come up to him. They stood a few moments together and then ran off, one down Howard street and the other in an opposite direction. From the place where the first was watching Mr. White's windows could be seen.

Joseph Burns was a Spaniard who had lived in this country many years and kept a stable. He testified

that sometime after the murder Frank Knapp came to him and asked if any one was in the stable beside himself. On being answered in the negative, Knapp asked Burns to go with him into the stable loft, as he had something private to say to him. Burns assented, and when they had gained the loft Knapp asked him if he knew any thing concerning the murder. He replied that he did not—he wished he did, for he would soon make it known. Knapp then said that the Committee of Vigilance had heard that Burns was abroad after ten o'clock, on the night of the murder. He advised him if he had been out himself, or had seen any of his friends out, and should be questioned, to keep what he knew to himself. He observed that he and his brother were friendly to Burns and had a good deal of money. He added that the Committee would learn one thing or other by *pumping*. Burns replied that he was ready to answer any thing the Committee might ask. He then asked Knapp what he thought of the two Crowninshields, who were then in prison. Knapp replied, "They are as innocent as you or I." Burns asked him who he thought was the murderer, and was answered that Stephen White was one. Burns said, "Don't tell me about Stephen White, I have known him since he was eighteen years old." At these words Knapp laid his hand on the hilt of a dirk, but Burns told him he did not care for him and twenty dirks. Knapp then said he had come as a friend to Burns to put him on his guard. Here the conversation ended.

Mary Weller, an infamous prostitute and keeper of a brothel, was introduced to prove an alibi in the case of George Crowninshield. As far as her evidence was credible she established the fact.

Another person proved the connexion of Mr. Joseph White with Stephen White and with the Knapps. Stephen White was his nephew.

Palmer being recalled stated that after the murder George Crowninshield told him that he and his brother

had no hand in it. Richard, speaking on the same subject, said they, the Crowninshields, were suspected and that they meant to leave home, as it was a bad plan to be arrested. He also said that they had melted the dagger with which the murder was committed.

Mr. Webster, counsel on the part of the prosecution, now moved for a reconsideration of the grounds on which the court had excluded the confession made by Frank Knapp to Mr. Colman as evidence. After a long argument the court decided that the confession should be given in evidence and Mr. Colman was called to the stand. The amount of his testimony was that John Francis Knapp had admitted his guilt and assented to every thing his brother had confessed.

There was some discrepancy between the testimony of Phippen Knapp and that of Mr. Colman, and it was attempted to prove an alibi, but the endeavor was fruitless.

A very eloquent defence was made by the prisoner's counsel, and it availed. The jury could not agree on a verdict. A second jury, having heard the same testimony, found John Francis Knapp guilty and sentence of death was passed on him.

It appears that the property of Mr. White, had he died without a will, would have descended to Stephen White and Mrs. Beckford. Joseph J. Knapp, however, understood there was a will in favor of Stephen White, and of course unfavorable to his mother-in-law. It was his object and purpose to destroy Mr. White and the will and he succeeded in both. Unluckily for him another will was found substantially the same with the one destroyed. It is known that Richard Crowninshield killed Mr. White while Frank Knapp kept watch without. The old gentleman was probably slain outright by the first blow with the club, but to make sure the assassin lifted his left arm and gave him thirteen stabs. Even then he was not satisfied that his victim was dead till he had consulted his pulse and

found that it had ceased to beat. He never got even the miserable bribe that had been promised.

At the trial of Joseph J. Knapp his written confession was produced and he was convicted as an accessory before the fact. He also received sentence of death.

Frank Knapp showed no fear during his trial or afterwards. He received spiritual consolation in prison, and by his own request was executed as soon as he appeared on the gallows. His brother was not so firm.

George Crowninshield was tried as an accessory before the fact and acquitted. According to the confession of Joseph J. Knapp he knew what was intended long before it took place.

JAMES PORTER.

The subject of this sketch was an Irishman, and by trade a weaver. We know not what events induced him to seek a refuge in America, or what were his first adventures on this side of the Atlantic. We first find him in Philadelphia, ostensibly working at his trade, but in reality gaining his livelihood by dishonest practices. He had two accomplices, George Wilson and Abraham Poteet, weavers, who had learned their trade in the penitentiary. The former was but twenty-three years of age, yet though his days were few his iniquities were many. Poteet had been convicted at the Baltimore City Court of stealing four handkerchiefs, for which he was sentenced to five years imprisonment. For a second theft he was also sentenced to imprisonment. He had been convicted of breaking prison, of attempting a stage robbery and wounding the driver, and of shooting at the keeper of the Baltimore penitentiary.

He and Wilson were both Americans. They became acquainted in the penitentiary, and were concerned in an attempt to break out, in which the life of the keeper was greatly endangered.

Porter and Poteet became tired of stealing *small things*, for so silver spoons were denominated by Porter, and resolved to rob the Reading mail, in order to make their fortune at once. To prepare for this exploit Porter and Wilson crossed the Schuylkill on the twentieth of November eighteen hundred and twenty-nine, and broke into the shop of Mr. Watt, a gunsmith. They took five pistols and two powder flasks: After this the three companions repeatedly practiced with their pistols to ascertain their qualities.

On the sixth of December the mail stage started from Philadelphia at two in the morning driven by one Samuel M'Grea. There were nine passengers inside and one on the box with the driver. The night was dark and cloudy. When the stage had got about two miles from the city, and was nearly opposite Turner's Lane, Porter started from the road side, took the leading horses by the heads and turned them round. At the same time Wilson and Poteet came up, one on each side of the coach, with loaded pistols, bidding the driver stop, "or they would blow his d—d brains out." He struck the horses with his whip, but could not make them go forward. Poteet then ordered the driver and the passenger who sat beside him to come down. The driver obeyed and the passenger was about descending, when Porter swore at his comrades for not putting out the lamps. Poteet put out the lamp on his side with the butt of his pistol: Wilson merely broke the glass of the lamp next him. Porter then left the horses' heads, ran up and dashed the light out with his pistol. He asked the passenger if he had any weapons, and being answered in the negative, took his handkerchief and tied his hands behind him. They then robbed the passenger and bound the driver. Po-

teet asked the driver if he did not think this a very rough introduction. He answered that it was. The robber then asked him if he got his living by stage driving, and he replied that he did and "it was a hard way too." "Well," said the ruffian, "this is the way we get our living, and 'tis very hard with us sometimes."

This done, Porter and Poteet went to the doors, while Wilson watched the two men who were tied. Porter told the passengers they should receive no injury if they did not resist. A Mr. Clarke proposed to attack the robbers, but was overruled by the rest of the passengers. The gentlemen then concealed some of their valuables. Porter asked if any of them were armed, and being answered in the negative, answered sneeringly "that it was a pity."

They next compelled the passengers to alight, one by one. Porter searched them, and tied their hands with their handkerchiefs. As fast as he tied them he gave them over to Poteet, who kept them quiet with his pistol. One of the passengers after being tied asked the robbers for a quid of tobacco, which was readily given him by Poteet. Another was very reluctant to part with his watch which he said had been long in his family, and at his urgent entreaty Poteet restored it. From another, who was a physician, Porter took the seal of a corporation and a case of lancets, but put them back into the doctor's pockets on being told what they were. The gentleman then asked Poteet for half a dollar to pay for his breakfast, and the robber complied. Another of the passengers asked Porter to restore his papers. "O," said the ruffian, "I dare say all this business will be published, and then I shall know where to direct the papers. I will send you a letter."

Mr. Clarke was the last but one who came out of the coach. As Porter was plundering him he said that if the other passengers had followed his advice

they would not have been robbed. "Well done," replied the robber, "I like to see a man of spunk." After being tied, Mr. Clarke walked up to Poteet in order to be able to recognize him, if they should meet again. The rogue bade him stand off. "I hope," said Mr. Clarke, "you are not afraid of a small man, and he bound too." "No sir," said Poteet, "but I don't want to be better acquainted with you." "I hope," rejoined Mr. Clarke, "that we shall have a longer acquaintance than this yet." "I hope not, sir," said Poteet. On Mr. Clarke's again observing that the passengers would have done better to resist, Porter remarked that if they had, they would have seen the consequences.

After the passengers had all been examined, the robbers took the baggage out of the coach, from before and behind it. They then tried to open the boot in which the mail bags were contained, but finding some difficulty they compelled the driver to do it. Mr. Clarke now remarked that another stage would soon be along, and this intelligence quickened their proceedings. One of them busied himself in rifling the mails and trunks while the other two put the passengers into the coach again without untying them. They tied the driver again and lifted him into his seat, after which they tied the leading horses to the fence by the road side. This done the robbers went off, so softly that neither the driver nor any of the passengers were aware of their departure.

The gentlemen sat still in the coach some minutes after they were gone, till one of them contrived to untie himself and unbound the rest. After some consultation it was thought best to return to the city. When they arrived at the post office a person was dispatched to the scene of the robbery, where he found the mail bags cut open and the packages and newspapers scattered around, but the villains had carried away the letters.

On the sixteenth of December Wilson carried one of the watches they had taken to Crosswell Holmes, a pawnbroker, and pledged it for twenty dollars. He said he was a carpenter unable to get employment, and was therefore obliged to raise money on his watch. He agreed to repay Mr. Holmes in — days with two dollars commission, and signed the obligation John James, North Second street.

On the twenty-first Porter carried another watch (a gold one) to a Mr. Prentiss, a pawnbroker, and asked sixty dollars on it. Mr. Prentiss refused to advance more than forty-five, when Porter left him, saying he could get fifty any where. He represented himself as a carpenter, who wanted money to repair his house. The next day Wilson called on Mr. Prentiss with the same watch, saying the gentleman who owned it had made up his mind to take the forty-five dollars offered, and that he would act as his agent. Mr. Prentiss gave him the money, and wrote a receipt which Wilson signed "George Brown, for John Keys."

Nothing occurred to direct suspicion to either of them as the robbers of the mail till the middle of January, when a Mr. Jeffers, a police officer of Baltimore, found reason to believe that Poteet and Wilson were the persons who shot at the keeper of the penitentiary, and at the stage driver before mentioned. He sought them and found Wilson first, in a tavern. The robber drew a pistol from his pocket and bade Mr. Jeffers stand off, but the latter seized him by the wrist and collar and held him till the landlord came into the room. The landlord took the pistol from Wilson at the request of Mr. Jeffers, who then asked the culprit for the other, but he denied having any. However, after the police officer had nearly strangled him he gave up another. Mr. Jeffers thrust him into a chair when he said "Let me up and I'll give it to you." With the landlord's assistance Mr. Jeffers took him to a magistrate's office. He was committed to prison.

The next day Mr. Jeffers visited him and told him he had heard that two men had offered to pawn a gold watch, and he believed from the description that he was one of them. At the same time he gave Wilson a description of the other man. Wilson replied that it was Porter, and but for him, he, Wilson, would not have been in this difficulty. He added that Porter had a better right to suffer than himself, and he would therefore disclose the whole matter. His story, as told to Mr. Jeffers, was as follows.

He had gone out three several times with Porter to rob the Lancaster mail, but his heart failing him, they returned without effecting their purpose. When Porter and Poteet proposed to him to rob the Reading mail he would have had nothing to do with it had he not feared that Porter would kill him if he refused. He then described the robbery, and the part each had taken in it, pretty much as we have related above. While the pillage was going on, he said, he was very anxious to get away, but Porter declared he would not hurry himself. He added that he was sorry he had ever seen Porter. He was steady at work in Philadelphia till he came and seduced him from his employment. He believed Porter would as lief kill a man as eat his breakfast. All this confession took place without any inducement on the part of Jeffers.

This confession put the police of Baltimore on the look out for Porter and Poteet. On the ninth of February Mr. Stewart, a constable, met Porter in the street and accosted him with a question concerning his health. He added that he had been looking for him all day and must now take him with him. Porter asked what he wanted, and on what authority he arrested him. The officer replied that he carried the authority in his face, and then asked if he knew Wilson or Poteet, or could tell where they might be found. He denied all knowledge of them, but followed Mr. Stewart quietly to his house. The officer searched

him, and took from him a powder flask and a pair of pistols. Porter asked if he meant to keep them, and the constable replied that he did. Porter very sternly said, "I hope I shall live to buy another pair for somebody." He admitted before a magistrate that he knew Poteet.

While in prison at Baltimore, Wilson was visited by Mr. Reeside, the mail contractor. Wilson offered to tell him the whole story, but Mr. Reeside told him expressly that if he did it must be without fee or reward. Wilson said that as he had mentioned the matter to another person before, he had no objection to repeat it. Porter, he stated, had said to him that it was better to rob the mail and get *something at once* than remain in the city picking up silver spoons as they were in the habit of doing. After some deliberation he replied that he would not engage in the undertaking unless Poteet would join in it. At first Porter objected to taking in a third partner, but finally consented that Poteet should join them. They had been told that the Lancaster mail was a very valuable one, and went out three times to rob it. But his heart failed him; he did not wish to commit robbery or murder, and told Porter so. The third time they went to attack the Lancaster stage, it was full of passengers, and this time Porter threatened to kill him if he flinched. Through fear of Porter he feigned himself sick, and sat down by the road side and said he could not walk. Porter threatened to murder him if he ever flinched again, and proposed that they should attempt the Kimberton mail, saying there would not be so many passengers or so great a risk. At last they committed the robbery we have related, and when they had finished Porter said to him, "George the six o'clock stage is coming along. We may as well give them a touch as not." On his refusal Porter got into a violent passion and cursed him for a coward. Alarmed at Porter's threats Wil-

son quickened his pace toward the city, the other abusing him all the way.

Mr. Stewart conducted Wilson to Philadelphia first, and Porter afterwards. After they got into the stage Wilson said that he believed his case was hopeless, and that he would plead guilty to every charge brought against him. Mr. Stewart asked if he were not afraid to undertake to rob a stage so full of passengers. "No," replied the villain, "three good men could rob a dozen at any time." Mr. Stewart said he supposed they had made good provision of ropes to tie the passengers, but Wilson replied that they had not: they presumed each passenger had a handkerchief, with which he might be tied. Mr. Stewart asked what they would have done if the passengers had resisted. "Why," said Wilson, "if they had I suppose we should have shot two or three of them, and that would have damped the rest." As they came toward Philadelphia, Wilson pointed out the spot where he and his companions had robbed the Kimberton mail, and afterwards the shop they had broken open to procure weapons.

Poteet was also arrested, and consented to save his own life by becoming state's evidence.

Porter's demeanor after his arrest was marked by that cool courage that seems to have been the only favorable trait in his character. He spoke freely of his past life, without showing the least compunction, and said that if the passengers had resisted he would not have scrupled to shed blood.

On the twenty-sixth of April eighteen hundred and thirty, James Porter and George Wilson were brought before the Circuit Court, and the grand jury presented six bills of indictment against them.

For robbing the Kimberton mail and putting the carrier thereof in jeopardy of his life.

For robbing the Kimberton mail.

For obstructing the Kimberton mail.

For robbing the Reading mail and putting the carrier in jeopardy of his life.

For robbing the Reading mail.

For obstructing the Reading mail.

They pleaded not guilty to all these indictments and applied for separate trials, which was granted. Wilson was first arraigned on the fourth indictment; for robbing the Reading mail and putting the carrier in jeopardy of his life. The indictment was divided into three counts.

On the trial, Wilson was identified as one of the robbers, by the evidence of some of the passengers as well as that of Poteet. The watches taken from the passengers, and pawned by him were produced in court and sworn to. So were the weapons stolen from Mr. Watt's shop. The other facts relating to the robbery were proved, in substance, as we have given them.

The jury found a verdict of guilty.

Porter was next arraigned and found guilty on the same evidence. Sentence of death was passed upon him and Wilson. Wilson was pardoned by the President, under the expectation that he would make some disclosures, but have never heard any was made. After sentence Porter showed contrition, but suffered with the same hardihood he had exhibited throughout. He was the master spirit, the ringleader, of a band of highway robbers. He had collected a gang about him, drilled, marshalled, and equipped them, and led them forth to an unholy warfare against the peace and interest of society.

ROBERT JOHNSON *alias* CAPT. LE BOT.

THE history of this pirate we shall give as related by a person on board the Portuguese man of war Brig Maria De Gloria which sailed from Porto Santo, in June 1831, in pursuit of a piratical vessel which had long infested these Seas, much to the annoyance of the commerce of all nations. She was commanded by that noted pirate chief, Le Bot, which proved to be a fictitious name, as he afterwards confessed. We cruised Northerly along the coast of Brazil, and heard in several ports along the coast, that she had been in the habit of altering her rig.— She sometimes appeared Schooner rigged, at others like a Brig; she also painted her sides white, sometimes black and at other times red, and by these manoeuvres had evaded her pursuers for a great length of time and had committed some of the most horrid robberies and murders ever recorded on the page of history. On the seventh day out we spoke several vessels but could not get any information respecting the pirate. Our officers held a council and resolved to pay a visit to the island of Trinidad. It had been reported that the desperadoes had made a depot of this place, which we gained on the seventeenth day. We lay to all day—sent a boat on shore well armed, and explored the island from one end to the other, but found no appearance of any human being except an old rusty gun barrel sticking in a rock with a fine stream of water running through it, and a few decayed huts supposed to have been tenanted by two sailors left there by a South Seaman belonging to New London. Next day we lay off and on in sight of the harbor all day, and spoke several English East Indiamen, but gained no intelligence. We now resolved to cruise to the Eastward and run down the

coast of Africa. We spoke a bark from Belfast bound to Calcutta, the captain of which informed us that he had spoken an American brig three days previous, which had been boarded and robbed of all her specie, Nautical Instruments, spy glass, some provisions, water, &c. The pirates also took the mate and carpenter's chests, got drunk and frolicked on board, and fell to beating the captain to make him deliver up the money. They tied him to the mast and beat him unmercifully with a cutlass; then let him go, and ordered him to show them where the money was hid. He told them they had got all the money there was on board.

They brought the steward into the cabin and told him they would kill him if he did not tell them where the money was; he said they had got all there was on board, and begged to have his life spared as he had a wife and two children in Norfolk; but one of the hell-hounds then gave him a deep wound in the breast with his hanger and he fell on deck, when another of the pirates cut off his head with a boarding axe and threw the body overboard. They told the captain they would serve him the same if he did not immediately deliver up the money. He entreated and begged to be spared; they damned him and tied him again, and fell to ripping up chests and boxes, but finding no money they were exasperated, and fell to beating the crew. They tied them and set the fore-castle on fire and left these poor wretches to their fate, however, one of them succeeded in disengaging the cord by which he was tied, and released the rest. They soon extinguished the fire and bore away to Rio Janeiro to repair and get medical assistance for the captain, who was shockingly lacerated. The captain of the bark dined on board and gave the above statement.

We left the bark after closely examining her papers about two in the afternoon, and steered away

North East in pursuit of the pirate. We encountered a gale of wind for three days in succession. The weather being foggy we lay to twenty-four hours. About ten in the morning a gentle breeze springing up the fog disappeared and we discovered a sail to the Southward and Eastward and bore away for it in order to speak it; as we neared it we found instead of one sail that there were two of them, close by each other. The captain on viewing them with a spy glass, discovered a boat full of men leaving one and going on board the other, which excited a suspicion that all was not right. One of them was a long black vessel, bark rigged, full of men, showed twenty ports and had eighteen guns mounted; the other was a large merchant brig. Our officers from all appearances concluded the bark must be the pirate, and such she proved to be. As our brig mounted twenty guns and had a compliment of an hundred men, we considered ourselves an equal match for her. As we neared her she made all sail from us. We soon came within speaking distance of the Merchantman and hailed her. We found she had been boarded and a part of her crew killed and the vessel robbed. Our captain requested them to lay to, which they agreed to do and were much pleased to get assistance. We had no time to ask many questions, but made all sail for the pirate and prepared for an engagement. The pirate crowded all sail from us; but our little brig sailed like the wind, and as they found we were fast overhauling them they had recourse to the following stratagem in order to avoid us. They dressed all their crew in citizens' or gentlemen's clothes, of which they had plenty that they had robbed from different vessels.

About three o'clock we got within two miles of her, gave her a gun, and shewed Portuguese colors. In about twenty minutes we gave her another gun, double shotted, which dropped a short distance ahead

of her. She still showed a disposition to avoid us, but we soon gave another shot which did some damage in her hull and she hove to; when we got within hailing distance we hailed her and she answered 'His Britannic Majesty's Packet, from Buenos Ayres bound to Cadiz. Our captain ordered him to heave to and send a boat on board, which she seemed willing to do but not doing it as quickly as our captain wished, we sent one on board of her, with twelve men well armed, and the lieutenant of the boat commenced examining her papers and asking some questions respecting her not heaving to before. The pirate captain said he was afraid to do so until she got close enough for him to ascertain whether she was a pirate or not," as he had heard that there was one on the coast.

I being one of the boarders as soon as I cast a look on the pirate captain I thought it was the noted Le Bot from the description I had heard of him in the Salado river, one of their old haunts on the coast of Patagonia. Their stratagem of dressing up their crew in gentlemen's clothes and calling her His Majesty's Packet availed them nothing; our brig by this time had gained a raking position and sent two more boats full of boarders on board. Our officers on examining her found two sets of papers on board, called her a good prize and secured her captain and gentlemen passengers in double irons. We stood back to the Merchantman again, and restored what plunder the pirates had taken out of her. The crew of the Merchantman shouted long live Capt. Lobo of the Maria De Gloria. They informed us that the morning previous the pirates boarded, killed the captain, and robbed them of every thing they thought proper. After giving what assistance they required, we secured the pirates between decks and placed a strong guard over them, we steered for Rio Janeiro with the Merchantman and prize in company. The captive

chief at first adopted a high tone, and said our captain would smell hell for his proceedings; "What," said he "a Portuguese stop His Majesty's Packet on the high seas! Don Miguel will wish the devil had had him when this circumstance comes to His Majesty's ears!" As often as I could, without exciting his displeasure, I visited him and asked him many questions, his deportment was grave and manly; he spoke but little and appeared to be in a deep study most of his time. He was heard to say by some of our crew who understood Spanish, that if he had dreamed that his stratagem would not have succeeded, he would have fought the damned Portuguese to the last.

The pirate crew consisted of almost all nations, Americans, Portuguese, Spanish, English, Irish, one Scotchman, some Dutchmen and some Negroes that were taken out of a Guineaman. They all were very quiet until we got into the harbor of Rio, when they showed a great deal of uneasiness. We sailed into the harbor with the Portuguese flag flying over the bloody flag of the pirate, fired one hundred guns and were answered by the principal forts and shipping in the harbor. A grand festival was given to our officers and crew, and a great display of fire works, ringing of bells, and many other demonstrations of joy were shown by the people of Rio Janeiro in consequence of taking this common enemy of mankind. The pirates were all cast into prison. After a close examination there was no proof wanting to condemn them; the case was so clearly proved that they almost to a man confessed their guilt. Their atrocious crimes shocked every one who heard them.

My mind was so excited that I intended, if I could get permission, to pay them a visit in prison. I was well acquainted with the rules by which the prisons of Brazil were governed, and it would have been fruitless to have attempted it, had it not been for

some friends in power. I however succeeded in getting permission, and had an interview with Le Bot. I accosted him in a friendly manner, and he received me with many marks of friendship. He inquired particularly respecting public opinion about him. I gave him a correct account of all that had been said and done on the subject. He thought that I was reserved on the subject, and requested me to inform him what way they were to be executed. I hesitated—he repeated his request and I complied by informing him they were to be hung on Rat Island, a small rock in the harbor of Rio, in full view of the shipping, forts and town. “Be hung” he exclaimed; “I have broken the law, but I wish to die the death of a brave man; but I can not expect any lenity to be shewn me by these damned Portuguese, for it is an old saying that “two of a trade can not agree.” They are a low lived set of robbers themselves, therefore they envy me for my superior good fortune, and the scoundrels seek my destruction.” After saying this he was perfectly calm and collected and I requested him in a friendly manner to give me some account of his adventures and the causes which led him to be a pirate, and promised to do all I could for his comfort while in prison.

He reflected a moment and said he would see me when I called again, more particularly on the subject. The patrol who conducted me said we must go, and I bade him farewell, shaking him by the hand.

The next day I applied at the Court of Admiralty and got permission to attend him alone, in order to collect what information I could from the Pirates.

The day following I went to the prison prepared to pen down what interesting matter I might collect from them. Le Bot was sitting with his elbows on his knees and his hands covering his face, in a melancholy mood; but on my entering he arose and

were several merchants going to Chagres with mules laden with goods and a quantity of specie: The war between old Spain and the patriots had entirely depopulated a large extent of country lying on the road to Chagres, and we came to the resolution to rob the merchants or lose our lives in the attempt. Myself and another of the party by circuitous routes joined the party of merchants and got all the information respecting their destination, what quantity of specie they had, how they were armed, &c., returned and joined our party again. At dark we all started, eight in number, and gained the Chagres road about eleven o'clock in the evening. Six of our party ambushed themselves in the road, myself and Michael Farquer returned and gained the merchants again. We had each a dog and carbine and pretended to be a hunting, so we excited no suspicion. Our plan was to keep in company with them until abreast of the ambushed men, give a holloa and take them by surprise.

When we got within three quarters of a mile of them the company came to a halt by a stream of water, took off their loads from their mules and let them feed. I left my comrade with them, with instructions to be prepared to attack when we gave the signal. I returned to our party and we proceeded as near as possible without being discovered, and murdered the whole party, thirteen in number. We laid their bodies by an old garden wall and pushed the wall down upon them; this being done we packed their goods and fled into a wood about three miles distant, secured our horses and examined our booty, in which we found about six hundred doubloons and thirty-five hundred mill dollars, and a large quantity of silks and other fancy goods. We divided them, and each taking his share we went within a mile of our old stopping place and such of our booty as we could not secrete about us we secured in a safe place, and then returned to our old host unsuspected.

We regaled ourselves here three or four days. In this time we laid many plans; our last was to go to a small ville, or village on the river Chagres and rob the Chapel, which we well knew was immensely rich in gold and silver images. We arrived at a thick piece of wood and a cane brake—secured our horses, and stole into the town. We took quarters at different places and examined every thing closely, determined to rob the Chapel of every thing we could carry away on our horses. The place where I quartered was inhabited by an old Spaniard. He was very pious and attended Chapel morning and evening according to the custom of Roman Catholics. He had a beautiful pair of twin daughters who attracted my attention very much.

The next morning we met on the banks of the river, fed our horses and agreed that at the hour of ten that evening we should rob the Chapel and secrete our booty in the cane brake. Accordingly we moved our horses close under the bank of the river as near to the chapel as possible. In the evening we went to the church, broke in and found an old friar whom we killed, and then robbed the church of every thing we could carry away—one large crucifix of solid silver weighing sixty-eight pounds, and many vessels of pure gold. The Chapel being situated on the bank of the river by itself we had a good opportunity to do our business which we finished by twelve o'clock. A large wooden cross standing in the rear of the pulpit, we took the image of Christ off and put the old friar on in its place. After this we made all haste off with our booty and secured ourselves in the cane brake before day light. We had but little to fear, for there were but thirty-five soldiers in the place. We remained snug until the next night, when we moved off very slowly in consequence of the great weight of our plunder. About day break we encamped again and remained there until evening, and the next day we reached our old place

of deposit. We stowed away our plunder and returned to our old landlord who received us very warmly.

We remained here some time to recruit ourselves and our horses and to pack our booty for transportation. Some soldiers passed through the place to join Gen. Bolivar's army near Santa Fe; they took no notice of us, but a guilty conscience kept us on our guard while they were in the neighborhood. We made excursions daily to examine our route and as soon as we found the coast clear we packed up snugly and moved off in the night, giving our landlord two hundred and fifty dollars and enjoining secrecy respecting us. By traveling in the night time we reached Porto Cabello in safety; and found my wife and friends in good health.

I immediately fitted up a splendid mansion, kept a fine carriage and numerous servants and lavished my money in luxury and extravagance. At the end of the year my treasures, which my vanity made me think inexhaustible, were gone, and I began to think of new adventures. My father-in-law had lost all confidence in me, and my wife, I thought, treated me very coolly. I formed the idea at once of taking some of my old companions with me and trying my fortune on the ocean.

We shipped on board the privateer *Eagle*, and put to sea. The Spaniards were very scarce in these latitudes in consequence of the swarm of privateers. We were forty days out and took only a few drogers on the south side of Cuba, and a small schooner, laden with jerked beef and hides, near Curacoa. This did not satisfy my avaricious disposition. I had altered my name from Johnson to Le Bot when I shipped, and myself and my comrades from Porto Cabello determined to take the vessel and turn pirates. We succeeded in a few days in getting above one half of the ship's company to fall in with our views, and on the night of the seventeenth of September eighteen hundred and twen-

ty-nine, we made ourselves masters of the quarter deck arm chests, containing cutlasses, pistols and boarding axes. We then placed men well armed and of tried integrity to our cause, at each hatchway, and every man as he came on deck had to consent to join us or be immediately cut to pieces.

These measures being taken, myself and three of my old companions went into the cabin and requested the captain to join us, telling him the folly of cruising there for nothing when there was so much treasure afloat on the deep, which might be had by a little fighting. He wanted time to consider. I drew my cutlass and told him there was no time for consideration, and cried out to end the cowardly rascal, and dragged him forthwith out of his cot and cut him into inch pieces with a boarding axe. We then went fore and aft, and every one that did not join us we butchered on the spot. We cleared the vessel of their bodies on the following morning, washed down our decks, and after having a large quantity of punch made put the vessel under easy sail and called all hands into the cabin. After a stiff drink of punch we took down every man's name and laid a pair of pistols and a couple of cutlasses on the table. We had previously drawn up a code of laws to be governed by, and the views we had in taking these steps. These laws being read the question was asked, "Is there any one here that will not die in defence of such wholesome laws?" They answered unanimously that they would die in support of equal laws. They took another drink of punch and put the question "Who shall be Captain?" I was chosen captain and they gave three cheers crying "long live brave Captain Le Bot!" Robert Andrews and John Williams were chosen Quarter Masters. They spread the BLOODY FLAG on the table, and Williams taking a cutlass and a pistol he saluted me captain and presented them to me saying as he pointed to

the flag, "These are the colors you are to fight for." Where we should steer was a question of considerable contention; some wished to cruise in the West India seas, others to go to the East Indies. It was put to vote, and the majority were for remaining in the Atlantic and for forming a settlement in some secure spot. We stood for the Western Islands and fell in with a Genoese brig which surrendered without fighting, and we put every man to the sword. Her cargo consisted of Wines, Brandy, and Oil from Venice, bound to Rio. We robbed her of every thing valuable and set her on fire.

Three days after we fell in with an English ship bound to Madrass. This ship mounted twelve guns and fought us hard for an hour and a half. We put our helm up and laid her on board. The captain seeing her deck swarm with boarders pulled down his colors and begged for quarter; but the old pirate motto is, "dead men tell no tales," and we spared none to tell the fate of the English ship. We found a large amount of money on board, merchandise, &c. After taking out every thing we wished we set her on fire. We now resolved to double the Cape of Good Hope and form a settlement on the coast of Africa.

We shaped our course for the Cape of Good Hope and saw several sail of vessels which we on nearing found to be the homeward bound East India fleet. On the morning following the discovery of these vessels we saw a large ship close under our lee bow. We hauled our wind until we found she was a merchantman, when we squared away and made all sail for her. On coming up with her she hailed us, we answered "from the seas," according to pirate custom, gave her a broadside and laid her on board. They begged heartily for quarters which we readily gave to such as would join, and them that would not, we cut down. This ship proved to be the Free Trader of

Liverpool, from Calcutta, last from Batavia. We got thirty-eight men to join us out of her crew. She being a fine ship we thought it a pity to destroy her, and we fitted her out and put forty men on board her, and made John Williams master of her.

We sailed in company for the Cape and in a few days doubled it. We saw three ships but our crew being divided on board the two vessels, and both being deeply laden with plunder, we did not wish to risk an engagement. We made the little island of Mohilla, came to an anchor and went on shore. We made many presents to the natives and resolved one and all to form a settlement at this place, the climate being fine and the soil productive. We made an entertainment on board, and the king and as many as he wished to bring with him dined on board. We fired a few guns which much pleased him, and he requested us to stay as long as we wished, and said he was the friend of white men. On the following day he made a feast and invited us. We attended leaving a strong guard on board, and wearing our side arms for fear of some treachery on his part. His feast consisted of fowls of different kinds, fish, and Tokey for drink, a kind of liquor made of honey.

The day following we went to work and constructed a tent with spars and sails, large enough to contain our merchandise. We warped our vessels in as near as we could, built some rafts, and with them and our boats we in a short time landed all our cargoes. We moored our vessels snugly, and went to work and built comfortable quarters for ourselves, taking good care in the mean time, to gain the friendship of the natives. In the course of a few weeks most of the men had married native wives; I took one of the king's daughters, and in a short time he became so fond of me that he gave me another daughter in marriage. Our men worked constantly, made a great improvement, and appeared to be much pleased with their situation.

But they in a short time grew tired and wished to take another cruise. This I strenuously opposed, telling them the danger we must encounter from rough weather at this season of the year, and the more certain danger of the English men of war. But my arguments availed nothing, and I had to consent. All hands immediately fell to repairing the brig; they careened and tallowed her, and fitted her for sea in the short space of three weeks. We left our riches to be guarded by twenty of our comrades, took leave of our affectionate wives, and put to sea. We fell in with a Dutchman which we fought for fifty minutes close action. He had like to proved too much for us, and we hauled close on a wind and tried to shake him off, which he perceiving made all sail to come up with us. Our rigging was so crippled that we could not escape, so we wore ship and crossing her bows gave her a broadside, ran foul of her and jumped on board. A severe struggle ensued; the action was fought man to man for half an hour, with fearful odds; but we cleared the decks and took her. A horrid slaughter ensued; so enraged were my men that they did not spare a soul on board. Both vessels were so badly crippled in the engagement that it took two days hard labor to repair them. She proved a very valuable prize and we put back for Mohilla where we arrived without any serious accident, and were welcomed by our comrades. The king and natives were much pleased to see us again, and we went to unloading our prize and gave the natives many presents of cloth and trinkets.

I was determined to spend the remainder of my life on this lonely spot, and I built me a comfortable house, and fitted it up in the best manner. About this time a war broke out between the Mohilians and Johanna, an Island near by, to the Eastward of our abode. We took on board the brig 300 of the natives and went to Johanna, landed, went to the Chief's

town with a small cannon, and demanded a surrender. The man that carried the summons was killed, we commenced a furious attack upon the town and razed it to the ground, carrying off 200 prisoners. The fifth day from our departure we returned; the prisoners we distributed among our men for servants. I drew up a form of government, laid out a town, and built a fort which mounted 34 guns.

Planting season coming on we planted some beautiful gardens, and our little colony appeared prosperous and happy. We gave it the name of "Happy Retreat" and it proved an asylum for us until June, 1831, when an English East Indiaman stopped here to wood and water. They discovered they were in danger but we treated them with so much friendship that in a few days they were off their guard, and we laid a plan to take them by surprise. One evening we concealed our arms under our pea-jackets and made a party at my quarters. We sent thirty men to secure their vessel; and when they were merry with drink we arose and cut down every one in the room. The crew not suspecting any trick, the party that went on board massacred every soul without much opposition. The king had always been on very good terms with the English, and he did not like to have them murdered on his Island, he was much displeased with our conduct and jealousy was excited to such a degree, that my men were afraid the natives would murder them in the night. They teased me to take them to some part of the United States and let every one shift for himself.

I had to consent; and they fitted out the Brig in the best manner and put our most valuable articles on board. Every thing being ready for sea, I persuaded one of my wives to accompany me, telling her we should be back again in a few days. We weighed anchor and stood for the coast of Brazil.

We arrived off the mouth of the river La Plata, and our water getting low we intended to seize on the first vessel to replenish. We espied a sail standing up the river under Brazilian colors, and shaped our course for her. We hoisted American colors until we got close on board, we then hoisted the bloody flag, gave her a broadside and boarded her. We lost three men overboard in boarding her. We took out such necessaries as we wanted, set her on fire, and ran into Montevideo roads in the afternoon under American colors. We sent a boat on shore and got intelligence of the war between Brazil and Buenos Ayres. Seeing several American, English, and French men of war in this place, we weighed anchor in the night and stood to sea. Next day our carpenter fixed a small spar, and we rigged her into a Bark and stood for St. Salvador and came to anchor near the town under Spanish colors. The Spanish flag was so seldom seen here that it excited some suspicion, but nothing serious happened to us.

We learned here that a brig was about to sail for New-York with a large quantity of money on board; she was to sail in a few days. We purchased some large cases on shore, large enough to contain two persons each, and the day previous to her sailing, we engaged passage for two men to New-York, and freighted the cases in the evening. We placed two men in each case, and put them on board the brig. The cases were placed in the hold, but the two passengers supplied them with food, and were not noticed by any of the crew until the night following, when they opened the cases and let them out and they murdered the whole crew, and lay to until we came up with them the day following, according to agreement. We took out her cargo of money, scuttled her and went to Pernambuco.

We lay here two days and then put to sea again. We fell in with a small schooner from Kennebeck in

distress, we gave her some bread, water and pork, and steered away for the coast of Africa, in order to rummage some of the English East Indiamen. We painted our vessel black, and shortly after we fell in with an American brig, robbed her of what we stood in need of, beat her crew and took out her Carpenter and Mate, then set her fore-castle on fire and left her. We fell in with another brig soon after, and while we were plundering her the *Maria de Gloria* hove in sight. I soon discovered that she was a man of war, and was fast coming up. I dressed my men in gentlemen's clothes and called our vessel His Majesty's Packet; but my stratagem did not succeed, and my feelings since may be imagined, but can never be described."

Here ended his confession. The day after I had finished writing this confession they were arraigned, one at a time, before the Court and closely examined. Seventeen young men who were taken out of the English Indiaman were acquitted. The Judge Advocate then read the sentence on the remainder, forty-three in number, informing them that the following day they must be prepared to die on the gibbet.

The next morning they were conducted between double files of soldiers to the wharf, put on board of four barges and rowed to the Island, where in a few minutes they were launched into eternity.

MICHAEL MARTIN.

The adventures of this reprobate alone would suffice to fill a considerable volume, if detailed at length; wherefore we shall only give an abridgment of his history. His exploits have an interest which is rarely found in the deeds of malefactors. Stories less remarkable than his have been wrought into romances, but the plan of our work does not suffer us to indulge in general reflections.

Michael Martin was born near Kilkenny in Ireland, and was the cadet of his father's family. His father, a Roman Catholic farmer, took particular pains to instruct his children in the precepts of Christianity. Unhappily, in the case of his youngest son, the seed was sowed in an ungrateful soil.

Our hero was remarkable at school for his inattention to study. At the age of fourteen he was bound apprentice to his uncle, a brewer, and might have become a respectable man, had not his vicious propensities completely gained the mastery over him. Being chastised for some offence, he deserted and returned to his father's house. As neither threats nor persuasion could induce him to return, his parent consented that he should stay at home, on condition that he would go to school and behave well. Michael promised; but with him, promises were like pie crust,—made to be broken. At the age of sixteen he joined the association of United Irishmen, but kept what he had done a secret from his family.

Nevertheless, his father suspected him; and to prevent his frequenting such company, used at night to lock him up in his chamber. The precaution was vain; a rope sufficed to make it so, and Michael nightly galloped one of his father's horses to some meeting of the Ribbon Men, where the time was spent in discussing the grievances of the land. Nor was this the

worst: at such meetings the United Irishmen were drilled to the use of pike and musket, and when the better sort were gone, the rest caroused till morning. The perpetration of crime was foreign to the purposes of the association, but many of the brotherhood were men of desperate fortunes, and their intercourse engendered robbery and other malefactions. In such company, Michael Martin's vicious propensities gathered strength.

About six months after he joined the society his father discovered the connexion and chastised him very severely. For this he resolved to fly from the paternal roof, never to return. That he might not depart unavenged or ill provided, he used a pick-lock, which had been made for him by a dishonest smith, to open a trunk wherein his father kept his money. He had taken small sums therefrom before, without discovery; now, he only purloined five guineas, fearing to be pursued if he took more. With this sum he found his way to Dublin, where he called upon a Mr. O'Hanlan, his maternal uncle. He said to this person, that having been cruelly beaten by his father he had come abroad to seek his fortune and would gladly undertake any honest employment. Mr. O'Hanlan knew his character, and refused to believe his story. He said he doubted not that our hero had been properly treated, and commanded him to begone. Michael did not obey without bestowing many abusive epithets on his uncle.

He had the good fortune, a few days after, to meet a cousin who held the responsible station of chief clerk and cashier to an extensive brewery and distillery. This man at first gave him no better reception than his uncle had done, and urged him to return to his father. Some days elapsed, and Martin again meeting his cousin, professed repentance and promised reformation. On this the clerk consented to receive him into the brewery, in order that he might learn the trade.

