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UNITED STATES

CRIMINAL HISTORY;

BEING A TRUE ACCOUNT OF THE MOST HORRID

MURDERS, PIRACIES, HIGH-WAY ROBBERIES, &c.

TOGETHER WITH THE

LIVES, TRIALS, CONFESSIONS AND EXECUTIONS

OF THE CRIMINALS.

COMPILED FROM THE CRIMINAL RECORDS OF THE COUNTIES,

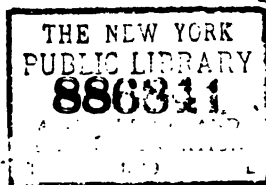
By P. R. HAMBLIN.

"Let him that meditates evil know that justice will sooner
or later overtake him."

FAYETTEVILLE:

Mason & De Fuy, Printers.

.....
1836.



NORTHERN DISTRICT OF NEW-YORK, *to wit* :

District Clerk's Office.

BE IT REMEMBERED, That on the Eighteenth day of August, Anno Domino, 1835, P. R. Hamblin, of the said District, hath deposited in this office the title of a [L. s.] Book, the title of which is in the words following, to wit :

'The United States Criminal History, being a true account of the most horrid murders, Piracies, Highway Robberies, &c. &c. Together with the lives, trials, confessions and executions of the Criminals, compiled from the Criminal Records of the Counties, by P. R. HAMBLIN.

The right whereof he claims as Author and Proprietor, in conformity with an act of Congress, entitled An Act to amend the several acts respecting Copy Rights.

A True Copy.

RUTGER B. MILLER, Clerk.

NOV 18 1835

P R E F A C E.

There is a propensity in man to take pleasure in the sight or relation of human sin and suffering. Thousands flock to the execution of a criminal, and the history of his life, however dull and interesting, is sought and read with avidity. No part of a newspaper excites so much attention as the record of crime and calamity; some have pronounced this curiosity a depraved appetite, I hold the contrary; it is almost universal, and therefore natural. It is the object of this work to gratify this feeling in a manner the most advantageous to the public. The pamphlets purporting to give accounts of noted malefactors, are usually ill written, unworthy of credit, and of bad moral tendency. They exhibit the convict in the most unfavorable light, enlarge upon the good qualities he may possess, and rather solicit sympathy for his fate, than abhorrence for his crimes. The compiler of this work proposes a different plan; he gives the history only of such Murders, Piracies, Robberies, etc., as have been eminent in their professions. Of those whose lives and deeds have little interest, he has nothing to say. In each case he has carefully compiled his work from the criminal records of the different counties, that the criminals were executed in. He believes he speaks of each of his subjects, as the persons deserve; neither aggravating nor extenuating his offences, or doing injustice to the criminals, or the public.— He has been told that a work of this kind will be a public injury, but does not believe it. It cannot be that holding sin up to abhorrence will corrupt any one. I am confident that people will indulge in reading such matter; therefore it is certainly better that it should be presented in the least exceptionable form possible, and it is the desire of the Author to present a work to the public, that will be beneficial to the rising generation, that will show them the untimely end that sin will lead them to, and by picturing to them the true lives of such criminals as have been executed within the United States, will, I am confident, save many from an untimely end.

P. R. HAMBLIN.

CRIMINAL HISTORY.

CAPTAIN MISSON,

THE PIRATE.

CAPTAIN MISSON was born in Provence, of an ancient family. His father was master of a plentiful fortune; but having a great number of children, our rover had but little hopes of other fortune than what he could procure for himself. His parents took care to give him an education equal to his birth, and upon the completion of it, would have put him into the musketeers; but as he was of a roving temper, and much affected with the accounts he had read of travels, he chose a seafaring life, which abounds with a greater variety, and which would afford him an opportunity to gratify his curiosity, by the change of countries. Having made this choice, his father, with letters of recommendation, and every thing fitted for him, sent him a volunteer on board the VICTOIRE, commanded by Monsieur Fourbin, his relative. He was received on board, with all possible regard by the Captain, whose ship was at Marseilles, which was ordered to cruise soon after Misson's arrival. Nothing could be more agreeable to the inclinations of our volunteer than this cruise, which made him acquainted with the most noted parts of the Mediterranean, and gave him considerable insight into the practical part of navigation. He grew fond of this life, and resolved to be a complete sailor, which made him always one of the first on a yard arm, either to hand or reef, and very inquisitive into the different methods of working a ship; he discoursed on no other subject, and would often get the boatswain and carpenter to teach him in their cabins, the constituent part of a ship's hull, and how to rig her; for which he generously paid them; and although he spent a great part of his time with these two officers, yet he behaved himself with such prudence that they never attempted any familiarity, but always paid the respect due to his family. The ship being at Naples, he obtained permission of his captain to go to Rome, which he had a great desire to visit. Hence, we may date his profligacy; for, remarking the licentious lives of the clergy, (so different from the regularity observed among the French Ecclesiastics,) the luxury of the Papal Court, and that nothing but pollution, were to be found in the metropolis of the christian church, he began to conjecture that all religion was no more than a curb upon the minds of the weaker, which the wiser class yielded to,

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in appearance only. These sentiments so disadvantageous to religion, and himself, were strengthened by accidentally becoming acquainted with a lewd priest, who was, at his arrival (by mere chance) his confessor, and after that his procurer and companion, for he kept him company to his death.

Misson became so much attached to this man, that he advised him to go with him as a volunteer, and offered him money with which to procure the necessary clothing; the priest accepted the proposal, and a letter coming to Misson from his captain, that he was going to Leghorn, left it to him, either to come to Naples, or to go by land, he chose the latter. The Dominican whom he had furnished with money, having clothed himself as a cavalier, he threw off his habit, and proceeded to Pisa, where he awaited Misson's arrival. From thence they went in company to Leghorn, where they found the *Victoire*, and seignior Caraccioli was received on board, recommended by his friend. Two days after they weighed anchor, and after a week's cruise fell in with two *Sallee-men*, one with twenty and the other twenty-four guns. The *Victoire* had but thirty mounted, though she had ports for forty. The engagement which ensued was long and bloody; for, the *Sallee-men* hoped to carry the *Victoire*; and, on the contrary, Capt. Fourbin, so far from having any thoughts of being taken, was resolutely determined, on making prize of his enemies, or sink his ship. One of the *Sallee-men* was commanded by a Spanish renegade, (although he had only the title of lieutenant,) for the captain was a young man who knew little of marine affairs.