The first day, he was bidden to pump a quantity of spirits from one vat into another. Instead of obeying his orders he pumped the liquor into the cellar, so that a great deal was lost, and the building had well nigh been burned, as the whiskey flowed round the furnaces. Howbeit, his cousin was so thoroughly convinced the mischief was accidental, that he made good the loss from his own purse rather than our hero should be discharged.

This kindness made some impression on the vicious youth, and for a year he was honest and industrious. But after this he became intimate with a gang of dissolute fellows, and spent his leisure hours with them, in the company of bad women and villains of all descriptions.

Before his vicious courses were discovered he gained fast on the confidence of his kind cousin, who employed him to make fires in the room where the money belonging to the establishment was kept, in preference to any of the other workmen. The trust was ill requited, and Michael was unable to withstand the temptation. At first he only abstracted a few shillings at a time, but finding they were not missed he ventured more boldly, and took away twenty-four guineas at once. When this sum was gone he stole thirty guineas, which was immediately missed by his cousin.

The clerk offered Michael four guineas if he would restore the rest, but instead of complying the thief affected huge indignation at the charge. His cousin then sent for an officer to arrest him, but Martin put on such an appearance of innocence that he was finally ordered to return to his work, and no more was said of the matter.

Nevertheless, the suspicions of his cousin were not entirely effaced, for he did not treat Martin so kindly as before, nor suffer him to have access to his apartments. Michael behaved with the utmost propriety for two

whole months after, because he feared the clerk had set spies to watch his motions.

At this time love stepped in to break the monotony of Martin's life, and he engaged himself to three girls at once, without the least intention to fulfill his promises to either. One of them was a servant of the Mayor of the city. This girl discovered his treachery and laid a plan of revenge.

She sent a letter inviting him to visit her at midnight, at her window, from which a rope was to depend, fastened to a bell within. He was to pull this rope to apprize her of his coming. In fact, the line was tied to the covering of the Mayor's bed. When Martin pulled, he drew a parcel of bed clothes out of the window, to his infinite astonishment. While he was pondering, the Mayor put his head out of the casement and cried "Thieves!" Martin ran to the brewery, pursued by the Mayor's servants, one of whom fired a gun at him while he was climbing into a window. The ball struck close to him, but he got in and went to bed. The next day the *posse committatus* arrived, and an examination of the workmen took place. Martin put on a grave face, and escaped all suspicion.

Martin resolved to be revenged on his innamorata by this stratagem. Accordingly, when, that very afternoon, he met her in the street, he treated her affectionately, and said he had mistaken the place where he should have gone. In about a week he invited her to a dance, but she said she could not leave the house, unless secretly, after the family should have retired to rest. Martin offered to come to the garden for her with a ladder, by the aid of which she might surmount the wall. She consented, and at the appointed time appeared, dressed in all her finery. On inquiring for the ladder, Martin said that he had been unable to get one, but proposed that she should escape through the brewery ware-house, which adjoined the garden. To this end he offered to climb first to a window himself,

and then draw her up after him with a rope. With much entreaty she suffered herself to be persuaded, and Martin immediately put his plan in execution. He entered, lowered the rope, and she tied it under her arms. When he had raised her half way from the ground, he made it fast and went off to the ball, where he danced all night with one of her rivals.

The girl was found next morning hanging, insensible, where he had left her. An inquiry was set on foot for the perpetrator of this brutality, and Martin, finding that the business was likely to be serious, left the city, though he had not a shilling in his pocket, and repaired to his father's house. His parent received him, after his absence of two years, with great joy. Martin answered all inquiries by saying that he was come merely on a short visit, and meant to return to Dublin. For several weeks he so comported himself that his friends believed him really reformed. He was induced to remain at home longer than he intended, by the hope of inheriting a part of the property of a rich and infirm uncle. However, his relative died and left all his substance to our hero's brethren. Michael was so enraged at this, that he refused to attend the funeral, and left his father's house to pass the time in his old places of resort, where he staid till his credit was exhausted.

His father endeavored to induce him to return, but his intreaties were repaid with insult. His brother succeeded better—by promising to pay all his tavern bills, he brought Martin back. He was kindly received, and made many promises of amendment, which he kept—three weeks. He then visited a company of profligate persons, the relation of whose desperate violations of the laws, inspired him with an ambition to equal, or perhaps excel them in dexterity and villany. Before long, his friends were convinced that if he could he would not become an honest man.

His father was now so well aware of his depravity, that he dared not keep his money at home; but the du-

tiful son indemnified himself for the want of opportunity to purloin cash, by stealing the live stock of the farm, which he sold at low rates. In a short time his condition was little better than that of an outlaw, for no honest man in the neighborhood would have any communication with him. He began, too, to be intemperate, but as yet he had not committed any very enormous crime. Perhaps a judicious course on the part of his family, might have reclaimed him even then; but their treatment was as ill advised as might be. Sometimes he met with excessive kindness, and sometimes with extreme severity. Whether he might have reformed or not, however, is no business of ours. He found himself so uncomfortable that he resolved to leave his home as soon as any feasible way of living should present itself.

One night he remained in the bar of an inn till all the company had retired, save two men, who invited him to drink with them. One of these called himself John Doherty. He was a fine looking, middle aged man, over six feet high, with a strongly expressive countenance and black eyes. He wore the dress, and spoke the language of a clergyman of the high church. He asked our hero many questions touching himself, his connexions, and business. He asked if he had not absconded from Dublin, if he were not fond of spending money, and if he were very scrupulous concerning the means by which it might be obtained. Martin was not surprised at seeing the man drink, for he knew that was not uncommon among the Irish clergy, nor at hearing him speak in such a manner, knowing that many of the protestant priests acted as spies upon the affairs of the United Irishmen.

Mr. Doherty urged our hero, himself nothing loth, to drink, and presently threw off his priestly disguise, talking much about robbery and religion. Martin tried him with the secret signs of the United Irishmen, but he did not, or would not understand them. In the

morning the mysterious stranger mounted a high blooded horse, but before he started, called Martin to his side and asked him which way he meant to journey. Being informed, he said he was going the same road, and should be happy to travel in company. If Martin should be tired with walking he might take his horse. So they traveled together till they arrived at a tavern, which our hero entered at the pressing solicitation of Mr. Doherty. Here they passed the day, in the course of which, the stranger, by dint of questioning, learned that his fellow traveler was very agile, and a fleet runner. They ran a race, one against the other, and Martin then exhibited his skill in horsemanship. In the evening, the stranger ordered liquors and other refreshments into a private apartment, whither the new acquaintances retired.

Here Mr. Doherty presently convinced our hero that he was intimately acquainted with his feelings, history, situation, and prospects. After this exordium, the stranger announced himself as Captain Thunderbolt, a notorious highwayman, whose desperate feats had made him the terror of the south of Ireland. At the moment he spoke there was a large reward offered for his head. Martin was something appalled at finding himself in such company, and would have left the room, but the robber told him he *must* stay, as he could not bear to part with so "clever a fellow." This sentiment he supported by producing and cocking a pistol. They sat down again, and Mr. Thunderbolt related his exploits, urged Martin to drink, and offered him his purse, from which the latter would take only six guineas. In short, he found the way to our hero's heart.

At midnight a great uproar was heard below, and Captain Thunderbolt opened the shutters to learn the cause of it. He found that a party of dragoons had arrived, in pursuit of him, and heard his name pronounced in the room immediately beneath. He then quitted a place where he would meet Martin, and es-

caped through the window. Scarcely had he departed when a knocking was heard at the door of the room, and several voices demanded admission. Martin, in order to give his new friend time to escape, kept them out some minutes, positively swearing that Thunderbolt was not within. At last the soldiers forced the door, seized Michael, and carried him down stairs, as an accomplice. He denied all knowledge of the robber, and as the publican happened, luckily, to know his family, he was liberated. Finding themselves disappointed, the dragoons rode off, and Martin immediately proceeded to the place of rendezvous. He found Doherty there; and took him to his father's barn, where he told him he had better sleep, and depart early in the morning before any of the family should be stirring. Then, having appointed another place of meeting, our hero went to bed.

At noon the next day Martin went to see the robber, taking with him bread and meat for the man, and grain for the horse. Thunderbolt now invited the young man to become his partner in business, saying that he would get a better living so than he could do in any other manner. Our hero replied that he was unwilling to disgrace his family, which generous sentiment the robber turned into ridicule. Nevertheless, the young man resolutely resisted his persuasions. Martin then went back to his father's house, whence he sent a boy to an inn for brandy, with which he returned to his friend. They spent the afternoon drinking, and after appointing a place of rendezvous and a signal, they parted, and the youth returned to his old haunts, and lived unnoticed by his connexions.

A week after, he received a letter from Doherty, desiring a meeting. He went to the place, and found the robber so disguised that he scarcely knew him. He had on a quaker suit, wore long, false, gray hair, and beside, his face was painted pale. He had a led horse with him.

The brace of worthies passed the night together in a deserted cabin, and Martin was favored with an abstract of his friend's system of ethics. It was sufficiently amusing. He was probably the founder of the Fanny Wright political code, for he said it was his aim to *equalize* property. To this end, what he took from the rich he would impart to the poor. Such persons as had more wealth than was useful or necessary, he would deprive of their superfluity, but not of their lives, if he could help it. If any strong necessity should occur, such as danger of detection, or resistance, he considered himself justified in enforcing his principles, even by the spilling of blood. His practice, too, in another particular, seems to have coincided with the theory of the "social system." He had been five times married, and had dissolved each connexion by his own sovereign will and pleasure, leaving his offspring to shift for themselves, though their mothers had brought him considerable property. Thus it is apparent he considered conjugal obligations mere vulgar errors. His life had been such as might have been expected from such rules of action. He had long traveled over the three united kingdoms in the exercise of his vocation, and had done much toward reducing all ranks to the desired equality. Yet he had never killed or maimed any person. He had assumed all characters and all names, those of priest and layman, banker and beggar included.

At this meeting Michael Martin became a convert to the "Social" doctrine, and consented to unite his fortunes with those of Captain Thunderbolt. At this time he was twenty-one years old, light, strong, and agile. He was five feet nine inches high, well proportioned, with fair complexion, light hair and blue eyes. His weight exceeded an hundred and seventy pounds. The expression of his countenance was pleasing and indicative of good nature. With these advantages, then, he started in the career of life.

After preaching a long sermon to his proselyte on the rules of the profession, Captain Thunderbolt initiated him into the order of clerks of St. Nicholas, by throwing a glass of brandy in his face and calling him "Captain Lightfoot." He next presented Martin with arms, and they set out for an assembly where men of all orders were to assemble for the purpose of hunting.

As they proceeded they met many passengers whom Doherty would not deign to notice. He waited for some of the gentry, from whom he might take a horse that would answer for his pupil. Previous to adventuring, the equalizers shook hands and agreed not to abandon each other in any case.

At last they met four well mounted gentlemen, and Doherty expressed himself willing to see a proof of his associate's courage. Martin hesitated to attack so many, but his tutor told him he should not fear though there were a hundred. He said he knew them all, that none were armed, and two were cowards. Captain Thunderbolt then took a position by the road side.

Captain Lightfoot rode boldly up, and presenting a pistol, commanded the gentlemen to deliver. One of them instantly wheeled his horse and fled at full speed. The one nighest the pistol said he had little money about him, but the robber replied that he had heard he carried it under his saddle, and commanded him to alight in order that he might examine. The gentleman did not obey till Captain Lightfoot drew his horse away from the others by the reins. He then came down. Martin sprang into the empty saddle, and ordered the others to alight also. They instantly obeyed.

Michael then rifled them all, and compelled the person he had dismounted to exchange coats and hats with him. All the while Captain Thunderbolt lay quaking in his quaker's coat, by the side of the road, and it is probable the gentlemen took him for what he was, an accomplice, since they submitted so readily. One of them asked Martin if he were Captain Thunderbolt;

to which he answered that he was not Thunderbolt, but his brother, Captain Lightfoot. He then bade them good morning, and the worthy pair rode off across the fields to a wood, where the younger villain dressed himself in his spoils. He received the applause of his comrade for his conduct, and they proceeded to the county of Cork, where they hid themselves in a wood.

Doherty hence sent his pupil to a neighboring town for some liquor, wherewith to baptize the stolen horse; an operation, which, he said, was indispensable. The liquor was soon procured, and Doherty, pouring some into the animal's ears, gave it a name.

The robbers then went toward Cashel in search of game, but found none. To do Doherty justice, he behaved for a time, better than well. When he saw the appearance of misery and want about any cabin, he alighted and gave the inmates money.

Doherty now changed his dress in order to pass for Martin's servant, and in this guise they entered Cashel, where our hero comported himself according to his preceptor's instructions. The next day they left the place, and were pursued by a party of cavalry, from whom they had much difficulty to escape. Several shots were fired after them, and one ball struck Doherty's saddle.

That night they slept at a village on the road to Galway. In the morning, when about to depart, they found that Martin's horse was lame, and he was obliged to hire another by no means as good. They then went to another village, where they remained close, for they had seen an advertisement of their robbery, and some of the pursuers had actually passed through the place.

Leaving this place they took the road to Cork, where they expected to reap an abundant harvest. In the afternoon they rode up to an inn, wherein they instantly discovered a number of soldiers and police officers. Though commanded to stop, they turned and

galloped off. Three or four guns were fired at them, but their horses carried them out of shot in a very few minutes. Two days after, they reached the city of Cork.

Here they remained close three days, rioting and drinking. Martin's horse died the first night of excessive fatigue. At last, tired of confinement, the robbers resolved to leave the place, and Doherty sent a boy for his horse. The keeper of the stable refused to deliver the animal to any other than the person who committed it to his custody, whereat the associates determined to leave Cork immediately, on foot, as they feared some stratagem to entrap them. They executed their purpose and arrived the next evening at Doneraile, where they put up at a small inn, though there was an advertisement describing them posted upon the door.

It was difficult to mistake the person of Captain Thunderbolt. The next afternoon, while he slept, Michael watched at the window, and presently saw a party, among whom were some soldiers, approaching the house. He awoke his comrade, and they pushed down stairs. At the bottom they met their host, who would have stopped Doherty, that he might pay the reckoning, as he said. Doherty instantly prostrated him with a fisticuff, and the two robbers then ran off as fast as they could across the fields, the soldiers pursuing and firing at them. Doherty received a ball in the calf of his leg, but still ran on. After a hot chase they escaped into a wood, where Doherty sank down, exhausted with fatigue and the loss of blood. A draught of brandy revived him, and Martin then cut out the ball with a penknife. Michael next made a bed of bushes and leaves for the wounded man, as it was evident they would be obliged to make a halt of some duration.

The partners remained twenty-four hours in the wood, without food or drink. That night our hero went in the disguise of a begger, to a gentleman's

house. He found the servants had all retired to rest, and they would not rise at his call. He therefore broke into a poultry-house and stole a brace of turkeys, with which he returned to his companion. By the aid of a pistol he kindled a fire, and roasted a turkey, which he devoured with great appetite; but Thunderbolt refused to partake, as he hoped to cure his wound by abstinence.

Two days after, they left the wood and traveled slowly toward a small village. Doherty knew the country well, so that they were mutually useful, the preceptor as a guide and the pupil as a support in walking. When they came nigh the village, Doherty hid himself in the bushes, while Martin went to an apothecary for certain medicaments of which the former knew the uses. According to Martin, Captain Thunderbolt had received a very tolerable education: he knew something of medicine and most other sciences, and was able, on occasion, to converse plausibly on the subject of religion. Martin procured the prescription, and after applying it the companions left the place and hid themselves in a fox cover where Doherty intended to remain till his wound should be healed.

Having seen some persons whose appearance did not please him, Martin dared not go in quest of provisions, and consequently the robbers were three days without food. The younger outlaw then went to a farm house, robbed a woman of a dish of hasty pudding and carried it to his companion. They sustained life in this precarious manner for a fortnight. Thus, it seems, highway robbery is by no means so pleasant a way of living as Martin had expected. A day of plenty was followed by a week of starvation; nor was there any of the freedom and independence he had been led to suppose. To be compelled to shun the face of man, to fear hourly for life; and to remain concealed in woods and hovels, suffering hunger

and thirst, may be considered an off-set against the possession of riches. Verily, Martin found that vice carries its own punishment. Often did he weep, and wish himself an honest man. The older reprobate made sport of such feelings, telling him that he was already committed, and might as well play out the game. More than once our hero resolved to leave Doherty and shift for himself, but the arguments of the veteran villain always prevailed over his better judgment.

When Captain Thunderbolt was so far recovered as to be able to walk, the robbers repaired to Clonmel, where a criminal court was in session. Some United Irishmen with whom Martin was acquainted, were to be tried. Two of them were sentenced to the gallows, and the rest to be transported. Martin proposed to Doherty to rescue some of them, but though they took much pains, they never gained an opportunity. Moreover, the presiding judge conceived strong suspicions of our adventurers, and cautioned their landlord against them. They heard of this, and determined to be revenged; to which end they remained quiet till the assizes were over.

The worthy judge traveled with his own coach and four, with a retinue of armed servants. The night before he left Clonmel, the thieves broke into his stable and took the linchpins from the hinder wheels of the carriage. In the morning, they went about two miles from the place to wait for the coach. They had not waited long, when the horses dashed furiously by them, dragging the fore wheels only. They went back, and met the servants on the way in pursuit of the horses. When they arrived at the spot where the coach had broken down, they saw that it was broken in pieces, and a crowd was gathered about it. None had been hurt, except the coachman, whose leg was broken. The robbers put each a guinea into his hand, and went off, as they could not steal anything among such a multitude.

Then, traveling toward Dublin, the comrades met a baronet whom they resolved to rob. Doherty took off his hat and respectfully accosted him, saying he had a letter to deliver. The knight reined in his horse, when Doherty, producing a large pistol, commanded him to deliver. He hesitated, but the robber seized the reins, and told him his life depended on speedy obedience. In the meanwhile Martin kept the baronet's servant still with a cocked pistol. The nobleman gave up a valuable watch, and upwards of thirty pounds in gold and notes. The servant offered Martin a silver watch and some small change; but the highwayman told him they were not worth taking, and that he would not plunder a poor man in any case. Doherty added, that they addressed themselves to none but gentlemen. He then said, that neither need fear for his life, as he knew he could get what he wanted without blood spilling. He next ordered master and man to dismount, which they did very quietly, and the robbers mounted in their places. Then, bidding the persons plundered good morning, the reprobates rode on.

At the distance of fifty miles from Dublin they came in sight of an elegant seat, the property of a Mr. Wilbrook. Here Doherty proposed to effect something, lest, as he said, they should grow rusty for want of practice. He rode to the door and inquired if Sir John Barker lived there, and on being answered that it was the residence of Mr. Wilbrook, said that gentleman was the very person he wished to see. The servant replied that his master was gone to a hunt, and added that there was no one at home but Mr. Wilbrook's sisters and servants.

The robbers alighted, and ordered the menials to take care of their horses and summon the ladies. When they entered Doherty addressed them very politely, saying that he had been robbed the night before, and had learned that the robber was one of Mr.

Wilbrook's servants. He desired to see all the menials in the house and they were accordingly assembled in the hall. After examining them, one by one, he opened the door of a small room and commanded them all to enter it. At the same time both of the robbers produced their pistols, and Doherty told the domestics that the first one who stirred should suffer death. Leaving Martin to guard the door, he desired the ladies to walk into another apartment, where he declared his business. He said he had heard there was much treasure in the house, and was resolved to have it.

The ladies were, as might be expected, much alarmed, and produced cash and trinkets to the value of two hundred pounds, nearly; but this did not satisfy Doherty, who declared he would have more. The women then produced watches and jewels of their own, but the robber declared he would rather die than take anything from a female. The comrades next divided the spoil, returned the key of the room where the servants were confined, kissed the ladies, and finally rode away, well content with their exploit.

After this adventure, they traveled toward a hunting ground, and on the road met two gentlemen mounted on very excellent horses. Doherty compelled them to exchange steeds with himself and his companion, and Martin would have taken their watches and money also, but Doherty said they had enough; not that he was satisfied with the beasts, but because he feared that other sportsmen, of whom the road was full, might come up.

Stopping for the night in the inn of a village called Corcoran, the landlord suspected their profession, and sent privately for a party of the police. He had seen an advertisement of their last robbery which contained an accurate description of their persons. Martin knew nothing of this till he was informed by a

girl in the kitchen, with whom he had commenced a flirtation. Scarcely had the girl done speaking when a noise was heard, and Martin discovered that the soldiery were already in the house. Seeing that he could render no aid to Doherty, he leaped through a closed window, which cut his face and hands, but not severely. The soldiers pursued him, and as he was getting over the garden wall, two of them fired. Martin fell on the farther side, and remained motionless, though not at all injured. The soldiers came up with a lantern and examined him; but, as he remained perfectly still, they believed him dead, and left him. As soon as they were gone he rose, and after running a considerable distance hid himself in some bushes near the high road.

He had almost fallen asleep, when he heard the steps and voices of an approaching crowd. They presently came close to him, some on horseback, others on foot, with lights and firearms. In the midst, our hero perceived the redoubtable Captain Thunderbolt, tied upon a horse, with an armed guard on each side of him. To diminish his chance of escape his captors had tied a white cloth round his hat, which rendered him the most conspicuous object in the procession.

Martin followed the throng to the house of the next magistrate, a distance of three miles. He stopped, however, by the way, at a cabin, whence the inmates were absent, having probably gone to see the sport. Here he disguised himself in some degree by staining his face and tearing his clothes, and then mixed among the crowd. He now perceived that his comrade's hands were tied behind him and that his feet were secured in like manner. Our hero witnessed the examination before the magistrate, who was presently satisfied that the prisoner was no other than the notorious Captain Thunderbolt. As there was no prison at hand, the highwayman was ordered to be confined in the house till morning.

Having ascertained the strength of the guard our hero went forth with the rest of the crowd and concealed himself near the magistrate's stable, resolved to leave no means untried to effect his comrade's liberation. At midnight he set fire to the building, by means of one of his pistols, and then cried "Fire," with all his might. A great alarm was created, and most of those who guarded the prisoner ran to aid in extinguishing the flames. Martin availed himself of the occasion to enter the room where Doherty was kept. There were but three soldiers in the apartment, who sat quietly beside the captive while their arms were piled in a corner.

As Martin entered he showed his pistols, swearing he would shoot the first that moved. The soldiers sat still and offered no resistance while he cut Doherty's bonds and gave him one of his pistols. But as the prisoner rose one of his keepers sprang to a musket. Before he could use it Martin shot him in the leg, and disabled him. The others were yet more alarmed, at his fall, and the robbers went off without molestation.

They traveled all night on foot, but in the morning perceived a groom training a very fine horse, which Doherty instantly demanded. The menial refused to surrender the animal, saying he should be punished if he lost it, but Doherty cut short the argument by dismounting the man forcibly. The villains both mounted and rode toward Dublin, choosing to journey circuitously and to avoid the public roads, for wherever they stopped they saw themselves advertised.

At last, when they were within thirty miles of the capital, they hit upon a plan to obtain another horse. Martin, at night, broke into a garden adjoining a stable which he found locked. Being resolved to effect his purpose, he climbed by means of a long pole to the window, which he burst in, and got upon the

haymow. Groping about in the dark, he fell through a rack among the horses and broke a finger of his left hand, of which he never after recovered the use. Nothing discouraged, however, by this misadventure, he went about feeling the horses until he found a restless young one, which, by examining the hoofs, he knew had never been shod. He put his handkerchief round the animal's neck and led it out to the spot where Doherty was waiting for him.

The veteran highwayman disapproved of Martin's selection, saying the horse was too wild for service, but our hero, like another Alexander, insisted on trying his steed. He took the saddle and bridle from Doherty's horse, put them on his own, and mounted. The experiment was ill advised: the unbroken colt started at full speed for his owner's house, in spite of all Martin's endeavors to stop him. As he approached the building the robber saw that the people had taken the alarm and were on foot, with lights. At this sight he contrived to throw the horse down and ran away, leaving the saddle and bridle. The people pursued our hero; while he ran in such a direction as to lead them away from Doherty. The chase became so hot that he was compelled to jump into a muddy pond, and as he could not swim for the mire, to wade through it. In about an hour he rejoined his companion. His voice was so changed by terror and fatigue that Doherty did not recognize it, and was on the point of firing at him. What was worst of all, they were obliged to leave their remaining horse, for want of the saddle and bridle, Martin had so strangely lost. Coming to a running stream, Martin stripped and washed his clothes, which he was obliged to dry by the heat of his body.

In the morning they entered a farm house, where they got something to eat, and went to bed. When they awoke they pushed on again, till they came to the house of one of Doherty's old companions, who was

under many obligations to him. This man lived in a retired situation near the Dublin road, and here the robbers determined to remain a few days. Nevertheless, they soon became suspicious of their host, who talked much about the reward offered for their apprehension. Wherefore, they sent the man for some whiskey and decamped before he returned, taking the road to Dublin.

The next morning they met two gentlemen, one an army officer, in a handsome chaise. Doherty stepped up to the vehicle, with a low bow, and the gentlemen reined in their horse. The robber asked if they would inform him what was the time of day, and as one of them was consulting his watch, presented a pistol, and asked for their watches and money. Martin seconded him by standing at the horse's head, declaring he would shoot the animal if they stirred.

"Are you really in want of money?" asked the officer.

"Yes," replied Doherty, "we are very poor, and you Englishmen have made us so."

One of the gentlemen then said they would give up all the money they had, while the other asked some unimportant questions and looked anxiously behind him. He demanded if they meant to strip him of every thing. "Give me your watches first," said Doherty, "and then I'll be after your purses, to pay the taxes on them." At this moment Martin perceived that the officer was fumbling in his pocket, and suspected he was feeling for a pistol. He instantly threw his own at the gentleman, which struck him on the head and laid him senseless. At this the other fell on his knees, and prayed them to spare his life. The robbers dragged the gentlemen from the chaise. One of them was already insensible, and a blow from Doherty's fist reduced the other to the same condition. Then, having plundered them of their watches and fifty guineas, the robbers drove off in the chaise. After going about five miles,

they left the vehicle in the road, and went to a house belonging to one of Doherty's acquaintance.

Before they left this man's house they heard of a poor person in the neighborhood whose furniture and other property were about to be seized for tithes. They paid him a visit, and learned that the sum he owed was over forty pounds. Doherty lent him the money on his promise to pay in a year, and refused to take his note for it; but enjoined it on him to take a receipt from the clergyman, or whoever should receive the sum. The man promised to obey, and the two robbers watched in the neighborhood till they saw the priest enter the house.

They remained concealed by the road side all night. In the morning the clergyman and an officer of the excise approached, both well mounted. Martin accosted the priest, saying that he had a letter for him, and presented him with a blank paper. He halted, as did his companion, and the next moment Doherty presented a pistol and demanded his money. Martin did as much by the exciseman. The parson pleaded poverty and said he had no cash about him, but Doherty gave him the lie direct. "Are you not ashamed of yourself?" said he. "I did not think you pious protestants could lie so. I know that you *have* money, and came wrongfully by it; therefore, restore it to its proper owner." The priest proved refractory, and would have resisted; nay, he called on his companion for assistance, but Martin kept the exciseman quiet with his pistol. The clergyman continued recusant, and would have escaped had not Doherty lodged a charge of small shot and salt in his thigh, which brought him from his horse. The thieves then rifled him of his watch, some silver, and the very money Doherty had lent the poor man. The horses they did not care to take.

After this they put up in a widow's house, and remained quiet a week. While there, they became ac-

acquainted (by report) with a certain widow Macbriar. This lady had been a poor countrywoman, but had married a rich man, who at his decease left her in affluent circumstances. Doherty advised Martin to become the husband of so pretty a property, and in order to put the matter in train, they started for Dublin where our hero might be provided with raiment suitable for a wooer. At every house where they halted they heard the name of Captain Thunderbolt, and saw advertisements describing their persons.

They overtook on the road the servant of an army officer, who was carrying his master's uniform to a tailor to be repaired. Doherty made the dress his own, after his usual fashion of appropriation, but gave the poor man his own coat and two guineas by way of consolation. In this dress he stopped at an inn in the vicinity of Dublin, ordered a dinner, and commanded the ostler to saddle the two best horses in the stable. As no one doubted he was what he appeared, the animals were made ready, and the two robbers reached Dublin that evening. They engaged lodgings at an excellent inn and in the course of a few days obtained such apparel as befitted their purpose. Moreover, they forged letters of introduction to the widow, and thus prepared, Martin set out on his enterprize, leaving Doherty in the city.

Our hero stated himself to be a man of large property, and his suit prospered: in less than a fortnight the widow consented to make him happy. He invited her to visit his family in Dublin, and she set off accordingly, in her own carriage, with three lackeys. In the meanwhile Doherty had prepared matters for her reception. He had hired a number of persons who were to pass for Martin's relatives, and he himself was to act the father. The widow remained in the house but a day before she declared herself anxious to visit her friends in the city, which had she done, the plot would have been frustrated. Our hero, therefore, per-

suaded her rather to return home. Having obtained the consent of his pretended father and mother to their union, he departed with her, and remained at her house four days.

On the fifth day, as he was walking with the lady, a pedlar who knew him arrived, and asked one of the servants why his mistress was walking with that rascal. He told the servant, beside, our hero's true name, as well as that he was a notorious highwayman, and a comrade of Captain Thunderbolt. As soon as Captain Lightfoot saw the pedlar he knew him, and would have bribed him to secrecy, but it was too late. When the lady came back to the house, a great uproar ensued. She was greatly scandalized, and sent for the police. Before they arrived, however, Captain Lightfoot had made himself invisible.

On his return to Dublin he heard that his comrade had attracted suspicion, whereupon they changed their abode and lay *perdue* some days. Then, hearing of a wedding about to take place, they went thither, Martin disguised as a female, and Doherty as his attendant. On their arrival at the house, they went in with the crowd unquestioned, no one thinking to ask whether they were invited or not. Martin sustained his part very well, spoke little, and kept his face covered with his veil. After supper money was collected for the priests, and Captain Thunderbolt contributed liberally. So far their frolic was innocent, but it was now to assume another character.

They left the house early, and as they stepped over the threshold discovered that four priests were about to depart in a carriage, attended by one servant only. This was a temptation they could not withstand. They proceeded about a mile, and lay in wait for the carriage. When it came up, Doherty seized the reins, while Martin compelled the driver to vacate his seat. When asked for their valuables, one of the priests demanded if they were robbers, to which Doherty replied

that they had the honor to exercise that employment. They gave up their money quietly, one of them at the same time remonstrating and suggesting the immorality of the procedure. The spoils amounted to sixty guineas.

On their return to the house where they had dressed, they found it surrounded by a concourse of people, soldiers and others. As they approached, they were discovered and pursued with hue and cry. The soldiers fired on them, and Doherty plunged into a river; but Martin preferred to trust to his feet on dry land. He ran till he had distanced all his pursuers, and then lay down to sleep in the woods. The next day, as he traveled he knew not whither, he came to a place where some peasants were at work in a field. They had thrown off their outer garments by the road side, and our hero availed himself of the opportunity to change his dress, leaving a half guinea for the owner of what he took away. Nevertheless the peasants, who saw what he had done, pursued him with much clamor, but did not overtake him. He then remained concealed in some bushes two days, with no other sustenance than fair water.

At last he left his hiding place, and inquired the way to the capital of some poor peasants. For four days he remained tranquil in a paltry inn, five miles from Dublin, and then started for the city once more. On the way he met an old physician he had formerly known, riding in a chaise with a little boy by his side. Martin picked up a great stone, and seizing the horse by the reins, swore he would beat out the old man's brains on the spot unless he instantly gave up his money. The doctor was frightened and delivered his pocket book, glad to escape so. Our hero told him his name was David Brimstone, and threatened to throw the stone at him unless he drove on with all speed. The old gentleman took the hint, and parted.

Michael Martin reached the city without farther adventure, and heard, on his arrival, that Doherty had stolen a purse at the theatre a few nights before. Captain Lightfoot next provided himself with pistols, and made the tour of all the taverns in search of his comrade. At one tavern he heard some people reading an advertisement concerning Captain Thunderbolt, and one said he had been traced to near Kilkenny. Presently their attention seemed to be directed toward our hero, and they began to whisper. Nevertheless, he put a bold face on the matter, paid for his drink, and walked coolly out. While in the entry, he heard such remarks as induced him to hurry up stairs. He got upon the housetop, and made ready to meet whoever might come. At last he ventured down, and met a girl in one of the upper rooms with a light in her hand. Supposing him to be one of the family, she suffered him to take the light and descended the stairs. He then took off his coat and powdered his clothes and head with some flour that he found in a box, and went down. There were many people about the door, but he passed boldly through them, pretending to be lame. He then took the road to Kilkenny.

In the morning he rested several hours at a tavern, and then calling for breakfast, was answered that they did not use to entertain highwaymen. This made him believe that he had been traced, and he departed. Before he had gone many yards, however, he was aware of half a dozen men in full pursuit. He distanced them all, and slept that night in the woods.

At Castle Dermot, near Kilkenny, Martin heard that Captain Thunderbolt had lately robbed a nobleman, and that there had been a hot pursuit after him. In this neighborhood he saw many who recognized him, though he had colored his hair, painted his face, and wore a great patch over his eye. Yet no attempt was made to arrest him; and he constantly met some of the United Irishmen, who would have protected him.

One day he heard some persons talking familiarly about his associate. In order to discover his retreat, Martin stated that he was a constable, and offered a large reward to any one who would tell him where Captain Thunderbolt might be found. When he left the room an old man followed him, and giving the private signal, offered to show him where the robber lay concealed without any reward. Martin followed the ancient three miles, to a little hut, where he found Doherty and passed the night drinking with him. In the time they had been separated the elder robber had labored diligently in his calling, having collected upwards of six hundred pounds, beside watches and jewels.

In the morning they set out on foot for the north of Ireland, intending to pass over into Scotland if unsuccessful in that quarter. Their present object was to obtain horses, for which an opportunity presented itself on the third day. They met a gentleman alone on a beautiful horse, and our hero compelled him to stop, saying he wanted to rob him. A servant then appeared, coming to his relief but Doherty threatened the man with instant death if he advanced an inch, and he stopped. The gentleman gave up his purse and watch, but at the same time observed that he thought the money was enough for them and he would be glad to retain his timepiece. Martin replied that the watch was much too pretty for him, and that he wanted such a one for his wife. The sufferer then asked, very politely, if Doherty was not identical with Captain Thunderbolt; to which the robber replied in the affirmative. The highwaymen compelled the master and servant both to dismount, and rode away on their horses to a spot where they buried their plunder.

In four days they reached Lisburne, in the county of Antrim, without having committed any crime by the way. Having received some affront from the master of the inn where they put up, they exchanged their tired horses for fresh ones from his stable, in revenge, and set off for Belfast.

Meeting an old man riding alone in a solitary chaise, Doherty asked him the way to Belfast, and received a churlish answer. Provoked at this, Martin pulled out a pistol and demanded his money. Thunderbolt persuaded his companion to desist, and the old man hurried on, threatening to send a party of soldiers after them immediately. Martin became enraged, followed him half a mile, and bade him give up every thing he had. The ancient begged for time,—and his life. Martin dismounted, cut his reins, and tied his own horse to the chaise. He then mounted into the vehicle, took the old man by the throat, and plundered him of an hundred and fifty pounds. After this cruel action he joined his companion, and they reached Belfast the same day.

Here they prowled for prey to no purpose. Tired of this, they chartered a small vessel for Scotland, and embarked with their horses. A gale kept them in the Irish Channel two days, after which they reached Preswick in safety.

They next went to Glasgow, where Captain Thunderbolt endeavored to sell several estates he said he possessed in Ireland. Though he exhibited the title deeds, and gave references to imaginary persons, he did not succeed in effecting any bargain. They remained in the city three weeks.

They were one day aware that a gentleman with whom Doherty had become acquainted was about to ride to his country seat, and resolved to rob him. After following him several miles they came to a spot favorable to their purpose, and Doherty rode up to him, requesting to borrow a few shillings. The gentleman called him a rascal and bade him begone. "You rascal," said the highwayman, "stand still—or I'll blow the head from your shoulders." The frightened gentleman asked how much would satisfy him, and was answered by Martin "all he had." He gave up his purse, which was but light, but they dared not stay to

examine him. He asked the robbers if the elder was not John Doherty. Doherty replied that that had been his name, but that his comrade had given him a new one—Captain Thunderbolt. The gentleman then declared himself to have been one of Doherty's school-fellows, and gave the robber much good advice. He promised, that if permitted to retain his watch, he would never expose his school-mate, and was in consequence suffered to keep it.

The highwaymen rambled about the country several weeks without getting any opportunity to increase their possessions, and found, moreover, that they were viewed with suspicion. Advertisements regarding them had found their way over from the sister kingdom. To add to their danger Doherty was well known in Scotland. For all these reasons, Captain Thunderbolt thought it advisable to disguise his person as much as possible. But wherever they went, Captain Thunderbolt was recognized by some person or other. Near the mouth of the river Clyde they fell in with a party of dragoons who pursued them five miles, and at last pressed them so hard that they were obliged to swim the river. Martin got safely over, but Doherty's horse sunk under him, so that he was compelled to abandon the animal and swim for his life. As soon as he reached the shore he mounted behind our hero, and they continued to ride in this manner two days. At last the horse was exhausted with fatigue, and they left him, to go on foot toward the river Dee.

Finding himself so well known, Doherty determined on another course. He bought a small stock of medicines, and traveled in the character of an itinerant physician, Martin attending him as an apprentice. By dint of impudence, Doherty succeeded in picking up some money. He used, when speaking of his own skill, to say he particularly excelled in *bleeding*, and that Martin was fast learning the same art. Thus they avoided suspicion, and lived in an inoffensive, if not

honest and honorable manner. Our hero was more than once tempted to adhere to his new profession, but the arguments of his preceptor, and, perhaps, his own evil propensities, were too strong for him.

When they became weary of this mode of life, our quacks resolved to return to Ireland, and took Glasgow in their way. They remained in this city some days.

One evening seeing a person of respectable appearance, they followed him to a lonely street where they took him by the throat and told him to deliver. He did as he was commanded.

The next night they went on board a small vessel that was lying at one of the wharves. There were but two men on board, both fast asleep. The villains awakened and commanded them to make sail for Bangor. They excused themselves by saying that the master was absent, and they dared not sail without him. Doherty, however, compelled them to do as he wished, and Martin cast the fast loose. The morning after the vessel arrived at Bangor.

The robbers paid the seamen for their trouble, and started for Dublin. The second night they got into a stable. They found two grooms asleep, of whom they bound one, and obliged the other to saddle and bridle the two best horses. This done, they repaired to Dublin, injuring no one by the way.

After having committed some petty thefts, they saw a stage about to start for Kilkenny, and Martin proposed to follow and rob it. Contrary to his wont, Doherty was backward, thinking it too hazardous to attack a coach full of passengers on an open and much frequented road in broad day-light. Martin, however, was not to be deterred: he followed the stage alone, and when he overtook it, cut four trunks from behind. He then returned, picking them up, one by one, from where they had dropped, and carried them into a field. His disappointment was

great at finding nothing in them but wearing apparel. In his anger he strewed the clothes about under a tree, on which he hung a red handkerchief by way of auction flag. He then wrote a notice purporting that all these articles were to be sold there the next day at auction. He posted this notice on a tree and walked off.

He soon came to a large house, the owner of which was standing at the door. Martin asked him for a draught of beer, and was bidden to go to the next ale house and buy it. Our hero then demanded what auction was to take place in the adjoining field. The man said he had no knowledge of any, and refused to believe what the robber said he had seen. Finally, Martin offered to guide him to the place, and after doing so left him under the tree. The remainder of the affair he heard afterward.

Scarcely had Martin left the spot when the people of the stage, who by this time had discovered their loss, came back. Seeing the trunks open on the ground and the gentleman examining their contents, they seized him as the thief, beat him, bound him hand and foot, and carried him before a magistrate. This person knew the gentleman, and was certain that there was some mistake. Accordingly an investigation took place, and the prisoner was discharged.

When our hero got back to Dublin, he found Doherty absent, and never saw him more. Subsequently, Martin heard that he had left Ireland with his ill-earned wealth, in safety, and that he had gone to the West Indies and engaged in reputable business. What become of him eventually, we have no means of ascertaining.

Having spent much time in a vain search for his associate, our hero went to the famous fair of Donnybrook, where he participated in the jollity and cracking of crowns for which the place is proverbial.

He left in a jaunting-car which he had stolen with two females, with whom he rode about the country several days. When he was tired of their company he put them into a stage bound for Dublin and bade them farewell. He then sold the horse and car and walked back to Dublin, committing only one robbery on the way. His next adventure was a bold one, no less than robbing the Lord Lieutenant of Ireland.

He learned from a maid servant of this dignitary with whom he had contracted an intimacy, that he possessed a snuff box richly ornamented with jewels. He also discovered that the Lord Lieutenant was in the habit of walking very early in his garden, alone. By bribing the gardener he got access to the garden the first fair morning. He had not waited long before he saw the nobleman approaching, who presently sat down on a bench by the side of a fish pond. Martin walked up to him with a cocked pistol, and—"your money or your life." The following dialogue ensued.

Lord Lieut. Did you speak to me.

Martin. Yes, plase yere honor.

Lord. You impudent rascal, what do you want? Get you gone or I'll have your skin taken off.

Martin. Plase yere honor I must first skin yere pockets—and if ye offer to make the laste noise—and if ye dont be after giving me less of yere blarney, I'll take yere life.

The nobleman surrendered a heavy purse and would then have gone away, but our hero desired him to stay awhile, for he had only begun with him. The next demand was for his watch and diamond ring. The nobleman entreated that these might be spared, as he set a higher value on them than their price in money. He even offered to deposit any ransom in any place Martin might appoint. The robber asked if the Lord Lieutenant thought him fool enough to expose himself to detection by going after

it. However, he finally suffered him to retain the ring. As he was about to depart, he asked the Lord Lieutenant for a pinch of snuff, a desire that was readily granted, and the robber gained an opportunity to snatch the jewelled snuff box. Martin then told the noble he had got enough, and advised him to say little about the matter, or he would visit him again. The Lord Lieutenant said he was sorry such a young man should be a robber, and advised him to sin no more. The highwayman replied that it was his vocation, and that at any rate he had only treated his adviser as his adviser's countrymen treated the Irish. His excellency then asked his name, and was informed that it was Captain Lightfoot. "Ah," said he, "and where is your comrade Thunderbolt?" Martin replied that he was absent on business, and that he should come to sup with the Lord Lieutenant if the latter said anything about what had passed. Martin was then urged to enter the house and drink, but declined the invitation and made haste to escape, as he saw some servants entering the garden. He retreated backward, always holding fast his pistol, to the garden wall. While he was scaling the wall the Lord Lieutenant gave the alarm, and the servants came running after him. Nevertheless he escaped by swimming over the Liffey.

In four days he reached Kilkenny, where he found that an advertisement had arrived containing an account of his late robbery and a description of his person. He immediately buried his watches and the greater part of his money, and then disguised himself as a beggar. A stolen horse conveyed him speedily to Waterford, where he took passage in a ship bound for New-York, under the name of Michael O'Hanlan.

The provisions and water failing, the master of the ship resolved to put into some port in the colonies, instead of proceeding to New-York. This

change of destination was, for obvious reasons unpleasing to Martin, and he brought about a mutiny among the seamen and passengers of whom there were more than an hundred on board. Our hero seized and disarmed the captain with his own hands, and there was a battle royal for some minutes. Finally the master was compelled to submit and the vessel arrived at Salem on the seventeenth of June, eighteen hundred and nineteen.

After spending all his money Martin hired himself to Mr. E. H. Derby, to work on a farm. He remained in this gentleman's employ about a year, behaving very well. When he had money, it is true, he spent it in liquor, and at such times was lazy and quarrelsome. The demon of intemperance at last proved too strong for him, and Mr. Derby was compelled to discharge him. During this period he learned that his father was dead, and exhibited a sorrow that would hardly have been expected from such a person.

He had, it seems, formed the resolution to become an honest man, and after leaving Mr. Derby engaged in the service of a brewer. Here his worst conduct consisted in drunkenness and gaming. In a few weeks he received a letter from his brother containing four hundred dollars; his share of his father's property. With this money he took a lease of a small brewery in Portsmouth, New-Hampshire, hired workmen, and began to live respectably. He dealt largely in beer and porter, but found the people too acute for him in the way of bargaining. Becoming dissatisfied, he returned to his former habits of dissipation, and soon became a bankrupt. This was the end of his attempt to be honest: he hired a horse and chaise and took the road to Canada. On the way, in Vermont, he robbed a Connecticut peddler of seventy dollars. At first the man resisted, but Martin beat him from his cart and easily overpowered him. He justified this action in a rather singular manner. He

took it for granted that the peddler had obtained his cash by cheating honest men, which was probably the case, and thought that the money would be in better keeping for the transfer. This was the only crime he committed on the road to Quebec.

In that city he sold his horse and chaise, bought a quaker dress and pistols, made inquiries touching the roads, and laid plans for the perpetration of new robberies. He went to Trois Rivieres and put up at the house of a Frenchman, where he fell sick and remained two days. Here the kindness of his host won so far on him, that he left the house without doing any mischief.

The day he left Trois Rivieres he met two well dressed gentlemen in a chaise. He halted in the road, and when the vehicle came up asked the time of day. The man nearest to him took out a valuable watch, and at the sight of it the pretended quaker presented a pistol and ordered him to give it up. The man complied, but his companion stammered in broken English and pretended not to understand. Martin, enraged at this, snatched the reins and swore to kill them both unless they complied with his demands. After speaking to each other in French, they surrendered their pocket-books and watches, one of which Martin returned, saying it was not worth the trouble of carrying. He then restored the reins and bade them farewell. The next day he robbed an old gentleman of thirty-five dollars. The next person he met was a Frenchman, on a fine horse. The robber stopped him with the usual formalities. The man surrendered a pocket book containing three dollars only, but the robber was not content and ordered the traveler to dismount. He excused himself by saying the horse was a borrowed one, and that he should lose his character by parting with it. Martin replied that he had better lose his character than his life. The Frenchman turned his beast's

head, and would have escaped had not our hero discharged a pistol. The poor man fell from his steed thinking himself dead, and when Martin came up with him begged his life. The robber compelled him to buckle the spurs to his feet, gave him a dollar for his pains, and rode off.

Martin now divested himself of his quaker apparel and thus escaped suspicion on his way to Montreal. He heard many inquiries concerning a quaker, but no one thought of arresting him.

Finding no opportunity to fill his purse at Montreal, our hero started for Kingston in Upper Canada. On the road he met an Indian, probably of the St. Regis tribe, riding alone in a chaise. The man was well clad and had many ornaments about him. When the highwayman demanded his effects he tried to snatch the presented pistol, but failed in the attempt. He then gave up his ornaments and sixty-five dollars in cash. This done, he proposed to the robber to throw down his weapon, and he would fight him for the money. Martin attempted to explain to him the Irish mode of fighting, and used the word *shillelah*. The Indian understood the term and knew the robber for an Irishman at once. He did more—he consented to fight on Martin's terms. Our hero agreed, and told him to wait till he could cut a stick. With that he spurred his horse into the bushes. Suspecting that he was about to escape, the savage pursued with whoop and halloo, and in less than a minute Martin had the pleasure to see a score of Indians running after him. He spurred on to the bank of a river, where he stopped and dismounted to give his horse breath. While he stood thus an Indian came upon him out of the bushes, before he had time to mount his horse, and threw a large stone at him with all his might. While he was stooping for another Martin shot him through the body, mounted his horse, and escaped. He never knew whether the savage

was killed or not : if he was, it was the first and only murder he ever committed.

After rambling about the country some days Michael directed his course toward Kingston again. While he was resting at a small tavern a British officer rode up and behaved in a very insolent manner. There was, perhaps, some excuse for it in Martin's appearance, for his beard was long and his raiment rather shabby. Be that as it may, when our hero asked him the way to Kingston he was answered with abuse. What followed may be a lesson to such persons, showing that no advantage arises from incivility.

Having ascertained from the landlord what road the soldier meant to take, Michael started in advance, and lay in wait for him by the road side till dark. When he came up, the footpad commanded him to stop in a loud voice, and seized the reins of his horse. "Now, master Lobster," said Martin, "dismount instantly." He obeyed and gave up a few pieces of money, which Michael threw away with huge disdain. The soldier begged his life in the most abject manner, making it apparent that his cowardice was fully equal to his insolence. Martin asked him why he did not defend himself with the pistols in his holsters, but he replied very submissively that he never fired at gentlemen. The robber then stripped him, tied him to a tree, and left him, threatening to return and shoot him if he made the least noise. Martin then mounted the officer's horse and rode away. At the first stream to which he came he tied the soldier's uniform to a large stone and sunk it. He now bent his course toward Montreal.

One night stopping at a farmer's house, he represented himself as an agent of a company of emigrants who wished to purchase land, and was directed to the house of an old gentleman who had large tracts for sale. In the morning he went thither, and found the land owner with a young man, his son, in his parlor.

He was invited to view the house and grounds, and in the course of his walk discovered that there was no males in the house excepting the persons before mentioned. Leaving his son writing in the parlor, the old gentleman led Martin to an upper room to see the prospect. Here the highwayman presented a pistol, and by threats of instant death compelled his host not only to give what money he had in his pockets but to tell him where more might be found. It was, he said, in a desk in the apartment next to that in which his son was. Martin bound and gagged him and then walked down stairs. He told the young man he was waiting for his father, and desired him to bring his horse in the meantime. While the youth was gone to the stable he opened the desk and took away an hundred and seventy pounds in specie. On the son's return Martin told him that his father desired to see him up stairs, and as soon as he was out of the room mounted his horse and went off.

On his arrival at Montreal he fell into the company of gamblers, whom he managed to cheat at cards, and won two hundred dollars of them. After this he traveled toward the United States and saw advertisements describing him at every inn on the road. At the first tavern south of the boundary line a man overtook him who was sent to stick up handbills offering a reward for his apprehension. This person conversed with him without in the least suspecting his character, and said that he was going through Vermont for the express purpose of sticking up his placards. Martin told the man that he had himself been robbed by the person in question, was in pursuit of him, and would spare the other the trouble of going any farther, if he would trust him with his bundle of bills. The man gave up his charge, with many thanks to the robber for his civility. Our hero, it will readily be believed, lost no time in destroying the dangerous papers.

On entering the bar room of an inn at Burlington, the first object that met his eyes was an advertisement; and he perceived that he was closely watched. He walked out at the back door, so coolly as to excite no suspicion, and gained the woods, judging it advisable to leave his horse behind him. Avoiding the high roads, he arrived at Enfield in New-Hampshire, and thence traveled with caution toward Boston, on foot, as he could not get an opportunity to steal a horse. His intention was to embark for the West Indies and rejoin his congenial spirit Doherty.

At about eleven P. M. being between Boscawen and Concord, he heard the trampling of horses behind him, and concealed himself in the bushes. Presently two men came up on horseback, and as the moon shone brightly, discovered him. One of them approached him nearly and asked who he was, to which our rogue responded, "I am bold Doherty." Then pulling out a pistol, he offered the questioner the alternative of losing his money or his life. The man gave up his cash and papers, and Martin next compelled him to dismount, in order, as he said, that he might ascertain what money might be hid under the saddle. The robber mounted and bade the man stand back by the road side, crying at the same time to a supposed accomplice in the bushes to take care of the prisoner. He then rode on.

Two days after he overtook a man on horseback, journeying to Newburyport, and conversed very freely with him on the subject of this last robbery. Our hero said he should like to detect the offender more than anything, and that he did not consider himself safe, as he had money about him. His name, he added, was Morrison. The man replied to this that he did not consider his safety insured by a pistol that he carried about him, as, for aught he knew, there might be a gang of fifty robbers about the country. Finally, they agreed to stand by each other if attacked.

While they stopped at a brook that their horses might drink, Michael put the muzzle of a pistol to his companion's head and bade him deliver. The man gave up two hundred dollars. After threatening him with death if he should presume to follow, the highwayman departed and arrived that night at Salisbury. Here he turned his horse loose in a field and passed the night in a deserted hut, for he feared to enter any house. In the morning he started again.

By this time he was tired of riding on horseback, and seeing several chaises with harnesses standing near Salisbury church took advantage of the opportunity to rest his wearied bones. Some rogues would have been deterred from theft in such circumstances, by the confidence evidently reposed in the honesty of the community by the owners of these vehicles, but it had no effect on Michael Martin. He harnessed his horse to one of the chaises unobserved, (it was not yet day,) and drove on till noon, when he reached Newburyport. Here he put up at a tavern, unsuspected: the landlord had known him when a brewer at Portsmouth and thought he had come from that place. His first act in Newburyport was to make an appointment to meet a girl with whom he was acquainted, at nine o'clock; his second, to go to a lecture with the bar keeper. He slipped out of the church unobserved by his companion, and sought in the streets an opportunity to commit a robbery. It was not long wanting.

Meeting a well dressed man in a narrow passage, our desperado asked him what o'clock it might be. The gentleman asked him if he had not just heard the clock strike. "Yes," replied Martin, "but if you do not let me hear your watch strike I shall strike your head." At the sight of the robber's pistol the man gave up his time piece and forty dollars in cash. Martin then gained the tavern, ordered his horse and chaise, took up the female before mentioned, and reached Beverly that night.

In the morning he gave his companion a considerable sum and left her, promising to return in three days. On his arrival in Boston he put up at the Sun tavern in Battery March Street.

We now approach the end of our story, and of his career of crime. Hearing that an assembly was to take place at the house of Governor Brooks in Medford, he mounted his horse and rode thither. He watched the house till he saw Mr. Bray a very respectable gentleman of Boston, coming from it in a chaise with his lady. They took the turnpike road to Boston; and as soon as they had passed Martin mounted his horse and followed.

He overtook the vehicle near the Ten Hills Farm, presented his pistol at Mr. Bray, and demanded his money or his life. Mr. Bray gave up his watch and all the money he had about him, but the robber did not take his wife's watch, for, as he remarked, he never robbed ladies. Then he went off in a contrary direction from Medford, and met a negro man and woman in a chaise. He compelled them to get out, and went back to Medford on their horse himself.

When he stopped at the tavern he found the town in commotion on account of the robbery of Mr. Bray, and as he perceived he was suspected, he rode slowly away. At the end of the town he was challenged, and refusing to answer, the people cried "stop thief!" At this cry he set off at full speed; but before he got far one of the stirrup leathers gave way, and he was thrown with such violence as to dislocate his shoulder. He outran all his pursuers notwithstanding, and concealed himself in the woods where he adopted rather a rough method to bring his bones back to their proper places. He made a line of his suspenders and cravat, tied one end to a tree, the other to his wrist, and pulled his arm into place by main strength. After this, he took the way to Albany, and reached Holliston in safety, by shunning houses and public roads.

Being now tired of walking, he determined to steal a horse. This might easily be done, as there were plenty of them in the fields, but it was not so easy to get a saddle and bridle. Yet he was not discouraged: at day-break he entered several houses and barns, and at last found what he wanted in the kitchen of a dwelling belonging to Mr. Adams. He carried off his plunder with no other opposition than that of a large dog, which he killed on the spot with a stone. He next mounted a fine mare which carried him to Springfield. This was his last dishonest action.

At Springfield, while our hero was fast asleep at an inn, those who had followed his track to recover the stolen mare came into his apartment and apprehended him so suddenly that he had no time for resistance. Unfortunately for him, he still had Mr. Bray's watch about him. It was identified, and he was sent to Boston to take his trial for highway robbery.

On the ninth of October eighteen hundred and twenty-one, he was arraigned at Cambridge before the Supreme Judicial Court, and pleaded not guilty. Nevertheless, the testimony was so clear that there could be no possible doubt of his guilt, and he was sentenced to die on a gibbet on the twenty-second of December; a fate he had a thousand times merited. His conduct during his trial was firm and composed, and when the sentence was pronounced he very coolly said, "Well, that is the worst you can do."

On his re-commitment to the jail at Lechmere Point, he told the officers he would make every effort to escape, and was in consequence put in irons. They were, however, soon taken off, the strength of his dungeon being considered such as to render futile any attempt he might make. At first he showed no signs of contrition, as his mind was wholly occupied in devising means to liberate himself, which he hoped to do by the aid of a large knife he had brought into prison with him. Still the obstacles to success were such as

would have reduced most men to despair. His cell was eight feet wide and ten long, entirely of stone, and the door was of thick iron, well fastened with bolts. The entrance was only wide enough to permit the passage of one person at a time, and was within two yards of an outer door of solid iron. Moreover he was fastened to a ring bolt in the floor, by a chain riveted round his ankle. This chain had a branch attached to his right wrist, and the links were half an inch in diameter. For all this he was not a whit despondent: he made a saw of his knife and cut off the foot chain at the second link from his ankle, in such a manner that he could join it at pleasure. He also filed off the rivet of his handcuff, and covered the interstices he had made with a compound of tallow and coal-dust so much resembling iron that the daily examinations of the officers were insufficient to discover them. Nay, though his irons were once taken wholly off, the damage was not discovered. Thus prepared, he fixed on the eighth of December for the day of escape.

In the morning Mr. Coolidge, the turnkey, came to make his fire as usual, with attendants. He found Martin sitting up vomiting, and wrapped in a great coat. Coolidge went, at his request, to bring him wine, and returned, but as he did not dismiss his followers our hero remained quiet. A little after, the turnkey came again, alone, with the prisoner's breakfast, and was about to depart when Martin, in a feeble voice, desired him to pick up a paper of tobacco from the floor, as he was too weak to do it himself. Coolidge complied, and while he was stooping, Martin struck him down with his chain, threw off his great coat and sallied forth. A gate, constructed of a double layer of thick plank laid transversely, obstructed his farther progress. It was fastened within with a padlock, attached to a very strong staple and hasp. The convict threw the whole weight of his body and force of his sinews several times against it, retreating some yards

each time for the benefit of the momentum. In the meanwhile he bethought himself that he should have bound the turnkey in his cell, and turned to do so, but hearing the alarm given he made one more desperate leap at the gate. This time lock and hinges gave way before him, and he ran for his life. Unluckily for him several workmen were at that moment passing, and they gave him chase. Besides, he had been so long confined that he could not run as fast as he was wont, and part of his chain remaining at his ankle impeded his progress. He was overtaken about a hundred yards from the jail; and after knocking down one or two of his pursuers was overpowered and brought back. He evinced no regret for what he had done, and said he would take leave of the prison again if they did not watch him very closely; but he expressed deep sorrow for having hurt the turnkey, who had always been kind to him. He said he had prayed all night that he might only disable and not kill the man. There is good authority for believing that the prayers of such as he are of no avail, but at any rate Coolidge was not much injured.

After this he was more heavily ironed, and strictly guarded. The utmost caution was observed in opening the door of his cell, and he was soon convinced that escape was impossible. His manner and sentiments underwent a great alteration, and he earnestly desired the good offices of the clergy of his own persuasion. He expressed repentance for his evil deeds and declared his belief that it was better he should die, as an escape would only have plunged him deeper in crime. He evinced great distress at the disgrace his untimely end would bring on his family, and said he was glad his parents had not lived to hear of it. At the same time, though he showed no fear of his approaching fate, there was no bravado in his manner. His will would seem to show that his repentance was sincere: it began with an avowal of his belief in the tenets of the Roman Ca-

tholic religion, and his assurance of acceptance before God through the merits of the blessed Redeemer. His spiritual comforters were appointed his executors, and desired to restore all his money and goods, as far as they would go, to the persons he had injured. He bequeathed his body to a gentleman of Boston, with a request that it might be decently interred, and by no means given over to the dissecting knife. On this subject he was very anxious, and on being told that his remains should be protected, said that he should die more easily for the assurance.

A few days before his execution, he was asked by a friend how this world appeared to him. "Much," said he, "like a cloud of smoke over the city, to be driven away by the first gust." On the morning of the twenty-second, he showed the same fortitude and religious feeling that had marked his conversation since his attempt to escape. He acknowledged the justice of his sentence, and said he felt no ill will against any person living. He was willing to die, having placed his confidence in God. When his fetters were taken off he walked about the room in order to recover the use of his limbs, "for," said he, "I should not like to appear awkward, and I wish the multitude to see that I am not afraid to go before my God." A few minutes before he was led out he made a fervent prayer, and then adjusted his apparel as well as his pinions would permit before a looking glass. At the place of execution his demeanor was firm, cheerful and resigned.

"He died, as every man should die,
Without display, without parade;
Meekly had he bowed and prayed,
As not disdainng priestly aid,
Nor desperate of all hope on high."

JESSE STRANG.

What we have to relate concerning the celebrated murder of Mr. Whipple, is founded on facts disclosed at Strang's trial, and on his confessions while under sentence of death.

Jesse Strang was the son of poor parents and was brought up to hard labor. When he arrived at man's estate he married, but being naturally of a restless, depraved disposition, he soon left his spouse to shift for herself, and went to Ohio. Becoming tired of the western country he returned to the east, and in July, eighteen hundred and twenty-six, arrived in Albany, whence he went to Cherry Hill, near the residence of P. P. Van Rensselaer, and hired himself to a Mr. Bates. To avoid recognition by any of his former acquaintance he took the name of Joseph Orton.

Mr. Bates kept a public house. About the beginning of August, Strang being in the bar room, saw two females enter, one of whom was young, handsome, and very giddy and playful. This person was not, as he supposed from her demeanor, a girl, but a married woman. She was the wife of Mr. John Whipple, who was much her senior. As to her character, it appears that though her husband treated her with the utmost gentleness and affection, and though she had borne him a son, she was the slave of animal passion, which influenced her conduct the more; that she was totally devoid of religion and moral principle. Such was the famous, or more properly, the infamous Elsie D. Whipple, the first sight of whom lighted the flame of lawless love in Strang's bosom.

About the end of August, Strang went to live with Mr. Van Rensselaer, who dwelt in a house, in which Mr. Whipple and his wife were boarders. For a long time no particular intimacy took place between Strang and the object of his desires, nor did any part of her

conduct encourage him to declare his feelings toward her, which were daily gaining strength. But near the end of October she held a conversation with him, in which she displayed so much levity, as induced him to think that she reciprocated his feelings.

Strang went by the familiar name of "The Doctor" in the family. A few hours after the conversation above mentioned, Mrs. Whipple proved herself capable of making the first advances. She accosted him with, "Doctor, I want you to write me a letter." Supposing that she could not write, he exclaimed in astonishment, "What! I write *you* a letter?" "Yes," she rejoined, "I hate to write the first one." Then desiring him to consider the matter and write that very night, she left him. For a awhile he doubted whether this her proposal might not be a device to entrap him, but the recollection of her manner toward him, and his own passion, gave him courage to comply. We subjoin this model of epistolary writing to show what qualifications were necessary to command the love of Mrs. Whipple. It ran thus,

Dear Elsie—I have seariesly considered on it as you requested of me yeasterday and I have concluded two compose a few lines two You and I thought that it was not my duty two right very freely not nowing Your object perhaps it is two get sum of my righting two show two your husband as you ar a marid woman, and If that is your intenshin It is my wish fore you two let me now it fore it is a thing that I skorn two make a distirbance between you and your husband but If in the outhar hand It is out of pure offections I should be quite hapy for two have the information in your hand riting and I hope that you will not take any offen in my maner of riting two you as we ar pirfict strangers two each outhar, but hop that thoes few lines may find free acceptan with you and after I find out your motive I can right mour freely on the subject and as for my offections thay ar quite favorable I shall exact an answer

from you if that is your motive, so I remain you well
wisher.

JOSEPH ORTON.

The morality contained in this beautiful piece of composition was suggested by the reflections of the Sabbath day, and the letter was delivered thereon. Three-quarters of an hour sufficed Mrs. Whipple to indite an answer, which began with "Dear Doctor," and assured him that she had no evil design toward him. Her motive, she said, was pure love, excited by the first sight of his beautiful eyes. Since that moment she had enjoyed neither happiness nor comfort. She had eloped to be married and could do so again. She had waited long, hoping that he would declare himself, and now desired him never to leave the place without taking her with him. She had long been of opinion that the passion of love had no real existence, but he had convinced her of her error, and she solicited a continuation of his correspondence. She subscribed herself Elsie D. Whipple, his true and affectionate lover till death.

In answer to this Strang wrote her a proposal to elope with him, promising, if she would consent, to do all in his power to support and protect her. She accepted the offer without hesitation, saying she would go to the end of the earth to get him. However, she was unwilling to start till she had obtained twelve hundred dollars for their expenses. In a subsequent conversation she explained her plans more fully by word of mouth. She had always been desirous to keep a public house and thought the sum she had mentioned would be enough to begin with. Strang objected that he knew nothing of the business, but thought that he might turn his hand to it as well as to anything else. He proposed that they should go first to Montreal, and remain there till Mr. Whipple should be reconciled to his loss, and then proceed to Sandusky in Ohio, where they might be married by fictitious names, and carry their project into execution.

The wretches had little opportunity for conversation, and therefore continued their intercourse by letter. The topics of these were the means of raising money, and being unable to hit on any feasible plan, the infatuated woman at last proposed directly that Strang should forge a check, in Mr. Whipple's name, on the bank in which his money was deposited. Strang did not want the will, but his education had not qualified him for such an act of villany. Impatient of delay, his paramour entreated him to assassinate her husband; thus proving that a woman makes more rapid strides in the path which leadeth to destruction, when she has once set her foot in it, than a man. She proposed that he should hire some laboring man to do the deed, or failing in that to do it himself. If he should conclude to take the business in his own hands she offered to procure her husband's pistols for him. This wickedness was entirely the suggestion of her own mind, for Strang had never intimated any such intention to her, and though she had often wished for Mr. Whipple's death, she had never before spoke of murdering him.

Strang was shocked at the proposal, and told her so. He said that though his affection for her was not susceptible of increase, he would rather labor all his life than be guilty of a murder. He loved her, not for her property, but for herself: if she loved him well enough to become his companion he would work himself to death to maintain her, but if the possession of her depended on the murder of an innocent man, there was an end of the affair. In writing thus he still hoped that her suggestion had not been serious.

She answered that she had thought Strang was a man as resolute as another who had offered to kill Mr. Whipple. This person she did not love, and was confident that he had no affection for her, but was actuated in his offer by the desire of obtaining her property. If Strang, she continued, really loved her as he pretended, he would have consented for the sake of her person and

property, and that he might live without work: but as he had refused to do her will, she had concluded to live on the same terms with him as before, until they could otherwise obtain the means to elope.

We had forgotten to mention that while this intercourse was being carried on, Mr. Whipple was absent. In January he returned. One day in the February succeeding, his wicked wife called Strang aside, and with every appearance of indignation told him that her husband had struck her, which, probably, was false, as such an action was not in keeping with the worthy man's character. Strang asked if he should not waylay and kill the supposed offender, and Mrs. Whipple eagerly assented. He said he could not, and she then desired him, if he was so faint-hearted, at least to procure poison, which she would administer herself, being resolved to bear such abuse no longer. Strang refused to do this, too.

A few days after, as Strang was sitting in the kitchen, Mrs. Whipple passed through with a bowl of milk. She stopped and told him her husband had just called for the milk, and observed that had he consented to procure the poison, it would have been an excellent opportunity to administer it unsuspected.

Matters kept on in their usual train till March, when finding it impossible to raise money, and urged by Mrs. Whipple, Strang bought a dose of arsenic, which he gave her, and she put it into her husband's tea. They then pledged themselves by the most solemn oaths, never, under any circumstances, to betray each other; as if those capable of such a crime, would regard the sanctity of an oath. But whether the druggist had suspected Strang, and given him a harmless portion, or whether Mr. Whipple's constitution was uncommonly strong, the dose had no effect on him.

Strang then bought a quantity of arsenic at another shop, divided it into three equal parts, and gave it to Mrs. Whipple. A week after, she informed Strang

that she had given her husband one of the portions in sulphur, and asked if he thought it would operate taken in that manner. He replied that he thought it would, and they both impatiently waited for the result.

The next morning Mr. Whipple refused to take a second poisoned dose of sulphur proffered by his wife, the last having, as he said, cramped his stomach. She told him it had had the same effect on her, and persuaded him to persevere. He took a part, and gave the rest to his son, while the guilty mother looked on, afraid to remonstrate. By Strang's advice she gave the boy salt, by way of antidote, but the precaution was apparently needless, for the poison had no effect on father or child.

Being resolved to destroy Mr. Whipple, Strang applied to a female slave named Dinah Jackson, and asked if she would poison him for five hundred dollars. She gave him no direct reply, and on being again asked the next day if she had made up her mind to do it, replied, "No, that I wont. I wont sell my soul to hell for all the world. If I should do it, I should never have any comfort after it." What a moral contrast between this poor, miserable, degraded negro, and the young and beautiful Elsie Whipple!

In April, Mr. Whipple being about to start for Vermont, his wife requested Strang to take one of his pistols or a club, or an axe, and waylay and slay him. She even pointed out the spot where it could be done most conveniently. He replied that he would think of it, but took no measures, and Mr. Whipple departed unharmed.

Despairing of being able to work Strang to the pitch of wickedness she desired, and desperately determined on murder, Mrs. Whipple wrote, in presence of her paramour, and with his assistance, two letters to different persons, offering them five hundred dollars to kill her husband. But finding some difficulty in directing them, they were never sent.

Mr. Whipple's absence gave this abominable pair an opportunity to carry, not their adulterous intentions, but their acts, farther than they had ever done before. The injured husband's return was not suffered to interrupt their criminal enjoyment. Pretending to have business elsewhere, Strang left the house, saying he should be gone two days, and met Mrs. Whipple at a place of assignation. He took her into a wagon, and drove to a public house where they put up for the night, in the characters of man and wife. The next day they returned to Albany, and regained their house by different roads. The expenses of this excursion were defrayed by Mrs. Whipple, with her husband's money.

They now agreed to collect a hundred dollars, due Mr. Whipple from one of his tenants, and elope without farther delay; but not being able to persuade herself to leave her child, the guilty Elsie desired Strang to shoot her husband through his window, with one of his own pistols. Strang replied that he had never fired a pistol in his life, and should be as likely to kill any other of the family as the one intended: he said he could do it with nothing but a double barreled gun, and she sent him to Albany to inquire the price of the weapon. It proved too high for her means, and it was agreed between them to buy a rifle, the price of which was lower. Their course being now fixed, Strang reported that he had seen persons lurking about the house and grounds, late at night, and apparently with evil design. This he did to divert suspicion from himself when the deed should have been done.

Mrs. Whipple furnished him with money, and he bought a rifle, which he hid in the loft of the privy, after which he wrote a letter to the infatuated woman, stating that all was ready, but that if she was willing, he would go no farther. But she had gone too far in crime to stop there. She desired him to try his gun, and to shoot at the mark through a pane of

glass, as she had heard of an attempt to shoot a man through a window which failed, by the glancing of the ball. This, she told him might be his case, or he might hit some other person. She furnished him with two panes of glass and powder and ball for the experiment. This done, she dressed and started for church. (It was Sunday.)

Strang took from the butt of a whip-stock a piece of lead which he cut into bullets, and then proceeded with his rifle and glass to the woods. He set a pane upon a stump, and fired through it at a mark on a pine tree, which he hit. He shot again through the glass doubled, and then at an angle with its surface, and the result was, that he satisfied himself that a bullet would not glance from a window. After this he secreted his gun and returned home.

When Mrs. Whipple returned from church she questioned him touching his experiments, and asked to see the rifle. He told her where to find the weapon, and she went and looked at it. As Strang had expended all his lead, she brought him a bullet saying, "Mr. Whipple is loading his pistol to save his own life, and I have taken the last ball he had left for you to kill him with. What a wicked creature I am!" Scarcely had this conversation ended, when Mr. Whipple entered and asked Strang what the people said to lurk about the house at night could mean, and why he did not shoot them. Strang said there was a gun hanging over the door for that express purpose. Mr. Whipple told him to be sure to hit and hurt them, so that he might be able to lay hands on them, and left him.

A short time after, Mrs. Whipple came to Strang and asked if he loaded the rifle with the ball she had given him. He said he had not, but was about to do it, and he did so. She came again, and being satisfied that preparations were thus far advanced, asked him from what place he intended to fire on her hus-

band. He answered, from the roof of a shed, that was situated behind and close to the window of Mr. Whipple's room. She approved of the project and promised to roll up the window curtain! He asked for her over-shoes, and on being told they were so small he could not possibly get them on, said he must have a pair of socks, at any rate, and she said she would put them under his pillow. She demanded what he meant to do with the gun after firing, and he replied that he should throw it into the river, or the well. She also agreed to give him certain signals that he might know where the different members of the household should have bestowed themselves. They parted, and not having an opportunity to speak to him again, slipped a note into his hand, directing him to throw the gun as far as he possibly could, if any of the family should come out. If we had not read of the murder of Mr. White, we should say that the *sang froid* of these two criminals was never equalled.

Strang went to Albany in the afternoon and lounged away his time till the hour for the consummation of his crime had arrived. About ten o'clock he took his rifle, pulled off his boots and hose and donned the socks Mrs. Whipple had provided, according to agreement. He pulled off his upper garment, wrapped his boots and a bundle he had brought from the city in it, and deposited it under a fence about fifty yards from the house. This done he went to the shed before mentioned, and by the aid of a large box climbed upon the roof, and took his station opposite Mr. Whipple's window. The unfortunate gentleman was sitting at a table and Mr. A. Van Rensselaer was near him; not so near however, but that Strang could fire without putting his life in danger. After examining the priming, Strang put the muzzle of his rifle close to the sash, took deliberate aim under Mr. Whipple's left arm, and fired. Mr. Whipple exclaimed, "Oh Lord!" and fell from his chair.

The instant Strang discharged his piece he retreated three or four steps, slipped, threw the gun from his hand and fell from the shed to the earth. He instantly sprang to his feet, audibly thanking God he was not hurt! picked up his rifle and ran to the place where he had left his bundle. Thence he proceeded at his full speed to a wet ravine, where he buried the murderous implement in the mud, stamped it down, and strewed leaves over it. His muddy socks he disposed of in the same manner, but in another place. Having readjusted his apparel, he regained the main road from Albany, went to the house and knocked at the door. A female slave let him in, and told him Mr. Whipple had been shot. He went into the room where the body was lying and exhibited the first symptoms of guilt in turning pale at the sight of it, as was afterwards specified in the trial.

Mr. Van Rensselaer desired Strang to take his gun, and go round the house, lest, peradventure, the assassin might be still lurking about it. He went accordingly, but soon returned, and was sworn as one of the coroner's jury, the sitting of which was adjourned till the next morning.

The next morning Strang averred that he suspected Mr. Whipple had been murdered by some of the laborers on the canal, and gave a minute account of the persons he said he had seen about the house. His zeal to fix the guilt on strangers aroused the suspicions of his fellow jurors, who, however, returned a verdict of "murder committed by some person or persons unknown."

In the afternoon Mrs. Whipple came to Strang as he was sitting in the kitchen, and asked if he had secured "that piece" and the socks, and he said he had. Immediately after he was summoned to the Police Office and examined, on oath, touching the persons said to have been seen about the house. Here he added perjury to the list of his crimes, and gave a plausible account of the matter.

In the afternoon of the next day Mrs. Whipple told him they were suspected, and immediately after they were apprehended. On his several examinations he stated many falsehoods, but at last admitted the facts relative to the journey to Schenectady with Mrs. Whipple, as already related. He was then fully committed on a charge of murder, and Mr. Yates to whom he applied to act as his counsel, refused to do so. He then employed Calvin Pepper, Esq. to whom he confessed his guilt. He also desired Mr. Pepper to go to the place where he had left his rifle, and remove it, lest it should be found and furnish evidence against him. But to his father and step-mother, who visited him about this time in prison, he strenuously denied his guilt, and they engaged Mr. Oakley of Poughkeepsie to assist in his defence.

He was visited by the Grand Jury, in a body, the next June, and informed by them that Mrs. Whipple herself had furnished sufficient proof of his guilt for conviction, and that his case was hopeless. Thus reduced to despair, he sent for the jailor, and confessed his crime, with all its circumstances, and told him where the rifle, socks, glass, balls, and a part of the arsenic he had procured for Mrs. Whipple might be found. The next day he was conducted to Cherry Hill by the constables, accompanied by a crowd of people, and showed them the fragments of the glass he had used in his dreadful experiment, and the marks of his bullets, which were cut out of the tree in his presence. The socks could not be found.

Mrs. Whipple was lodged in the same story in jail with Strang, and near him. By persuading the jailor to leave her door open to admit a free circulation of air, she was enabled to come to the door of Strang's apartment and converse with him. She showed no penitence or compunction, but reprimanded her wretched tool for making a confession, saying that had he been silent both might have been acquitted.

Now that the dreadful consequences of their mutual guilt had come upon him, his feelings toward her were wholly changed, and he desired nothing so much as that she might be convicted with him. He hoped that in this case the influence of his and her friends might prevail on the governor to commute their punishment, and save them both from the ignominy of a public execution. To this effect, as he had destroyed her letters to him, he endeavored to copy some from memory and endeavored to imitate her hand writing, but was unable. He then copied one of the letters he had written to her, and gave it to Mr. Pepper, with a request that it might be hidden at Cherry Hill, so that he might direct a search to be made for it. Mr. Pepper took the letter without remark.

The next morning Mr. Pepper and the District Attorney visited the prisoner. The latter told him that he must not hope to obtain pardon or favor by testifying against Mrs. Whipple, for that he was guilty, and he, the District Attorney, would be the last person to recommend him to mercy.

Strang then resolved to have his confessions rejected, if possible, and to stand his trial. When he was arraigned he pleaded not guilty, but all the circumstances we have related that admitted of proof were proved against him, and he was convicted. He suffered accordingly.

No positive proof, beyond Strang's confessions, could be found against Mrs. Whipple, and though there was and is no doubt of her full participation in the guilt of the ignorant and miserable paramour, she was acquitted and has since married!

SAMUEL TULLY

WAS a native of Stephentown, New-York, his parents, being very poor, were unable to educate or provide for him, and therefore at the age of sixteen he went to sea as a foremast hand, and made two voyages. At the conclusion of the last of these he found himself without resources at L'Orient in France, and was compelled by actual necessity, to enter on board a French man of war. He did not remain long in the French service, but deserted, and made several more voyages to different ports in different vessels. He was impressed from an American ship into the British navy, was present in several marine battles, and finally deserted in Italy. He then became one of the crew of an English letter of marque, and at last became a sailmaker in Quebec.

He then entered a lake vessel, on board which he remained a year, after which he repaired to New-York, and thence to Norfolk in Virginia. There he shipped for England, with the yellow fever on board. Several passengers died, but Tully escaped. Nothing worthy of note occurred until the vessel cleared the banks, when she encountered a storm and suffered considerably; notwithstanding which, she reached Hull in safety. Tully's next act was to marry a woman named Ruth Willetton, in Lincolnshire. He then bought part of a small vessel, and followed the coasting trade till he was impressed on board the British second rate the Nonsuch, Captain Blackwood commander.

Captain Blackwood having a prospect of getting an active command and seeing that Tully was an able seaman, asked him if he were willing to enter a cruising frigate under his command. Tully answered that he would enter under no officer, nor in any

vessel whatever, as he was resolved to desert the first opportunity. The next day he was sent on board the *Commedea*, and sailed with a squadron on a cruise, during which he assisted to capture three French ships of the line. After this he sailed with a fleet under Admiral Parker, and was present at the capture of two sail of the line and the burning of another.

In seventeen hundred and ninety-seven Tully was on board the *Brilliant* frigate, one of Admiral Duncan's fleet. While lying off Blackstakes, the *Brilliant* was boarded by a boat from the *Inflexible*, manned by mutineers, and our hero was with the rest of the ship's crew ordered on deck. Here the conspirators desired them to sign articles of agreement, by which the officers of the fleet were to be compelled to grant the private seamen more latitude of conduct and a greater allowance of provisions. These the ship's crew instantly adopted, took possession of the frigate's ammunition and stores, and proceeded to elect officers. They offered Tully the command of the ship, and on his refusal gave him a dozen lashes, threatening to flog him till he consented. On this he accepted the command, and retained it till Admiral Duncan came from the *Texel* and took ship after ship from the mutineers, among others the *Brilliant*. Tully and seven others were sent to *Sheerness* to be tried by the commissioners, whence they were removed to a prison ship where they remained six months, when they received a full pardon.

Tully next doubled the *Cape of Good Hope* on board the frigate *Leopard*, one of a fleet. The *Leopard* anchored off the coast about six degrees westward of *Cape Guardefoy*, and sent an officer on shore to look for wood and water. He got on shore notwithstanding the surf, but found the natives hostile and was unable to effect his purpose. Three days after, three more boats were dispatched, as the fleet

was now on short allowance. Tully and eight other persons went in the Leopard's boat, under the command of Lieutenant Simpson and Mr. Bolger, the boatswain. Lieut. Simpson carried with him a pair of pistols, and the boatswain had also a pistol, which were all the arms they carried with them.