The ship was called the *Lion*; and the commander attempted, more than once, to board the *Victoire*; but by a shot betwixt wind and water, he was obliged to sheer off, and run his guns, &c. on one side, to bring her to the careen, to stop her leaking; which being done with too much precipitation, she was overset, and every soul was lost. His comrad, seeing this disaster, threw out all his small sails, endeavoring to get away; but the *Victoire* intercepted him, and obliged him to renew the fight, which he did with such obstinacy as made Monsieur Fourbin despair of carrying her, unless by boarding, for which he made the necessary arrangements. Seignior Caraccioli, and Misson, were the first on board, after the command was given; but the *Sallee-men* fought so desperately that they and their followers were driven back. The former received a shot in his thigh, and was carried below to the surgeon. The *Victoire* laid her on board the second time, but the *Sallee-men* defended their decks with such resolution, that they were covered with their own, and the dead bodies of their enemies. Misson, seeing one of them jump down the main hatch, with a lighted match, suspecting his design, resolutely leaped after him, and reaching him with his sabre the moment he was going to set fire to the powder. The *Victoire* pouring in more men, the Mahometans quitted the decks: finding resistance vain, and fled for shelter to the cook-room, steerage and cabins, and some between decks. The French gave them quarters, and put the

prisoners on board the *Victoire*, the prize yielding nothing worth mentioning, except liberty to about fifteen christian slaves; she was carried into port, and sold with the prisoners at Leghorn. The Turks lost a great number of men; the French not less than thirty-five, who were killed in boarding; they lost but few by the great-shot, the Sallee-men firing mostly at the masts and rigging, hoping by disabling to carry her. The limited time of the cruise being out, the *Victoire* returned to Marseilles, from whence Misson, taking his companion, went to visit his parents, to whom the captain sent a very advantageous report, both of his courage and conduct. He had been nearly a month at home when his captain wrote to him, that his ship was ordered to Rochelle, from which place he was to sail with some merchantmen, for the West-Indies. This was very agreeable to Misson and seignior Caraccioli, who immediately set out for Marseilles. This town is well fortified, has four parish churches, and about 120,000 inhabitants; the harbor is esteemed the safest in the Mediterranean, and is the common station for the French galleys.

Leaving this place they steered for Rochelle, where the *Victoire* was docked. The merchant ships, not going to be ready for some considerable length of time, Misson, who did not care to pass so long a time in idleness, proposed to his companion taking a cruise on board the *Triumph*, which was going to cruise in the English channel; to which the Italian readily consented.

Between the Isle of Guernsey and the Straight Point they met with the *Mayflower*, Capt. Balladine, commander, a merchant ship of 18 guns, richly laden, returning from Jamaica. The captain of the English made a gallant resistance, and fought so long, that the French could not carry his ship into harbor, wherefore they took the money and what was most valuable, out of her, and finding that she made more water than the pumps could force, quitted her, and in less than four hours after saw her go down. Monsieur Le Blanc, the French captain, received Captain Balladine very civilly, and would not suffer either him or his men to be stripped, saying, "None but cowards ought to be treated after that manner; that brave men ought to treat such, though their enemies, as brothers; and that to use a gallant man (who does his duty) ill, speaks a revenge which can but proceed from a coward's soul." He ordered the prisoners to have their chests, and when some of his men seemed to murmur, he bade them remember the grandeur of the monarch they served; that they were neither pirates nor privateers; and that as brave men, they ought to set their enemies an example they would willingly have followed, and to use their prisoners, as they would wish to have been used. They then ran up the English channel, as high as Beachy Head, and, in returning, fell in with three fifty gun ships, which gave chase to the *Triumph*; but as she was an excellent sailor, she ran them out of sight in seven glasses, and made the best of her way for the Land's End. They here cruised eight days, then doubling Cape Cornwall, they ran up the Bristol channel, nearly as far as Nash Point, and intercepted a small ship

from Barbadoes, then stretching away to the northward, gave chase to a ship they saw in the evening, but lost sight of her before morning. The *Triumph* then stood for Milford, and espying a sail, endeavored to intercept her, but found it impossible; for she got into the harbor, though they came up with her very fast, and she surely would have been taken, had the chase been much longer. Capt. Balladine, who took the glass, said it was the *Port Royal*, a Bristol ship, which left Jamaica in company with him and the *Charles*. They then returned to their own coast, and sold their prize, at Brest, where, at his desire, they left Capt. Balladine, and Monsieur Le Blanc made him a present of a purse with 40 louis for his support. His crew were also left here.

At the entrance into the harbor the *Triumph* struck upon a rock, but received no damage. This entrance, called *Gomlet*, is very dangerous on account of the number of rocks, which lie on either side under water; though the harbor is certainly the best in France. The mouth of the harbor is defended by a strong castle; the town is well fortified, and has a citadel for its farther defence, which is of considerable strength. In 1694, the English made an attempt to capture it, but did not succeed, as they were driven back with the loss of their general, and many of their men. From this place the *Triumph* returned to Rochelle, and in a month after, our volunteers, who returned to the *Victoire*, departed for Martinico and Guadaloup. Nothing of note occurred while on their way thither. I shall only observe, that seignior Caraccioli, who was as irreligious as he was ambitious, had, by this time, made a perfect deist of Misson; thereby convincing him that all religion was no other than human policy. But his arguments on this head, are too long and too dangerous to translate; and as they are wrought up with great subtlety they may be pernicious to weak minds which cannot discover their fallacy; or who, finding them agreeable to their inclinations, would be glad to shake off the yoke of the christian religion, which galls and curbs their licentiousness, and would not take the trouble of examining it, but grasp whatever pleases them, glad of finding some shadow of excuse to their consciences.

As he had privately held these discourses among the crew, he had gained a number of proselytes, who looked upon him as a new prophet, risen to reform the abuses of religion; and a number of them being Rochellers, who were tainted with Catholicism, which caused his doctrines to be more readily embraced. When he had witnessed the effect of his religious arguments, he turned his discourses upon government; and endeavored to show, that every man was born free, and had as much right to his support, as the air he breathed. A contrary way of reasoning, would be to accuse the Deity with cruelty and injustice; for he brought no man into the world, to pass a life of penury and want; that the vast difference between man and man, the one wallowing in luxury, and the other pining in the most pinching necessity, was owing only to avarice and ambition on the one hand, and a pusillanimous submission on the other; that at the first, no other than a natural or paternal government

was known, every father being the head prince, and monarch of his own family; and, that obedience to him was both just and easy, for a father has a compassionate tenderness for his family. But ambition having crept in by degrees, the stronger family subdued and enslaved the weaker; and by this additional strength overpowered a third, by every conquest gathering more and more subjects, until at length, monarchial government was established in all parts of the world. Pride increasing with power, man usurped the prerogative of God, that of depriving man of life, which was a power no man had over himself; for as he was not his own creator, he ought to stay his appointed time; but that death given in war is allowable by the law of nature, because it is in the defence of our own; but no crime ought to be thus punished, or any war undertaken, but in defence of our rights. He often discoursed upon these topics, and frequently conversed with Misson about starting for themselves, who was as ambitious and as resolute as himself.