After they landed the Lieutenant ordered four of the men to remain by the boat, while the rest should make a short excursion into the country. He left a pistol with them and ordered them to fire it in case of any misadventure. On their return the officer and his men discovered a great multitude of natives about the boat, and a flock of carrion birds over their heads. When within a quarter of a mile of the savages, the whites saw they were cutting to pieces the body of one of their companions left behind. Tully, who marched in front, was the first to make this discovery, which being communicated to the rest, occasioned no little consternation. After a consultation, they agreed not to turn their backs, but to advance on the savages and drive them from the boat if possible. They then set forward, Tully and the boatswain going before the rest.

When within thirty yards of the savages, these last retreated a little from the boats and made signs to the whites to surrender, on pain of sharing the fate of their companions. They were armed with lances and shields. Seeing that the seamen were resolute and continued to advance, some of them gave ground, but others stood fast and Tully fired one of the Lieutenant's pistols at them. Their amazement at the report was great, and still greater at seeing the blood flowing from a wounded man. Him they carried off, as well as the bodies of the white men they had slaughtered, which gave the seamen a chance to reach their boat. As soon as they began to move it the savages rushed upon them, but having luckily found the pistol they had left still loaded, they fired

two charges at once, both of which took effect, as the natives stood so thick that they could not well be missed. The beach was flat and the tide was ebbing, and the mariners therefore moved their boat slowly toward the water. While they were doing it, the barbarians recovered their courage and ran again toward them, but were easily routed with the pistols. After several attacks and repulses, the whites got off, under a shower of spears, by which one of their number was killed outright. When the survivors were outside the surf they rested on their oars, and saw the body of the last who had fallen barbarously mutilated by the natives. These savages it seems, were Arabs.

On their arrival on board, a man was sent to the mast head (for the fleet was fourteen miles from the shore) with a powerful glass, to look out. He reported that he saw one of the boats coming off, along the land, her crew occasionally firing their muskets, and that several white men were running about on shore naked. In due time, the boat seen afloat reached the Leopard, and her officer (Captain Ball) brought tidings that the other had swamped in crossing the bar, and that the natives had seized the crew as soon as they reached the beach, excepting one who swam off to his (Captain Ball's) boat. On seeing this, Captain Ball asked which of his boat's crew would venture on shore with a note for their wrecked companions. They all refused, saying they were certain that the crew of the first boat were all killed, and that it would be certain death to venture. At last one Lanagan, noted as the most thorough reprobate in the fleet, said that to save any man's life he was willing to risk his own. He accordingly stripped and sprung into the water, but as the crew soon lost sight of him they concluded he was swallowed by the surf. Such was Captain Ball's story.

The man who had swam off the shore, was so exhausted with fatigue when he came on board the Leopard as to be unable to speak. He shortly recovered, however, so far as to be able to give the following account of the mishap of his boat, which was commanded by Lieutenant Nears of the Dædalus.

He said that after the boat had swamped and the crew had with much difficulty reached the shore, twelve of the natives came to them, and at first seemed very kind. They, the whites, had among them a professed linguist, who could understand nothing of what they said, but that they wished the mariners to go with them to their chief, under assurance of good treatment. After making some objections Lieutenant Nears assented, and went with them about half a mile. His resolution failing, he then sat down under a great tree, and told his people to be on their guard. While they remained stationary, a great concourse of Arabs flocked around them. Some of the young ones speedily became enamored of the naval buttons on Lieutenant Nears' coat, and he immediately cut them off and gave them up. So far all was well, but this was not all.

On a sudden upwards of two hundred Arabs fell on the whites and killed the officer and four of his crew on the spot. The speaker could not say what became of any of the rest, excepting that he had seen one of them running with a spear hanging from his back. He had himself escaped in the utmost confusion, plunged into the surf, and gained Captain Ball's boat, as above related.

Seven of Mr. Nears' men who had escaped the massacre followed the shore twenty miles till they were, the day after, descried from the mast head of the Dædalus, which was still in the offing. A boat was sent ashore for them, and they were brought on board. They had been stripped by the Arabs, and were so burned by the sun that they appeared more like flesh for the shambles than human beings.

Meeting no success in his cruise, the commander of the fleet ran down the coast to Zanabar, where he obtained supplies, and then returned to the place where he had lost his people.

A white flag was flying on shore, and the commodore sent a boat on shore to see what it meant. When the boat came to anchor without the surf, Murphy, the missing man of Lieutenant Nears' crew, swam off to it. It seems that he obtained permission of his Arab master so to do, on condition that he would return the next day with a ransom. The Commodore now learned his adventures, as well as those of Lanagan, the gallant seaman who left Captain Ball's boat as above mentioned.

When Lanagan reached the shore, all the crew were out of sight except Murphy, who had a spear stuck in his back. This man had stopped and was endeavoring to extract the weapon, when Lanagan came up to him. They went behind a sand hill to perform this piece of surgery, and Lanagan having torn out the spear, bound up the wound in the best manner he was able. While the operation was performing, the savages passed by the other side of the hill in pursuit of the fugitives without perceiving them. Murphy, feeling very faint from loss of blood, now entreated Lanagan to leave him and save his own life if possible; but the latter declared that he would rather die than abandon him in such a situation, and was determined to stay by him and share his fate, be that what it might. They were soon discovered by the Arabs, who finding Murphy unable to walk, carried him to their town. Here a quarrel arose touching the right of property in their prisoners. Murphy was given to one, and two others claimed Lanagan. At last the one who seemed to have the least claim gave Lanagan a wound in the neck, and would have killed him had not the women interfered. Here the two captives remained seventeen weeks, being kindly treated after the first week.

The Commodore now sent two boats ashore, manned with picked crews, well armed. The officer commanding was to offer the Arabs a thousand dollars in specie, twenty muskets, twenty pair of pistols, with many other lesser articles, as a ransom for Lanagan. If Lanagan could not be had by fair means the men were to use force, and bring him back at all events, dead or alive. If the Arabs offered any violence, they were ordered to kill as many of them as they could; to burn their town, and bring away or destroy all their possessions. If on the contrary the savages behaved peaceably, the whites were to behave with all mildness; for the Commodore thought such a course might be the means of saving the lives of such unfortunate mariners as might be wrecked on that coast in future.

Lieutenants Dodd and Simpson commanded the expedition. The boats got into the mouth of a small river in safety, and rowed a mile, up to the Arabian town. It was built on the top of a hill of moderate elevation, about two hundred yards from the bank of the stream. It was walled round; with two gates. The banks of the river were covered with cabbage, palm, cocoa, and calabash trees, and a thick growth of underbush. The trees were covered with apes of all descriptions, and beautiful birds.

When the boats came opposite the town the Arab who claimed Murphy was the first who came toward them; and he seemed overjoyed when he saw his man. He threw his arms about Murphy's neck and kissed him. Presently the rest of the inhabitants came thronging to the water-side, and offered the whites honey and water to drink. These last ranged their boats about twenty yards from the bank for fear of treachery, and demanded through the medium of an interpreter they had brought that Lanagan should be restored to them. They said he was coming, but after they had stood and talked more than two hours,

nothing was seen of him. Finally they all retired within their walls and shut the gates. After some time they came forth again, and made signs to the whites to come to them; but being given to understand that this could not be, they again retired. The officers waited yet an hour, and seeing no signs of their re-appearance, put their boats about as if to depart, on which the Arabs came once more to the river bank, but without Lanagan. The officers now showed them the things they were willing to give by way of ransom, and they appeared desirous to have them, but after much confabulation, once more shut themselves up. This farce was repeated several times, each side suspecting bad faith on the part of the other. At last the whites suspected that they had put Lanagan to death, and prepared to attack them; which attempt, had it been made, must have resulted in their own destruction, as the Arabs numbered over a thousand men, all well armed. Finally, as one of the officers was about to lay hands on the chief, some of them brought Lanagan from the town, in a singular fashion. They had tied his hands and feet together, had thrust a pole through them, and brought him along thus uncomfortably. Even then they feared to trust themselves within reach of the English, and it was agreed that twenty of them should meet seven of the whites in the midst, both parties unarmed, while the rest should stand aloof. This arrangement was carried into effect, and Lanagan was soon released from his bonds. After this the English gave the Arabs more presents, the common men even stripping their neckcloths from their necks for them, so great was their joy at having recovered their comrade. The whites then returned to their respective ships.

The fleet next sailed through the Straits of Babelmandel up the Red Sea to Suez, where the ships remained two months. They then sailed to Bombay,

refitted, and returned to Suez. Here the plague was raging terribly, yet as the vessels were in want of many things, the commander was obliged to send his boat on shore every day. Tully was appointed cockswain of one, and though his crew were constantly on shore, did not lose a man. No water was brought on board, and every time the boat came off Tully was ordered to strike her masts, and to smoke her and her crew with frankincense for half an hour. Even then he was not suffered to board either of the vessels, but when the purification was judged sufficient a boat put off from each ship for such things as were wanted on board.

This frightful disease first manifested itself by two or three large tumors inside the thigh, attended by violent pain in the head and spine. It often came on so suddenly that the person afflicted would be raving mad within twenty minutes, and expire shortly after. One man, being asked the time of day was seized with his watch in his hand, clutched it fast, died within twenty minutes, and was buried with it in his hand. The Arabs were employed to bury the dead at low water mark, at two dollars each.

Here some of the seamen belonging to the fleet defaced the sculpture of an ancient temple, by breaking off all the projections they could reach. An old priest complained to the admiral of the sacrilege, and was promised that the offenders should be brought to condign punishment. Moreover, the admiral gave him a thousand dollars to repair the edifice, and assured him of his sorrow for the outrage, so that he was well satisfied. He said that he did not wish that any one should be punished, as God would take that care on himself, and that no money could replace the beautiful specimens of art that had been carried off, as the skill that formed them had long been extinct. The pile, he said, was upwards of three centuries old, and was the tomb of some of the prophets. He was surprised that any calling themselves christians could injure it. The

admiral was not of the old man's opinion with regard to referring the article of punishment to a higher tribunal: he caused the men who had been on shore to be searched, took their spoils from them, and gave them two dozen lashes apiece. The fragments he sent back to whence they came.

After remaining some time in India, Tully sailed for England in a return ship, arrived safely, and received a furlough for fourteen days. He availed himself of this leave of absence to obtain a protection from the American consul, rejoined his wife, and brought her over with him to New-York. Thence he went to Albany, fully resolved to pass the rest of his days on dry land; but it was otherwise ordered. He learned that some of his nearest relations were dead, and of the other branches of the family he could get no tidings. Finding himself destitute, he returned to New-York, placed his wife in a comfortable situation, and went to sea again. In a short time he amassed a considerable sum, with which he set up a grocery and boarding house for sailors. Here he prospered for a while, and had the satisfaction to find his father, sister, and brothers.

Tully continued to do business of various kinds, sometimes at sea, sometimes on shore, till the year eighteen hundred and eleven, when he shipped for his last voyage. In giving our account of this, we must premise, in justice to the fame of others, that it rests on the *ipse dixit* of one man; and that one a convicted felon.

While Tully was at Philadelphia, a Captain Levy asked him if he were willing to go a voyage with him as mate of his schooner. Knowing that Mr. Levy had disagreed with several mates, Tully was at first unwilling to close with the proposal; but being strongly urged at last yielded. Accordingly he went on board the schooner George Washington, and sailed from the Delaware on the seventeenth of October eighteen hundred and eleven, for Teneriffe and other places.

On the fourth day after sailing, John Owen the cook, a negro, told Tully that some bread in one of the stern lockers was wet, which circumstance the mate reported to the captain. Mr. Levy went below, leaving Tully on deck where he remained till eight in the evening. Then going below, he found his birth emptied of his effects and filled with bread. This he took in good part, simply asking the captain if he had taken care of his watch and breast-pin, which he had left in the birth. Mr. Levy replied by cursing the articles mentioned, saying they were nothing to him, and he would study no interest but his own. Tully then asked why the bread might not have been put in his, the captain's birth, as that was empty; he preferring to sleep in a hammoc. Captain Levy said that such was not his pleasure; to which the mate replied that he had not come on board the vessel to be abused; that he knew he was so far the captain's servant as to be obliged to do anything commanded, but that Mr. Levy had no right to abuse him or his: if he had offended it was for the captain to inform him how and in what, that he might do better another time. Mr. Levy then said, in passion, that he was not to ask Tully what to do; to which the latter rejoined that he hoped he was more capable than to be under any such necessity. After this altercation the captain went on deck, and Tully gathered up his effects, which were misplaced, and some of them damaged.

For about a week all went on smoothly enough. Then, Tully never having seen Captain Levy drink any spirits, asked if he had none on board. The captain said he had, and ordered the cook to bring some. The mate then said that he had always been used to have as much as he pleased in all the vessels he had ever sailed in, and that if he was to fare thus he should not be able to do his duty long. He added that if he had known he should be allowed no spirits he would have provided himself before sailing, at his own expense. Mr. Levy said he was willing he should have as much

as he needed, but that he did not like to see it used extravagantly. He then ordered the cook to give Tully a glass every day at dinner. Soon after, his mind changed and he filled a bottle, which he said must last four days. In a fortnight this allowance was stopped, the captain being of opinion that his spirits and provisions would not hold out. He then ordered Tully to weigh and deliver to the crew a pound of meat daily each, and said that the officers must fare like the men.

This allowance did not satisfy Tully or the men, and in consequence an altercation arose between the captain and his mate. Mr. Levy told Tully that he believed he was trying to excite mutiny on board, which the latter denied, but said he should not wonder if the crew should compel him to give them more food. The captain answered that the allowance was sufficient, and if they wanted more, they would ask for it. Tully said that he was not speaking for them, but himself, and the allowance was not sufficient for him. The captain rejoined by calling him a liar and threatening to kick him out of the cabin. Tully ended the quarrel by demanding to be discharged when the vessel should arrive in port, a petition that was rejected by Mr. Levy. After this there was much bickering on board, and at last the captain gave Tully his word of honor that he would discharge him as he desired.

In due time the vessel arrived at Teneriffe, where she landed her cargo, and took on board twenty-five hundred dollars in specie. While she lay at this place, many disputes took place between the two officers, the captain constantly refusing to discharge the mate. After some days the vessel hoisted sail for the Isle of May, one of the Cape de Verd islands, where she arrived on Saturday the fourth of January eighteen hundred and twelve, late at night.

The next morning the captain gave Tully directions how to moor the vessel, and then went on shore. He came on board again at noon, to see how matters were

going on, and then left the vessel, telling Tully to send the boat for him at sunset. As he was about to depart Tully asked some questions which led to a quarrel. Finally he told the mate to give the men no beef, but to make them catch fish during their watch at night, which, he said, would keep them awake. So far we have related the incidents of this unhappy voyage according to Tully's own account: what follows rests on other authority.

When Captain Levy left his own vessel, he went on board another then lying in the roadstead. At eight o'clock two of his crew named Neal and Hopkins came to him in the George Washington's boat, and gave him such information touching the proceedings on board the said vessel, as induced him to look out for her. He saw that she was gone from her moorings, and he never beheld her again. The next day he caused a search for the anchors, and found that the cables had been cut by some sharp instrument, probably an axe. Shortly after, Neal and Hopkins left the Isle of May by their captain's consent, in a ship bound to the United States of America, and he never saw them more.

Before the end of the month, Tully, another of the George Washington's crew called John Dalton, and John Owen, the black cook, landed from an open boat at St. Lucie in the West Indies. Tully had received several wounds in the head, and was very weak; Dalton also was quite sick. They went to the harbor master and told him they belonged to a vessel that had been wrecked, and the next day they all obtained lodgings. They all had considerable sums of money in their possession.

A few days after, they were examined by the governor of the island, and not giving a very clear account of themselves were placed under surveillance. Other circumstances combined to throw suspicion on them, and finally Owen informed against his companions.

They were then apprehended and brought to the United States.

Tully and Dalton were arraigned before the Circuit Court at Boston, on the twentieth of October following on three indictments. One was for piracy, another for the murder of George Cummings, and the third for feloniously scuttling the schooner George Washington. To the first indictment they pleaded not guilty, and the court proceeded to trial.

John Owen testified that on the evening when Captain Levy saw the last of his vessel, he was roused from his sleep by Tully, ordered to hold a lantern to the binnacle, that the mate might see how the vessel was lying, she being then at anchor. He went to bed again, and shortly after the mate called all hands to make sail on the vessel, declaring that she had drifted. The crew were about executing the order when Neal and Hopkins discovered that the cables had been cut, and refused to hoist the sails. The mate told them that he would give them the boat, and suffer them to depart as soon as the sails were set, and accordingly they obeyed his order. This done, Tully gave these two men the boat, and they left the vessel.

Owen stated that he too requested permission to accompany Neal and Hopkins; but the mate would not consent. Those now remaining on board were Tully, John Heathcot, otherwise Dalton, George Cummings, and the deponent.

During the first two weeks at sea, Cummings was melancholy and uneasy; lost his appetite, and frequently kissed the hands and feet of Tully and Dalton. In the evening on which it was expected they would make the land, he asked Dalton when the shore would be seen, and was answered "to-morrow." Upon that Cummings bade Dalton farewell, saying they should never see each other again. Dalton treated his expressions with levity, but he persisted in repeating them. Owen then went below, leaving Cummings seated on the deck with the mate and Dalton.

In the night Owen heard himself called, and as he reached the deck saw that Tully and Dalton had Cummings on the vessel's gunwale, in the act of throwing him overboard. Cummings had a knife and a hammer in his hands, and Tully had received several wounds in his head, and one on his hand. In his confusion Owen told Dalton that what he said could not be, but the mate and Dalton nevertheless persisted in throwing the man into the sea. The mate said, "Over he shall go, at the risk of my life." And he did go over. Neither of his murderers ever expressed any regret for what they had done.

The next night they descried land and the vessel was laid to till morning. The mate then had the long boat hoisted out, put into it such things as he desired, fastened it to the vessel by a line, and made Owen get into it. The mate then veered the boat astern, and towed it a considerable distance. After a while the mate and Dalton hauled the boat along-side and got into it. From their conversation Owen gathered that they had scuttled the schooner while they were towing Owen astern. Nevertheless she did not sink while they remained in sight.

After the boat had left the vessel the money taken was distributed among them, and Tully told the others they must keep what had passed a secret. For awhile after reaching the shore, Owen continued to tell the story they had agreed on, but at last, weary of lying to every one who questioned him, he disclosed the truth to the master of an American vessel. They were all arrested in consequence.

Such was the testimony of Owen, who it is reasonable to suppose was an accomplice in the piracy if not in the murder. Tully's account of the matter, while under sentence of death, was as follows:

He never thought of unlawful measures till the last orders of Captain Levy on leaving the vessel, raised his anger to an uncontrollable degree. He spoke of his feelings to Dalton, and they agreed to carry the

vessel off, but to suffer any of the hands to leave her who felt so disposed. After the cables were cut Neal and Hopkins were permitted to leave the vessel as has already been seen, but neither Cummings nor Owen evinced any inclination to accompany them.

Two days before they made the land, Cummings behaved in such a manner as made Tully believe he was drunk. In the evening he asked Tully to forgive him, to which the mate replied that as there was no injury or offence there was nothing to be forgiven. Cummings answered that he only acted according to the fashion of his own country. "Well, then," said Tully, "I forgive you if you have done me any wrong, though I do not know that you have." Cummings kissed the mate's hand and left him. From his demeanor Tully believed the man intoxicated.

Soon after, Cummings approached the mate again and desired to kiss his feet, but was not permitted. Tully, moreover, reproved him for having made too free with wine. About eight o'clock in the evening Cummings brought a pitcher of wine and desired the mate to drink with him. Tully and Dalton did accordingly drink with him in token of good will. Cummings then retired to rest, but soon rose again. He brought more wine on deck and asked them to pledge him once more. Tully refused at first, but on being told by Cummings that if he did not drink he would soon die, he complied. After eating and drinking, Tully threw himself on the hen-coop, and slept. He was awakened by a severe blow on the head, and before he could gain his feet received two stabs, one behind his ear, and the other near the temple. As soon as he recovered his faculties he saw Cummings standing at the companion-way with a hammer in one hand and a knife in the other. Tully advanced on him and asked what he meant, but received no answer. As the mate laid hands on him he leaned so far over the vessel's side that both had like to have fallen into the

sea together, whereupon Dalton pulled them in, by Tully's desire, and Cummings fell on the deck. The cook was now called on deck, and by Tully's order, laid hands on Cummings. Tully then went to the other side of the vessel where he stood leaning against the long-boat till Dalton and Owen told him they had thrown Cummings into the sea. They said he had told them that he had committed several murders before, and feared that he would do them a mischief. They then took Tully into the cabin and stanchd his wounds, for he was weak and faint from loss of blood.

When they made the land Tully resolved to heave the vessel to in the ordinary track of ships, in hopes she might be picked up by some of them, and gain the shore in the boat. His reason for this procedure was, that as he had neither cable nor anchors, and as the negro, who was no seaman, was the only able bodied man on board, he dared not approach the coast. Dalton and Owen hoisted out the boat and loaded her by themselves, Tully being too weak to render any assistance. They left the vessel as before stated, but did not scuttle her. The rest of their proceedings are already known to our readers.

Tully and Dalton were found guilty, but the next day a motion was filed in court by the prisoners' counsel for a new trial on the following grounds. First, because the court had misdirected the jury in committing the case to them, in saying that if the defendants were proved to have run away with the vessel and cargo as mentioned in the indictment, it constituted the crime of piracy within the meaning of the statute. Second, because the verdict of the jury had been given against the weight of evidence, they having decided that the prisoners *piratically* took the vessel from the custody of her master; whereas there was no proof that they exercised force or violence against Captain Levy or any other. The evidence on the part of the government proved the contrary.

The court decided that the object of the statute was to prevent atrocious violations of trust on the part of those standing in any particular relations to ships, and that force, violence, or the act of putting in fear, was not necessary to constitute a piracy. The motion was, therefore, overruled, and the prisoners were sentenced to death.

They were immediately removed to the state prison, and there treated with every indulgence consistent with their situation. Several worthy clergymen visited them constantly, with pious advice and spiritual consolation. The seed fell on willing soil, and the conduct of the prisoners was patient and resigned. They professed their faith in the Redeemer, and said that the first awakening of their minds to the duties of religion was caused by their awful situation. Both acknowledged with gratitude that they had been fairly tried and justly condemned, but, to his last breath, Tully persisted in the account he had given of the whole matter, and accused Owen of willful perjury. The evidence of an accomplice certainly is and ought to be good in law, but in this case we should remember that Owen swore for his life, and charitably believe that the piracy might have been Tully's only crime. Even the negro's evidence clearly shows that Cummings under the influence of *Mania a potu*, was a dangerous shipmate, and it is very probable he struck the first blow in the affray that cost him his life. How far this fact, if admitted, should absolve those who slew him from the guilt of murder we leave our readers to decide. Perhaps they might have secured him, and put themselves out of danger without taking his life.

On the tenth of December the prisoners were taken to the place of execution at South Boston, and after they had ascended the scaffold the death warrant was read. Tully would have read a paper he had prepared, but his strength proved unequal to the task and the Deputy Marshal read for him. It was a declaration of

his innocence of the murder, but admitted the piracy fully. Also it contained expressions of gratitude to those by whom he had been kindly treated.

This done the rope was adjusted to his neck, and while in the act of fervent prayer the drop fell, and he expired in the presence of a vast multitude assembled to enjoy the edifying spectacle.

Dalton did not desire to say any thing. He was made to take his place on the gallows, his arms were pinioned, his neck-cloth removed, the rope was adjusted and the felon's cap drawn over his eyes. At that awful moment the Marshal stepped forward with a reprieve, and the criminal was taken back to prison. The reprieve was followed by a full pardon some weeks after.

SAMUEL GREEN.

THE parents of this malefactor were poor, honest people, residents of the county of Strafford, New Hampshire, where the subject of this memoir was born. They endeavored to give him some education; but their efforts were in vain: from his earliest childhood he showed that innate depravity, which afterward brought him to an untimely end. Mischief was his whole study: he was commonly a truant, and when at school he daily contrived to draw punishment upon himself. He continued this course till he was eight years old, when he was given in charge to a Mr. L——. He had not been long in this person's house before he was detected in a theft, for which he received a sound flagellation.

Other offences brought other punishments, which, however, had no good effect, but the direct contrary.

Perhaps, had mild measures been adopted, reform might have been the result ; but the scourge confirmed him in obstinacy, and awakened a spirit of revenge in his bosom. On one occasion, having been whipped, he retaliated by destroying a bed of onions, and was again chastised in order to extort a confession ; but as he had done this mischief unseen, nothing could make him confess it. He resolved to strike blow for blow ; and on a favorable opportunity, drowned a dog in the family well. Putrefaction rendered the water offensive, and Mr. L—— was at considerable expense to have the well cleansed ; and, in the meanwhile, Green being suspected, was obliged to bring water from a great distance, thus realizing that sin commonly brings its own punishment.

He lived with Mr. L—— two years, during which time, he continued to conduct in the same flagitious manner. At last, being scourged for stabbing a swine, he eloped, and returned to his parents, who then sent him to another master, a Mr. D—— of Newhampton, where he behaved properly, upwards of a year. Here he was sent to school, but usually played the truant, and was as constantly whipped. One day, he went to a smith's shop to buy a jew's-harp, but not finding the smith at home, he purloined one. Returning home, Mr. D—— whipped him for running away, and on the morrow discovered the theft ; for which he whipped our hero again, and sent him to restore his booty, with a promise that unless he returned in due time, he should be flogged once more. Green again transgressed, and his master kept his word. Enraged at this he escaped to his parents, who made him taste of the rod afresh, and sent him back to his master, who applied the whip to his back once more. For this, the boy determined to take his life !

Mr. D—— had a workshop, the door of which opened outward. Against this the young desperado laid a heavy stick of timber on the inside, and on the

top a broad axe, in hopes that when Mr. D—— opened the door, they would fall upon, and destroy him. For fear of failure, he prepared the barn door in the same fashion, poising a pitchfork on the top, with the points downward. He had a partial success in both instances; for when Mr. D—— opened the shop door, the fall of the timber bruised his shoulder, and at the barn the pitchfork wounded his foot. Green's ingenuity was rewarded with another castigation. Yet he was not to be subdued, and stuck at no villany that might favor his revenge. He destroyed a hogshead of cider; he stole and sold his master's corn, as well as other things; and instead of planting the seeds entrusted to him, he destroyed them. Again he eloped, and again was he brought back. Once, in revenge for a chastisement unusually severe, he fired the house; but the fire was discovered in time, and the dwelling was saved. A larger volume than this would be insufficient, to record all his misdoings. In all this wickedness, he was aided and abetted by a lad named A——, who was as bad, or worse, than himself. Nevertheless, Green was a boy of uncommon parts, and Mr. D—— always cherished the vain hope that he might reform.

He then went to live with a new master, with whom he was able to stay but three months, and so returned home, where he was indulged in every thing, for none dared to cross him. His father was too old to chastise him, and the tears of his mother were of no effect. He now became acquainted with a notorious counterfeiter, who gave him instructions in vice, showing him how to break open shops, and window shutters. Green was an apt pupil, as will hereafter be seen. His preceptor also gave him counterfeit money to pass, promising him half the profits. In less than a month he had disposed of forty-seven dollars, in the neighborhood of Newhampton. The counterfeiter then promised, that if he would break into a shop, and bring him the goods, he would pay him half their value.

In concert with his comrade A——, Green broke into the said shop, whence they took merchandise to the value of an hundred dollars, which they carried to their instigator, who gave them ten dollars each, for their pains. So little truth is there in the saying, that there is honor among thieves. Green was never suspected of this burglary, but a man named Hart was arrested on suspicion. This man was acquitted for want of evidence, yet lost his character; and thus the guilt of the actual perpetrators was doubled.

Our hero then hired himself to a farmer; but, as he could not forego the society of his friend A——, every Sabbath, instead of attending divine worship, they met at a pond in the neighborhood, where they usually made free with a boat, which they never returned to the place where they found it.

When the owner of the boat found his locks and chains broken, he resolved to watch, and the next Sunday succeeded in laying hands on A——, but Green managed to keep out of his reach. A—— resisted with all his might, but as the honest man had the better of him, Green took up a large pebble, and coming behind the owner of the boat, said that if he did not instantly release A——, he would knock out his brains. The man replied that he would whip them both, and Green instantly knocked him down with a stone; and still dissatisfied, threw another, which broke his arm as he lay on the ground. Upon this he cried murder, and the young ruffians ran away. For this exploit, they were indicted on an action of assault and battery, but their friend the counterfeiter paid the damage.

Green remained with his employer four months, after which he returned home, and went to school, not with any design to learn, but that he might do all the mischief he could. With the assistance of A——, he kept the school in confusion. Once, these reprobates had like to have perished; and happy would it have been for the world, still more happy for themselves, had

they been cut off before they had opportunity to stain their souls with crimes of a darker hue. They were skating on a pond, and both fell through the ice together. With great difficulty, Green extricated himself, and then by the aid of an oar rescued A——.

Shortly after, they had another adventure. There was a hill near the school house, where the boys used to coast. One of their sledges was large enough to carry seven or eight children at once. Once, as Green and his companion were ascending the hill, they met this sledge descending with great velocity, and full freighted. In sport, they threw their own sledge under its runners, but it proved no sport for the others. They were overturned at once; one boy had his arm, and another his thigh, broken. It was supposed that this mischief was intentional, and the schoolmaster blistered their hands for it, with his ferule. For this they waylaid him, armed with clubs, felled him to the earth, and bound him. A——, would have deprived him of his nose, but Green would not consent. So they beat him, and stripped him naked, and tore his clothes to pieces before his face. It was a very cold night, but, notwithstanding, they left him thus, with his hands tied behind his back.

After this feat they did not think themselves safe, and therefore went to Guilford, where Green had relations. Here they found a recruiting party, and enlisted as musicians, for they were not yet tall enough for the ranks. Their former employer, the counterfeiter, told them that they would have an excellent opportunity to pass bad money, as their uniform would protect them from arrest, even if detected. He gave Green four hundred dollars in counterfeit bills, saying that he might return one hundred in good money, and keep the rest. He afterward gave them nine hundred dollars more.

Shortly after, the party marched to Burlington, and our two rogues were very successful in passing their

bad money on the road. Green now began to be intemperate, and was almost constantly in the guard house. He also became a frequenter of a gaming house, where he lost three hundred dollars at play, one half of which was good money. It should be remarked that he was intoxicated when he lost it, so that it seems sobriety is absolutely necessary, even to a rogue.

Shortly after, men were needed on board the Lake Champlain fleet, and Green and his comrade were permitted to enter; but instead of being employed as seamen, as they had expected, they were ordered to do duty as marines. Here they behaved much as usual, but after the loss of the Eagle and Growler, they were set on shore at Burlington and discharged.

They then returned home, with four hundred dollars only, which was all that remained of their original stock. It was all in good money. On their way home they did no harm to any one, which may be considered truly wonderful. Green paid the counterfeiter, according to his agreement, and received a thousand dollars more. This man was forty years old, and had passed his whole life in gambling and dishonesty of various kinds.

If Green had a single good feeling, it was love for his mother, though even that does not appear to have been very strong. On his return he gave her a cow.

He now bought handsome clothes, for which he paid counterfeit money; and thinking himself in good business, paid his addresses to a young girl, the daughter of a poor widow. The mother, not liking his character, forbade him the house; but meeting the girl at church, he enticed her home with him, and kept her concealed three days and nights. Thus, even in the temple of the Almighty, his depravity was proved. The bereaved mother made search, found her child, and confined her at home, which for some time hindered Green from meeting her.

The tailor of whom he bought his clothes, soon discovered that he had been defrauded, and compelled Green to give him good money. He, moreover, reprov'd him, and threatened to have recourse to law, if he ever should detect him again. This was the first time Green had been questioned on this subject; and he forthwith repaired to his employer for advice. The counterfeiter counselled him to break into the tailor's shop, which he did; and stole goods to the value of an hundred dollars, for which his patron gave him twenty-five. Shortly after, he went to a camp meeting with A——, and they passed a great many bad bills, though they were usually intoxicated. At last, Green was detected in passing a counterfeit five dollar bill at a tavern, and was secured, while the landlord went for an officer. He made away with the bad money by swallowing it, so that on searching him, none was found. The landlord then offered to release him if he would treat the company, and give him a dollar for his trouble, to which he consented. The bad bill was burned, and he was set at liberty.

Not many days after this, Green and A—— were engaged to make music a day, for a militia company. In the morning they did well enough, but in the afternoon they were too much intoxicated to perform their agreement, and were, therefore, discharged. As they had been paid in advance they did not care for this, but went to a tavern, where they played cards with the guests. These took advantage of their situation, and won from them their last copper, so that they were unable to pay their reckoning; but the landlord took their word for payment, and they sent him the money the next day. In a short time, Green attempted again to pass a bad bill at a tavern, but the publican refused to take it, and would have burned it for fear some other should be defrauded. He was alone in the house, and as he went toward

the fire, Green and A—— both swore, that if he destroyed the bill, they would put him into the fire after it. The landlord was a resolute man, and did as he had said; whereupon Green caught a chair and struck him down, and the two rogues laid hands on him, intending to put him in the fire, which they would have done, but for the interference of his wife, and servant maid, who subdued the one, while the landlord mastered the other. They were soundly beaten, and turned out of doors, but that night they revenged themselves by burning the publican's fences.

Their next adventure being at a party, on a thanksgiving evening, where, as usual, they drank to excess, and behaved so badly that they were ordered to leave the house. They refused to go, and, in the scuffle that ensued, destroyed the movables and furniture of the apartment.

A large bounty was offered to recruits, our rogues enlisted again; but as soon as they had received the advance money, deserted, and went to Compton, where, for a while, they conducted properly, and Green gained the reputation of a steady, sober young man. A company of militia was drafted, and he joined it in the capacity of a musician. At Portsmouth, coming in contact with regulars, he was recognized and taken into custody. After remaining a prisoner three months, he was tried for desertion, by a court martial, and sentenced to hard labor for two years, with a ball and chain attached to his leg. The captain of the militia company, however, assumed to be his guardian, and shortly procured his discharge. He then returned to his mother, attended school, and behaved with due decorum all winter. The March following, he renewed his accustomed business by breaking open a shop, from which he took goods to the value of an hundred and fifty dollars, which he carried to his original tutor in iniquity. As

Green now intended to visit Boston, this veteran miser instructed him how to cheat at cards, in the use of false keys, and how to pick locks. He also showed him how to make false keys, and gave him all the information that might be useful to a professed thief. Green then repaired to Salem, and hired himself to work in the Danvers iron factory, but gave up this employment in a month.

He then went to Boston, where his clothes were stolen from him. After this he procured a place as a servant, in a house in Somerset Street, where he used to steal his master's wines from the cellar. This gentleman kept a store on India Wharf, and his clerk called every night at the house to leave the key. Discovering this, Green took the key every night, opened the store, and purloined such articles as he thought would not be missed. One day, having a good opportunity, he stole a gold watch, which was soon missed, and he was accused of the theft, which he denied resolutely. The next day, constable Reed called with a warrant, and taking Green in private, advised him to confess, as the only means to avoid a residence in the state prison for life. Green steadily denied the theft; and succeeded in convincing Mr. Reed that he was innocent, as well as his master, who directed him to resume his usual avocations. He refused, and was driven from the house.

After these exploits, Green took passage for Bath, where on his arrival he found his comrade A—, and they spent several days together, in dissipation and drunkenness, till an opportunity occurred to commit a new malefaction. Being in a tippling shop, drinking, a peddler came in with a box of jewelry, which he incautiously displayed. A— proposed to Green to way-lay, rob, and murder the peddler, which the latter at first hesitated to do, but was persuaded by A—, who said that "a dead cock never crowed."

About half a mile from the shop the road ran through a swamp by the side of a pond, and by the road the peddler was to pass. The two villains saw him depart late in the afternoon, and hurried to post themselves in his way, each armed with a heavy club. As soon as he appeared, they knocked him down and dragged him into the bushes, where they beat him to death. This crime, Green afterwards declared, weighed heavier on his conscience than any other of his misdeeds, inasmuch as the victim was a steady, sober, hard-working man, who had never done him any injury. Having secured his pack and money, amounting to about nine hundred dollars, the miscreants tied some large stones to the corpse and sunk it in the pond. They remained in the woods till dark, when they hid the trunk, and Green went to visit the girl he had formerly seduced, and presented her with clothes and jewelry, the property of the murdered peddler.

They remained some time in the neighborhood of Bath, drinking and gambling while their money lasted. During this time, they dug a cave in the side of a hill, where they deposited whatever they could lay hands on. Hence, they made an excursion, and broke open a clothier's mill in Holderness, whence they took a quantity of cloth; at Sanborn-ton they broke into a shop, and took jewelry and goods to the value of six hundred dollars; and at Haverhill, in New Hampshire, they attempted a burglary on the Coos Bank, but were discovered, and obliged to flee. They returned to their cave and deposited their stolen goods.

The next place that was cursed with the presence of the comrades was Portsmouth, where they sold their plunder, and by associating with abandoned women, and other wicked courses, soon so far dissipated their means that they were obliged to sell their horses to pay their landlord's bill. Here A—— per-

performed another exploit. As he was walking out with Green, he went into the bank to change a bill. While the teller was busied in making change, A— snatched a bundle of notes, amounting to seven hundred dollars, and escaped undiscovered. A— would have gone back for more, had not Green dissuaded him. They immediately went to find two gamblers, with whom they played thirty-six hours at a sitting, and lost four hundred dollars. Exasperated with their loss, they accused the black-legs of cheating them, which probably was true, and beat them severely.

Having information that a Mr. L— of Sanborn-ton, had a bag of gold in his shop, Green repaired thither and fitted a key to the lock, and then watched the shop from a hiding place, till he saw Mr. L— close his premises and lock the door. Green then entered in search of the gold, and struck a light. As fortune would have it, Mr. L— returned, to get something he had forgotten, and raised the hue and cry. Green leaped out of a window, upon a pile of staves which lay beneath, and found himself in the presence of six or seven men, one of whom seized him. Nothing daunted, he took up one of the staves and broke the man's arm, and cleared himself of a second by a blow of his fist, after which he gained the place where he had left his horse and escaped. Not satisfied with what he had done, in a few days he returned to Mr. L—'s shop, effected an entrance, and carried off goods to the value of two hundred dollars, which he was so hardy as to offer for sale, in a shop between Dover and Portsmouth. A neighbor of Mr. L— who was present, recognized the articles, and with the assistance of an officer, took our hero into custody, and he was committed to jail in Dover for trial. He was confined in the same apartment with another felon.

Hearing of Green's mischance, A— visited him, bringing an auger and a circular saw, with which the

prisoners began to work, one boring and the other sawing. However, before they had done much toward escaping they were discovered, and the jailer, who was a blacksmith, secured them more strongly than before, and put them in irons. Green's fellow prisoner could slip his wrists out of the handcuffs, and with a pen knife managed to liberate himself and Green from all their irons, which they threw into the privy. Being provided with clubs, when the jailor came to fetter them again, they threatened to kill the first who should enter, and the officer desisted. The next night A—— came again, and gave them a crowbar, with which they tore up half the planks of the floor. Under the planks they found a second floor, of stone, of which they took up a cart load, when they were again discovered, but not till they had secreted their crowbar.

For this attempt their allowance of food was reduced, and they were removed to an upper room, with grated windows. They succeeded in weakening the gratings so that they might be removed with little effort, and were waiting for night, to escape, when they were again discovered, and conveyed to the apartment they had first occupied. Moreover, their allowance was still farther reduced. The next night; A—— was discovered at the window, in the act of furnishing them with tools, and was obliged to fight his way through those who would have apprehended him. Notwithstanding all this, they once more disencumbered themselves of their irons and committed them to the privy.

The disappearance of their fetters astonished and irritated the jailor, and he forged a suit of irons with his own hands, which defied all their efforts. Finding the impossibility of escaping by force, they exhibited such a show of sorrow and repentance to the high sheriff when he visited the prison, that he ordered their irons to be taken off, and a lighter suit were put on.

A new inmate was put into the apartment, and the three, having got rid of their irons, cut through an oak

dig in the privy, which was eighteen inches square. They then threw their beds into the vault so that they could stand on them to work, and dug a hole through the wall into the jailor's cellar, and escaped through the door at midnight.

They went sixteen miles that night, and hid themselves in the woods near Gilmantown, all the next day. At night they broke into a shop, and stole four hundred dollars worth of goods. Thus, they had no sooner escaped punishment than they incurred the risk of it again. They were now advertised, a reward of an hundred dollars was offered for the apprehension of each, so that traveling was very unsafe for them. One was taken, and the other two parted company. Green took the route to Canada. We now come to an adventure, which served to show that this man had courage which might have gained him laurels, had it been exerted in a good cause.

He had to travel over a marsh, on a narrow bridge of logs, which he found guarded, as he had expected. The watch, not knowing that the burglars had separated, had stationed two men at the hither end of the bridge, and four in the bushes nigh at hand: Green passed these latter unmolested, and advanced to the bridge and saw the two sentinels. At the same time, looking behind him he saw the rest, and immediately took to flight, the whole six following hard after. Though laden with a heavy bundle of stolen goods, and an oaken club, he distanced them all but one, who at last seized him by the skirt of his coat, while the rest were yet thirty yards distant. Green struck him a blow with his cudgel, which brought him to the ground, and recommenced his flight. After running several miles before his pursuers they lost sight of him. It is rather singular, that in this hard chase, during which he was several times on the point of being taken, he never relinquished his bundle, though by dropping it he might have effected his escape with great ease. He explained

the circumstance himself, saying, that he kept his booty "out of spite."

The next day he came to some men making staves, who set a large dog on him, and, by means of the animal, made him a prisoner. That night they put him into a bed between two of them, intending to carry him to prison the next day. Thinking themselves sure of him, his guardians slept in good earnest, and he again escaped, but with the loss of his bundle.

We can not dwell at large on any more of his misdemeanors. They are enough to occupy a folio in their recital, and we shall therefore pass them over as briefly as possible.

Arriving at Burlington, Vermont, Green took passage in the steamboat for St. John's. While waiting for the boat he amused himself with a burglary, in which he was detected, and was provided with lodgings at the public expense. He soon freed himself, and reached Stanstead in Canada, without interruption. Here he broke into a shop and stole five hundred dollars, with which he equipped himself and went to St. John's, and thence to Montreal.

His first misdemeanor in this city was forcible entrance into a Jeweller's shop, from which he took articles worth seven thousand dollars. He crossed the river in order to make his escape, but before he got far, was surprised by five Frenchmen. He fired a pistol at one and broke his arm, but his second pistol would not go off, and to punish his obstinacy, the men beat him severely, after which they tied him hand and foot and carried him to Montreal, where they immediately received five hundred dollars for his apprehension. He was tried, found guilty, and sentenced to death.

His spirits, which were much depressed, were revived by a visit from his comrade A——, who promised not to forsake him, and to provide him with tools, at the risk of his own life. In the case of these two men, the proverb, of "honor among thieves," seems

to have been exemplified, and the principle, if it may be called a principle, seems to have been the only obligation they acknowledged. A—— was as good as his word; and Green broke prison, and escaped in the direction of Albany, which he reached, without doing any thing worse than stealing a few horses and committing one burglary.

At Albany Green was joined by A——, and they went together to Middleton, Vermont, where they remained some months, in a comparative state of innocence,—their worst offences being drunkenness and gambling. At last, having committed a fraud in swapping a horse, they were compelled to decamp, and shaped their course for home, whither they did not hesitate to go, though they had perpetrated so many crimes in its vicinity. Here they renewed their acquaintance with their early præceptor, the counterfeiter. It might seem, that the great peril Green had lately been in would have been a warning, sufficient to make him abstain at least from capital crimes, but such was not the case. Scarcely had he slipped his neck out of the halter, when he prepared to risk the gibbet again.

The counterfeiter informed the two villains that a French traveler had put up at a neighboring tavern, and they resolved to rob him, near the bridge where Green had been waylaid by six men, as before related. There is a pond here, two miles long, and two high hills, forming altogether a very gloomy landscape. Here they waited, on the top of a hill, for the Frenchman, each armed with a brace of pistols and a knife. When he reached the spot, A—— seized his horse by the bridle, and Green, holding a pistol to his breast, compelled him to dismount. The unfortunate man was much frightened, and fell on his knees, earnestly beseeching them to spare his life. Ruffian as he was, Green would have suffered him to proceed on his journey, but for the expostulations of his comrade, who told him it was no time to hesitate, and bade him dis-

patch the business. Green shot the man dead on the spot, at the same time A—— shot the horse. The bodies of the horse, and his rider, they sunk in the pond, and returned to their hiding place with their booty, which amounted to seventeen hundred dollars in cash. They gave the counterfeiter two hundred dollars of this money, for his information.

They next went to Schenectady, where they were robbed, in turn, of all the money they had taken from the murdered Frenchman. Thus, the only result of this crime, as far as relates to its perpetrators, was adding another shade of blackness to their own souls.

The next place in which our adventurers displayed their abilities, was the city of New-York. After two unsuccessful attempts at burglary they entered a wholesale store, whence they took neither goods nor money: but finding some old checks and blanks in one of the account books, they filled up one of the blanks with the sum of three thousand nine hundred dollars, copying the signature from one of the checks that had been used. They then left the store without disturbing any thing. The next day, Green got the check cashed, and the companions returned to Albany, where they lived three months at the rate of a thousand dollars per month. They then went home again, and behaved in such a manner as made the country too hot to hold them. We will now hasten still faster to the conclusion.

At Barre, A—— committed a rape, for which he was committed to jail at Montpelier; whence, by the assistance of Green, he escaped, but from that time Green never heard of him.

Green was next apprehended at Burlington, for a theft committed at Barre. For this offence he was tried, found guilty, and sentenced to solitary confinement; but soon escaped, and repaired to Schenectady, stealing a horse by the way.

His next crime, was, selling a base metal watch for fifty dollars, representing it as gold. He then con-

mitted a burglary at Saco, by which he got nothing, and narrowly escaped detection. At Danvers, being at the time very drunk, he broke into a store, and took away thirty dollars, and goods of all descriptions, which he tied up in two shawls. These things he hid under a wharf. For this crime, he was taken, tried, found guilty, and sentenced to thirty days solitary confinement, and four years hard labor in the State Prison. On his entrance, his head was shaved, hair, beard, and whiskers, as is the custom. He was then obliged to strip and wash, and to put on a coat of many colors, in place of the one he had thrown off. After this, he was conducted to a dark narrow cell, where he found a small bed and two blankets. The next morning two negroes brought him bread and water, which was to serve him for breakfast and dinner, and at night they brought more. Thus passed thirty days, when he was taken to the prison yard, and employed in hammering stone.

Here he saw a great many prisoners, some of them with clogs chained to their legs, an appurtenance that he was soon like to have obtained himself, for disobeying the orders of one of the keepers.

He obtained it at last by an attempt to escape, and wore it for nine months. Moreover, when taken before the warden, he ascertained that that officer was advised of every plot the prisoners had formed to escape; a knowledge he gained from false brethren, who betrayed their companions in the hope of obtaining some mitigation of punishment for themselves.

After having passed three years in prison, he plotted with some other prisoners to break forth; but in order to do this, it was necessary to get rid of the keeper of the arch in which they were confined. For this purpose one of them attacked him, and bruised him so severely that he was obliged to go to the hospital, and they had leisure to operate. The plan was, to master the officers, and set every prisoner at liberty. But, just as the conspiracy was about to take effect, the plot

was made known to the keepers, by a negro named Billy Williams, and measures were taken to frustrate it.

The prisoners were naturally exasperated against this convict, and when he went to his supper, threw bread and dishes at him. They put poison into his dish, but he ate from another, and so, for a time escaped his fate. The next morning a prisoner (the notorious Trask,) asked Green if he would go into the shop where Williams was at work, and beat him, before the keeper could come to his assistance, to which Green assented. They did, accordingly, beat the negro with a bar of iron, broke his limbs and ribs, and fractured his skull. This was the closing crime of Green's life. In a week after, Williams died of his wound; and Green was taken to Boston jail, where, before trial, he made an ineffectual effort to escape.

On his trial, Green denied that Trask was the man who assisted to murder the negro; and affirmed that he did not intend to kill, but merely to beat his victim. We leave our readers to judge what credit should be attached to the asseverations of such a person. He was found guilty, and sentenced to die on a gallows, a fate he had a thousand times merited. Trask, who was arraigned at the same time, was acquitted on the score of insanity.

Green was executed on the twenty-fifth of April, eighteen hundred and twenty-two, at the age of twenty-five or twenty-six years. He behaved firmly, yet decently, at the place of execution, expressing penitence for his crimes. The records of America—we may say, indeed, of the world, do not furnish the name of an individual who crowded so many crimes into so short a life. Nor have we ever seen a more utter perversion of abilities, which, properly directed, might have served and adorned the name of humanity.

WILLIAM TELLER, *alias* JOHN SCOTT, AND
CÆSAR REYNOLDS.

It appeared, that about a quarter before one o'clock on the night of the 30th of April 1833, a young woman employed in the female department, situate at the west end of the prison, went around upon the wall to the east end, and informed some of the guard, or persons employed in the prison, that the prisoners were loose in the prison. Two persons immediately arose, and went to the guard room, where some of the guard slept, and from thence proceeded into the area of the prison. They here saw no prisoners out of their cells, but found Hoskins lying on his face between the block of cells and the west wall, apparently dead. The warden and others soon came, and commenced an examination of the cells. They began with Teller's, situated at the south-east corner of the block, and found him in bed with his door unlocked. Proceeding to the west they found the cell of Harvey Reynolds, the second from Teller's, unlocked, all the others on that side were locked. On the north-west corner was Cæsar's cell, that was unlocked, as was also Raymond Watson's situated near. As they passed by Hoskins, the warden felt of his pulse, and found that life was extinct. It appeared on examination of the body, that a blow had been struck upon Hoskins' head, probably from behind, and a little to the right of the centre, which made a wound in the integuments, which cover the skull, from two to three inches long, and cracked the skull, about five inches; two other wounds were inflicted in the back part of the skull, apparently with the end of some instrument. There were marks of fingers upon his lips and throat. He lay with his face upon his great coat, and a sheet marked No. 25, belonging to Cæ-

saar's cell, the coat and sheet being somewhat over his face. The blood had flowed considerable distance around, and estimated in quantity at from a quart to three pints. His large hickory club with a spike in the end lay not far distant, and also a bar of steel about one inch square, and eighteen inches long sharpened at one end; a gag also lay not far off. In the morning they examined the cells, and found Teller got out by boring with a small bit augur half or three quarters of an inch in diameter, and then a sharp instrument was applied to raise the spring of the lock and drive back the bolt. It seemed to be generally conceded, that the other cells were unlocked by Teller, together with that of George Johnson, which was found locked. Teller had no marks of blood about his clothes, nor on his person, unless a small stain on his foot, and that was doubtful. No blood was found upon either of the other persons suspected, except Cæsar. He had a stain on the right wristband, on his right shoulder, and under his right arm, also on one stocking, on the left knee of his pantaloons, partly washed off, and a corresponding spot on the drawers, which was quite fresh. There were marks of blood in two or three places in his cell, and also on the floor and on the sack of his bed, and the water in the bucket was quite bloody.

Teller confessed, that he got out of his cell as above stated, that he went to Harvey Reynold's cell, and told him there was an opportunity to get out in a short time; that Reynolds handed out a key through his grate, with which Teller unlocked the door; and he and Harvey followed the guard around, and unlocked Cæsar, Johnson, and Watson; that Watson said he was sick, and refused to get up, (and all agree that Watson did not leave his cell.) That they were all at one time in Watson's cell. He said he did not strike Hoskins, and he did not know who did, but he did take hold of his clothes, and Cæsar from

behind tripped him up, and put his hand over his mouth to stop his making a noise, and got on to him. That he left Cæsar and Johnson hold of him, and he and Harvey went to try to get out; that they tried one false key in the cook room door, and that failing, they tried to see if they could get out through a loose grate in the second story, by getting on to the shoulders of each other. Having failed in that attempt, Johnson came and told them that Hoskins was dead, he believed Cæsar had strangled him. That he (Teller) replied it could not be, and went and examined Hoskins' pulse and found he was dead, and then said, we have gone too far, and soon after went to his cell. He confessed, that he, Harvey, Johnson, and Cæsar, had made an agreement to get out if they could, long ago; and afterwards gave it up, but had since renewed it. That Johnson held Hoskins by the feet, and Cæsar had hold of his mouth, with his knee on his stomach. That one of the Reynolds brought in the bar, and secreted it in the west end of the hall, and they prepared it to get out with if the key failed. In reply to the question how the wound come upon Hoskins' head, he said, with some hesitation, he might have fallen upon his staff. He said his instruments were secreted in the drain, which was found as described, and that they did not intend to take life, but to gag. He also said, that he commenced the night before, but something prevented and he stopped up the hole with some bread. This was the substance of Teller's confession; the implements were found in the place mentioned, consisting of two false keys, and some other tools prepared for the occasion. The wards of the false key, used in the attempt to unlock the door of the cook room, were found in the lock, so much force having been applied as to wrench them out. An attempt was also made to pry open this door, and also the door to the female apartment. It appeared on trial, that

Teller is left-handed, and hence his counsel contended, that he could not have given the blow, which broke the skull of Hoskins, that probably having been given by a right-handed person.

A distinct jury was impaneled to try Cæsar; and he also challenged but a few. The evidence in his case was very similar to the other, except his own confession instead of Teller's. He confessed that one or more persons came to his cell, and unlocked it, and requested him to get up, but he refused; that they drew out his bed and bed clothes, and he finally went out: that he saw a man lying on the floor, but did not do any thing to him. He said the stain on his pantaloons was brick dust; a rag with blood on it was taken from his bosom, and when inquired of how the blood came upon it, he said it was done by a hang nail on his thumb or finger; he said he did not know how the blood came upon his drawers, nor in his bucket, that he had not washed in the bucket.

Teller's trial commenced on Wednesday morning, and ended Thursday noon. Cæsar's commenced Thursday afternoon and lasted about twenty-four hours. The counsel for the State conducted the prosecution with much fairness and candor, and showed almost to demonstration, that the prisoners were guilty. On the part of the prisoners, the counsel availed themselves of all the extraneous circumstances, which the forlorn situation of the prisoners afforded, to touch the chords of sympathy, which vibrate in the bosom of all men, and omitted to urge no consideration, which afforded any hope of aiding the acquittal of these guilty men. His Honor the Chief Justice, in a very luminous charge, explained the principle applicable to the law respecting murder, and commented at some length upon the testimony, leaving the law and the facts to be passed upon by the Jury. During the trials the court room was literally thronged, and especially Saturday morning,

when the prisoners were brought up to receive their sentence. When inquired of whether they had any thing to say why sentence should not be pronounced upon them, they spoke as follows:

Cæsar Reynolds—I have something to say why sentence of death should not be passed upon me. I am not guilty of the crime charged against me, and for which I have been condemned. In the first place, the law says, that no man shall be convicted of murder unless upon the testimony of two or three witnesses, or that which is equivalent. Such testimony has not been produced. I ask the Court whether three witnesses have testified that I had any hand in the murder. I put it to the Court whether I have been proved to be guilty by two witnesses. I put it to the Court, whether *one* witness even has appeared to prove my guilt. Others committed the murder, but the stain does not rest on me. It is true, that blood was found on my clothes, but *was* it proved how that blood came there? No, it was not. My clothes were taken forcibly from my cell after the blow was struck. Was there the slightest testimony to show that the blood came there by my means? The Court knows there was not. Is it to be presumed, that I took those garments and dipped them into the man's blood, or that I wiped it up with them from the dust? It has been said that a felony was committed in trying to break out from State Prison, but it has not been proved that I participated in the felony in the least degree. Is there any testimony to prove it? I say none. Yet I have been convicted of the murder. Others were concerned in the murder, but they have escaped, because they have too many respectable friends. If I had as many respectable friends as they, I might also have escaped. I am not guilty either of the murder or the felony—whether I ought to suffer death for others' crimes, judge ye.

William Teller—I have been convicted of murder by the laws of the State, but I am not guilty of willful murder. My special order was, not to take life—not to kill the guard at any rate. The guard was not killed with malice aforethought—We did not know who would come on watch. It is fixed so as we can't keep track of it, and can't tell who is going to be on the watch. I had nothing against him, and told them not to kill him; and I didn't know he was dead till after I felt of his pulse—and then I told 'em they'd gone too far. Others did the crime—God knows who did it—and there's a God on high, who knows that I am not guilty of the murder. I tried to get out, to be sure, but I didn't kill him. I think the Court charged the Jury too strong—there was no evidence of *willful* murder. Others have escaped who are worse and have done more than I did. There is a man now in State Prison, who worked in the same shop that I worked in, and he was put in for killing a person, and was only put in for three years and fined five hundred dollars, and my case is not within ten points so strong as his was. Why then was I convicted and he let off?—I've got twelve years and a half to serve now in the State Prison. It's hard to go back, but at the same time it's hard to die. Death is the king of terrors. I should be willing to go back, and then I could make my peace with God and man. I think the Court charged the Jury too hard against me. I don't think there was any evidence to prove a *willful* murder. We didn't mean to kill him. There were others engaged with me in trying to get out. We were charged with aiding and abetting others to escape. Why were not the others tried? They are as guilty as I am and yet hav'nt been tried, while two of us must die. But I am willing to die for my fellow-prisoners—but if I must go to the gallows and die, I shall trust in God who reigns on high, and knows that I am not guilty,

for that hope and salvation and mercy which is denied me here. In God I trust, and before him I declare, that I am not guilty of wilful murder, and I shall leave my fate with the Court and with God. I have nothing more to say.

The above speeches were taken down almost verbatim as they were delivered. Teller's was confused, and somewhat incoherent, and probably appears better on paper than it did when pronounced, but it manifested a strong and feeling mind. Cæsar's astonished all who heard it, as well for its correct grammatical construction, as for its cautious and guarded manner, and the firm tone and manly style in which it was uttered. After they had concluded, the Chief Justice solemnly passed sentence upon them in the following words:—

William Teller, alias John Scott, and Cæsar Reynolds.

You stand convicted before this Court of the great crime of murder—a crime at which humanity revolts, and which by the numerous prohibitions of sacred writ, seems peculiarly offensive to God.

Such is our mild system of laws against crimes, that no person can be convicted of an offence punishable with death except by the concurring voice of twenty-four disinterested and impartial citizens. Twelve, at least of the Grand Jury must have agreed to find a bill of indictment against you, and the whole twelve of the Jury of trials must have united in a verdict of guilty.

Not one of these persons probably had ever seen your face before. Certainly they had no prejudices or unfriendly feelings towards you. They must have been fully satisfied with the proof of your guilt; and the Court concur entirely in their decision. Counsel of your own choice, were assigned by the Court to assist in your defence, and they have done all that industry, talents and eloquence could do in your behalf.

On the night following the 30th of April last, you with others, confined in the State Prison, entered into a wicked combination to effect your and their escape. Having broken the doors of your and their cells, it became necessary, in your view, to kill Ezra Hoskins, who was on duty as one of the Guards. With a bar of steel which you had contrived to bring into the prison, and there secrete, you inflicted several deep and deadly wounds, and thus most inhumanly murdered an innocent and unoffending fellow-creature who was stationed for the security of the prison, and who was then in the performance of his duty. You shed his blood.

You thought, unhappy men, that the deed was done in secret, and that no eye saw you. You forgot that the eye of an omniscient God was upon you, and that the darkness of midnight and the light of noon day were alike to him; and you little thought that the deeds of that dreadful hour would be so soon proclaimed in a Court of Justice, to your condemnation. You disregarded also that divine declaration, "though hand join in hand, the wicked shall not go unpunished." What an appalling spectacle has been presented on this trial, of unmixed depravity—of the great wickedness of the human heart!!!

You, William Teller, otherwise called John Scott, at the early age of twenty-eight, according to your own account, have been a tenant of the Penitentiary of New-York for three years, on a conviction of the crime of burglary. Three years since you was sentenced by this Court to our State Prison on five informations for passing counterfeit bank notes, for the term of fifteen years, twelve years of which remain unexpired. It has appeared on this trial that you possess talents of no common order, which might, if suitably directed, have fitted you for distinction in mechanical pursuits, and made you an eminently

useful member of the community, but alas, how have you prostituted them to most fraudulent and wicked purposes. You appear wise to do evil, but to do good, to have no understanding.

You, Cæsar Reynolds, at the age of thirty, have been convicted three times of the crime of burglary, and for the last offence are now under sentence of imprisonment for life, according to our law. Finally the career of crime of each of you have ended in the deliberate and barbarous murder of an innocent man who had given you no just cause of offence. You fell upon him at the hour of midnight, in a moment, wholly unsuspected by him, while faithfully performing his duty, and with a four square bar of steel, broke his skull, and caused his instant death. Your garments are still stained with his blood; and its still deeper stains rest upon your souls. Surely the blood of Hoskins in deep and solemn tones calls from the ground for vengeance. You killed him too in the twinkling of an eye; you sent his unembodied soul to the tribunal of God, without allowing him a space to utter a single cry for mercy—a single prayer for the pardon of his sins.

What a spectacle do these trials and convictions show of daring transgression, against the law delivered from Mount Sinai, with all the terrible ensigns of majesty, "Thou shalt not kill," and how just is that penalty annexed by Jehovah himself, "Whoso sheddeth man's blood, by man shall his blood be shed." Do you not feel that the way of transgressors is hard?

By this deed also you have attempted to defeat the salutary laws of this community, in their most vital part, in the execution of the sentences of Courts of justice against offenders, by attempting to escape yourselves and aiding others to escape from the State Prison.

The Government, whose laws you have thus defied and broken, do not treat you as you treated the unhappy victim of your malice. Time will be allowed you to seek, by faith and repentance, the pardon and forgiveness of your sins. A few days will remain to you between going from this tribunal of justice to the gallows and the grave, and what is of more tremendous import to your souls, to the bar of the Judge of the quick and dead. Spend, we entreat you, spend these days in preparing to meet your God. Solemnly ponder on your past lives—solemnly reflect on the great crimes which have brought you to the condemnation of death: and oh, may you not die eternally!!

To assist you in this great concern, you will be permitted to have the advice of such of the clergy in this neighborhood as you may desire. They will tell you not to spend the remnant of your days that remains to you on earth, in vain wishes to escape from justice, or in expectation of pardon from an earthly tribunal. They will speak to you of the heights and depths of your guilt. They will tell you, and let the truth sink deep into your hearts, that, without repentance, no murderer can inherit eternal life—that though you have defied His law and the laws of your country with a high hand, yet, that if he shall smite you, you will be smitten indeed, and that you can not resist his Almighty arm. They will warn you not to make light of your condition, for that you stand on the brink of endless perdition. Regard them as saying these things not to give you unnecessary pain, much less to drive you to despair, but regard them as the messengers of the gospel of peace to you in your guilty condition. They will tell you that without a deep and sincere repentance of your sins and a pardon of your God, you must go from this tribunal—this sentence of death, to an infinitely higher tribunal, to hear a sentence to ceaseless lamentations in the world of woe—a sentence of eternal death. But they will also tell you that with God there

is forgiveness that he may be found—that though he punishes like a God, like a God he forgives—that by faith and repentance, you may look away from the blood you have unkindly shed on earth, to that blood which was shed on Mount Calvary that sinners might live, and when they thus speak, hear them as for the life of your undying souls!!!

The Court have nothing more to do with you. They are not at liberty, if they were disposed, to alter your condition. They may and do most heartily commiserate your case—they lament that there should be occasion to disclose such scenes of guilt, and that such a foul murder should stain the records of our Courts, but the deed is done, and this Court can only deliver you over to the sentence of the law provided for the crime of murder. Before this shall be done, unhappy men—the Court will express their fervent wishes that when your bodies shall die on the gallows, and the grave shall cover them with the darkness of death, your spirits may ascend to the light and life of Heaven.

You will now attend to the sentence. You William Teller and Cæsar Reynolds, are to be taken from this place to the prison whence you came, there to be kept till the last Friday in June next, when you will be removed by the sheriff of this county to the place appointed by law for execution, and there between the hours of eight and ten in the morning, be hanged by the neck till you are dead. And may God have mercy on your souls.

TELLER'S PETITION.

To the Hon. Legislature of the State of Connecticut. The Petition of William Teller, a convict now under sentence of death, humbly sheweth; that at a special Superior Court holden at Hartford, the 16th day of May 1833, he was indicted for the crime of murder, and was tried and the Jury pronounced a verdict of guilty; the Court have pronounced a sentence of execution, to be done on the last Friday of the next month.

Your wretched petitioner does most solemnly declare, that at no time has he been guilty of shedding man's blood; nor did he, in the late attempt to escape from the State Prison, for a moment, however much he longed for liberty, contemplate, much less design, the death of the guard, who was killed. His death was no part of the plan to escape, he was only to be gagged, and for that purpose a gag was prepared, and was actually found near where the deceased guard lay. Your petitioner did not take the life of the guard, nor was this to be done by any one so far as he has knowledge. But alas! the unhappy Hoskins was killed, by some one, and its consequences are to be followed by the execution of your wretched petitioner.

Your petitioner, under his present sentence stands on the verge of another world, into which he must be hastened, prepared or unprepared. The loss of life, and the ignominy of losing it on the scaffold, are beyond the conception of any one not in my situation; but great as this is, it is nothing compared with the interests which lie beyond this execution. I pray for life—for life in a dungeon, if it must be—for it, any where, but for life—for life. I beg for some melioration of my sentence, from those who can alone decide upon my fate—for some change of the awful judgment. Place me where you will; impose restraints and deprivations upon me as you will—all this I must expect; and in the judgment of my fellow-men, deserve—but oh! spare my life. Can my death be needed? May not the justice and majesty of the law be sustained by allowing me a lengthened life in the solitary cell? I offer to society all my days, and every consideration which endears life to my fellow men! May not this suffice? Life, life, spare me this, is the last prayer of a most wretched prisoner, but yet a human being.

WILLIAM TELLER.

Hartford, May 21st, 1833.

DEBATE IN THE HOUSE OF REPRESENTATIVES,
THURSDAY, MAY 30, 1833.

The Committee to whom was referred the petition of William Teller under sentence of death for the murder of Ezra Hoskins at the State Prison praying for a commutation of punishment, reported a resolution, granting the prayer of the petition and commuting the punishment to imprisonment in State Prison during life.

Mr. Clark of Cornwall rose to oppose the resolution, and remarked that it was due to himself to say that it was not because he did not sympathize with a fellow creature in distress, but because he felt that he could not act otherwise consistently with a sense of duty which he owed to his country and his God. He inquired if this was a time, to let down the penalty of our laws when crimes are multiplying apace and when the words "HORRID MURDER," ought to be stereotyped in our printing offices? He solemnly believed, that if this man's punishment was commuted it would form a precedent of a highly dangerous character; and he hoped that this House would say by its vote to evil doers to the state and the world, that when laws are founded in Justice and framed with Wisdom they are to be adhered to and promptly executed. If a man while doing a felonious act, as for instance burning a dwelling house, which he supposed to be without its inmates, chances to burn up an infant, sleeping therein, his life is forfeited. Thus cases may occur, where the crime though strictly murder by the stern letter of the law is committed without the least design; and is deplored most of all by him who committed it. Aware of this the framers of our Constitution invested a pardoning power in this legislative body—but he could not admit that it is within the spirit and intent of our Constitution, that this body should ever pardon an aggravated murder of the first degree.

As this was a christian assembly he would examine this subject for a moment by the light of revelation. Immediately after the deluge, before the tribes of Israel

and their criminal code existed, or it was even known by man, that they ever would exist, a mandate was issued from Heaven itself forbidding murder, in these words "Whoso sheddeth man's blood, by man shall his blood be shed," for "in the image of God made he man." This was sometimes objected to as a Jewish law, but it was no more a Jewish than a Roman or Grecian law as it was given to the family of Noah and was, without all contradiction designed to govern the great family of man. It is, indeed, the foundation of all common and statute law on this subject. Attempts have been made of late to explain it away but it stands sir, like a rock in the sea, unmoved and immoveable. But the will of Heaven is still further revealed on this subject, for again, another scripture saith speaking of the murderer, "Thine eye shall not pity *him*." Sir, there is before us, at this moment, the petition of a murderer, pleading for pity! He had no pity, and the voice of heaven to you—will you pardon me if I say it?—then I will say that the voice of Heaven to you and to each of you, is, "thine eye shall not pity him"; and let not those who are inclined to do so, if any, feel self complacent on being more humane than others;—for your classic memory will remind you sir, of the opinion which the immortal Shakspeare held on this important subject.

"That mercy is not mercy which seems so
For pardon is the nurse of future woe."

But some suppose that capital punishments are done away by the new testament dispensation. How so? Does not the Apostle Peter charge the Jews, with desiring that even a murderer should be released unto them? And another apostle says "If I have committed things worthy of death I refuse not to die," plainly admitting there were crimes of that character. Again he says "The magistrate is the minister of God and beareth not the sword in vain." Do we then by the new testament make void the law? nay rather sir we estab-

fish the law. But this man petitions to have his punishment commuted. Let us then examine the principle of commutation. Dr. Franklin, whose mind was as clear as a crystal vase, lays down this proposition—if you punish a man more than he deserves, so far innocence is punished—then *vice versa*, if you punish a man less than he deserves, so far guilt is pardoned. Then commutation seems to be a kind of semi-pardon; but another may say, that solitary confinement in the State Prison, during life, is as bad as death itself, but it is not so, for death is proverbially the king of terrors. But if the culprit's punishment is commuted, how shall he be safely confined? for if a prison is so built that a man may be put into it, it is so built that he may possibly escape out of it sir, and the moment he is loose he is like a wolf in the fold, and if we commute his punishment without having a just right to do so, I see not but we are answerable for all the blood he sheds. But you say that it is hard to put a man to a violent death.

Let us then contrast the fate of the murderer with that of the murdered: the murderer approached his victim with silent tread, taking advantage of his infirmity and thrust him at once unwarned and perhaps unprepared, into the immediate presence of his God and of the dread tribunal. He was then secured, but instead of being executed instantly he was protected from immediate violence by all the forms and majesty of law. In due time he was tried by a jury of his peers with the right of challenge. The court was impartial or leaning to the side of the prisoner. Those attorneys of the bar were assigned for his defence who were the most learned in the Law, and the most persuasive in eloquence. The most minute circumstance in his favor was insisted on by them with the most unyielding tenacity, but the jury was at last compelled by weight of testimony to bring in a verdict of guilty, and the court was forced to pronounce his doom, but it was done reluctantly,—a long day was given for his repentance,

the ministers of the Gospel sympathize with him, pray for him, console and counsel him, and if he suffers at the last, he will die by the hands of a man whose heart bleeds as well as his own, while the fervent ejaculation simultaneously arises from ten thousand hearts—may the Lord have mercy on his soul. Mr. Clark concluded by expressing the fullest assurance that the House would not so regard the abstract principle of the impropriety or inexpediency of capital punishments, a principle not known to our laws, as to pardon either in whole or in part an aggravated murder of the first degree. He said he would not do the members of the House the injustice to make even the supposition; but he trusted that they would say with one voice, that a Legislature which could do it, to be consistent ought not to leave the floor on which they had done that act until they had nullified the penalty of all law, human or divine.

Mr. Haley.—The case which is now presented before this House is one that deserves our serious consideration. (I think I shall not be able to express my feelings on the subject) it is for the commutation of the punishment of a criminal under the sentence of death. The gentleman from Cornwall has strove to convince us of the obligation we are under to carry the law into effect and execute the sentence of the Court, and in doing this he has referred to the law which was given to the Jews that whosoever sheddeth man's blood, by man shall his blood be shed. But Mr. Speaker, suppose we go further back and speak of a particular case and one of the most atrocious and desperate crimes that was ever committed by man. I now allude to the case of Cain who willfully and maliciously, and in cool blood, murdered his brother, who was bound or ought to have been by the strongest ties of affection to have been his protector; and when he was called upon with respect to it, he says am I my brother's keeper? Thy brother's blood crieth to me from the ground. Thou

shalt be a fugitive and a vagabond in the earth. Cain says my punishment is greater than I can bear, and those that see me shall slay me. And what is the answer? Sevenfold vengeance on the man that shall slay thee. I think we had ought to try to escape the vengeance here described. But to return to what the gentleman has said on the subject of shedding blood, we find that there was a city of refuge, that they had a chance to escape, and that the law was not always executed, although they were sometimes stoned to death for picking up sticks on the Sabbath day, a law which I think no gentleman would wish to be tried by, in this respect. The gentleman also refers to the new testament but finds nothing to support the position he has taken, and refers to the two malefactors who were condemned by the same law, and it must be also remembered that they by the same law condemned the Prince of life, to whom we look for pardon for our offences, and may at least want a commutation of punishment.

But, Sir, to return to the case of the prisoner under the sentence of death. What does he ask? he says spare my life, shut me in the walls of a prison, in the solitary cell, give me a chance to repent. Shall we refuse it? If the awful punishment awaits him in another world which we so often hear described, it is important that his life should be spared, and that we in the midst of judgment should remember mercy.

Mr. Ticknor.—From an investigation by the committee of the House to inquire into the outrage at the State Prison, it appeared that Teller and four others were loose in their cells, and Hoskins was killed by a blow on the head produced by a bar of steel found near the body. That a witness heard him cry, don't kill me—inferred the blow not *necessarily fatal*. The scull was depressed near its whole thickness, which would confirm the opinion that it was not necessarily fatal. Murder, if murder it was, has been committed, but by

whom? by Teller? or Cæsar? There were a variety of instruments found on the person of Teller, for effecting his escape; but what for *killing the guard*?—none, I answer, but a bar, evidently fitted for another purpose, namely, for escaping.

It is well known, and every gentleman in this house will bear me witness, that when the love of liberty takes possession of the human bosom, it not unfrequently arises to such a degree of enthusiasm as to approach insanity.

If this was murder, and a court and jury have declared it so, it is constructive murder or murder by implication.

Let it be solemnly borne in mind by gentlemen of this House, that there is no evidence of concerted measures for taking the life of Hoskins, but abundant evidence that they had long planned an escape.

Mr. J. C. Smith, Jr., said, that as his honorable friend from Groton had expressed views in exact accordance with his own respecting the law of retaliation upon this subject, he would proceed to appeal to the common feelings of our nature in the bosoms of every one present. He would ask gentlemen to suppose that they had been condemned to pass fifteen years of the prime of life within the walls of a prison, that either by the negligence of the keeper, or their own skill, they had burst their bars and had well nigh escaped, he would ask if in this situation, with the free air of heaven blowing upon them, and the prospect of liberty full in their view, if without malice toward any human being, they would not wish their right arm to fall palsied from its socket, if it failed to strike at least one blow for their deliverance. This was the case with the unhappy man whose petition is before us, make it your own and decide.

Mr. Judson said this is truly an important question. The life of an individual rests upon its result. The petitioner who has been duly convicted of murder, and of

murder under aggravated circumstances, seeks to have the punishment commuted from death to perpetual punishment. This Assembly possesses the power to commute this punishment, but the question of its expediency enters deeply into the matter. The influence, both moral and political, of this question, upon the government itself, will be momentous. There are no palliating circumstances connected with the case demanding our sympathy, but even if it were so, that guide might prove unsafe. Our judgments should have an influence when our vote is given, and what will our sober judgment tell us is duty? Every member will answer this question for himself. Do we fear to meet this question with all our sympathies which are honorable to us as men, and even when called by the moving eloquence of those who address us? We should not fear any responsibility imposed by duty. However momentous the question, it should not be evaded. The petitioner appeals to our pity, but the public too have claims upon us. Grant the petition, and the next victims may be your wives and your children. This is a christian community; it is a community of laws, and those laws are for the protection of the defenceless and innocent. There are some who regard capital punishment, for any crime, as erroneous. These opinions are honest, but theoretically wrong. The wisdom of our ancestors established these laws, and as they are essential to the very existence of government, those laws should be maintained.

Mr. Mead said the members of this House were called upon to discharge a very solemn duty, they were called upon to deliberate on the life or death of their fellow man. That however the bias of his feeling might be in all cases on the side of mercy, and however averse he might be in principle to the taking of life for any offence against the law, yet in this case, he was decidedly of opinion, that the penalties of the law ought to be enforced. There was one particular reason for

refusing to grant the prayer of the prisoner, not noticed by any gentleman who has made remarks on this resolution, and that is, the fact that there are many persons in the prison confined for life. Persons of the most reckless, desperate, and abandoned principles. Persons who have been guilty of committing, and who are capable of committing, crimes of the deepest die and of the most atrocious character. Let these persons but know (and they will know when they see Teller return) that the Legislature have said the crime for murder in an attempt to escape from the prison shall be only a recommitment, and we may prepare ourselves to have the same bloody tragedy which has now occurred, acted out again, and that often. These desperadoes are now sentenced for life and their sentence can not be aggravated—there is therefore every inducement to prompt them to acts of desperation, bloodshed and murder, in attempting to gain their liberty. He did think therefore it is imprudent and dangerous to grant the prayer of the prisoner.

The petition was rejected.

DANIEL DAVIS FARMER.

Daniel Davis Farmer, previous to the perpetration of the crime for which he suffered on the gallows, was a respectable husbandman of Goffstown in New-Hampshire. He had a wife, four children, and an aged mother, dependent on him for support, and so acquitted himself of his duties, as to acquire the reputation of a good citizen and member of society.

There lived in the vicinity of Goffston a widow by the name of Anna Ayer, and, unhappily for herself, and still more so for him, she became intimately acquainted with Farmer. She was a loose woman, and their intercourse soon assumed a criminal character. Toward the end of the year eighteen hundred and twenty they quarrelled, and she made, on the thirtieth of January, a declaration, on oath, that he was the father of the child of which she supposed herself about to become the mother. It afterwards appeared, that if this accusation was not a wilful perjury, she was at least mistaken in the matter. Nevertheless, Farmer, enraged at the imputation cast on his character, and perhaps believing the charge to be true, resolved to destroy his paramour, and thereby suppress all certain evidences of his guilt. Speaking with one Thomas Hardy, he vowed, "that if ever he could find Anna Ayer two rods from anybody, he would kill her." Thus rapid in the career of guilt, and thus surely does one crime follow another.

He executed his purpose in the most deliberate and barbarous manner. Supposing that his intended victim would be less able to defend herself if intoxicated, on the afternoon of the fourth of April, he purchased rum, and in the evening carried it to Anna Ayer's house. He was obliged to walk five miles, from the shop where he filled the bottle, to the scene of his crime, so that he had ample time for reflection. He carried with him a large club, that a weapon might not be lacking.

Anna Ayer had with her, her child, a girl thirteen or fourteen years old, and, knowing that the infant would probably alarm the neighborhood, while he was wreaking his vengeance on the mother, he determined to murder her also. To this double murder he intended to add the crime of arson; and by burning the house and the bodies of the slain, to remove all evidence of his iniquity. He expected that in this way his almost unequalled wickedness would remain undiscovered, and that he should escape with impunity. It was otherwise ordered; the eye of Omniscience was on him; and the hand of Providence was visible in the means by which he was brought to justice.

He reached the house of the widow Ayer, at about nine in the evening, and knocked for admittance. The child remonstrated against letting him in; nevertheless, Mrs. Ayer rose and opened the door. Farmer produced his bottle, and at his invitation the widow drank three times. He then asked her to go out with him, and she complied; but if his object was to kill her out of doors, his heart failed him, for in about ten minutes they returned. He put his club down by the chimney, seated himself, and they began to converse on indifferent subjects.

Suddenly, Farmer snatched his club, and said, "Mrs. Ayer, I'll kill you first, and then you may kill me." With that, he struck the woman on the head as she was rising from her chair, and she fell to the floor. The child screamed and ran toward the door, but before she reached it, Farmer overtook, and struck her down, senseless. He gave both mother and daughter so many blows that he believed them dead, and then set about burning the house. At this moment the child recovered her senses, and saw that the murderer was burning pieces of cloth, and scattering coals over the floor. Mrs. Ayer was lying close to the bed, and the fire was all about the room, some of it very near her, and two of the chairs were in the fire place.

The girl had the courage and presence of mind, in this dreadful situation, to lie still and counterfeit death, till the assassin went away. She then crawled to the door, and drove a nail over the latch with an axe. She found no water wherewith to quench the coals, as Farmer had taken the precaution to throw it away, but managed to put them out with a pot of beer. This done, she raised her mother, assisted her into bed, and then got in herself.

In the morning, when the neighbors were apprized of the outrage, and visited the house, they found outside the door a large stone, with clotted hair and blood adhering to it. On comparison, the hair proved to be that of Anna Ayer, the younger. There was blood on the threshold, and the door was stained with the same dark red color. The floor was burnt through in two places, and there were other marks of fire about the room. The widow Ayer still survived, but was in a partial lethargy. She had a deep wound on the right side of her head, and the hair was doubled into it, by the weapon which had given the blow. A small iron shovel lay on the floor, bloody, and much bent. The tongs, likewise, bore the marks of murder, and were broken. The club which Farmer had used was found behind the door, broken, as with repeated blows; and also a mitten, which proved to have belonged to the murderer. On the arrival of a physician, he examined the wounds of the deceased, and thought that the one on the head had been made by two different blows. The skull was broken, and the *dura mater*, which plainly appeared, was wounded. There was another wound over the eye. The doctor was of opinion that the injury was mortal, and told Mrs. Ayer so. She told him, that "if it were God's will, she hoped she should not die by the hands of that man." She lingered eight days, manifesting not the most forgiving temper, and frequently venting imprecations on Farmer, whom, she said, she hoped she should live to see hanged.