Caraccioli and Misson, were by this time expert mariners, and capable of managing a ship to good advantage. Caraccioli had conversed with several of the men on this subject, and found them much inclined to listen to him. About this time an accident happened, which gave him a fair opportunity of putting his designs into execution, which he improved to the best advantage. They were off the Martinico on a cruise and met with the *Winchelsea*, an English man-of-war, carrying forty guns, commanded by Capt. Jones; they made for each other, and a very smart engagement followed. The first broad-side killed the Captain, second captain, and the three lieutenants, on board the *Victoire*, and left only the master, who would have struck, had not Misson taken up the sword, and ordered Caraccioli to act as lieutenant, encouraging the men to fight six glasses, when, by some accident, the *Winchelsea* blew up, and not a man was saved but Lieut. Franklin, whom the French boats took up, but he died in two days. It was never known before this manuscript came into my hands, how the *Winchelsea* was lost; her head being driven ashore at Antiga, and there having been a great storm a few days previous, in which it was concluded she had foundered. After this engagement, Caraccioli came to Misson, and saluted him captain, desiring to know whether he chose a momentary or a lasting command, saying, "now is the time to determine," for on their return to Martinico it would be too late; for he might depend upon the ship for which he had fought and saved, being given to another; that they would think him well rewarded if made a lieutenant; which he should consider as a piece of injustice; that he now had his fortune in his own hands, which he might either hold or let go; if he chose the latter, he must never again expect her to solicit him to accept her favors; that he ought to set before him his circumstances, as a younger brother of a good family, but with nothing to support his character, and the many years he must serve at the hazard of his life, before he could make any show in the world; and also to consider the wide difference between commanding and being commanded; that he might with the ship now

under his feet and the brave men under his command, bid defiance to the powers of Europe, enjoy every thing he wished, reign sovereign of the Southern Seas, and lawfully make war against all the world, since it would deprive him of that liberty to which he had a right by the laws of nature ; that he might in time become as great as Alexander was to the Persians ; and by increasing his forces by captures, he would every day strengthen the justice of his cause, for he that has power is always in the right. That Henry the Fourth and Henry the Seventh, attempted and succeeded in their enterprizes for the crown of England, yet their forces did not equal his. Mahomet, with a few camel-drivers, founded the Ottoman empire ; and Darias, with no more than six or seven companions, got possession of that of Persia:

In a word, he said so much, that Misson resolved to follow his advice, and calling all hands on deck, he told them, "that a great number of them had resolved with him upon a life of freedom, and had done him the honor of creating him chief ; he designed forcing no man, thereby being guilty of the injustice, he blamed in others ; therefore, if any were averse to following his fortune, which he said should be the same to all, he desired them to make it manifest, from whence they might return home." Having made an end, they all with one voice cried, "*Vice le Capitain Misson et son Lieutenant le seavant Caraccioli.*"—God bless Capt. Misson, and his learned Lieutenant Caraccioli. Misson thanked them for the honor they had conferred upon him, and promised to use the power they had given him for the public good only, and hoped they would be as unanimous in the preservation of their liberty, as they had been in the assertion of it, and stand by him in the performance of every thing that should be found expedient for the good of all ; that he was their friend and companion, and should never assert his power, or make himself other than their comrad, unless obliged by necessity.

They then shouted a second time, *Vice le Capitain* ; after this he desired them to chose their subaltern officers, and give them power to consult upon what might be for the common interest, and bind themselves by an oath, to agree to whatever he together with such officers, should think best ; this they readily complied with. The school-master they chose for second Lieutenant, Jean Besace, for third, and the boatswain, for quartermaster ; they named Mathew le Touder and the gunner, whom they desired to be their representatives in council. The choice being approved, and that every thing might pass systematically, and with general approbation, they were called into the great cabin, and the question was asked, "What course shall we steer?" The captain proposed the Spanish coast as the most probable for affording rich prizes. This was agreed to by all. The boatswain then asked, what colors they should fight under, and advised as most terrifying, black ; but Caraccioli objected, saying, "that they were not pirates, but men who were resolved to assert that liberty, which the God of nature had given them, owning submission to none further than the common good demanded. But that submission to rules was necessary

when they acted up to the duty of their function ; were vigilant guardians of the people's rights and liberties ; saw that justice was equally distributed ; were barriers against the rich and powerful, when they attempted to oppress the weaker ; when they suffered none on the one hand to grow immensely rich, either by his own or his ancestor's encroachments ; nor on the other, any to be miserably poor, either by falling into the hands of villains, unmerciful creditors, or defects in government ; while he acted impartially, and allowed nothing but merit to distinguish between man and man ; and instead of being a burthen to the people by his luxurious life, he was by his care and protection a real father, and in every thing acted with the equal and impartial justice of a father ; but when the governor, who is the minister of the people, thinks himself raised to that dignity, that he might spend his days in pomp and luxury, looking upon his subjects as so many slaves, created for his pleasure, and therefore leaves them and their affairs, to the immeasurable avarice and tyranny of some one whom he has chosen for his favourite, when nothing but avarice, oppression, and poverty, and all the miseries of life flow from such an administration ; that he who lavishes away the lives and fortunes of the people, either to gratify his ambition, or to support the cause of some neighboring prince, that he may in return strengthen his hands, should the people exert themselves in defence of their native rights ; or should he run into unnecessary wars, by the rash and thoughtless councils of his favorite, and not able to subdue the enemy he has thus rashly or wantonly brought upon himself, and buy a peace, (which is the case in France at present, as every one knows, by supporting King James, and afterwards proclaiming his son,) and drain the subject ; should the people's trade be neglected wilfully, for private interests, and while their ships of war lie idle in their harbors, suffer their vessels to be taken ; and the enemy not only to intercept all commerce, but insult their coasts ; it bespeaks a generous and noble soul to shake off the yoke ; and if we cannot redress our wrongs, withdraw from the miseries which mean spirits submit to, and scorn to yield to the tyrant. If the world, as experience may convince us it will, makes war against us, the law of nature empowers us not only to act on the defensive, but on the offensive also. As we do not act upon the same ground with pirates, who are men of dissolute lives, and no principles, let us scorn to take their colors ; ours is a brave, a just, an innocent, and a noble cause ; the cause of liberty. I therefore advise a white ensign, bearing the Ψ , our emblem of liberty, and if you please, the motto, "*A Deo et Libertate*,"—for God and liberty, as an emblem of uprightness and resolution."

The cabin door was left open, and the bulk-head, which was of canvas, rolled up ; the steerage being filled with men who lent an attentive ear, cried, "Liberty, liberty ; we are free men ; Vice the brave Captain Misson, and the noble Lieutenant Caraccioli !" This short council being broken up, every thing belonging to the deceased captain, the other officers, and men lost in the engagement, was brought upon

deck and overhauled; the money to be put into a chest, under lock, and a key to be given to each one of the council; Misson telling them all should be in common, and the particular avarice of no one should defraud the public.