To those who conversed with her, she gave an account of the proceedings of the night of the fourth of April, much the same with that we have related.

Farmer, after his crime, did not fly; but remained about his usual places of resort till he was apprehended, when he confessed his guilt to more than one. His general confessions were not received in evidence at his trial; but witnesses were allowed to testify, that he had acknowledged the mitten found in the Widow Ayer's house was his.

On the ninth of October, eighteen hundred and twenty-one, Daniel Davis Farmer was arraigned before the Superior Court of Judicature at Amherst, for wilful murder, to which indictment he pleaded not guilty.

All the facts above recounted, were proved by a number of witnesses; the principal of whom was Anna Ayer, the daughter of the deceased.

The counsel for the prisoner contended that the deed amounted only to manslaughter, as there was no evidence of malice prepense, excepting the testimony of one witness, who himself thought that the threat uttered by the prisoner was not serious, and had, beside, contradicted himself. The general character of the witness, Anna Ayer, had been impeached by two witnesses; and she had not been brought up in a school where she would have been likely to have learned the virtue of moral obligations. There was strong evidence of the good character of the prisoner, previous to the transaction for which he was now called to account. There was a strong existing excitement against him. It was not clear that the deceased died of wounds inflicted by his hand; especially as she had not been treated in the most skillful manner, and the surgeon might, in fact, be chargeable with her blood. The confessions of the prisoner ought to have no weight against him, having been made by advice of unauthorised persons, and with the hope of thereby assuring

lenity. Furthermore, it was argued, the excessive enormity of the prisoner's offence, ought to be received as a proof that it was not perpetrated deliberately.

These were the grounds of the defence, but they could not avail against a mass of direct and indirect evidence. After a deliberation of one hour, the jury returned a verdict of guilty, and sentence of death was pronounced.

Farmer, after his sentence, evinced a sincere contrition for his crime, and met his fate in a becoming manner.

JOEL CLOUGH.

This unhappy young man was born in Unity, Cheshire county, New-Hampshire, in September, 1804, and we are assured by those who ought to be well acquainted with him, from his infancy down to his present awful position, he has sustained a character so free from blemish of any kind, that an overwhelming testimony to that effect was exhibited to the jury. His personal habits were reputable, his manners delicate, but sociable; and he was particularly partial to the society of the ladies.

Mrs. Hamilton, the victim, was about twenty-seven years old when killed. She was the widow of Dr. Hamilton, of Bordentown, a practitioner of deserved respectability in point of character and talents, and brother to a leading member of the New-Jersey Bar. Those who were personally acquainted with her, represent her as having possessed, in a superior degree, those gentle and indescribable attractions of the sex, which will win upon and fascinate the heart.

This trial, which has recently excited so much attention and called forth the sensibilities and anxieties of the people of Burlington county and the public generally, it will be seen, terminated in the conviction and condemnation of this unhappy man to death. This result was to have been expected from the horrid nature of his crime, although, from the plea of insanity, which was not, however, satisfactorily proved, some doubts of his conviction were for a time entertained until all the testimony was received, and the law applicable to the case explained. The appearance of Clough was respectable and gentlemanly. He was handsomely dressed, in a suit of black, with black gloves in his hand, and exhibited considerable gracefulness in his manners. In height he was about five feet ten inches, not fleshy, but, exhibiting much muscular strength. His face, was long and thin, his features rather prominent, his eyes, a bluish gray, with a look of dejection, and his countenance cadaverous. He had worn large whiskers, which he had shaved off before the trial. His head was somewhat bent forward, which gave a prominence to his shoulders and back.

Mary Imlay was the first witness called. She identified the prisoner—resided at the house of Mrs. Longstreth, the mother of the deceased Mrs. Hamilton, at the time of the fatal occurrence—Clough breakfasted with the family that morning, and Mrs. Hamilton sat by his side. After breakfast, Clough went into a room where witness and Mrs. H. was employed. Prisoner took the only daughter of Mrs. H. about eight years old in his lap, patted its cheek and conversed familiarly with it and its mother. Offered, and the latter with some hesitation accepted, a music book for the child—after which witness saw no more of Clough until the deed was perpetrated. Mrs. Hamilton went out between twelve and one o'clock and did not return, but her sister Elizabeth

came down saying that some one was murdering her. Witness and Mrs. Longstreth went immediately up stairs. The latter on reaching the entry where her daughter was lifted up her hands and screamed. Mrs. H. had not been absent more than ten minutes. Saw her half an hour after she was dead.

On her cross-examination, witness stated that she was a seamstress—had but a slight acquaintance with the prisoner, who complained of an attack of the pleurisy which induced him to lie down—saw no difference between his last and previous interviews with Mrs. H. [The cross-examination was long, but elicited no facts apparently material.]

Anna P. Longstreth, sister to the deceased, had known the prisoner, who lived at her mother's for about a year. Saw him there on the morning of Saturday, the sixth of April, before breakfast. Did not, to her recollection, see him after breakfast until a few minutes before the occurrence. He then passed in advance of witness towards his room, where he said he was going to lie down. Some unimportant conversation took place between them in the passage. Did not see him again till all was over, when the people were conveying him away.

On her cross-examination, she stated that the prisoner had lived at her mother's about two months—was on kind terms with all the family—promised the daughter of the deceased a present of a pair of earrings and a pair of side combs, if she got her premium at school, and gave them to her. He gave her a geography and atlas—don't remember his presenting Mrs. Hamilton with a gold watch, or rings, or album. She had a gold watch; she had been to Philadelphia, and had it when she returned—thinks it was Clough and her cousin accompanied her, Mary Thorn—believes she was there more than a week. This was at the time Mr. Clough had a contract on the Schuylkill. They did not return together—she returned

first—does not know that she exchanged her silver watch with him, for the gold one, with which she returned. Does not know that he ever made her any presents.

Elizabeth Longstreth, aged thirteen—also a sister of the deceased—testified that prisoner returned from Rochester on Thursday previous to the Saturday on which the occurrence took place. Saw him each of the intervening days, and a few minutes on Saturday morning, but not subsequently, until the afternoon. After returning from school, witness, with the deceased's daughter Caroline, were in the family room, and heard a screaming—Jane, one of the servants, told witness to open Mr. Clough's door—opened it, and both prisoner and deceased came out. I stepped back, said the witness, "into a little room over the bar room, and when I looked again they were both on the floor, he was holding a dirk, and neither of them saw me—I took hold of his arm and said, *oh dont!* I pulled it back—he made no reply, and did'nt look up—I then ran down stairs—Mr. Brown was in the bar-room, and I told him to go up stairs to sister Mary, (the deceased) some one was killing her—they went out of the room into the entry by the garret steps—doors open upon platform—their feet were very near the door of Clough—I did not return up stairs after, I went down to Mr. Brown—I went into front parlor—I did not see Clough strike her at any time—I heard nothing said by either—he had hold of my sister Mary.

On her cross-examination, the witness stated that she knew of no difference or unkindness between the prisoner and the deceased; nor of any presents having passed between them. Mr. Clough complained of illness after his return from Rochester; did not look as well as he used to do; went to bed part of each day; witness entered the room in which they were with some difficulty, and then saw no appearance of

blood but he was leaning over deceased, and held something in his hand which witness thought was a razor.

Jane Brown, (a colored servant, about fourteen years old,) residing at Mrs. Longstreth's at the time of Mrs. Hamilton's death; saw her about twelve o'clock; asked her if she heard Mr. Clough call her? she said she did hear him, she was going in a minute; I was in my room, which opens into the garret steps, next to Clough's; I heard some noise very soon after Mrs. Hamilton left me; it was in Mr. Clough's room; I hallowed to Miss Elizabeth, and asked her to please to come; we ran to the room door; the first push we gave the door we didn't lift the latch up; we raised it the second push, and the door opened; I saw Mr. Clough putting a dirk into Mrs. Hamilton—he got the point in as far as it would go, and tried to get the handle in—they were standing upright against the door—I don't know how large a dirk—I did not see him strike more than once—he had one hand around the waist, and the dirk in the other—I just saw them come out of the room—he put the dirk in her before they came out of the room—when I first saw the dirk it was then in her—when they were in the entry, she was scuffling, trying to get away from him—she was down and he was half down, on his knees; they walked out of the room door, he having hold of her; they fell in the passage; I saw the dirk in Clough's hand after he came out; nothing said by either of them in the entry; at the time I saw them coming out, there was no blood on Mrs. Hamilton's clothes; her dress was black.

On her cross-examination, witness testified that she heard Clough call Mrs. Hamilton just at the time witness asked her if she heard him call; he said; "Mrs. Hamilton will you please to come up here a minute?" In the course of the cross-examination

the witness evinced great ignorance and some confusion of ideas.

Amy Wright, testified that she was Mrs. Longstreth's chambermaid, and was making beds when she heard the deceased scream; saw her and prisoner standing in his room door, his left arm around her, and she struggling to get away; they said nothing; he looked so wicked at me that I turned right about, and called to two men to go up stairs; deceased said, "I'm done," and her mouth was full of blood. Her mother came up to whom she said, "Oh, mother! I screamed and I screamed, why did'nt you come;" heard her say no more. In half an hour afterwards saw her laid out.

Cross-examined, did not hear Clough call deceased, and could certainly have heard if there had been any call whether in the kitchen or the entry.

Elizabeth Longstreth, the mother of the deceased, identified the prisoner, and said he had boarded with her near two years; that he returned from New-York on the fourth of April; that after breakfast on the sixth did not see him until the deed was done. Deceased was all that morning in the parlor with her sister and the seamstress; I told deceased I was unwell; she told me to lie down on the sofa, and she would send me a pillow, and then see about the dinner; she then left the room, sent me a pillow by her daughter Caroline, and I lay down; in six or seven minutes, my daughter Elizabeth came to the door, screaming dreadfully, saying, "Go to sister Mary." I immediately ran, and when I got to the door of the stairs, I saw deceased coming down about half-way, with her hands raised and her hair disordered; she came right to me, and stood before me, and said "Oh mother, why did'nt you come; I screamed and I screamed, and Clough's murdered me. I asked her for what: she replied, "Because I would'nt say I'd have him, and you know I could'nt mother." She

also said, "I was in his room, he sent for, and has killed me." I took her in my arms, carried her into a little room down stairs, placed her on a settee, when she said, "Oh mother, I must die, I must die." Then they took me away from her; can't say whether any was on the stairs with her. Clough's visit to New-York I thought would be his last as he had packed up all his things and closed his business, and I understood he was going away to stay. He did not tell where he was going to. When I saw her coming down stairs, I saw no change in her dress, and had no idea she had a death-wound.

On her cross-examination testified in relation to the prisoner there was no uncommon kindness from him to us or from us to him. He paid particular attention to the deceased, but she was not willing to receive it. I frequently had conversations with deceased on the subject, he frequently wrote to her, and she threw his letters in the fire, and requested him not to write any more. Don't know that she ever accepted any present from him, except an album; he got the album and then got several of her friends to write in it; he then offered it to her, and by my permission she took it; she refused his miniature, a large breast pin, and other things not now remembered. Deceased gave or sold prisoner a dirk; it belonged to her brother-in-law; she had one also that belonged to her late husband: he said he wanted it, as he had a number of rough men working under him on a contract near the Schuylkill. He was a man of mild and composed manners, except when angry, when he was violent, though not often angry.

I had thought that he was ardently attached to her, she did not receive him as an admirer; *she* knew that he was attached to her: I frequently saw her tear up and destroy his letters to her without reading them; often handed them to me to read; those letters were generally affectionate; saw nothing to the con-

trary of his being in prosperous circumstances; he was not in the habit of visiting with deceased; they went to Philadelphia together, but she did not know that he was going also; his attentions to her in the city destroyed her pleasure there; she once went to an acquaintances with him, who went with them to the theatre and museum; deceased had been in Philadelphia only three times since she was a widow, which will be two years in August; the last time she was there, Clough remained in Bordentown; the week after her husband's death, prisoner brought deceased from Princeton at my wish, and she was very much displeased with me for getting him to call for her; I never had occasion to find fault with her for receiving his attentions, for I thought she treated him very roughly.

I don't remember about any marriage being spoken of. When he returned from New-York he told me he was sick; he was dull; believe he laid down every day. He did'nt eat much breakfast the day of the murder. Don't remember the deceased wearing these studs. She returned from the city with a gold watch, one which prisoner had had some time. I rode out with him once, when in Philadelphia last fall, after a spell of sickness; he then extolled deceased very much; he often spoke to me in her favor, but I always waived the subject as much as possible; he never told me he loved her; I had no knowledge of their being engaged to each other.

She was once going in a sleigh to Trenton, when he got in and she said "Mr. Clough, if you get in I must get out, as there is no room for you." Still he got in, and they went together; they did not return together; she went on to Princeton, he only to Trenton; this was last winter a year ago; he gave deceased's daughter, Caroline, a pair of side combs for a premium, a geography and atlas; never heard deceased say she was attached to him; but three or four weeks before her

death, prisoner asked me if she was attached to any one in particular; I said I did not think she was; he said he thought so too. When she came stabbed, I thought he had committed suicide, from what deceased had said to me the evening before, about a conversation which had taken place between the deceased and Clough, not from what I observed myself.

The *Attorney General* afterwards asked of the witness what that conversation was. Mr. Brown, for the prisoner objected, and after a spirited argument, in which Messrs. Hazleburst and Brown, for the prisoner, and Scott and Southard for the prosecution, took part, the objection, was sustained.—Mrs. Longstreth was nearly four hours under examination, and some portion of her testimony, particularly that relating to her discovering her daughter to be murdered, with the repetition of her dying words, melted a crowded house into tears, and from the sympathetic contagion even the Judges themselves were not free.

Joseph H. Brown, was at Mrs. Longstreth's on the 6th of April; heard the screaming and went up stairs with Mr. Moore and Mr. Sigan. Prisoner and deceased down, with his left hand round her; this was on the entry floor. Prisoner was leaning on his left side, his feet so placed that he could recover himself at any time. She had her right side under, her left towards him, her feet towards the head of the staircase before mentioned. She was struggling; I saw the handle of some instrument in his hand, and the blade was in her side or breast; more in her left side than in her right. It appeared to be in up to the guard and he gave it a motion as if he wanted to work it further in. Saw blood on her waist in several places; one place in particular, where the blood bubbled out. Before I recovered my presence of mind, I found myself crowded away. I next saw the deceased coming down stairs with her hands raised; her mother met her near the foot of the stairs, deceased saying, "Oh mother! mother! why

didn't you come! I called and called; Clough has killed me because I wouldn't say that I would have him, and I couldn't, mother, I couldn't, and I must die." Deceased was then taken down stairs. I next went up stairs, in Clough's room; saw him lying on his bed, looked at him, and turned about again and went to the spot where I first saw them on the floor; looked at the puddle of blood there, and saw a silver thimble, which I picked up. I came out, and Mr. Sigan put a bloody dirk in my hand; I took it, and going out again, saw just inside an adjoining room a guard chain and key, and a breast pin; picked both up; the latter had been perforated by a sharp instrument. [It was identified by witness, and the dirk also.] I then went down stairs with the dirk and the articles. Saw the deceased, and was then told she was dead; this was not over ten minutes from the time I first saw her up stairs.

On his cross-examination this witness stated that Clough was mild in his deportment, but on Friday and Saturday after his return from New-York thought he observed an alteration in his appearance; he looked vexed about something. When he stood over her with the dagger he looked very savage; witness made no attempt to lay hold of her or him, as he felt afraid of him; saw no laudanum, but saw a phial labelled laudanum, in some one's hand, in Clough's room; it was empty, and the cork out; Clough made no attempt to get away; his shirt sleeve was covered with blood.

Henry Sigan went up stairs with the last witness, on hearing the scream, and confirms his testimony, adding: Clough had a dirk in his right hand, the blade being in her; he made three quick punches with it in her; I then went down stairs to arm myself with a club, and as I got down I heard deceased cry out to her mother; I ran to the stairs again, and saw deceased coming down; I caught her in my arms, brought her down, and delivered her to some one at the foot of the stairs; I then called for pistols and a constable; a pis-

tol was brought, which I took and went up stairs; found the dirk in the entry, and Clough lying on his bed; went into his room and staid until others came; while deceased and Clough were on the floor together, he said to her, "Will you? will you?" Heard nothing else said by either.

On his cross-examination, the witness testified that when he saw Clough in the entry with deceased, his face was very pale and his lips blue.

Eliza Applegate resided at Mrs. Longstreth's at the time of the murder and witnessed the latter part of the transaction, the particulars of which she related substantially like the other witnesses.

Hannah Herbert assisted to undress and lay out the deceased. The clothes were identified by witness. In the gown were seven holes—the corsets were deluged in blood, and had seven holes corresponding with those in the gown, all of which were in the immediate vicinity of the left breast. When witness took this dress off, there were wounds in the body corresponding with them. The doctor came in before deceased was laid out.

Joseph H. Cook testified as follows: I am a physician; examined deceased after death. I found ten deep wounds or stabs in the body; one was in the left arm, one in the shoulder blade to the bone, one in the seventh rib, fracturing it, the remaining seven had penetrated into the left lung between the third and sixth ribs, three of which had gone through and penetrated into the heart; there were several other small punctures, four or five in number, and a long gash, caused by a glancing instrument; the left cavity of the chest was filled with blood; any one of the three wounds in the heart must certainly have produced death; the dirk must have gone in to the very hilt; no doubt but these wounds produced the death of Mrs. Hamilton. [Dr. Geo. S. Duer, who assisted in the examination of the body, confirmed all the above particulars as related by Dr. Cook.]

Luke Doughton's testimony was merely confirmatory of that of Brown and Sigan. In his cross-examination he heard Mrs. Hamilton make only one remark after the prisoner's return on Thursday from New-York. It was in reply to a query put to her by witness whether she ever intended to marry Clough: she said "No." He asked her "why?" She said, "a very good reason, because she did not love him."

George Miller, was a witness of the tragedy, but nothing new was elicited from him on his direct,—but on his cross-examination he testified, that after Clough was taken down into the yard, he recognized Mr. Sigan and witness, and asked how they had been, and requested "that we should not speak harshly of the matter." This was an answer to an observation to witness by Mr. S.—"Is it possible he should have committed such a deed?" At this time Clough appeared very pale, with a down-cast look.

Ann Reeves affirmed, that the voice or scream did not seem to be the distinct voice of a woman, but as if something was over her face. When witness first saw the prisoner in the yard, Mrs. Longstreth observed she wished to see him; that if he was in his proper senses he would know her voice and notice her. After some other observations, she said she "supposed his neck must pay for it." Witness made answer and said, "it ought to." Clough looked round at her and said, "he was well aware of that."

John Bechtell, heard the screams, which were smothered—not clear. Ran into the house—saw Mrs. Hamilton in the room, and heard her say that Clough had killed her; her mother said, "where was it?" she made answer, "in his room;" her mother replied, "my dear how came you there?" she said Clough had called to her; she was then leaning on her mother. She said after she got down, several times, "I MUST DIE"—"I MUST DIE."

William Reeves, Jr., gave a recital of the latter part of the bloody scene, from which he went up into Clough's room. Mr. Shinn and witness took hold of his wrists. He then asked, "is she dead? is she dead?" We told him she was. He then said, "*Lord have mercy on my soul.*" He then said to Shinn, "take my miniature and send it to my mother." Mr. S. asked him where his mother was. He said in Orleans county, New-York. Mr. S. then asked his mother's name. He told him it was Joannie Clough. After feeling his pulse, Mr. S. said he was not so far gone but what he could be brought to. He accordingly sent for medicine, which the prisoner refused to take until he was told it would be forced down him. In the yard to which he was dragged, he asked if Mrs. Hamilton was dead; on being told that she was, he wanted to know what she said after she was stabbed. Witness informed him that she told her mother the cause of his killing her. He wanted to know what it was. I told him, said the witness, because she wouldn't consent to have him. He then said it was not so. I told him it would not be possible that a woman would say that with her last dying words. He said that nothing of the kind ever passed between them. George Clift then asked him how in the name of God he came to do it then. He then said he would tell that at some future time; told him to look at the blood on his hand; there was blood on the inside and out; he then raised his arm and said, "Reeve, that's an honorable arm," which expression he repeated; I asked him if he was sensible of what he was doing; he said he was perfectly aware of what he had been doing and that he expected to suffer by the laws of the country.

The witness confirmed the reply to the same effect that he made to Mrs. Reeves.

Joseph W. Allen saw Clough in the yard about four o'clock, and told him he had got into a bad scrape, and it would certainly cost him his life. He said he little

thought in the morning that he could not control his passions better, but that he had cause. He then asked if money, honor, character or credit could save him. Witness told him his character was gone; that there was but little chance for him. He then asked where Mrs. Hamilton lay—if she was dead, and if he could be permitted to see her; he was told he could not. Witness was intimate with the prisoner, and concurred with most of those who had testified that he was courteous and gentlemanly in his manners.

John I. McKnight, to a conversation with the prisoner in the yard, who writhed his wrist and said, “a man must have strong causes to bring his mind to commit such an act.” The witness further testified as follows:

After a few moments, he asked if she was really dead; I told him “yes; she must be quite dead.” He shed tears, and said, supposed it must be so, as he was calm when he did it. I told him he had committed a horrible act, and he had not better assign any other causes than had gone to the world; any other would lessen the sympathy of the public for him. He asked what were the causes; I said Mrs. Longstreth had stated it to be because she would not consent to have him. He wrung his arm, and said, she must not say so. I asked him how much laudanum he had taken; he said nearly an ounce; but it had no effect on him. I asked him how many times he had stabbed her; he said *seven times*. I thought he was not under the effects of laudanum at the time.

On Tuesday morning the cross examination of *John J. McKnight* was resumed, relative to the declarations of the prisoner in the afternoon in the garden, subsequent to the commission of the murder. Witness states that Clough represented that he had been intimate with Mrs. Hamilton, and that the intimacy commenced soon after the death of her husband. He also said he was willing to submit to the law, and be hung, *if it was thought right*.

Joshua Hollinshead testified that whilst conveying the prisoner to Mount Holly, he expressed a hope that he had taken innocent blood, but feared he had not. Before starting, some one asked him what he thought would become of him; he replied that "he was aware of all the consequences that would follow."

Willet A. Harrison attended the conveyance of the prisoner to jail, when the latter affirmed that he had no intention the evening before to commit the deed. He spoke of the beauty of the country along the road—conversed but little, but was perfectly collected, and appeared occasionally to be in great agony and distress.

Joseph B. Shinn, testified as follows:—I entered the house about one o'clock, immediately before the death of Mrs. Hamilton; witnessed her last breath a few minutes after. Then I went up to Clough's room; he lay on his back, on the bed. I asked him how it was possible he could commit such an act; he told me to come in and hear the words of a dying man. He then asked me "is she dead?" I answered that she was. As I answered him, he put his hands on his breast, and said, "the Lord have mercy on my soul." I sat down by his bedside, and took hold of his wrists. (Confirms in relation to the miniature.) When I asked him why he thought he was going to die so soon, he pointed with his right hand to a stand that stood near the bed; I saw a vial there, which, by the smell, had contained laudanum. As soon as I discovered it, I obtained some tartar emetic, dissolved it, and offered it to him. As he refused to take it when I put it to his lips and told him it would do him good, we held him and forced down about one half the dose of five grains. At my suggestion some persons then took him down into the yard, to keep him moving; where, after some time, I gave him ten grains more at intervals.

Cross-examined.—I have known the prisoner two years; have seen him and deceased walking together. While lying on the bed, some of the bystanders seemed

disposed to treat him not very politely; he appeared sometimes to be quite stupid, at others I thought he was *acting 'possum*—nothing like the appearance of aberration of mind struck me.

The prosecution here rested, and Mr. Hazlehurst opened the defence in behalf of the accused, in a neat and eloquent speech.

TESTIMONY FOR THE DEFENDANT.

Charles L. Bartlett resides at Princeton—a theological student—was acquainted with prisoner from a child at Unity, N. H. He had three or four brothers, and his father was a respectable farmer. Joel was a bright active boy at school, of warm temperament and rather independent. He had heard that his brother Benjamin was at times deranged—and Miss Allen, a cousin of his, was, for a long time deranged, or as the people said there, bewitched. Clough is about twenty-eight years old.

George Law has been acquainted with prisoner since November, 1829. His character was that of an honest, industrious, temperate man, and very mild. It is customary with canal contractors to carry weapons of defence.

Charles J. Ihrie became acquainted with Clough in 1829. He was a sub-contractor on the western part of the Morris Canal, near witness's residence. Was in the vicinity about a year, and witness found him prudent, polite, mild, temperate and forbearing.

Henry J. Poyle resides in Philadelphia; had boarded with Clough at Mrs. Longstreth's—thought Clough appeared to be ardently attached to Mrs. Hamilton, he paid considerable attention to her, always appeared to be anxious to be where she was. They have been at his house in Philadelphia together: went to the theatre together: thought his attentions were kindly received; much more kindly at some times than at others. Had jested with her about being married to prisoner—she said witness should

be brides-*maid* when she married Clough—he presented her an album, and she admitted that the gold watch she wore once belonged to Clough. Never saw them ride alone. Had seen them twice together in Philadelphia. Has not laid bets on the result of the trial; nor said he would have to pay the lawyers because Clough had no money—has not attempted to speak to the jurors since the trial commenced—nor said that Clough and Mrs. Hamilton staid at his house all night.

James Wallace, testified that he had known the prisoner since 1829; he was mild and forbearing; about the end of March last observed a change in him—appeared disposed to drink more ardent spirits than before—his mind seemed to be rather unsettled. Came down in the steamboat from Albany to New-York with Clough on the Sunday previous to the transaction. He drank very frequently and excessively during the evening. The next morning did not seem natural to the witness—but can't tell why he did not seem so. He looked like a man who had been fatigued with traveling. His conduct would sometimes appear melancholy, dull, stupid, at other times he would appear cheerful. He appeared to be a very different man from what he had been.

On his cross-examination this witness testified that previous to his return to New-Jersey, he saw Clough at the police office in custody of an officer, on a charge of taking some jewels from a girl or lady, if she might be called so, on the Thursday evening before. I believe, said witness, the jewels were given up—the lady did not appear in prosecution, and Clough was discharged on Wednesday morning. His watch, money, and a set of jewelry he bought to present Mrs. Hamilton, were taken from him and not returned to him. He was to give them and fifty dollars to Mr. Wiley, his counsel, to be released. Mr. Clough told me the circumstances; that he went to the theatre

the Thursday evening before. He saw a young lady there—got a carriage and took her home. He was to stay with her that night. After being away half an hour, she came back and refused to return with him. She also refused to return the money he had paid her, when he seized some of her jewelry, and took them away. [The court here interfered to prevent further particulars.]

Charles Green.—Testified that Mrs. Hamilton did not appear to be much attached to Clough. If she had answered, said the witness, as she sometimes answered him in such a manner as to show she did not care for him. She would sometimes take no notice of him, and answer other persons. This was sometime last winter.

Mrs. Longstreth—Was called to identify certain letters, which she did, and they were read to the jury. She further stated that there was an interview between the prisoner and deceased at which it was settled that Mr. C. should desist from his attention, and have all his letters returned to him—that he should henceforth be treated as the other boarders, and not annoy Mrs. H. with his pretensions.

A number of Clough's letters to Mrs. H. were then read, expressing a devoted attachment and an anxious desire to marry her. They also contained frequent complaints that his passion was disregarded, jealous suggestions and protestations of everlasting constancy and love, if she would consent to the completion of their happiness. These letters were given up to him some weeks before the disaster took place. He told witness that he had given up all hopes of obtaining her affections—that he respected the family, and always should. Witness understood that he was to write no more letters, nor pay further attentions. He invited her to go sleighing with him, which she refused, and afterwards went with other persons; he was much offended, and complained; he

appeared very angry; told Mrs. Hamilton she had got into the wrong company. She answered, it was nothing to him where she went, or who she went with; he need not keep quarreling with her so incessantly about it.

The deportment of Clough, when first at her house was mild and pleasant; but latterly saw him frequently out of humor. He would talk cross and angry. Witness had an interview with him respecting some matter between him and Mr. Wells.— Clough said Mr. Wells had made him very angry, and if he had not made an humble acknowledgment, he (Clough) would have killed him.

To rebut any possible presumption that might arise from the circumstance that Mrs. Hamilton received from the prisoner a gold watch in exchange for a silver one, Mr. Southard, for the prosecution, proposed to inquire of Mrs. Longstreth if she had not given money to Mrs. H. for the purpose of paying the difference between the price of the watches. After argument upon this point, the inquiry was allowed; whereupon

Mrs. Longstreth testified, that she did give her daughter money for the purpose mentioned. She further said that there was a falling out between the parties on or about the twenty-second of February, relative to going to a ball. She observed to witness, that she did not wish to go with Mr. Clough alone. She went up stairs crying, and said she would not come down again that night. She was, however, afterwards induced to accompany Mr. Dayton to the ball. She seemed to wish to treat Mr. Clough as a friend, and with as much politeness as the other boarders, but to receive no attentions from him. Does not remember that Clough's threats about killing Mr. Wells was the result of jealousy. Mrs. Hamilton never received Mr. Wells as a stiter; he was fond of chatting with her, and professed an attachment to

her. Never heard that his attachment was so strong as to have induced him to take laudanum. He left the house. Has heard the deceased assign as a reason for declining to appear in Clough's company, that there were reports of his paying attention to her when he knew that there was nothing serious between them.

Captain Richard Shippen testified that Clough was employed as a superintendant of mason work on the Camden and Amboy railroad in April, 1831, in which service he continued until December, 1832. His general deportment was mild and moderate,—but have seen him two or three times much excited. Witness had a very high opinion of him the first year, but afterwards he did not maintain his character. He deceived witness grossly and forfeited his word of honor—reported him to superintendant general, &c. Witness was detailing particular instances of fraud committed by the prisoner, but was interrupted by the court, such testimony being deemed inadmissible.

Edward Martin, (one of Mrs. Longstreth's boarders,) had a conversation with the prisoner about the last of March, respecting a watch—told witness he had sold Mrs. Hamilton a watch—that a watch-maker in Philadelphia, named Farr, had allowed him a certain amount on a watch, in part pay of a watch he then held in his hand, which witness had seen him wear:—that he had paid forty dollars for that which he sold to Mrs. Hamilton, and that the one he then had cost him sixty-five dollars.

On his cross-examination he stated that after Clough's return from New-York, Mrs. H. and witness had remarked at breakfast a change in his appearance—she saying he was tanned—witness said that he looked as if he had been on a spree. The general character of the intercourse between Mrs. H. and Clough was precisely the same as with the other boarders. Never observed in the behavior of Mrs. H. any thing of a more marked kind than occurred

with the others. Clough stated to witness that he had sold his watch to Mrs. Hamilton.

John Hopkins was acquainted with Joel Clough in 1826; he was then a journeyman stone mason on the Farmington Canal. His general character there was unfavorable.

Arthur Stewart has known Clough two years at Bordentown. Witness asked Mrs. Hamilton what watch that was which she took from her bosom to regulate. She replied that Mr. Clough had taken her silver watch to the city, and exchanged it for the one she then had. Witness observed no acts of kindness from her towards Clough, but rather of aversion. She preferred walking with others, but Clough was always uneasy until he got by her side. Witness related an incident that occurred in the summer, when a ride was proposed. Mrs. H. had agreed to be of the party until she found that Clough was to be one of them, when she refused to go. Clough then said he would not go—she then consented. He, however, did go, and she did not appear to enjoy herself much in the ride.

Lee Wells—Who had been a boarder at Mrs. Longstreth's testified that he had a private interview with Mr. Clough early in 1832, at his request; the amount of that conversation was to know witness's intentions in regard to Mrs. Hamilton. Witness told him he must first know his right to inquire. Clough insisted in knowing how far witness had proceeded with her, and whether there had been any engagement between them. Witness answered him there had not; but he became very angry and said—"Wells, you must discontinue your attentions to Mrs. Hamilton or else you or I must die."

On his cross-examination, he said that Clough asked him whether he entertained honorable intentions towards Mrs. H. and witness told him he did. Had frequently observed that Clough's attentions to

Mrs. H. were more than to any other person; at first they appeared not to be agreeable to Mrs. Hamilton. At times she appeared to be more free and conversant with him than previously, but not more than what was due to a boarder and friend. Does not recollect that witness ever complained to Mrs. H. of her preference for Mr. Clough. Did not consider him a successful rival. Attentions of witness to Mrs. H. ceased when he left Bordentown in April, 1832. May have asked Mrs. H. whether she preferred Clough to him. Had often spoken to the prisoner respecting his claims on Mrs. H., and had advised him to discontinue his attentions. When witness asked Mrs. H. if she preferred Clough, she said—"Mr. Wells, you ought not to ask that question—you know better yourself." Had frequent conversations with her on the subject; at one time she requested witness to tell Mr. C. to discontinue his attentions; as they were disagreeable to her. Witness did so—Clough answered—"Time will decide that."

Jeremiah Holmes, had known Clough at Easton, and had worked for him near Bordentown; but the further part of his testimony, which related to the declaration of the prisoner as to his willingness to shed blood was excluded by the court.

The counsel for the prisoner then read certificates of his appointment as Superintendant of an aqueduct on the Farmington Canal, and another paper of similar purport to infer the prisoner's good standing.

The testimony on both sides having been closed, authorities were read by the opposite counsel, principally with reference to the subject of insanity. The attempt to prove which was an utter failure; and it is very obvious, that ever since the repulses he received in February and March, he has been nurturing a spirit of revenge. That he was ready for a deed of desperation, is manifest from his threat to Mr. Wells;—and it is obvious that he called the unfortunate victim

to his room with a determination either to exact and obtain a promise of marriage from her, or to execute his horrible vengeance. His haggard looks, after his return from New-York to Bordentown, are indications of the effect which the pre-determined and settled purpose of his soul had wrought upon his countenance. A more savage and brutal act was perhaps never perpetrated.

We had heretofore imagined, that the unfortunate female had perhaps acted the coquette, and driven him to madness; but the reverse appears to have been the fact from the whole current of the testimony; and his infamous attempt to defame her character after he had taken her life, as disclosed by the testimony of M'Knight on Tuesday morning, is proof of the heartless atrocity of his guilt. So far from being true, not a blot or a stain could be affixed to her character. "Her reputation says a cotemporary, adorned by every virtue that can dignify and beautify her sex was most triumphantly sustained; and she was proved to have been chaste, beautiful, urbane and lovely, and as pure as the unclouded sky. During the recital of the tragic story of her death, many a manly cheek was bathed with tears, and the affecting relation of it by her mother was almost overwhelming."

CHARGE TO THE JURY.

Gentlemen,—After a severe, close, and painful investigation of this cause, for several days, we have reached that point where the labors and responsibilities of counsel have terminated, and where it becomes my duty to explain to you the rules and principles of the law, so far as the guilt or innocence of the prisoner is connected with, or dependant upon these rules and principles.

Soon the fate of the prisoner will be committed to your hands: and upon your verdict hangs the issue of life or death, his mortal, and so far as human ac-

tions can influence our future condition, it may be, his immortal and eternal destinies are to be irrevocably fixed by your decision. Not, gentlemen, that either you or the court have any power, *except incidentally*, over the life or death of the prisoner. You and we are delegated with no such authority. We have been selected to perform another and a specific, though I admit a solemn duty, namely: to ascertain the guilt or innocence of the prisoner: and there our duties and our power terminates, so far as we are responsible. The law makes no appeal to our judgment, on the expediency of the punishment it annexes to crime; nor to our religious views or feelings, on the moral fitness or legality of that punishment. What follows our decision, whether he is innocent or guilty, is the act and judgment of the law, and not ours.

The privations and confinement you have so long and so patiently endured—the fixed and untiring attention you have paid to the evidence and the arguments of counsel, are, I am sure, a sufficient pledge to the country and to the prisoner, that your verdict, whatever it may be, will be the result of your cool and deliberate judgments—the honest convictions of your minds: the true answer of your consciences in the sight of God, and not the expression of prejudice or excitement, on the one hand, or of the unrestrained and controlling influence of sympathy and compassion on the other.

There is danger, gentlemen, that the claims of justice may be overlooked and left to suffer, amidst the conflict of contending passions, alike honorable to our natures, and yet alike dangerous to our reason. The cry of murder—the death struggles of the expiring victim—the reeking dirk, and the garments rolled in blood, are well calculated to rouse our feelings and fill our souls with a holy indignation against the perpetrator. Instinctively, almost, we wish to

see the glittering sword of justice strike the avenging blow, and vindicate her cause. 'Tis right we thus should feel, and *men* we should not be, if we could look, unmoved, on crime like that with which the prisoner stands charged. But we must guard against these emotions when we enter the sanctuary of justice, whether in character of judges or jurors. We are not, indeed, to banish them from our bosoms; but we must take care we do not transfer our righteous indignation of the crime to the accused, and thus deny him the benefit of our sober reason and our powers of discrimination.

So, on the other hand, sympathy for the accused—tender and compassionate feelings towards a wretched, perhaps an innocent, or at least unfortunate man, standing in the attitude of the prisoner at the bar, is a laudable, nay, an honorable attribute of our nature. But here again we must take care that we do not suffer our *humanity* to degenerate into weakness, and deny to justice and the majesty of the laws their just claims.

If, however, gentlemen, you err at all, let it, I pray you, be under the influence of the latter feelings; for it is the benignant spirit, as well as the language of our law, that many guilty had better escape than one innocent man be punished.

The prisoner stands before you charged with the crime of murder—murder committed on the person of Mrs. Mary W. Hamilton.

The crime of murder is committed, when a reasonable being kills with malice aforethought another reasonable being, in the peace of God and of the State. Your inquiries, therefore, will be in the order and as follows:

1. Was Mary Hamilton killed?
2. Was it done by the prisoner?
3. Was it done with malice aforethought?

The two first interrogatives involve nothing but pure and unmixed matters of fact, and to them the jury must respond; and that answer must, unhappily, in this case, be in the affirmative. Mrs. Hamilton was killed, and she was killed by the hand of the prisoner. I would gentlemen, that you and me had room to doubt on this point. But we have all had exhibited to our view and to our ears, but too certain and too painful evidence of the fact. She was killed on the sixth day of April last, in the house of her mother, by the hands of the prisoner. It is not denied by him or his counsel.

Nothing then remains to be answered but the third interrogatory—"Did he do it, with malice aforethought?" Upon your answer to this question must depend the fate of the prisoner; and God grant, that I may be enabled rightly to understand and so to explain the law to you, that is involved in or connected with this question, that I may not be instrumental in doing injustice to the prisoner.

What then is meant by "malice aforethought?" It is a wicked and unlawful design or intention to do a wrong or injury to another; and whether that design or intention has its origin in a spirit of hatred and revenge to the person or in the gratification of any other passion of the human mind, it is "malice aforethought." Nor is it necessary that it should have been a previous, deliberate and fixed purpose, to do the act; for malice is sometimes express or positively proved; and sometimes implied—that is, inferred or deduced from the circumstances attending the transaction. Malice is express, where a previous and deadly quarrel existed, and hatred ensued between the parties; or, where threats were made, previous arrangements concerted, or the deceased waylaid. In the absence of such proof, it may be implied, from a variety of circumstances, and even from the deadly nature of the weapon made use of: and

such was the instrument in this case. But then, the very fact, that malice aforethought must exist to constitute the crime, implies that the perpetrator must be a moral agent—a reasonable and accountable being.

Here probably lie the hopes of the prisoner and his counsel; and whether he was or was not such a moral agent, and such an accountable being, at the conception and execution of this dreadful tragedy, is for you to determine.

It would seem indeed, as if none but a madman could have perpetrated such a deed as we have here exhibited in evidence. Who, we are ready to exclaim, but a maniac, an insane and deranged man, could have imbued his hands in the blood of such a victim;—could have plunged the dagger into the bosom of virtue, the breast of love itself, and let out the life streams of her in whose life and happiness his own was bound up in unconquerable affection? It is almost incredible.—Gentlemen it is strong evidence of insanity. It is entitled to your consideration—let it have its weight; but it is my duty to add, it is not conclusive evidence of that sort of insanity which exculpates from accountability and guilt. Phrenzy and passion are nearly allied to—nay, they are a partial insanity; but it is sometimes such an insanity as increases rather than diminishes moral turpitude—as proves its existence rather than its absence. Such, unhappily; is the depravity of human nature, that disappointed love, as well as disappointed avarice, or ambition sometimes urges on its victim to crimes of deepest die, to murder, and even to suicide itself. But such aberration may be only the acting out of a selfish, depraved, and wicked heart; the gratification of a malignant and vindictive spirit, that has not moral courage or virtuous sensibility enough to survive or overcome a defeat, or the humiliating refusal of proffered love; it may be malice, in its deep-

est, darkest colors, and its most resentful, malignant, and deadliest form. Such is the strange and mysterious composition of our nature; so closely allied are our virtues and our vices; so easily does the former degenerate into the latter, or the latter assimilate themselves to, and assume the garb of the former, it is often difficult to determine where the one terminates, or the other commences. Such is the passion of love; it may be pure and virtuous, chaste in its conception, holy in its motives, honorable and disinterested in its object; it may seek exclusively and supremely the happiness of the person on whom it is fixed, regardless, in a measure, of its own welfare, except so far as it stands connected with the welfare of that person; it is then a noble and ennobling passion. But it is sometimes a vicious love; it is rather the burning lust of unhallowed and undisciplined passions, than the ardent flame of virtuous and sentimental affection; and when such is its character, it is not surprising, if unrequited and ungratified, it should turn to hatred and seek revenge.

I do not mean to intimate that such was the nature and character of the prisoner's attachment to the deceased. It may have been as pure and holy as ever glowed in the bosom of a mortal being. It may have burnt and blazed too strong for the physical powers of his mind to endure; and the lamp of reason itself may have gone out, or but glimmered in its socket, under the influence of its all-absorbing power; and if by such, or any other cause, the prisoner's mind had become unsettled and deranged;—if reason had been driven from its throne, he was a wretched, miserable, crazy man, but not a guilty one. And here, perhaps, I ought to be more specific as to what amounts to, or constitutes such a derangement, as exculpates from the imputation of guilt, and saves from the infliction of punishment.

It is a general rule, that all homicides—that is every killing of a person, is presumed to be malicious, and of course, murder, unless the contrary appears from circumstances of alleviation, excuse, or justification—and that it is incumbent on the prisoner, to make out such circumstances, to the satisfaction of the court and jury, unless they sufficiently appear from the evidence and case made out on the part of the prosecution—or perhaps at most it is necessary for the state to show a homicide committed by defendant *prima facie*, clear of any alleviating, excusing or justifying cause.

In the case now before the court, as I have already remarked, the homicide is proved, and if not confessed, is not denied. The prisoner then is obnoxious to the charge, and liable to the dreadful consequences of murder, unless he can alleviate, excuse, or justify his conduct.

It is not necessary for me to enter into a specification of what constitutes an alleviation, excuse, or justification. The defendant has not attempted to alleviate, or to justify—but his defence is bottomed on a fact, which, if true, is an excuse. That fact is a state of mental alienation; and if such alienation did exist, it is an excuse. It does rescue him from the charge of the crime, and shield him against the punishment due to guilt.

But then it must be satisfactorily shown to the jury, that he was in that unhappy and miserable condition; and at this point the difficulty meets us and presents two questions.

1st. What state, or degree of alienation of mind, constitutes an excusing insanity? and

2dly. Did such an insanity exist?

The first it is my duty to ascertain and declare; the second, it is your province to determine.

In ascertaining what degree of insanity will excuse, we may derive some assistance from the reason

of the thing; from analogy to other cases, and from settled rules. Reason and good sense teaches us at once, that it is not every weakness, imperfection or fallacy of the human mind, that puts an end to our free moral agency and exonerates us from accountability; for in the true philosophy of mind in reference to moral actions, every departure from truth and virtue, is but an act of insanity; the manifestation of a disordered mind as well as a depraved heart.

In the case of children of tender years, of nine and ten years of age, who have been indicted, convicted, and executed for crime, the inquiry has not been, whether by premature maturity of intellect, they were capable of understanding and judging correctly, of the moral law, in all its bearings and relations upon themselves and others, but whether they had intelligence enough to know right from wrong, good from evil, or whether they were committing a crime for which they deserved, or were liable to punishment. But without pursuing these remarks any farther, it is enough for me to say, that the ablest and most humane judges that ever adorned the judgment seat, have repeatedly decided, that it is not necessary to render an act criminal and the perpetrator punishable, that every spark of reason should be extinct; that though it may glimmer in its socket, and give but an unsteady and doubtful light; yet if enough remains to shew it was susceptible of feeling its legal and moral obligation, though not sufficiently strong and steady to discover them in all their bearings and obligations, yet he is responsible and punishable. But if there is an absence and destruction of the reasoning powers, a dark chaos of the mind; incapable of feeling the restraints of law, or of discriminating between right and wrong; or fitful and illusory phantoms of the brain, that presents things in a false light, or impose upon the disordered intellect as realities, what has no existence in nature; such a mind, thus in ruins, has ceased to be accountable for its acts.

I do not mean to say that there must be a total and absolute extinction of the lights of reason. If the prevailing character of the mind is insane ; if only now and then it is pierced by a lucid ray ; but if its general character is disordered and chaotic, it would be dangerous if not cruel, to convict and punish for a crime an individual thus already miserable and pitiable.

With these remarks on the extent and degree of derangement necessary to exculpate a defendant ; and referring you to the cases that have been read and commented on by counsel, I dismiss this branch of the subject.

With this explanation, your next inquiry will be—did such a state of mind exist ?

In these investigations we can derive, after all, but little practical benefit from the learned and scientific works on medical jurisprudence. We know, for instance, that intemperance sometimes produces insanity, and insanity sometimes shows itself by intemperance. But the difficulty is to tell, which is the cause, and which is the effect, and in this case—whether a disordered intellect led him into the excesses he committed on board of the steamboat and in the city of New-York, or whether those excesses were characteristic of the real moral feelings, that led him to the commission of this horrid deed, is a question that the casuistry of doctors can afford us but little help in solving.

After all, in their own language, it must depend upon the circumstances of the case.

It may be, gentlemen, you will find evidence enough of such an alienation of mind as I have described, and God grant that you may ; for we would rather, infinitely rather, find him a maniac, than a murderer.

And here you will refer yourselves to the evidence. You will remember, and try to account for his altered looks, and the absence of his wonted cheerfulness, after his return from New-York. He had left, it was thought, perhaps hoped, at least by the mother never

to return. But he came back. He came back pale and dull. Was it the paleness and dullness of a diseased body; a distracted and deranged mind? Was it the sad effects of his recent debauch and dissipation in the city of New-York? If the latter, was that debauch, that disgusting conduct related by his friend Wallace, the actings out of an insane mind; or a depraved heart. Was it the paleness of passion, the dull, gloomy and unsocial feelings of a heart bent on mischief? Had a fixed and settled purpose been formed in his bosom, to destroy the gain he could not make his own, or was he the unhappy victim of his ardent, but misplaced affection?

These, gentlemen, are questions to which you must respond; and if any thing in the absence of full and satisfactory evidence of insanity, can save the prisoner, it may be found in the burning eloquence, and untiring efforts, the soul-stirring appeals of his able and distinguished counsel; they have done their duty; and if the unhappy prisoner must pay to injured justice the forfeit of his life, his blood will not be found on any part of their professional garments.

And now let me beseech you, gentlemen, that nothing I have said be understood by you as intimating an opinion unfavorable to the prisoner. I have not intended, in reference to the great and material facts in the case, to express any opinion either for or against him. My object has been, however unsuccessful the effort, so to conduct this trial, that if the prisoner is acquitted, public justice shall be satisfied—if condemned, he may die in peace with me, and have no occasion to occupy his last lingering reflections with the thought that the court had done him injustice. That such has been my object, I think I can confidently, but reverently, appeal to the searcher of hearts.

To his guidance and direction, gentlemen, I fervently commend you. Go to your chamber, and there in the fear of God, and as you expect to answer for the trans-

actions of this day, at His bar, discharge your duty to the country, and to the prisoner; and may the Spirit of unerring wisdom, the God of mercy and truth, preside over your deliberations, and conduct you to such results, that neither Justice nor Mercy shall have occasion to mourn or be offended.

Under the influence of this charge the jury retired, and after an absence of about two hours, returned into court, with a verdict of GUILTY, in the manner and form set forth in the indictment. While delivering this verdict, several of the jury were dissolved in tears, and appeared to feel the effect of the high and solemn responsibility that they had discharged. The prisoner, on hearing his sentence, became much overcome by his emotions and feelings, and almost sunk under the contemplation of his condition. Mr. Brown one of his counsel, then rose, and gave notice of his intention to move for an arrest of judgment, founded on some supposed defects in the indictment, on which he wished a short time to bestow a critical examination, and for this purpose the prisoner was remanded, and the court adjourned to five o'clock. Mr. Brown having signified his intention of communicating in writing with the court on the subject of his motion for arrest of judgment, and when the court re-assembled at the hour of five, information having been received from the learned gentleman, that he did not consider such motion sustainable, the Court had the prisoner placed at the bar, and a dead solemnity reigned through the ranks of the vast multitude assembled. The Attorney-General, J. M. White, Esq. then rose and moved that sentence of death be pronounced upon the prisoner at the bar. His Honor the Chief Justice then ordered the prisoner to rise, and addressed him in the most solemn and affecting manner for more than twenty minutes, on the subject of his guilty and awful condition, stating the enormity of his crime, the retributive justice it subjected him to, and the punishment he must inevitably receive;

and admonished him in the most pathetic strains to prepare for death, which he would so soon be called upon to encounter, and urged him by all the obligations of religion, by a regard for his own soul's salvation, to prepare himself for the awful realities of eternity. During the delivery of these eloquent and pathetic remarks and admonitions, the Chief Justice was frequently interrupted by his tears, and the contagion of sympathetic feeling extended throughout the assembly, of which, the prisoner, absorbed apparently in his own secret thoughts, only partially partook, but which swelled many male and female bosoms with sighs, and flooded many eyes with tears.

The Chief Justice then called upon the prisoner to know if he had any thing to say, why judgment of death should not be pronounced against him.

CLOUGH said,—

“I have,”—and with uplifted hands he declared in the presence of the everliving God—“I am innocent.” There was an attachment between Mrs. Hamilton and myself, and we were at one time engaged.—She broke it off. I settled up my business, at her request, and left the place. There has been much said here about my character.—The most desperate part of which is the occurrence in New-York. With regard to Mrs. Hamilton's character I have nothing to say. She was a virtuous and honorable woman, and I loved her. If there is virtue in the Catholic religion I am prepared. I hope Almighty God will have mercy on her soul. I fear she died unprepared. When I left New-York my mind was greatly depressed. I threatened to take my own life, and she was aware of it. I went to bed that morning and made up my mind to take my life and sunk into a swoon, as near as I recollect. In this situation Mrs. Hamilton came to my room. I did not call her. She shut the door. I layed on my bed, with my face toward the wall. She said “Clough, what is the matter.” I said I felt very bad, and wished her to give

me some laudanum. She asked me how much? I said, what *you* please. She gave me some, and said I must get up. (There was a noise in the entry.) I said, if you have any thing to say to me, say it quickly. I put my hand in my pocket to get out my key to give her—I wished her to possess all that I had. She went out. I went to the door and saw Jane or some one in the entry. I pushed too the door. She peeped through. I was in the act of taking my own life. I had the dirk in my pocket. She came in. I closed the door. I told her I should take my life, and she interfered and put her hand on my shoulder. I told her to go out. I reflected a moment and after striking her one blow, why did I strike her eleven? Why did I not strike my own heart? I was very weak, and the dirk dropped out of my hand, and I could scarcely get to my bed. I was on the point of taking my own life. If she had stayed out of my room, *she* would have lived and I should have been in my grave. I feel that I am entirely innocent of her blood, for I dont recollect what I did. I was lost at the time. I settled up my business after our engagement was broken off, and went to New-York and Albany and returned. I was not myself, and was on the eye of taking my own life. I never called her to my room. She came in voluntarily. (Here the court proceeded, and as the Chief Justice was about to pronounce the sentence, he requested him to forbear, and said) if my death is required, I am willing to suffer. (Here the court proceeded, and he again observed) it is not for myself. I do not fear death—I have already suffered death. The Honorable Jury have not been sufficiently enlightened on the subject. There are many things yet wrapped in darkness. I knew nothing of Mrs. Hamilton's coming to my room. There are things stated with regard to my character, while in Connecticut, which I feel it my duty to contradict. I was appointed on recommendation of Mr. Mallary, of New-York, superintendent on the Far.

ington aqueduct, where Hopkins was employed as engineer. I considered myself master of my trade ; and I soon discovered that he was incompetent to take charge of a work of that magnitude. Under my influence, after a violent personal quarrel, he was removed from that part of the line, and always entertained animosity towards me, and thought when he saw me confined in this box, it was a proper time to shew his hatred and malignity. I feel that I am not guilty. I do not fear death, but fear that I am not prepared. (Here the court proceeded, and pronounced the judgment of the law.)

SENTENCE.

Joel Clough—After as full, fair and deliberate a trial as I have ever witnessed in the experience of thirty years practice at the bar—you have been convicted of the murder of Mrs. Mary W. Hamilton. In the history of this trial you have had the benefits of able and distinguished counsel, and if you had been their brother instead of their client, the tender ties of such a connexion could not have added to the untiring zeal, the laborious and honorable efforts, the exertion of professional talents, the thrilling and soul-subduing eloquence with which you have been defended. The jury were literally of your own selection, you was not captious and troublesome in making that selection, but you did it with prudence and discretion, and not a juror was elected but in accordance with your own feelings. The counsel for the State conducted the cause with benignity and mercy,—but with those talents for which they are distinguished, and that firmness for which as men of virtue and of honor they dare not relax. Your triers, the jurors, have in the most patient and enduring manner submitted to almost unexampled privations and confinement for the period of nearly eight days, until some or one of them at least almost sunk under the pressure of his confinement and his feelings, and by their fixed, solemn and patient attention to every

word and suggestion must have given you the assurance that they desired not your blood, but most ardently and fervently desired to find you innocent, if that innocence could be found even in the negative virtue of a ruined and distracted mind; and as to the Court, it may not become me to speak—but I think in view of that bar, before which you must shortly appear, I can say for my brethren and myself, that we have endeavored so to regulate and control the trial, as to secure to you all the advantages that the fair and impartial administration of justice can extend to the deceased.

The final and the fatal result has been recorded, and that record speaks while mind and memory and judicial record last, and will continue to speak you **GUILTY, GUILTY, GUILTY**—of the murder of Mary W. Hamilton, in manner and form as you stood charged by the Grand Jury of the county.

And who was Mary W. Hamilton? Was she your enemy? Had she done you wrong? Was it her crime that beauty had spread her charms and smiled forth in all the loveliness of virtue, in every feature of her countenance, in the delicacy and elegance of her form, in the chaste and winning manners of her life? And was it because you could not make such a prize, your own, that you resolved in the madness of your heart, she should never live to bless another man and make him happy—as she had made the former and lamented husband of her first and earliest love? But I press the inquiry no further. You say you loved her—and yet mysterious love—you seized the unsuspecting moment of her kind attentions, when sickness feigned, or real, we fear the former, drew her, at your own request,—with kind attentions to your chamber to administer to your comfort, you seized that moment to plant the fatal **DAGGER** in her bosom—perpetrated the horrid deed—She lived to say—“Oh mother, mother, I screamed, screamed,—you did not come, and Clough

has killed me because I would not marry him. I could not mother—I could not, you know,—I must die, I must die?” But I forbear—I desire not to extract the dagger from her bosom and plant it in your own. I know your blood will not atone for hers.—But I have said this much, that you may see and feel we have a just abhorrence of your crime, and to banish from your bosom all hope of a favorable interference by the Court, with that department of the government, in which is lodged the pardoning power. Banish then, we intreat you, from your mind every hope and expectation; put out at once the faintest ray of hope that may penetrate into the darkest recesses of your cell, and prepare to meet your God! The blood you shed was precious blood, but infinitely, infinitely more precious is that blood which was shed on Calvary: and on that and that alone we commend you to look for pardon and eternal life.

It remains only for us to pronounce the sentence of the law; and it is considered and adjudged that you be taken from hence to the prison of this county from whence you came, and there be kept in close and secure custody until Friday the 26th day of July next, and that between the hours of eleven o'clock in the morning and three o'clock in the afternoon, you be taken to the place of public execution and there be hanged by the neck until you are dead, and may the Almighty God have mercy on your soul.

The prisoner was then remanded, after the preference of a request, which was granted by the court, that Mr. Bartlett, a student of theology at Princeton, and the companion of his boyhood, should be permitted to visit him, for the purpose of religious conversation and instruction, and if possible to pour consolation into his agonizing bosom.

HENRY PHILLIPS.

THE following history of the life of Henry Phillips is corroborated by other testimony than his own word, and is, in our opinion, accurate to the most minute particular.

He was born in Caermarthen, in Wales. His father was an inn-keeper. At nine years of age he went to sea, in a vessel which was captured by a French privateer, and carried into Genoa, where he was kept in prison for some months. After his master was exchanged our hero accompanied him to London, and attended him in jail (where he was confined for debt,) in the capacity of a servant, for three years. At the end of that time, Captain Long, for so was the gentleman termed, sailed again in the Golden Fleece, for Lisbon, and Phillips shipped with him. After several voyages of little interest, Phillips sailed for Sierra Leone, where he became the servant of Colonel Maxwell, with whom, at the end of two years, he went to London; and having received the legacy of a gentleman who had been his father's friend, took the name by which he afterward went, viz. Henry Phillips. His proper family name was Davis. The property thus obtained was a competency to any man disposed to live on shore.

He was, however, early and ever attached to a maritime life, and was soon floating on the ocean again. As to his character, he was remarkable among his shipmates for his good nature and steady habits, and esteemed entirely worthy of trust by his officers.

In October, eighteen hundred and sixteen, he came to Boston, and took lodgings in the Roebuck tavern, where the Franklin Hotel now stands; and soon after shipped on board the United States Revenue Cutter. When he came on shore, he spent the principal part of his time at the said Roebuck tavern.

On the evening of the first of December Phillips went to the Roebuck, where he found several foreigners, one of them named Vautier, and another Gaspard Denegri, an Italian. A young man by the name of Foster was reading the Bible, and Denegri came behind him and blew out the candle; and when it was re-lighted, again blew it out. On this, Foster exclaimed that it was very hard he could not be allowed to read the Bible without having his light blown out, and Phillips offered to hold the candle, threatening to strike, or blow out the brains of any person who should repeat the provocation. He took the light, and it was again blown out; and he again lighted it, and held it as before, till Foster had done reading.

Vautier then came in, and asked Foster if he had threatened to strike any one for blowing out a candle. Foster then replied that it was Phillips and not he, who had so threatened. Vautier rejoined that he should think no more of Denegri, or of his conduct, than of a child's, and asked Phillips if the offensive words were his. Phillips answered, "yes; and the man that blows out the candle I'll blow out his brains." Vautier pulled off his coat, and desired Phillips to do the same, in order to fight. Denegri also proposed to fight, but Phillips refused, and buttoned up his jacket. Vautier then thrust his fist in Phillip's face, who would have fought, had not Mrs. Foster, the mistress of the house, interfered, and took him out of the room. While Phillips was absent Denegri was very quarrelsome. When Phillips returned order was restored, and Vautier proposed to drink with him. Phillips said he would drink a gallon with him, and, if he wanted it, give him another. They did not drink together, however, and shortly after the foreigners all went away.

In about half an hour Denegri came back. Some person present said that he had a knife, and the suggestion created much uneasiness, the more that Denegri was an Italian. Mrs. Foster turned him out of the

house, and told him to go home, but he remained at the door.

Shortly after, a young man named Kerr, would have left the house to go home, but was afraid of Denegri, who, he feared, was lurking about the house with intent to stab some one. Phillips, and another person named McCann, offered to go with and protect him. Charles Rodgers went out at the same time. They armed themselves as they went, with different implements. Phillips took a loggerhead which had been heated in the fire, and McCann took a rolling-pin. Rodgers went first, but the others overtook him before he got to the end of the back passage way. After they got into the street, (Ann Street) they saw Denegri come from the front and walk round to the back door, where he rapped; and with the words "Holloa ship-mate," Phillips struck him with the loggerhead and brought him down. He struck one more blow after the Italian fell; and McCann, getting astride upon Denegri, beat him with the rolling-pin. Rodgers came up, and Phillips again struck the man on the thigh. Phillips and McCann next rolled Denegri over two or three times, in search of a knife. They then carried him into the house, and set him in a chair, but as he appeared to be fainting they laid him on a sofa. Phillips said, "I have found the knife, and have got it in my pocket." He had, in fact, taken the knife from Kerr, not from the Italian, but it is probable that in such a moment, he might have forgotten how he obtained it. Some of the company asked to see the weapon, but he refused to show it. Being strongly persuaded, however, he produced it, and it proved to be a small knife belonging to the house. He threw it on the table and went away, saying that if he should stay in the house any longer his life would be in danger.

In addition to these particulars, it may not be improper to state, that there was no acquaintance between Phillips and Denegri, and that the previous quarrel was

rather between Vautier and our hero, than between him and Denegri. It seems, too, that Phillips had received much and **gross** provocation from Vautier. When Phillips struck the fatal blow he held the logger-head with both hands, and smote with such force as to bend the iron.

Phillips went immediately on board the Revenue Cutter, but came on shore again in the course of the week for provisions. When Denegri died, which happened in a few days, he was apprehended.

For this homicide he was arraigned, tried, found guilty and sentenced to die. When sentence was pronounced he shed tears, and gave many signs of agitation and grief.

The account Phillips gave of the affair was this. He struck Denegri because he thought he was about to break into the house, armed, with intent to hurt some of the inmates, who were women and young lads. He had no intention of killing Denegri, and after he had struck, did not suppose him much hurt. He searched him for a knife, intending to show it to him in the morning, and "make him ashamed of himself."

In this declaration he persisted till his death. He behaved with great propriety in prison, and at the place of execution, and died very generally pitied.

He said, before his execution, that this was the first time he had ever struck a man, intentionally, and that he had never been called to account for any misdemeanor before. He stated, too, that his father did not know in what part of the world he was, and anticipated his parent's grief at hearing of his untimely and ignominious death, with the most lively emotion.

Two young men thus lost their lives, one without giving the slightest offence to any individual at the time he met his fate. There seems to have been some cowardice in the way in which Phillips dis-

patched his victim. He and his companions, four in number, might without much danger have seized and searched one man, even supposing him to have been armed. If Phillips believed, as we see no reason to doubt, that the foreigner carried a concealed weapon, there was no need to slay him barbarously, with a bar of iron, to secure himself or others. He appears to have seized the opportunity for destruction, not defence. He approached the Italian from behind, and without giving him a chance to fly or resist, gave him a deadly blow with all his strength, and, lest it should not have sufficed, repeated it. May his fate be a warning to deter others from using mortal weapons on slight provocation and with slight reason, for no man has a right to destroy the life of his fellow to secure himself or others from possible dangers.— Nothing but the absolute and immediate necessity of self defence can in any-wise justify such doings.



JAMES TEED AND DAVID DUNNING.

These persons were executed for the murder of Richard Jennings, a person about seventy years of age, who resided in Sugar Loaf, a small village near Goshen in Orange county, N. Y. Among his neighbors and acquaintances, his character was considered far from being amiable: he was of a sour and morose temper, avaricious and niggardly, generally engaged in law suits, and on the whole was extremely troublesome and vexatious to the society in which he lived.

We should have spared his memory these recollections, had they not been necessary to the following narrative. That the reader may correctly understand the transaction, it will be proper to relate some of the

incidents that were intimately connected with, and were undoubtedly the cause of the fatal results that ensued.

Several years before, a Mr. Teed, since deceased, made his will, in which he devised all his property, which was considerable, to his wife, who was a sister of Richard Jennings, during the continuance of her natural life; and to his son, James Teed, the reversion of fifty acres of land, being part of the estate, upon the death of his mother. This will was considered, by those best acquainted with the family concerns, extremely partial and unjust. The estate, during the life of the father, had been much encumbered with debts, which must eventually have reduced the family to poverty had it not been for the enterprise and persevering industry of this son; but he, by his diligence and economy, in a few years paid all the demands, and cleared the estate of embarrassment. It was natural, therefore, for young Teed to cherish an idea that the estate in justice belonged to him, for services actually performed, in addition to his general right as the natural heir.

After the death of the elder Mr. Teed, his widow and son continued for some time to reside together in one house. Under these circumstances, and deprived of his paternal inheritance, James Teed entered into life under all the disadvantages attendant upon poverty. Yet not disheartened by his untoward condition, and desirous of obtaining a comfortable living, by industry, he engaged with zeal and earnestness in business; but unfortunately undertaking more than he was able to accomplish, with the means he possessed, he was involved in debts beyond his ability to pay, and in struggling to extricate himself from embarrassment he prevailed on his mother to release to him her right in the fifty acre lot, that by possessing the same free and clear of encumbrances he might be at liberty to borrow the money he needed upon a mortgage of the land. Jennings, the brother, understanding what was proposed,

very ungenerously interfered, and prevailed on his sister to withhold the release, and taking her home, she lived with him the remainder of her life, and before her death was induced to convey all her right to the estate to him. The effect of these unfriendly proceedings was highly injurious to Teed, who would probably soon have extricated himself from difficulty, could he have obtained a small sum; but being unable to give adequate security, he was soon reduced to the greatest distress. Soon after, however, he conveyed the land to David Conkling, whose sister he had married, and by the pressure of his debts, was induced to leave the country, and was absent about two years.

In the meantime Conkling recovered possession of the land by a suit at law. This was a mortifying stroke to Jennings, and excited all his virulent passions; he therefore commenced a suit against Conkling to recover back the premises. This action passed through the several stages of legal proceedings, and was terminated in November, eighteen hundred and eighteen, against Conkling; and Jennings would have had his writ of possession in January succeeding.

Several years elapsed while these controversies were litigating at a great expense of time and money to the parties, and with no small irritation of their feelings. Small beginnings are often followed by serious and most fatal consequences in the end. No doubt, the contention about a piece of land, which belonged to neither of the litigants, caused the violent death of one and the utter ruin of the other.

While Jennings and Conkling were indulging their malignant passions in this contest, they were perpetually worrying each other in controversies of minor importance, in the courts, and before justices of the peace. These vexatious proceedings, indicating a deep and settled hostility on the one side, produced no agreeable feelings on the other. Such violent and persevering animosity was offensive to their families and

neighbors; and in such contentious scenes were engendered those malignant passions which brought about the most atrocious crime that human depravity can suggest. A spirit of litigation once excited in minds previously disposed to contention seldom ceases but with the destruction of property, the depravation of moral principle, or the loss of life. When, as in the present instance, that spirit exists among neighbors and relatives, it is more unrelenting, persevering and destructive, than among strangers. This is proved by daily experience.

After explaining the causes that led to the melancholy result, we will give a concise detail of the transaction itself, as related in court, and shall then give the testimony in the words of the several witnesses, premising a short account of the criminals, and the reasons they each had for engaging in the murder.

David Conkling belonged to a respectable family, possessed a decent property, and before this event, sustained a good character. The great loss of property, and the irritation of his feelings, from his long controversy with Jennings, and ultimate disappointment, so enraged him that nothing but the life of his enemy could quiet his mind; but as either from cowardice or the remains of the moral sense, he recoiled at the thought of doing the deed himself; he resolved to employ an assassin.

From what has been already said, the reasons will pretty plainly appear which induced Teed to wish the death of Jennings, and to participate in the murder. He was a man of ambitious feelings, had a good education, and more than ordinary talents. It was peculiarly mortifying to his pride and aspiring disposition, to be kept down by the hard hand of poverty, and compelled to drag out his existence on a level with the lowest grades in society; he had the most bitter antipathy against the man whom he considered as the wicked cause of his degradation. In endeavoring to place

himself in a more eligible situation, he forgot his moral obligations, and while plotting the death of Jennings, procured his own.

No reason can be given why Mrs. Teed intermeddled in the business, but her connexion with her husband, her interest in his affairs, and the obligation she was under to follow his directions. All this, though it may palliate her crime in the view of the world, is by no means a justification.

No inducement transpired on the trials sufficient to engage Dunning to assist in the murder, but the promise of Conkling to pay him five hundred dollars, and the prospect that Jennings would reap the grain he had sown on the land the preceding season, while improving the same under Conkling. These reasons were sufficient to engage an ignorant and passionate wretch to take away the life of a fellow being.

Jack Hodges, the last of the conspirators, was extremely ignorant, but possessed a strong mind, and a most tenacious memory. His moral conduct was in general unexceptionable, excepting a habit of intemperance. It was owing to this failing that he was induced to engage in the murder. Conkling knew his foible, and that its indulgence made him a madman; the means to obtain his end were easily applied, and they produced the intended effect.

Jack having on the nineteenth of December concluded as already observed, to commit the murder, preparations were made at Conkling's, who lived near Goshen, and five miles from Teed's. On Saturday, Conkling charged his gun with powder and shot in Jack's presence, showing him how to load it in case it should be necessary; and having given him all needful instruction, told him to go to the house where Teed and Dunning lived, and they would assist him in killing Jennings. Jack accordingly left Conkling's when the sun was about an hour high, and arrived at Teed's in the evening, but to his great disappointment learned

that he had gone to New York. He immediately made his business known to Dunning and Mrs. Teed, who freely conversed with him on the subject, the latter telling him it was right to kill the old fellow, as he deserved to die for his conduct to them, and the latter suggested ways and means to carry their purpose into effect; one of which was to go to Jennings' house and shoot him through the window. To this Jack objected, as thereby they might injure some one they did not intend. Mrs. Teed treated Jack with whiskey as soon as he came, and told him to take it as often as he wanted; for there was plenty of it in the jug, and it was got on purpose for him.

It is necessary to mention here, that after Jennings had recovered judgment for the land, in November, there would be a month, or more, during which Conkling and his tenants Teed and Dunning, would continue to occupy it, before Jennings could obtain his writ of possession in January. This interval Conkling determined to improve in the best manner he could, for his own advantage; he therefore directed Teed and Dunning to cut, draw away, and sell as much timber as possible before they should be turned out. In consequence of this direction, great spoil was made of the wood in a grove on the premises. Jennings knew what was doing, and did all he could to prevent the waste of his property, but to little or no purpose. Early on the morning of Monday the twenty-first of December he told his family he would go and see what was doing on the land, and walked away accordingly. In going to the wood lot, he had to pass the house of Teed and Dunning, and as he was going by, he was observed by Dunning, who went into Mrs. Teed's room where Jack was, and told him of it. He rose from the table where he was eating breakfast and took the gun from behind the door, while Mrs. Teed brought him the powder and shot, and gave him another dram. Jack hesitated about going, and turning to Mrs. Teed, anx-

iously asked her if it was necessary to proceed in the business. She replied that it was time the old savage was out of the world. Thus encouraged he walked away, taking a direction across the fields to the woods, while Dunning followed Jennings round the road; and when Jack came on the ground, he saw Jennings and Dunning talking together. He went toward them, and when within a short distance Jennings asked Jack if he had assisted in cutting the timber. He told him he had, then turned his back towards them and cocked his piece. Dunning at the same time walked away from Jennings, who probably suspecting from these movements something of the truth, asked Jack if the gun was loaded. Jack said it was not, and instantly taking aim, fired at his head, at the distance of ten feet, and Jennings fell back on his seat. The shot took effect on one side of the face, near the eye, and glancing, took off part of the ear. In the opinion of the surgeon, who afterwards examined the body, the shot wound was not mortal. Jack, on seeing the condition that Jennings was in, and reflecting upon what he had done, was horror struck, and was about to go away, when Dunning ran to him, and seizing the gun, exclaimed, "D—n him, he is not dead yet; will you undertake a piece of business, and not finish it?" and going hastily to Jennings, struck him several times with the gun, till the stock was broken to pieces, and Jennings was quite dead. It appeared on examination that the skull was extensively fractured in the forehead, and that death was evidently the effect of the blows. Dunning then collected the fragments of the gun, gave them to Jack, and they returned to the house by different ways, as they came. Jack told Mrs. Teed that he had killed Jennings. She appeared pleased, and again treated him. He staid about the house that day, and at two in the morning returned to Conkling's, when telling what he had done, he gave him the remnants of the gun.

The place where the murder was committed was an open field, in plain view of the road and several

dwelling houses. Dunning's almost daily business was to draw wood from the same field, and within a few rods of the mangled body. It was owing to a singular practice of the deceased, that the body was not found till the twenty eighth of December, a week after the murder. He often left home upon some trifling affair that might be done in a short time, was absent several days, and gave no account of his business, or what detained him so long. The family, therefore, were not concerned at his absence till the last of the week, when they became uneasy, and inquired at those places where they might expect to hear of him; but as their inquiries were vain, the people of Warwick agreed to make a thorough search the next day. The people assembled accordingly at Sugar Loaf, and obtaining such information as the family and others could give, or was suggested by the circumstances of the case, they took various directions, and the body was soon found in the condition that has been mentioned. A jury of inquest was held on the body, by John Curtice, one of the coroners of Warwick. A large number of witnesses were examined by the jury, and upon due consideration of all the evidence before them gave a verdict, "That Richard Jennings was murdered by Jack Hodges, and that David Conkling and David Dunning were accessories." The two last were immediately committed to prison, and soon after James Teed, and Hannah Teed his wife, followed them, but the last, in consideration of her peculiar condition, was in a few days admitted to bail.

Strenuous endeavors had been made by Conkling, immediately after the murder, to persuade Jack to go away, but he continued to loiter about, apparently unconcerned, till Saturday, when by the joint persuasion of Conklin and Teed, he departed; but was so dilatory in his movements, that though he left Goshen at noon he did not reach Newburgh, a distance

of only twenty miles, til sunset the next day. Fearing that Jack would not make his escape with sufficient expedition, Teed went after him on Sunday, and overtook him before he reached Newburgh. They staid there that night, and Teed saw him on board the ferry boat before he returned. Jack purposed to go to New-York, and ship for sea as soon as possible, and to promote his views he had a letter of recommendation from Conkling to a friend of his in New-York. Jack, therefore, after crossing the river, took the road over the Highlands towards that city, but after traveling a few miles, he heard of a sloop at Cold Spring Landing, opposite West Point, that was soon to sail for New-York; he went thither, agreed for his passage on Tuesday, and arrived at New-York on Wednesday.

In the meantime vigorous measures were taken at Goshen and the vicinity, to find and apprehend Jack. Two parties went in pursuit of him on Tuesday. One of them went to Newburgh in his track, crossed the river, and traced him to Cold Spring Landing, but finding he was gone to New-York, followed with all possible expedition. Arriving there early on Thursday morning, they arrested him as he was coming out of the vessel on an errand for the captain. They first took him before the city police, and then entered a vessel and sailed to Haverstraw. Jack denied any knowledge of, or participation in the murder, but appeared greatly distressed. He continued steady in his denial, resisting the solicitation and advice of his attendants till the latter part of the ensuing night, when he made a full confession, and gave a minute relation of the whole transaction. This story, which we shall give at length in its place, he never varied from afterwards, but repeated it steadily in all the subsequent conversations and critical examinations in court. At Haverstraw a wagon was procured and the prisoner was conveyed to Goshen,

where he arrived on Saturday the second of January eighteen hundred and nineteen. He was examined by five magistrates and committed to prison.

Jack Hodges was a principal witness in all the trials. He told the story first to those who took him in New-York, afterwards repeated it to five magistrates in Goshen, who wrote it down, and testified on the stand in the several trials. The following statements are answers to questions put to him, which will account for the sentences being short and not connected.

He said, "A year ago last harvest, Teed told me I was a fit person to destroy Jennings. Sometime last fall Conkling said, after Jennings had been with him, he wished he had killed him, and thrown him into the brook; and the same evening Conkling requested me to kill him. During the Court last November, Conkling and Teed both said they wanted Jennings murdered, and wished I would do it. Several times after Court they both spoke to me, and told me not to let my mind fail me, for I should have spirits enough, that Teed and Dunning would assist me, and if I would go, he would divide a thousand dollars between Dunning and me. On the Thursday before the murder Conkling and Teed took me out under the hovel, and after an hour's conversation, I agreed to go to Teed's on Saturday and kill Jennings. They promised to give Dunning and me one thousand dollars for doing it. On Saturday Conkling loaded the gun in the cellar kitchen, and showed me how to do it. When the sun was about an hour high, I went towards Teed's with the gun, and got there about eight o'clock. Teed was gone to New-York. I conversed freely with Dunning and Mrs. Teed about the murder. They both approved of it, and Dunning said he would assist me. Mrs. Teed gave me whiskey, and told me to help myself when I wanted, out of a jug which she showed me. I eat in Mrs. Teed's

room, though Dunning asked me several times to eat with him. The next day Mrs. Teed went to meeting, and told me to make free use of the whiskey. Monday morning, when I was at breakfast and about half done, Dunning came in and told me that Jennings was going by. I rose from the table, took the gun, and asked Mrs. Teed for the powder and shot, and some whiskey, which she gave me. I went out and saw Dunning following at a small distance. I went across lots by the still house. When I got to the wood lot Dunning and Jennings were talking together and coming towards me. When they drew nigh Jennings asked me if I had assisted to cut his timber. I told him I had. Dunning walked away from Jennings. I then turned my back towards them, and cocked the gun. Jennings asked me if it was loaded. I told him it was not. I then levelled the gun and fired it at his head, and he fell back on his seat. Dunning then ran to me saying, "D—n him he is not dead yet—will you undertake a piece of business and not finish it?" He then took the gun and struck Jennings on the head several times, he groaning bitterly at every stroke. The gun stock broke to shivers by the blows, and he picked up the pieces and gave them to me. We then parted, and I went to the house as we came. I told Mrs. Teed what we had done; she smiled and treated me. I staid about there all day, not choosing to be seen carrying a broken gun, and at two o'clock the next morning left Teed's, and came to Conkling's at day light, and put the pieces of the gun under my bed. Conkling got up, and went down into the kitchen and asked me if I had done the business he sent me to do, and I told him I had. I then gave him the broken gun, the powder and shot, and began to tell him how we had killed Jennings, but he told me he did not wish to hear it. I laid down and slept part of that day, and the next morning Conkling told me he was

afraid the murder would be found out, and wished I would go away. Conkling frequently urged me to go away, till I did go on Saturday about noon. Conkling then gave me ten dollars, and a letter to Mr. Adair, an acquaintance of his in New-York. I left my clothes, which Conkling said he would send to me at New-York, and went through Chester, and staid at Isaac Hallock's that night. I went on the next day, and just as I was entering Newburgh, Teed overtook me, riding on Conkling's mare. He reproved me for not going faster, and told me to keep sight of him and come into the house where I should see him stop. I slept that night with a black family in the village, and saw Teed the next morning at the ferry stairs. He hurried me on board the boat, and told me he would see me in New-York. I crossed the river, and took the road over the High Lands to New-York. At Lobdell's tavern I heard of a wood sloop at Cold Spring Landing, about to sail to New-York. I went there, and the captain agreed to carry me for my work on board. We arrived at New-York on Wednesday, and when I was going into the city to buy some articles for the captain on Thursday, I was arrested and brought back to Goshen. I denied at first that I was concerned in the murder, but before we left the vessel I told all I knew about it."

Charles B. Durland said, "I was one that went in pursuit of Jack. We heard of him at Newburgh, where we staid on Tuesday night. The next morning we crossed the river and took different routes, till we heard of him at Lobdell's tavern, and that he was gone to Cold Spring Landing. We went there, and finding the sloop had sailed, proceeded with all speed to New-York, where we arrested him on Thursday and brought him to Goshen. In the relation he gave us on board the sloop, his account of the affair, in every thing material, is exactly the same as his testimony before the court."

Joshua Terry said, "I keep a tavern in Newburgh, on the east side of the street, in a yellow house, and recollect that Teed and Jack were there at the time he mentions."

Noble Howell said, "I found a gun lock, and some broken pieces of the stock near where the body was found."

Samuel S. Seward said, "I am a surgeon and examined the head on Tuesday, and judge that the wound on the side of the head was not mortal, but his skull was deeply fractured in the forehead, which could not be done without causing death."

Samuel J. Wilkin said, "I have heard Jack's testimony in court, and find it comport very exactly with the statement on his examination."

William M'Whorter said, "Dunning told me he saw Jennings on Monday morning, and went with him as far as Knap's bars, on the way to where the murder was committed."

A number of respectable witnesses testified that they had often heard the prisoner wish Jennings dead—and say that it would be no harm to kill him—they would as lief kill him as a squirrel—that they would give [various sums mentioned] to any one who would kill him, and other expressions of similar import.

Jack Hodges was the most important witness on these trials; his testimony was direct and positive, and went directly to the crimination of the other prisoners. He was critically and thoroughly examined several times, and uniformly told a rational and consistent story. In one of the trials he was more than seven hours uninterruptedly under examination, when he was sifted and criticised with all the skill and dexterity of the counsel, and no essential deviation or inconsistency was detected in any part of his long and tedious statement. His story was also confirmed in many important particulars; as well by the confessions of the prisoners, as the testimony

of other and unimpeachable witnesses. On the whole, there was such a frankness, and appearance of truth and candor, in his whole demeanor, that the court and the spectators generally were fully satisfied of the correctness of his story, and that implicit reliance might safely be placed thereon. Judge Van Ness told the convicts in his final address to them, "That they had been convicted on testimony satisfactory to his mind."