When the plate which had belonged to Monsieur Fourbin was going into the chest, all cried out, "Avast! keep that for the captain's use, as a present from his officers, and fore-mast men." Misson thanked them, the plate was returned to the great cabin, and the chest secured according to orders; Misson then ordered the lieutenant and other officers to examine among the men, who were in most want of clothing, and to distribute that of the dead men impartially, which was done with the general consent and applause of the whole crew. All but the wounded being upon deck, Misson, from the barricade, spoke to the following purpose;—"That since they had unanimously resolved upon a life of freedom, which ambitious men had usurped, and that this, by impartial judges, could not be esteemed other than an honorable and brave resolution, he was under an obligation to recommend to them a brotherly love to each other; the banishment of all private piques and grudges, by a strict agreement and harmony among themselves; that often having thrown off the yoke of tyranny, he hoped none would act the part of tyrants, and refuse to follow the rules of justice; for when equity is trodden under foot, misery, confusion, and mutual distrust naturally arise." He also advised them to remember there was a Supreme, whom reason, gratitude, and their own interests prompted them to adore, and (as it was best to be on the safest side) to court his favor; that he was satisfied men who were born and bred in slavery, by which their spirits were broken, and thus made incapable of so generous a way of thinking; who, ignorant of their birth-right, and the sweets of liberty, dance to the music of their chains, which was, indeed, the case with the greater part of the inhabitants of the globe, would brand his generous crew with the invidious name of pirates, and think it meritorious to be instrumental of their destruction. Self-preservation, therefore, and not a revengful disposition, obliged him to declare war against all such as should refuse him the entry of their ports, and against all who should not immediately surrender to them what their necessities might require; but in a more particular manner against all European ships and vessels, concluding them implacable enemies. "And I do now," said he, "declare such war, and at the same time, recommend to you, my comrades, a humane and generous behavior towards your enemies; which will appear so much the more the effects of a noble soul, as we are satisfied we shall not meet the same treatment should our ill fortune, or more properly our disunion, or want of courage, give us up to their mercy."

After this a muster was made, and there were able hands, two hundred; sick and wounded, thirty-five. As they were mustered, they were sworn to be faithful in the discharge of every duty. After affairs were thus settled, they shaped their course for the Spanish West-Ind-

dies, but resolved on their way to take a week or ten day's cruise, in the westward passage from Jamaica, because most merchantmen, which were good sailors, and did not stay for a convoy, took this, being a shorter route to England.

Off St. Christopher they took an English sloop with their boats, it being becalmed. They took out of her two puncheons of rum, and half a dozen hogsheads of sugar. She was a New-England sloop, bound for Boston; and without offering the least violence to the men, or sloop, let her go. The master of the sloop was Thomas Butler, who said he never met with so candid an enemy, as the French man-of-war which took him the day on which he left St. Christopher. They met with no other booty in their way until they arrived at their station, when after three days they espied a sloop, which had the impudence to give the chase. Captain Misson asked what could be the meaning of the sloop's standing for them? One of the men who was acquainted with the West-Indies, told him it was a Jamaica privateer, and he should not wonder, if he clapped his men aboard. "I am," said he, "no stranger to their manner of working, and this despicable fellow, as those who don't know a Jamaica privateer, may call him, it is ten chances to one, will give you some trouble. It now grows towards evening, and you'll find, as soon as he has discovered your force, will keep out of the reach of your guns till the 12 o'clock watch is exchanged at night, and he'll then attempt to clap you aboard, hoping to carry you in the hurry; wherefore, captain, if you'll give me leave to advise you, let every man have his small arms, and at 12 o'clock let the bells ring as usual, and rather more noise than ordinary be made, as if one watch was turning in, and the other out, in a confusion and hurry, and I'll engage he'll venture to enter his men." The fellow's advice was approved and resolved upon, and the sloop worked just as he had said; for upon coming near enough to ascertain distinctly the force of the *Victoire*, on her throwing out French colors, she, the sloop, clapped upon a wind, and the *Victoire* gave chase, but without hopes of gaining upon her. She went so well to windward, that she could spare the ship some points in her sheet, and yet elude her; at dusk, the French had lost sight of her, but about 11 at night they saw her working upon their weather bow, which confirmed the sailor's opinion, that she would attempt to board them as she did, at the pretended change of the watch; there being little or no wind, she lashed to the bowsprit of the *Victoire*, and entered her men, who were very quietly taken, as they entered, and tumbled down the fore-hatch, where they were received by others and very quietly bound. Not one of the privateer's men was killed, few hurt, and only one of the Frenchmen wounded. The *Victoire*, seeing the better part of the sloop's crew secured, they boarded in their turn, when the privateersmen, suspecting some stratagem, were endeavoring to cut their lashes and get off. Thus the Englishman caught a Tartar. The prisoners being

all secured, Capt. Misson, through a desire to augment his number, charged his men not to discover their true character.

The next morning, Monsieur Misson called for the captain of the privateer, and told him, he could not but allow him to be a brave fellow, to venture upon a ship of his countenance, and for that reason he should meet treatment, which men of his profession seldom gave to the prisoners they made. He asked him how long he had been out, what was his name, and what he had on board? He answered, he had but just come out, that he was the first sail he had met with, and should have thought himself altogether as lucky, not to have spoken with him; that his name was Henry Ramsey, and that what he had on board were rags, powder, ball, and some few anchors of rum. Ramsey was ordered into the gun room, and a council was held, in the manner aforesaid. On their conclusion, the captain of the privateer was called in again, when Capt. Misson told him, he would return him his sloop, and restore him and his men to their liberty, without stripping or plundering them of any thing, but what prudence obliged him to, their ammunition and small arms, if he and his men would pledge themselves, not to go out on the privateers account in six months after they should leave him; that he did not design to continue on that station more than a week longer, at the expiration of which time he would let them go.

Ramsey, who had a new sloop, did not expect this favor, for which he thanked him, and with his men, pledged themselves punctually to comply with the injunction; although they did not intend to keep their oath. The time having expired, he and his men were put on board their own sloop. On leaving the ship, Ramsey desired Monsieur Misson to allow him powder for a salute, by way of thanks; but he told him the ceremony was needless, and he wanted nothing in return, but for him to keep his word.

On parting, Ramsey gave the ship three cheers, and Misson had the complaisance to return one, which Ramsey answered with three more, and then made the best of his way for Jamaica, and at the east end of the island, met with the *Dianna*, which upon advice, turned back.

The *Victoire* steered for Carthagenia, which port they cruised for some days, but meeting with nothing in those seas, they made for Porto Bello; in their way they met with two Dutch traders, who had letters-of-marque, and had just come upon the coast; the one had 20, and the other 24 guns; Misson engaged them, but they defended themselves with a great deal of resolution and gallantry; and as they were manned apeak, he durst not venture to board either of them, for fear of being at the same time boarded by the other. His weight of metal, however, gave him a great advantage over the Dutch, though they were two to one; besides, their business, as they had negroes, was to get off, if possible, wherefore they made a running fight, though they were careful to keep close together.