On the twenty-third of February, a Special Court of Oyer and Terminer was held at Goshen, at which the following indictments were found. Against Jack Hodges, as a principal in the murder of Richard Jennings; against David Dunning, as principal, and accessory, before and after the fact; against James Teed, as an accessory, before and after the fact; against David Conkling, as an accessory, before and after the fact; and against Hannah Teed, as an accessory, before and after the fact. On which indictments, being arranged, they severally pleaded not guilty.

They were then set to the bar severally to be tried. The trial of Jack Hodges took place on Friday the 26th of February, and the jury after hearing the cause, retired, and in about an hour, returned into court with a verdict of guilty.

On the same day commenced the trial of James Teed, which was continued from day to day until Thursday the fourth of March, when the cause was given to the jury, who in fifteen minutes pronounced the prisoner guilty.

The trial of David Conkling began on the same day, and was continued from day to day, until Monday the eighth of March, when the jury retired, and the next morning at the opening of the court, delivered a verdict of guilty.

On the 19th of March, Hannah Teed was brought into court, and upon motion of her counsel, and leave

obtained, she retracted her plea of not guilty to the charge of being accessory after the fact, and plead guilty; the district attorney then entered a *nolle prosequi* upon the charge of being accessory before the fact.

The trial of David Dunning then commenced, and was continued until the 10th of March, when he was pronounced guilty by the jury.

On Thursday the 11th of March, the five convicts were brought into court to receive sentence. Hannah Teed was first called, to whom the court observed, that though strict law would inflict a much severer punishment for her crime, yet as the purposes of justice would be as well answered, the court out of feelings of humanity, tenderness to her sex, and a regard to the delicacy of her situation, had concluded to sentence her only to a nominal punishment, which was "That she should be imprisoned in the county jail for one month."

The other convicts were then called up, and Judge Van Ness after addressing them in a solemn and pathetic manner, pronounced on them the sentence of the law, which was "That they be taken from hence, to the place whence they came, and thence to the place of execution, on Friday the sixteenth day of April next, and there, between the hours of two and three, be hanged by the neck till they are dead." And that after the execution, "the body of Jack Hodges be delivered to the president of the Medical Society of Orange county for dissection."

Previous to the day appointed for the execution of the murderers of Richard Jennings, two of the convicts, David Conkling and Jack Hodges, had their sentence commuted, by the legislature, into confinement at hard labor in the state prison, the former for life, and the latter for twenty-one years.

On the 16th day of April, eighteen hundred and nineteen, *James Teed* and *David Dunning* were exe-

cuted at Goshen, pursuant to their sentence, for the murder of *Richard Jennings*. The prisoners were taken from the jail, and conducted to the place of execution at twelve o'clock, under a strong guard of infantry and dragoons. Sheriff Burnet, after reading the death warrants of the four convicts, Conkling, Teed, Dunning, and Jack, and the reprieves of Conkling and Jack, addressed the assembled multitude, in a most feeling and pathetic manner, in the following words.

“It is more than thirty years since any person in the county has suffered the last pain of the law for the crime of murder.

I am now, however, called to the performance of a necessary, but painful duty, appertaining to my office: I hope I shall discharge it with the feelings that become me. Let me request your attention for a few moments, before the commencement of that awful spectacle which will engross every power and bind up every faculty in terror and commiseration.

The cause which stirred up the vindictive passions of the unfortunate men you now behold, was in itself trifling—in its consequences how tremendous! An aged and infirm man, in an unsuspecting moment, was the first victim of violence, and they, the authors and contrivers of his death, are now about to become the necessary sacrifice offered by the law, for the example and the safety of all. Doomed to death in the midst of health, in the prime of life—taken in a moment from the most endearing connexions; from wives and children—in agony and in shame they go to those dark and mysterious abodes, where penitence is unavailing, reformation impossible, and their punishment eternal. By your serious and orderly conduct, let the lesson of their punishment have its full effect—give to them your pity—let them have your prayers: By the inexorable decree of that law they have dreadfully violated, it is all they can ask—it is all you can grant.

And may God have mercy on their souls !”

Divine service was then performed by the reverend gentlemen present, and a solemn and appropriate discourse was delivered by the Rev. Mr. Fisk, from Numbers, xxxii. 23. Teed was extremely affected, and seemed to be in an agony of distress. He prayed audibly and fervently fifteen minutes, and then earnestly exhorted all to take warning by his miserable end, and avoid those wicked practices which had justly brought him to an untimely and shameful death. Dunning acknowledged the justice of his sentence, but declared to the last, that he did not strike Jennings as testified by Jack. At half past two the drop fell, and the unhappy men expired. The sheriff behaved with great humanity and propriety on the affecting occasion. No accident occurred, though the number of spectators was estimated at twenty thousand or upwards.

The community, on a review of the whole of this interesting case, appeared to be impressed with a great similarity of feeling and opinion. A bold and atrocious murder had been committed ; those charged with the crime had had a fair and impartial trial ; the Court, and all its attendants manifested unwearied patience through the tedious investigations, and every indulgence, that the condition of the prisoners, or humanity required, was fully granted, and their conviction and condemnation accorded with their deserts. There is also but one sentiment respecting the commutation of the punishment of Conkling and Jack, and the execution of the others ; it is believed that if such a measure was expedient, the selection of the legislature, made from partial and incorrect representations, was erroneous ; it would have given greater satisfaction to the public, had all the convicts shared the same fate, either of commutation or execution ; but if a distinction were proper, Conkling was the first of the four who ought to have been set apart for

execution ; for he was, beyond a doubt, the original contriver, instigator, and promoter of the murder, which never would have taken place had it not been by his procurement. This is the universal opinion.

THE HARPES.

Many years ago, two men, named Harpe, appeared in Kentucky, spreading death and terror wherever they went. Little else was known of them but that they passed for brothers, and came from the borders of Virginia. They had three women with them, who were treated as their wives, and several children, with whom they traversed the mountainous and thinly settled parts of Virginia into Kentucky, marking their course with blood. Their history is wonderful, as well from the number and variety, as the incredible atrocity of their adventures.

In the autumn of the year 1799, a young gentleman, named Langford, of a respectable family in Mecklenburgh county, Virginia, set out from this state for Kentucky, with the intention of passing through the *Wilderness*, as it was then called, by the route generally known as *Boon's Trace*. On reaching the vicinity of the wilderness, a mountainous and uninhabited tract, which at that time separated the settled parts of Kentucky from those of Virginia, he stopped to breakfast at a public house near Big Rock-Castle River. Travelers of this description—any other indeed than hardy woodsmen—were unwilling to pass singly through this lonely region; and they generally waited on its confines for others, and traveled through in parties. Mr. Langford, either not dreading danger, or not choosing to delay, determined to proceed alone. While breakfast

was preparing, the Harpes and their women came up. Their appearance denoted poverty, with but little regard to cleanliness; two very indifferent horses, with some bags swung across them, and a rifle gun or two, composed nearly their whole equipage. Squalid and miserable, they seemed objects of pity rather than of fear, and their ferocious glances were attributed more to hunger than to guilty passion. They were entire strangers in that neighborhood, and like Mr. Langford, were about to cross the Wilderness. When breakfast was served up, the landlord, as was customary at such places, in those times, invited all the persons who were assembled in the common, perhaps the only room of his little inn, to sit down; but the Harpes declined, alleging their want of money as the reason. Langford, who was of a lively, generous disposition, on hearing this, invited them to partake of the meal at his expense; they accepted the invitation, and eat voraciously. When they had thus refreshed themselves, and were about to renew their journey, Mr. Langford called for the bill, and in the act of discharging it, imprudently displayed a handfull of silver. They then set out together.

A few days after, some men who were conducting a drove of cattle to Virginia, by the same road which had been traveled by Mr. Langford and the Harpes, had arrived within a few miles of Big Rock-Castle River, when their cattle took fright, and, quitting the road, rushed down a hill into the woods. In collecting them, the drovers discovered the dead body of a man concealed behind a log, and covered with brush and leaves. It was now evident that the cattle had been alarmed by the smell of blood in the road, and as the body exhibited marks of violence, it was at once suspected that a murder had been perpetrated but recently. The corpse was taken to the same house where the Harpes had breakfasted, and recognized to be that of Mr. Langford, whose name was marked upon several parts

of his dress. Suspicion fell upon the Harpes, who were pursued and apprehended near the *Crab Orchard*. They were taken to Stanford, the seat of justice for Lincoln county, where they were examined and committed by an inquiring court, sent to Danville for safe keeping, and probably for trial, as the system of *district courts* was then in operation in Kentucky. Previous to the time of trial, they made their escape, and proceeded to Henderson county, which at that time was just beginning to be settled.

Here they soon acquired a dreadful celebrity. Neither avarice, want, nor any of the usual inducements to the commission of crime, seemed to govern their conduct. A savage thirst for blood—a deep-rooted malignity against human nature, could alone be discovered in their actions. They murdered every defenceless being who fell in their way, without distinction of age, sex, or color. In the night they stole secretly to the cabin, slaughtered its inhabitants, and burned their dwelling—while the farmer who left his house by day, returned to witness the dying agonies of his wife and children, and the conflagration of his possessions. Plunder was not their object: travelers they robbed and murdered, but from the inhabitants they took only what would have been freely given to them, and no more than was immediately necessary to supply the wants of nature; they destroyed without having suffered injury, and without the prospect of gain. A negro boy, riding to a mill, with a bag of corn, was seized by them, and his brains dashed out against a tree; but the horse which he rode and the grain were left unmolested. Females, children, and servants, no longer dared to stir abroad; unarmed, men feared to encounter a Harpe; and the solitary hunter, as he trod the forest, looked around him with a watchful eye, and when he saw a stranger, picked his flint and stood on the defensive.

It seems incredible that such atrocities could have been often repeated in a country famed for the hardi-

hood and gallantry of its people; in Kentucky, the cradle of courage, and the nurse of warriors. But that part of Kentucky which was the scene of these barbarities was then almost a wilderness; and the vigilance of the Harpes for a time insured impunity. The spoils of their dreadful warfare furnished them with the means of violence and of escape. Mounted on fine horses, they plunged into the forest, eluded pursuit by frequently changing their course, and appeared, unexpectedly, to perpetrate new enormities, at points distant from those where they were supposed to lurk. On these occasions they often left their wives and children behind them; and it is a fact honorable to the community, that vengeance for these bloody deeds was not wreaked on the helpless, but in some degree guilty, companions of the perpetrators. Justice, however, was not long delayed.

A frontier is often the retreat of loose individuals, who, if not familiar with crime, have very blunt perceptions of virtue. The genuine woodsmen, the real pioneer, are independent, brave, and upright; but as the jackal pursues the lion to devour his leavings, the footsteps of the sturdy hunter are closely pursued by miscreants destitute of his noble qualities. These are the poorest and the idlest of the human race—averse to labor, and impatient of the restraints of law and the courtesies of civilized society. Without the ardor, the activity, the love of sport, and patience of fatigue, which distinguish the bold backwoodsman, these are doomed to the forest by sheer laziness, and hunt for a bare subsistence; they are the “cankers of a calm world and a long peace,” the helpless *nobodies*, who, in a country where none starve and few beg, sleep until hunger pinches, then stroll into the woods for a meal, and return to their slumber. Frequently they are as harmless as the wart upon a man’s nose, and as unsightly; but they are sometimes mere wax in the hands of the designing, and become the accessories of that guilt which they have

not the courage or the industry to perpetrate. With such men, the Harpes are supposed to have sometimes lurked. None are known to have participated in their deeds of blood, nor suspected of sharing their counsels; but they sometimes crept to the miserable cabins of those who feared or were not inclined to betray them.

Two travelers came one night to the house of a man named Stegal, and, for want of better lodgings, claimed under his little roof that hospitality which in a new country is found at every habitation. Shortly after, the Harpes arrived. It was not, it seems, their first visit; for Mrs. Stegal had received instructions from them, which she dared not disobey, never to address them by their real names in the presence of third persons. On this occasion they contrived to inform her that they intended to personate *methodist preachers*, and ordered her to arrange matters so that one of them should sleep with each of the strangers, whom they intended to murder. Stegal was absent, and the woman was obliged to obey. The strangers were completely deceived as to the character of the newly arrived guests; and when it was announced that the house contained but two beds, they cheerfully assented to the proposed arrangement: one crept into a bed on the lower floor with one ruffian, while the other retired to the loft with another. Both the strangers became their victims; but these bloody ruffians, who seemed neither to feel shame nor dread punishment, determined to leave behind them no evidence of their crime, and consummated the foul tragedy by murdering their hostess and setting fire to the dwelling.

From this scene of arson, robbery, and murder, the perpetrators fled precipitately, favored by a heavy fall of rain, which, as they believed, effaced their footsteps. They did not cease their flight until late the ensuing day, when they halted at a spot which they supposed to be far from any human habitation. Here they kindled a fire and were drying their clothes, when an emigrant,

who had pitched his tent hard by, strolled towards their camp. He was in search of his horses, which had strayed, and civilly asked if they had seen them. This unsuspecting woodsman they slew, and continued their retreat.

In the meanwhile, the outrages of these murderers had not escaped notice, nor were they tamely submitted to. The Governor of Kentucky had offered a reward for their heads, and parties of volunteers had pursued them. They had been so fortunate as to escape punishment by their cunning, but had not the prudence to desist, or to fly the country.

A man named Leiper, in revenge for the murder of Mrs. Stegal, raised a party, pursued, and discovered the assassins, on the day succeeding that atrocious deed. They came so suddenly upon the Harpes that they had only time to fly in different directions. Accident aided the pursuers: one of the Harpes was a large, and the other a small man; the first usually rode a strong, powerful horse, the other a fleet, but much smaller animal, and in the hurry of flight they had exchanged horses. The chase was long and hot: the smaller Harpe escaped unnoticed; but the other, who was kept in view, spurred on the noble animal he rode, and which, already jaded, began to fail at the end of five or six miles. Still the miscreant pressed forward; for although none of his pursuers were near but Leiper, who had outridden his companions, he was not willing to risk a combat with a man as strong and perhaps bolder than himself, who was animated with a noble spirit of indignation against a shocking and unmanly outrage. Leiper was mounted upon a horse of celebrated powers, which he had borrowed of a neighbor for this occasion. At the beginning of the chase, he had pressed his charger to the height of his speed, carefully keeping on the track of Harpe, of whom he sometimes caught a glimpse as he ascended the hills, and again lost sight in the valleys and the brush. But as

he gained on the foe, and became sure of his victim, he slackened his pace, cocked his rifle, and deliberately pursued, sometimes calling upon the outlaw to surrender. At length, in leaping a ravine, Harpe's horse sprained a limb, and Leiper overtook him. Both were armed with rifles. Leiper fired, and wounded Harpe through the body; the latter, turning in his seat, leveled his piece, which missed fire, and he dashed it to the ground, swearing it was the first time it had ever deceived him. He then drew a tomahawk, and waited the approach of Leiper, who, nothing daunted, unsheathed his long hunting knife and rushed upon his desperate foe, grappled with him, hurled him to the ground, and wrested his only remaining weapon from his grasp. The prostrate wretch—exhausted with the loss of blood, conquered, but unsubdued in spirit—now lay passive at the feet of his adversary. Expecting every moment the arrival of the rest of his pursuers, he inquired if Stegal was of the party, and being answered in the affirmative, he exclaimed, "Then I am a dead man."

"That would make no difference," replied Leiper, calmly; "you must die at any rate. I do not wish to kill you myself, but if nobody else will do it, I must." Leiper was a humane man, easy, slow spoken, and not quickly excited, but a thorough soldier when roused. Without insulting the expiring criminal, he questioned him as to the motives of his late atrocities. The murderer attempted not to palliate or deny them, and confessed that he had been actuated by no inducement but a settled hatred of his species, whom he had sworn to destroy without distinction, in retaliation for some fancied injury. He expressed no regret for any of his bloody deeds, except that which he confessed he had perpetrated upon *one of his own children!* "It cried," said he, "and I killed it: I had always told the women, I would have no crying about me." He said that he had amassed large sums of money, and des-

cribed the places of concealment; but as none was ever discovered, it is presumed he did not declare the truth. Leiper had fired several times at Harpe during the chase, and wounded him; and when the latter was asked why, when he found Leiper pursuing him alone, he did not dismount and *take to a tree*, from behind which he could inevitably have shot him as he approached, he replied that he had supposed there was not a horse in the country equal to the one which he rode, and that he was confident of making his escape. He thought also that the pursuit would be less eager, so long as he abstained from shedding the blood of any of his pursuers. On the arrival of the rest of the party, the wretch was despatched, and he died as he had lived, in remorseless guilt. It is said, however, that he was about to make some disclosure and had commenced in a tone of more sincerity than he had before evinced, when Stegal advanced and severed his head from his body. This bloody trophy they carried to the nearest magistrate, a Mr. Newman, before whom it was proved to be the head of Micajah Harpe; they then placed it in the fork of a tree, where it long remained a revolting object of horror. The spot which is near the Highland Lick, in Union (then Henderson) county, is still called *Harpe's Head*, and a public road which passes it, is called the *Harpe's Head Road*.

The other Harpe made his way to the neighborhood of Natchez, where he joined a gang of robbers, headed by a man named Meason, whose villanies were so notorious that a reward was offered for his head. At that period, vast regions along the shores of the Ohio and Mississippi were still unsettled, through which boats navigating those rivers must necessarily pass; and the traders who, after selling their cargoes at New Orleans, attempted to return by land, had to cross immense wildernesses, totally destitute of inhabitants. Meason, who was a man rather above the ordinary stamp, infested these deserts, seldom committing murder, but

robbing all who fell in his way. Sometimes he plundered the descending boats; but more frequently he allowed these to pass, preferring to rob their owners of their money as they returned, pleasantly observing, that "those people were taking produce to market for him." Harpe took an opportunity, when the rest of his companions were absent, to slay Meason, and putting his head in a bag, carried it to Natchez, and claimed the reward. The claim was admitted; the head of Meason was recognized; but so also was the face of Harpe, who was arrested, condemned, and executed.

In collecting oral testimony of events long past, a considerable variety will often be found in the statements of the persons conversant with the circumstances. In this case, I have found none, except as to the fact of the two Harpes having exchanged horses. A day or two before the fatal catastrophe which ended their career in Kentucky, they had murdered a gentleman named Love, and had taken his horse, a remarkably fine animal, which big Harpe undoubtedly rode when he was overtaken. It is said that little Harpe escaped on foot, and not on his brother's horse. Many of these facts were disclosed by the latter, while under sentence of death.

After Harpe's death the women came in and claimed protection. Two of them were the wives of the larger Harpe, the other, of his brother. The latter was a decent female, of delicate, prepossessing appearance, who stated that she had married her husband without any knowledge of his real character, shortly before they set out for the west; that she was so much shocked at the first murder they committed, that she attempted to escape from them, but was prevented, and that she had since made similar attempts. She immediately wrote to her father in Virginia, who came for her, and took her home. The other women were in no way remarkable. They remained in Muhlenburgh county.

These horrid events will sound like fiction to your ears, when told as having happened in the United States, so foreign are they from the generosity of the American character, the happy security of our institutions, and the moral habits of our people. But it is to be recollected that they happened twenty-seven years ago, in frontier settlements, far distant from the civilized parts of our country. The principal scene of Harpe's atrocities, and of his death was in that part of Kentucky which lies south of Green River, a vast wilderness, then known by the general name of the *Green River Country*, and containing a few small and thinly scattered settlements—the more dense population of that state being at that time confined to its northern and eastern parts. The Indians still possessed the country to the south and west. That enormities should sometimes have been practiced at these distant spots, can not be matter of surprise; the only wonder is that they were so few. The first settlers were a hardy and an honest people; but they were too few in number, and too widely spread, to be able to create or enforce wholesome civil restraints. Desperadoes, flying from justice, or seeking a secure theatre for the perpetration of crime, might frequently escape discovery, and as often elude or openly defy the arm of justice.

WILLIAM BEVANS.

This person was born in the state of Connecticut, and spent the early years of his life without any settled employment. He rambled from place to place, in different occupations, till he was fifteen years old, when he enlisted in the United States Marine Corps. His countenance was rather prepossessing than otherwise. The offence which gives him a place in our record was committed in the eighteenth year of his age.

He was on board the United States line of battle ship Independence, then lying at her moorings in Boston harbor, about half a mile from the shore. On the sixth of November eighteen hundred and sixteen, he was stationed by a proper officer as a sentinel on the gun deck, near the galley, where the cooking is usually performed. He was armed with a bayonet, as is usual.

The *harness cask*, being that cask which contains the ship's daily provisions, stood close to his post. While he was walking backward and forward, in the discharge of his duty, Peter Lunstrum, one of the cook's mates, commenced a playful scuffling with one Duncan, within the precincts of Bevan's post. Bevan had received orders to keep silence about the galley, to allow no noise or quarreling, or interference with the cooks. In pursuance of these orders Bevan commanded Lunstrum and Duncan to desist. Lunstrum, in return, called him many harsh terms, and bade him attend to his post. He then went behind the harness cask, where as cook's mate he had a right to go, though in this instance he did not go thither in the discharge of his duty. Leaning on the harness cask, still on the sentinel's post, Lunstrum continued his abuse of Bevan, and repeatedly called him a liar. Bevan remonstrated against this treatment, and finding that Lunstrum would not desist, struck him two or three blows across the wrist with the flat of his bayonet; not

however, with great violence. Lunstrum on this became still more angry, and in addition to the words he had used before, accused the soldier of having stolen his clothes.

Bevans now bade him go about his business, wishing, as he said, to have nothing to do with him. Still the cook's mate persisted, and repeatedly called the marine a liar. Bevans at last told him that if he repeated the words again he would run through the body him or any other man who should abuse him on his post. Lunstrum replied by again calling him a liar, and Bevans, without quickening his pace, walked toward him. When he came opposite the harness cask, on which the cook's mate was yet leaning, he stabbed him to the heart with his bayonet.

For this Bevans was brought to the bar of the Circuit Court on the sixteenth of December following, on an indictment for murder. The indictment was founded on a section of that act of Congress which provides for the punishment of crimes committed on the high seas. The section in question specifies that "the trial for crimes committed on the high seas, or in any place out of the jurisdiction of any particular state, shall be in the district where the offender is apprehended, or into which he may first be brought."

The indictment contained two counts, intended to embrace every ground of jurisdiction given to the courts of the United States in cases of murder. In the first of the counts the murder was alleged to have been perpetrated upon the high seas, and in the second, to have been committed in a certain haven, about half a mile from the shores of the town of Boston; and in both counts as having occurred without the jurisdiction of any particular state.

Beside the facts above stated it appeared that the deceased was unarmed during the fatal altercation with Bevans, on whom he made no attack, save with his tongue. It seems that throughout the scene the de-

meonor of the sentinel was calm and unruffled, undisturbed by any apparent gust of passion, and that when Lunstrum sank at his feet he continued to walk his rounds as before, with coolness and composure. The amount of the offence in the eye of the civil law, for which the cook's mate suffered a punishment so severe, consisted in the exercise of an unruly tongue.

The prisoner was found guilty, which in our opinion is the hardest case in our collection. It was hard to be tried by the civil law for an act committed in a situation where martial law was of more immediate and paramount consideration. Soldiers are acquainted, generally, with no law but martial law, and act in conformity to its statutes. Discipline is the very soul of the army and navy, which could not an hour exist without it. All resistance to lawful authority, is, in the army, overcome by immediate force, and the recusant acts at his own peril. Mutiny may be quelled by blows, and martial law will justify him who strives to overcome it, even if death is the consequence of his endeavors. Instant and willful disobedience of orders is mutiny. Besides, the post of a sentinel is in the opinion of soldiers holy ground, not to be profaned by insult or attack of any kind. The character of Bevans' profession should not, perhaps, be admitted as an excuse for an act of violence, but it should be remembered that a nice sense of honor in its members renders an army doubly efficient. If ever any provocation short of personal violence could justify a deadly retort it was that given by Lunstrum to Bevans. The sentinel bore long and patiently, though vilified as a soldier and a man, and resisted as an officer; for a sentinel for the time being is an officer, and of no slight importance. Sentinels frequently receive special orders to repel abuse offered them on their posts by force and arms, and we believe there are few soldiers who would not consider themselves justified in doing so. In our opinion no court martial would have punished Bevans for the death of Lunstrum in such circumstances.

The civil law admits three justifications of killing; necessity, advancement of public justice, and preventing the commission of some capital offence. If an officer is resisted in the execution of his duty, he may overcome the resistance even at the risk of taking life, and the law will justify him. It seems to us that this was precisely the case with Bevens—a sentinel is punished for not enforcing his orders. If an officer would compel rioters to disperse, those who obstruct him do it at their own peril. This was the case with Lunstrum and Duncan; they were committing riotous actions, and Lunstrum resisted the lawful authority.

On the whole, our opinion is, that Bevens acted rashly, but not so wrongfully as to deserve death.

EDWARD TINKER.

THIS man belonged to Newburn, Craven county, North Carolina. He there married a Miss Durand, by whom he had children. He was the master of a small schooner, and was engaged in the coasting trade. Peter Durand, his brother in law, was one of his crew and sailed with him.

In eighteen hundred and ten, while his schooner was lying at Baltimore, an Irish lad, only known by the name of Edward, came on board and desired to be received as an apprentice. He seemed to be about seventeen years old. After some conversation Tinker agreed to receive him, and he became one of the crew. No indentures were made out, but it was understood that they were to be prepared on the arrival of the vessel at Newburn.

The vessel was insured to her full value, and before she sailed from Baltimore, Potts, the mate, and

Peter Durand bored holes in her bottom with an inch auger, and stopped them with wooden plugs by Tinker's orders. He said it would be very lucky if she ever reached Newburn. She sailed on the second of March, and while on the passage Tinker treated the boy Edward kindly, appearing to be attached to him. Once when Potts was about to chastise him Tinker prevented it. When the schooner had passed Ocracock Bay, Tinker ran her on a reef, and ordered the plugs to be taken out, which service was performed by Potts and Durand. The master and crew saved themselves and a large sum in specie in the boats. When they came to Roanoke Island, Tinker waited on the Notary Public with a written declaration that his vessel had been cast away in a gale of wind. To this statement he made oath, and persuaded Durand to do the same, telling him it was a matter of no more moment than drinking a glass of grog. Truly these men had but small respect for the awful name they thus took in vain. Durand was indeed a young man, and under many obligations to his brother-in-law. Potts perjured himself without scruple, following the example and advice of his principal, as did another sailor named Smith. These persons, with Edward, constituted the whole crew. Edward was the only one who would not swear, and his virtue made it necessary for Tinker to get rid of him.

When they reached Newburn they all went to board with Tinker in his house, till he should get another vessel, which he soon did. For some reason unknown Edward became dissatisfied, and on the seventh of April applied to Captain Cook of the revenue cutter for employment. Captain Cook shipped him at sixteen dollars per month. This increased Tinker's enmity, and he resolved to destroy the unfortunate lad.

On Sunday evening the eighth of April, Tinker went to church, and after his return desired Peter

Durand to procure some rum. He did so, and on his return Tinker desired him to awaken the boy Edward without disturbing the rest of the family, and tell him they were going to shoot ducks. Durand did as he was commanded, and while Edward was dressing Tinker got his gun. When about to start the lad said he had left his hat in the kitchen, but Tinker told him not to mind that for he would not want it, which unhappily proved but too true. The boy tied his handkerchief round his head and they all started together.

As they went along the street they met two watchmen. One of them said, "What brother! are you going to your vessel at this time of night?" Tinker nodded in token of assent. They then left the watchmen and when they had reached Tinker's boat, the wretch proposed to go to a neighboring marsh to kill ducks. Durand said that if he was going down the river they had better proceed without delay, but Tinker insisted on going to the marsh first, saying they should have time enough.

When they reached the marsh Tinker bade Edward go forward and see if there were any ducks in the creek. The boy obeyed, and when he had proceeded five or six yards Tinker levelled his gun and lodged the whole charge of coarse shot in his back. He fell dead without uttering a syllable.

Durand was terrified at beholding this ruthless deed, and cried out for very fear. The savage bade him "hold his jaw," and offered him a glass of spirits, having first taken one himself. He then cut off the boat's painter, and with that and a cord tied two stones weighing together upwards of sixty pounds to the body. He then threw it into the water, tied it to the bow of the boat and ordered Durand to push the boat off. When they had towed the corpse into deep water Tinker cut the rope and it sunk. On this Durand was greatly agitated and told his brother-in-

law he would disclose the murder. Tinker bade him hold his peace, said he would leave the country, and that his motive for killing the boy was his intention to quit him, and ship on board the revenue cutter. They then rowed back to the town and went home.

To avenge this foul and most unnatural murder the stream gave up its dead. The body of the slaughtered youth rose, with all the weight attached to it. It was discovered floating and brought to the wharf at Newburn, a foul and disgusting spectacle, in the last stages of putrefaction. Many mortal shot wounds were plainly discernible. It was at once recognized, but though the public excitement was great, Tinker showed no anxiety, no curiosity to behold the mangled remains of his apprentice. Guilt had sealed his lips. His first care was to take a boat and descend the river to his vessel. Suspicion necessarily fell on him, and Captain Cook, who it will be remembered had also a claim on the boy, followed him. When he reached the vessel's deck and told Tinker he was a prisoner, the latter said, "What the devil is all this about?" but asked no further questions touching the cause of his arrest. One of the possees remarked that if he had any orders to give concerning his vessel he had better do it then, as it would probably be long before he would see her again, but this elicited no answer. He was then taken to Newburn and committed.

In due time he was arraigned before the Superior Court of Craven county, but in consequence of a deficiency of jurors, no trial took place, and the prisoner applied to have his trial removed to Carteret county, giving such reasons as satisfied the presiding judge. He was removed to Carteret county and soon after broke jail and fled to Philadelphia. The sheriff of Craven county offered a high reward for his apprehension, and he was shortly recognized, taken, and carried back to Newburn.

While he was awaiting his trial he wrote a letter to Peter Durand, entreating him by the love he bore his sister and her children to retract the admissions he had made when examined before the magistrates and to swear the murder to Potts. On this condition he promised to leave the country, and added that it would be better to tell twenty lies than persist in a true story to his brother's disadvantage. In another letter to a Mr. Haywood he offered to give any sum provided he would procure a witness to swear that Peter Durand shot the boy, and said that one good witness in his behalf would be enough to clear him. He also wrote to a Mr. Hamburg to request that he would procure witnesses in his favor. In a second letter to Peter Durand he besought him to consider the distress of Mrs. Tinker and her children, put him in mind that he owed Potts money, and again entreated him to charge Potts with the murder. In case they should be convicted of perjury, the worst he said; that could happen to either would be the loss of a piece of one ear. A fourth letter to his sister pointed out the person he wished her to suborn and whom he proposed to reward with "a likely negro." None of these letters were received by the persons to whom they were addressed excepting those to Peter Durand, and they were all afterwards produced in court, to his confusion.

Tinker was tried at the Carteret Superior Court in September eighteen hundred and eleven.

The positive testimony of Peter Durand to the facts above related was corroborated by much circumstantial evidence. To counteract the testimony of Durand, it was urged that he had no respect for the sanctity of an oath, as he had before perjured himself in his account of the loss of the vessel. It was also truly alledged, that for ten days after the murder he had said nothing concerning it, and that he had himself been apprehended on suspicion. His testimony

before the magistrates at the time of his arrest differed from that he gave on the trial. On the other hand he had received many favors from Tinker, was his near connexion, and could have had no motive to kill the boy himself.

While the trial was proceeding Tinker's wife appeared as a spectator, in mourning weeds, surrounded by her children, and made the hall of justice resound with her lamentations. This appeal to the feelings of the jury could not prevail against a perfect chain of evidence. The prisoner was convicted, sentenced, and in due time hanged.



DIBDEL HOLT.

Pursuant to the sentence of the court, this person was publicly executed at Buffalo, on Friday, the 18th November, 1831, for the murder of his wife. From the jail to the place of execution he kept time with the music, appearing perfectly firm and collected. To some this appeared military firmness and manliness; to others only a hardened insensibility.

On the scaffold he confessed his guilt, acknowledged he had been intemperate, a Sabbath breaker, and had been guilty of many other vices; that if he were to live his life over again he thought he should live it very differently; that he was sorry for his crime, but had not premeditated it. He spoke in a very unconnected manner, though he seemed little embarrassed by his situation. His remarks seemed chiefly intended to controvert the impression which had gone abroad, that he had for some time previous to the murder contemplated the deed. He said the high board fence in rear of his dwelling was erected because he had previously

missed some articles, which he supposed were stolen from his yard, and he had the fence erected to prevent further depredations. He had previously stated some facts in relation to the deed to several gentlemen who visited him in prison. According to his story, he went into the chamber where she was, to nail a bar over the outer door; in doing this he split the bar and pounded his fingers, and she laughed at him; some words ensued upon which he flew at her in rage, and struck her several times with the hammer; by the last blow intending to kill her.

It seems that he was formerly a soldier by profession, that he came to Buffalo when the Thayers were hung, and commenced the trade of a grocer soon after. He had been married about six years, during two or three of the first years after his marriage he treated his wife kindly, and lived very happily. But as the habit of intemperance grew upon him he of course abused his wife, and blamed her for all their misfortunes and accidents. She, knowing herself innocent, denied his charges, and reproached him for his intemperate habits.

He had been known to threaten her life within the last two or three years several times; telling her that her days were numbered—that she should never attend his funeral, &c. The day before he committed the deed he dismissed his clerk, and shut up his store. It seems that he went into the chamber, and after giving his wife, who then held her youngest child in her arms, several blows with the hammer, came down stairs, meeting on his way a hired girl. She was then going up stairs, attracted by the noise, but was forbidden by Holt. He immediately fled, and the girl calling assistance, several entered, where the poor victim was found, sweltering in her blood, with her child in her arms—faint signs of life still remaining.

He was pursued and overtaken at the distance of about a mile, a razor being found in his pocket, with which he said he had determined to kill himself. On

being brought back to the scene of the murder, he manifested the most perfect brutish insensibility. When the inquest was held and the usual legal forms observed, he said, "there was no use in all that parade, he committed the deed;" and intimated, as he has since done, that she deserved it for showing more regard to other men than to him. He has sometimes said that she was in the habit of visiting other women who ruled their husbands, and she was learning of them how to govern him—hence he had made the fence to keep her at home.

The reason he assigned for refusing to make a full confession of all the facts, under his own hand, was, as he said, a desire that his children should have no means of learning either the cause or manner of his exit: and no argument used to show that such an idea was preposterous, could induce him to adopt a different course.

Various impressions appear to have been received from Holt's words and conduct after his committal. To some he appeared penitent, and chiefly desirous of preparing himself for his exit. But the opinion of gentlemen of the highest respectability, who saw him in prison, and who are men of acute discernment of human character, is that he seemed to have manifested, from beginning to end, a kind of brutish obstinacy, which some have pleased to call manliness.

It is true he had outwardly attended to the ordinary means of reconciliation with his Maker, yet he constantly labored to palliate his crime in the eyes of the world, saying he would never tell what his wife said which enraged him, because he did not wish to slander the dead—a strange affectation of tenderness! This constant endeavor, even on the scaffold, to conciliate the opinions of men, has but little appearance of deep communion with his God, though it is not a new or strange principle in human nature which actuated him to appear well in the eyes of the world. The writer has never heard a doubt expressed by any one who has

known all the facts, that he premeditated the murder—and though we have little to do with the conscience of any man as it appears in the sight of God, it is more than probable that his whole nature was too much besotted, to admit of a thorough moral renovation in so short a time, especially while he appeared so much more anxious about the opinion of men than of his Maker.

It is more than probable that his apparent firmness, which he took occasion to mention on the scaffold, may be more justly ascribed to a want of moral sensibility, than to any real moral courage, which he has been too long besotted to possess. That spirit which would look favorably upon his faults, and actuate some to attend him in his last moments to afford christian consolation, is to be admired; and yet it may be doubted whether all this, together with the parade of his burial, does not tend too much to detract from the terror of such punishment, to be countenanced in a community where there ought to be little of that sympathy which the murderer forfeits by his deliberate hardihood.



WILLIAM FRANKLIN.

It only appears from the accounts of this man that he was a resident of some place in the immediate vicinity of Boston, and that he had been a member of the church of Roxbury, from which he was excommunicated. The events of his life, previous to the commission of the offence for which he laid it down, have passed into oblivion.

In the year 1644, he took to apprentice Nathaniel Sewell, a young pauper who had been sent from England. This boy had the scurvy, and was very offen-

sive in his person. Franklin treated him with small consideration; and chastised him unmercifully for trifling faults. He was also in the habit of hanging him up in his chimney, for any thing and every thing.

The boy fell sick, even unto death, whether from rigorous treatment or some natural cause we are unable to say.

Finding the boy of no use to him, he determined to return him to the magistrates of Boston, from whom, it seems, he had received him. His place of residence was five miles from Boston, and to convey the lad this distance, he tied him, though very ill and weak, upon a horse, and set off with him. The boy was unable to sit upright, and frequently begged for water, but his inhuman master would give him none, though they passed very near it at several places. Nathaniel Sewell died a few hours after he reached Boston.

William Franklin was then brought before the Quarter Court on a charge of murder. The facts were proved, as above related, but doubts existed whether they inferred blood guiltiness. It was argued that it did not appear that Franklin had intended to injure, but only to reform his servant, and that the treatment which had caused his death occurred in the pursuit of a lawful purpose; viz. in bringing Sewell before the magistrate; whereas, the act and intention must both be evil, to constitute murder.

To this it was answered, that Sewell had been brought to his end by degrees, by a constant course of cruelty, of which the last act was but the consummation. It was said that this act was performed at a time when the boy should have been kept in bed, and not brought violently forth for correction. As for the intention, though it might have been the first intention of Franklin to reform the boy, yet the intention of his ultimate conduct was evil, arising from distemper of passion.

In exemplification of the first position, a case was supposed, as follows: if a man should have a servant sick of the small pox, and should, contrary to the advice of the physician, hale him into the open air, in cold weather, on pretence that there was a natural occasion; the act would be unlawful, and if the servant should die in consequence of such treatment, the master would be guilty of murder.

Another case was supposed to apply to the second position; viz. if a man should, in a sudden passion, kill his child, or dear friend, it would be murder, though his prima intentio were to instruct or admonish him. It was, moreover, argued that, where no intention to hurt appears, as, for example, when a man has an unruly ox, and knows him to be such, but yet does not keep him in, if this ox gores a man to death, the owner is guilty of murder, and must suffer the penalty. Here, keeping the ox is a lawful act; but for suffering an evil to happen which he might reasonably be expected to prevent, the man was adjudged a murderer, by the Holy Scriptures. Again, in Exodus chapter xxi. 12. If a man smite his servant with a rod, which is a lawful action, and the servant die of the blow, (as was the case with Sewell,) he was to die for it. On the like authority, if a man strike another with his hand, or with any weapon that may cause death, and the person stricken die of the blow, the striker is a murderer: from whence it appears, that be the means what they may, if they be applied, voluntarily, to an evil intent, it is murder. To support this conclusion, a case was cited of a woman who had given a man a portion to procure his love, whereof he died, and she was, therefore, adjudged guilty of murder.

This course of reasoning would hardly be thought conclusive at the present day, though it seemed very forcible to the members of the Quarter Court, who apparently forgot that the Jewish code had been superseded by divine authority, and had given place to a more

merciful dispensation. They found him guilty, and sentenced him to death ; referring his case, however, to the magistrates, " who might, if they saw cause, allow him a second trial for his life at the next Quarter Court." Yet the same persons held a meeting before the sitting of the said court, and agreed to send their sentence to governor John Endecott, who signed it, though there were some who disapproved the proceeding.

The church of Roxbury, who it will be remembered, had excommunicated Franklin a month before, now that he was to die, agreed to have mercy on his soul. They therefore procured permission for him to be brought to Roxbury, intending to receive him again into their communion, if they found him penitent. Immediately after his condemnation, he judged himself, and acknowledged the justice of his sentence ; but soon after, with a very natural inconsistency, he retracted this admission, justifying himself, and criminalizing the witnesses. To the day of his execution, he declared his belief that God would never lay the death of the boy to his charge, and expressing a strong assurance of salvation. On the scaffold, his firmness was somewhat shaken, and he expressed a fear that his heart was hardened, since he could not see his guilt in the same light that others did.

It seems to us that though the Quarter Court argued from wrong premises they arrived at a proper conclusion, and that William Franklin suffered justly.

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