They maintained the fight for about six hours, when, Misson, enraged by their obstinacy, and fearing if by accident they should bring a mast by the board, and thus get from him, he was resolved to sink the larger ship of the two, and accordingly ordered his men to bring all their guns to bear a midship; then running close along side to raise their mettle. His orders being punctually obeyed, he poured in a broad-side, which opened such a gap in the Dutch ship, that she went directly to the bottom, and every man perished.

He then manned his bowsprit, brought his sprit-sail-yard fore and aft, and resolved to board the other, which the Dutch perceived, and being terrified at the unhappy fate of their comrades, thought a further resistance vain, and immediately struck. Misson gave them good quarters, though he was enraged at the loss of 13 men killed, besides 9 wounded, of whom 6 died. They found on board a great quantity of gold and silver lace, brocade, silks, silk stockings, bales of broad-cloth, osnaburgs, and baizes of all colors. A consultation being held it was resolved Capt. Misson should take the name of Fourbin, and return to Carthagenia, dispose of his prize, and set his prisoners on shore. Accordingly they plying to the eastward, and came to anchor between Boca Chicca fort, and the town, for they did not think it expedient to enter the harbor. The barge was manned, and Caraccioli, with the name of D'Aubigny, the first lieutenant who was killed in the engagement with the *Winchelsea*, and his commission in his pocket, went ashore with a letter to the governor, signed Fourbin, whose character, for fear of the worst, was exactly counterfeited. The purport of the letter was, that having discretionary orders to cruise for three months, and hearing that the English infested his coast, he had come in search of them, and had met with two Dutchmen, one of which he had sunk, and made a prize of the other. That his limited time having nearly expired, he should be obliged to his excellency if he would send on board him such merchants as would be willing to take the ship and cargo off his hands, of which he had sent the Dutch invoice. Don Joseph de la Zeida, the governor, received the lieutenant (who sent back the barge on landing) very civilly, and agreed to take the prisoners ashore, and do every thing that was required of him; and ordered fresh provisions and vegetables, to be got ready as a present to the captain; he sent for some merchants, who were very ready to go on board and agree for the ship and cargo, which they did for fifty-two pieces of eight. The next day the prisoners were sent on shore; a rich piece of brocade which was reserved, sent to the governor as a present, a quantity of provisions bought and brought on board, the money paid by the merchants, the ship and goods delivered, and the *Victoire*, at the dawn of the following day, got under sail. The reader may wonder how such despatch could have been made, but it must be remembered that the goods were sold by the Dutch invoice, which the merchant of the prize affirmed was genuine. I shall observe, by the by, that the *Victoire* was the French man-of-war

which Admiral Wager sent the *Kingston* in search of, and being afterwards falsely informed, that she was joined by another of 70 guns, and that they cruised together between the Capes, ordered the *Severn* up to windward, to assist the *Kingston*, which had liked to have proved very fatal; for these two English men-of-war, commanded by Captains Trover and Pudnor, who, meeting in the night, had prepared to engage, each taking the other for the enemy. The *Kingston's* men, not being on the alert, which must be attributed to the negligence of the officer of the watch, did not see the *Severn* till she was just upon them; but by good luck, making to the leeward, with all sail, they were able to clear themselves. This put the *Kingston* into such confusion, that when the *Severn* hailed, no answer was returned, for none heard her. She had got under the *Kingston's* stern, and Capt. Pudnor ordered to hail for the third and last time, and if no answer was returned, to give her a broadside. The noise on board the *Kingston*, being a little abated, and Capt. Trover, who was on the poop, with a speaking trumpet, to hail the *Severn*, by good luck heard her hail him, and answering, the *Kingston*, asked the name of the ship, thereby preventing the damage.

They cruised together some time, but finding nothing which answered to their information, returned to Jamaica. I shall now return to my subject, begging pardon for this, which I considered a necessary, digression.

Don Juan de la Zeida, sent a letter to the captain, informing him, that the *St. Joseph*, a galleon of 70 guns, was then lying at Porto Bello, and should be glad if he would accompany her until she was off the coast. That she would sail in eight or ten days for Havanna, and that, if his time would permit, he would send an advice-boat. That she had on board 800,000 pieces of eight, in silver and bar gold. Misson returned answer, that he believed he should be excused if he stretched his orders, for a few days; and that he would cruise off the Isle of Pearls, and Cape Gracias a Dios, and give for the signal to the galleon, the spreading of a white ensign in his fore-top-mast shrouds, cluing up his fore-sail, firing one gun to windward, and two to leeward; which he should answer by letting run, hoisting his fore-top-sail three times, and firing as many guns to leeward. Don Joseph, being highly pleased with his compliance, sent a boat expressly to advise the *St. Joseph*, but she had already sailed two days, contrary to the governor's expectation, which news Capt. Misson received from the boat as it was returning, just as he was about to leave. It was then resolved to sail for the *St. Joseph*, and accordingly steered for Havanna, but by what accident they did not overtake her, is unknown. I had forgotten to tell my readers that on board the Dutch ship were fourteen French hiegonots, whom Misson thought fit to detain. When they were at sea, he called them up, and proposed taking them on; telling them at the same time, he left it to them to chose, for he would have no forced men; and that if they all, or any one of them disap-

proved the proposal, he would either give them the first vessel he met with, that was fit for them, or set them ashore on some inhabited coast; and bade them take two days for consideration, before they returned an answer; and, to encourage them, he called up all hands, and declared that, if any man repented of the course of life he had chosen, his just dividend should be given him, and he would set him ashore, either near Havanna, or some other convenient place; but no one accepted the offer, and the fourteen prisoners unanimously resolved to join them; to which resolution, no doubt, the hopes of a good booty from the *St. Joseph*, and this offer of liberty, greatly contributed.

At the entrance of the Gulf, they spied and came up with a large merchant ship, bound for London, from Jamaica; she had 20 guns, but no more than 32 men, so that it is not to be wondered at, she made no resistance; besides she was deeply laden with sugars. Captain Misson took out of her what ammunition she had, about four hundred pieces of eight, some puncheons of rum, and ten hogsheads of sugar; and, without doing her any other damage, let her proceed on her voyage. What he valued most was the men he got, for she was carrying to England twelve French prisoners, two of whom were necessary hands, being a carpenter and his mate. They were from Bourdeaux, whence they came in the *Pomechatraine*, which was taken by the *Mermaid* off *Petit-Guave*, after an obstinate resistance, in which they lost 40 men. These men came very willingly into Misson's measures. Having been stripped to the skin, they begged leave to make reprisals, but the captain would not suffer them, though he told the prize, as he protected him and his men, he thought it reasonable these French should be clothed; upon this the master contributed of his own, and every man brought up his chest, thinking himself very well off in sharing the half with them.

Though Misson's ship passed for a French man-of-war, yet his generosity in letting the prize go, gave the English grounds to doubt the truth, neither the ship or cargo being of use to such as were on the grand account.

When they had lost all hopes of the *St. Joseph*, they coasted along the north side of Cuba, and the *Victoire* growing foul, they ran into a land-locked bay, on the E. N. E. point, where they hove her down by boats and guns, though they could not pretend to heave her keel out; however, they scraped and tallowed as far as they could go; they, for this reason, many of them, repented that they had let the last prize go, by which they might have careened. When they had righted the ship and placed every thing on board, they consulted upon what course it would be best to steer. Upon this the council were divided. The captain and Caraccioli, were for stretching over to the African; and the others for the New England coast, alleging, that the ship had a foul bottom, and was not fit for the voyage; and that if they met with contrary winds, and bad weather, their stock of provisions might fall short; and that as they were not far from the English settlement of

Carolina, they might either on that or on the coast of Virginia, Maryland, Pennsylvania, New-York, or New-England, intercept ships which traded to the islands with provisions, and by that means provide themselves with bread, flour, and other necessaries. An account of the provisions was taken, and finding they had provisions for four months, Captain Misson called all hands upon deck, and told them, as the council was divided in respect to what course they should steer, he thought it reasonable to have it put to the vote of the whole company. That for his part, he was for the coast of Guinea, where they might reasonably expect to meet with valuable prizes; but should they fail in their expectation one way, they would be sure of having it answered in another; for they could then throw themselves into the way of the East-India ships, and he need not tell them, that the outward bound drained Europe of what money they drew from America. He then gave the statements of those who were against him, and their reasons, and begged that every one would give his opinion, and vote as he thought most conducive to the good of all. That he should be far from taking it ill if they should reject what he had proposed, since he had no private interest to secure. The majority of the votes fell on the captain's side, and they accordingly shaped their course for the coast of Guinea, in which voyage nothing remarkable happened. On their arrival on the gold-coast, they fell in with the *Nieuwstadt*, of Amsterdam, a ship of 18 guns, commanded by Capt. Bleas, who made a running fight of five glasses; this ship they kept with them, putting on board 40 hands, and bringing all the prisoners on board the *Victoire*, who were 48 in number.

The *Nieuwstadt* had some gold dust on board, to the value of £2000 sterling, and a few slaves to the number of seventeen, for she had but just began to trade; the slaves were a strengthening of their hands, for the captain ordered them to be clothed out of the Dutch marines' chests, and told his men, "That the trading for those of their own species, could never be agreeable to the eyes of divine justice; that no man had power over the liberty of another; and while those who professed a more enlightened knowledge of the deity, sold men like beasts, they proved their religion was no more than grimace, and that they differed from the barbarians in name only; for his part, (and he hoped he spoke the sentiments of all his brave companions,) he had not exempted his neck from the galling yoke of slavery, and asserted his own liberty, to enslave others. That however these men differed from the Europeans, in color, customs, or religious rites, they were the work of the same Creator, and endowed with equal reason; wherefore, he desired they might be treated like freemen, (for he would banish even the name of slavery from among them;) he divided them into messes, to the end they might sooner learn their language, be sensible of the obligation they were under, that they might the more zealously defend that liberty they owed to their justice and humanity."

The speech of Misson was received with general applause, and the ship rung with "Vive le Captain Misson."—Long live Capt. Misson. The negroes were divided among the French, one to a mess, who, by their gesticulations, shewed their gratitude for being delivered from their chains. Their ship having grown foul, and going heavily through the water, they ran into the river Legao, where they hove her down, and took out such planks as had suffered most by the worms, and substituted new in their room.

Afterward they careened the prize, and put out to sea, steering a southerly direction. All this while, the strictest decorum and regularity had been observed on board the Victoire; but the Dutch prisoners' example was beginning to lead them into profanity and drunkenness, which the captain observing, thought best to nip in the bud; and calling both the French and Dutch upon deck, and addressed himself to the latter, desiring their captain, who spoke good French, to interpret what he said to those who did not understand him. He told them, "before he had the misfortune of having them on board, his ears were never greeted by hearing the name of the great Creator profaned, though, (to his sorrow,) he had since often heard his own men guilty of a sin which administered neither profit or pleasure, and might draw upon them a severe punishment; that we so easily take impressions from one another, that the Spanish proverb says, 'Let a thief and a hermit live together, and the thief would either become a hermit, or the hermit a thief;' that he saw this verified in his crew; for he could attribute the oaths and curses he had heard, among his brave companions, to nothing but the odious example of the Dutch; that this was not the only vice they had introduced, for before they were on board, his men were men, but he found by their beastly pattern they degenerated into brutes, by drowning that only faculty which distinguishes between man and beast, *reason*. That as he had the honor to command them, he could not see them run into these odious vices without a sincere concern, as he had a paternal affection for them; and he should reproach as neglectful of the common good, if he did not admonish them; and by the post with which he had been honored, he was obliged to have a watchful eye over their general interest; he was obliged to tell them his sentiments were, that the Dutch allured them to a dissolute way of life, that they might take some advantage over them; wherefore, as his brave companions, (he was assured,) would be guided by reason, he gave the Dutch notice, that the first whom he caught either with an oath in his mouth, or liquor in his hand, should be brought to the geers, whipped, and pickled, for an example to his companions; as for his friends, his companions, his children, those gallant, noble, and heroic souls, he had the honor of commanding, he entreated them to allow a small time for reflection, and to consider how little pleasure and how much danger, might flow from imitating the vices of their enemies; and that they would, among themselves, make a law for the

suppression of what would otherwise estrange them from the Source of life, and consequently leave them destitute of His protection."

It is not to be imagined what efficacy this speech had on both nations; the Dutch grew continent in fear of punishment, and the French in fear of being reproached by their good captain, for they never mentioned him without this epithet. Upon the coast of Angola they met with a second Dutch ship, the cargo of which consisted of silk and woollen stuffs, cloth, lace, wine, brandy, oil, spice, and hardware; the prize gave chase and engaged her, but upon the coming up of the *Victoire*, she struck. This ship opportunely came in their way, and gave full employ to the tailors, who were on board, for the whole crew began to be out at the elbows; they plundered her of what was of use to their own ship, and then sunk her.

The captain having about ninety prisoners on board, he proposed giving them the prize, with what was necessary for their voyage, and sending them away; which being agreed to, they shipped her ammunition on board the *Victoire*, and giving them provisions to carry them to the settlements the Dutch have on the coast. Misson called them up, told them what was his design, and asked them if any of them were willing to share his fortune; eleven joined him, two of whom were sail-makers, and an armourer, and one a carpenter; the rest he let go, not a little surprised at the regularity, tranquillity, and humanity of these new fashioned pirates.

They had now run the length of the Saldenah Bay, about ten leagues to the northward of Table Bay. As there was good water, safe riding, plenty of good fish and fresh provisions to be got of the natives for the merchandise they had on board, it was resolved to stay there some time for refreshment. When they had the bay open, they spied a tall ship, which immediately got under sail, and hove out English colors. The *Victoire* made a clear ship, and hove out her French ensign; a smart engagement then began.

The English was a new ship, built for 40 guns, though she had but 32 mounted, and 90 hands. Misson gave orders for boarding, and the number of fresh hands he constantly poured in, after an obstinate resistance, obliged the English to fly the decks, and leave the French masters of their ship, who promised and gave them good quarters, and stripped not a man.

They found on board the prize some bales of broadcloth, and about £60,000 in English crown pieces, and Spanish pieces of eight. The English Captain was killed, and 14 of his men in the engagement; the French lost 12, which was no small mortification, but did not provoke them to use their prisoners harshly. Capt. Misson caused their commander, whose death he regreted, to be buried on the shore, and a stone to be raised over his grave, with this inscription: "*Icy gist un brave Anglois.*"—Here lies a brave Englishman. When he was buried, he made a tripple discharge of fifty small arms, and fired minute guns.

The English, knowing into whose hands they had fallen, and charmed with Misson's humanity, thirty of them, in three days, desired to join him. He accepted them, and at the same time gave them to understand, that in joining him they need not expect they should be indulged in a dissolute or immoral life. He now divided his company between the two ships, and made Caraccioli captain of the prize, giving him officers chosen by the public suffrage. The seventeen negroes began to understand a little French, and to be useful hands, and in less than a month, all the English prisoners, except their officers, joined him.

They had now two ships well manned with resolute fellows; they now doubled the cape, and made for the south end of Madagascar, and one of the Englishmen telling Capt. Misson, that the European ships bound for Surat, commonly stopped at the Island of Johanna, he sent for Capt. Caraccioli on board, and it was agreed to cruise off that island. They accordingly sailed on the west side of Madagascar, and off the bay of Diego. About half seas over, between that bay and the island of Johanna, they came up with an English East-India-man which made signals of distress as soon as they spied Misson and his prize; they found her sinking under an unexpected leak, and took all her men on board, though they got little from her before she went down. The English who were thus miraculously saved from perishing, desired to be set on shore at Johanna, where they hoped to meet with either an English or Dutch ship in a little time, and in the mean while be sure of relief.

They arrived at Johanna, where they were kindly received by the Queen-Regent and her brother, on account of the English on the one hand, and their strength on the other, for the Queen's brother, who had the administration of affairs, was not able to suppress the King of Mohila, who threatened him with a visit.

This is an island which is contiguous, in a manner, to Johanna, and lies about north west by north from it. Caraccioli told Misson he might make it to his advantage to mend the breach between these two little monarchies, and by offering his assistance to that of Johanna, in a manner rule both; for these would court him as their protector, and those come to any terms to buy his friendship, by which means he would hold the balance of power between them. He followed this advice, and offered his assistance to the queen, who readily accepted it.

I must inform the reader, that many of the inhabitants of these islands speak English, and that the Englishmen who were of Misson's crew, and his interpreters, told them, their captain, though not an Englishman, was their friend and ally, and a friend and brother to the Johannamen, for they esteemed the English above all other nations.

They were supplied by the Queen with all the necessaries of life, and Misson married her sister, as Caraccioli did her brother's daughter, whose armory, which consisted before of two rusty fire-locks, and three pistols, he furnished with thirty fusils, as many pair of pistols, and gave him two barrels of powder, and four of ball.

Several of their men took wives, and some required their share of the prizes, which was justly given them, they designing to settle in this island; but the number of them did not exceed ten, which loss was repaired by thirty of the crew they had saved from perishing, joining them.

While they passed their time in all manner of diversions the place could afford them, as hunting, feasting, and visiting the islands, the King of Mohila made a descent, and alarmed the whole country. Misson advised the Queen's brother not to give him any impediment, but let him get into the heart of the island, and he would take care to intercept their return; but the prince answered, should he follow this advice, the enemy would do him and his subjects an irreparable injury, by destroying his cocoa walks, and for that reason he must endeavor to stop their progress. Upon this answer Misson asked the English who were under his command, if they were willing to join him in repelling the enemies of their common host, and one and all consenting, he gave them arms, and mixed them with his own men, and about the same number of Johannians, under the command of Caraccioli and the Queen's brother, and manning out all his boats, he went himself to the westward of the island, where they made the descent. The party who went by land, fell in with, and beat the Mohilians with the greatest ease, who were in the greatest consternation to find their retreat cut off by Misson's boats.

The Johannians, whom they had often molested, were so enraged, that they gave quarter to none, and out of three hundred who made the descent, (if Misson and Caraccioli had not interposed,) not a soul would have escaped; 113 were taken prisoners by Misson's men, and put on board his ships. These he sent safe to Mohila, with a message to the King, desiring him to make peace with his friend and ally, the King of Johanna; but the prince, little affected by the service done him in the preservation of his subjects, sent him word, he took laws from none, and that he knew when to make war and peace, without his advice, which he neither asked nor wanted. Misson, irritated by this rude answer, resolved to transfer the war into his own country, and accordingly set sail for Mohila, with about 100 Johannamen. The shore in sight of the ships, was filled with men to hinder their landing, but the great guns soon dispersed this rabble, and under their cover he landed 100 Johannians, and an equal number of French and English. They were met by about 700 Mohilians, who intended to stop their progress, but their darts and arrows were of little avail against Misson's fusils; the first discharge made a great slaughter, and about 20 shells which were thrown among them, put them to a confused flight. The party of Europeans and Johannians then marched to their metropolis, without further resistance, which they reduced to ashes; and the Johannians cut down all the cocoa walks they could for the time, for towards evening they returned to their ships, and stood to sea.

On their return to Johanna, the queen made a festival, and magnified greatly the bravery of her guests, friends and allies. The feast lasted four days, at the expiration of which time the queen's brother proposed making another descent, in which he would go in person, and did not doubt subjecting the Mohilians; but this was not Misson's design, for he had thought of fixing a retreat upon the N. W. side of Madagascar, and looked upon the feuds between these two islands as advantageous to his plans, and therefore no way for his interest to suffer one to overcome the other; for while the variance was kept up, and their forces nearly equal, it was evident their interest would make both sides caress him; he therefore answered that they ought to deliberate upon the consequences, for they might be deceived in their hopes, and find the conquest less easy than they imagined. That the king of Mohila would be more upon his guard, and not only intrench himself, but gall them with frequent ambuscades, by which they must invariably lose a number of men; and, if they were forced to retire with loss, it would raise the courage of the Mohilians, and make them irreconcilable enemies to the Johannians, and entirely deprive him of the advantages with which he might now make a peace, having twice defeated them: that he could not always remain with them, and at his leaving he might expect the king of Mohila, would endeavor to take a bloody revenge for the damages he had lately received. The queen accorded perfectly with Misson's sentiments.

While these things were in agitation, four Mohilians arrived, as ambassadors to propose a peace. Finding the Johannians on high terms, one of them spoke to this purpose:—"O ye Johannians! do not conclude from your late success, that fortune will be always favorable; she will not always give you the protection of the Europeans, without whose help it is possible you might now sue for peace with us, as we now do to do with you. Remember the sun rises, comes to its meridian height, and stays not there, but declines in a moment. Let this admonish you to reflect on the constant revolution of all sublunary affairs, and the greater is your glory, the nearer you are to your declension. We are taught by every thing we see, that there is no stability in the world but nature is in a continual change. The sea, which o'erflows the sands, has its bounds set, which it cannot pass, which the moment it has reached, without abiding, returns again to the bosom of the deep. Every herb, every shrub, every tree, and even our own bodies, teach us this lesson, that nothing is durable, or can be depended upon. Time passes away insensibly; one sun follows another, and brings its changes with it. The king of day, now sees you strengthened by these Europeans, and elate with victory, and we, who have been used to conquer, now come to sue for peace. To-morrow's sun may see you deprived of your present succors, and the Johannians petitioning us: therefore as we cannot say what to-morrow may bring forth, it would be unwise on uncertain hopes, to forego a certain advantage, as surely peace ought to be esteemed by every wise man."

Having said this, the ambassadors withdrew, and were treated by the Queen's orders. After the council had concluded, they were again called upon, and the Queen told them, that by the advice of her good friends, the Europeans, and her council, she agreed to make peace, which she hoped might banish all former injuries from the mind: that they must own the war was commenced by themselves, and that she was far from being the aggressor: she had only defended herself in her own kingdom, which they had often invaded, though, until within a few days, she had never molested their coast. If then they really desired to live amicably with her, they must pledge themselves, to send two of the King's children, and ten of the first nobility, as hostages: that they might, when they pleased, return: these were the only terms on which she would desist from pursuing the advantages she had acquired, with the utmost vigor.

The ambassadors returned with this answer to their King, and about ten days after, the two ships being upon their coasts, they sent notice, that their King complied with the terms proposed, would send the hostages, and desired a cessation of all hostilities, and, at the same time, invited their commanders on shore. The Johannamen on board dissuaded their accepting the invitation; but Misson and Caraccioli, fearing nothing, went; but armed their boat's crew. They were received by the King with demonstrations of friendship, and they dined with him under a tamarind tree. But when they were returning to their boats, they were surrounded by at least a hundred of the Mohilians, who rushed upon them with the utmost fury, and, by the first flight of arrows, wounded both captains, and killed four of their crew, which left them with only as many more. They, in return, discharged their pistols with some execution, and wielded their cutlasses with the utmost dexterity; but all their bravery would have been of little avail, had not the report of their pistols been heard by the rest of their friends, who hastened to their assistance, took their fusils, and coming up while they were engaged, discharged a volley on the back of their assailants, which laid twelve of them dead on the spot. The men on board the ships hearing this fire, sent immediately the yawls, and long-boats well manned. Though the islanders were a little damped in their courage by this fire of the boat's crew, yet they did not give over the fight, and one of them desperately threw himself upon Caraccioli, and gave him a deep wound in the side, with a long knife; but he paid for the rashness of the attempt with his life, one of the crew cleaving his skull. The yawls and long-boats had now arrived, and being guided by the noise, joined their companions, put the traitors to flight, and carried off their dead and wounded. The Europeans lost by this treachery, seven slain in the battle, and eight wounded, six of whom recovered. The crew were resolved to revenge the blood of their officers and comrades the next day, and were accordingly on the point of landing, when two canoes came with two men bound, the pretended authors of this treason, without the King's knowledge, who

had sent them that they might receive the punishment due to their villainy. The Johannamen on board, were called for interpreters, who having given this account, added, that the King only sacrificed these men, but that they should not believe him, for he certainly had given orders for assassinating the Europeans; and the better way was to kill all the Mohilians who came in the canoes, as well as the two prisoners; then go to Johanna, take more of their countrymen, and give no peace to traitors; but Misson was for no such violent measures; he was averse to any thing that bore the face of cruelty, and thought a bloody revenge, if necessity did not enforce it, spoke a grovelling, and timid soul; he therefore sent those of the canoes back, and bade them tell their King, if before evening he sent the hostages agreed upon, he should give credit to his excuse; but if he did not he should consider him the author of the late vile attempt on his life.

The canoes went off, but did not return with an answer; wherefore he bade the Johannamen tell the two prisoners, that they should be set on shore the next morning, and ordered them to acquaint their King, he was no executioner to put those to death whom he had condemned, but that he should find he knew how to revenge himself of his treason. The prisoners being unbound, threw themselves at his feet, and begged that he would not send them ashore, for they would surely be put to death, for the crime they had committed, which was, dissuading the barbarous action of which they were accused as the authors.

The next day, the two ships landed 200 men, under the cover of their cannon; but that precaution of bringing their ships close to shore they found needless: not a soul appearing, they marched leagues up the country, when they saw a body of men behind some shrubs. Carraccioli's lieutenant, who commanded the right wing, with fifty men, made up to them, but found he had got among pit-falls, artificially covered, several of his men falling into them, which made him halt, and not pursue those Mohilians, who made a faint retreat to ensnare him, thinking it dangerous to proceed farther; and seeing no enemy would face him, they retired the same way they came, and getting into their boats, went on board the ships, resolving to return with a strong reinforcement, and make descents at the same time at different parts of the island. They asked the two prisoners how the country lay, and what the soil was on the north side of the island; who said it was morass, and the most dangerous part to attempt, it being a place where they shelter in very imminent danger.

The ships returned to Johanna, where the greatest attention and care was shown for the recovery of the captains and their men; they lay six weeks before they were able to walk on deck, for neither of them would quit their ship. Their Johanna wives expressed a concern they did not think them capable of; the wife of one of the wounded men who died, stood some time looking upon it as motionless as a statue, then embracing it, without shedding a tear, desired to take it

ashore, that she might wash and bury it; and at the same time, by an interpreter, begged her late husband's friends would take their leave of him the next day.

Accordingly a number went ashore, carrying with them the dividend which was his share, which the captain ordered to be given to his widow; when she saw the money, she smiled, and asked if it was all for her? Being answered in the affirmative, she said, "what good will all that shining dirt do me? If I could with it purchase the life of my husband, and call him back from the grave, I would accept it with thankfulness; but as it is not sufficient to allure him back to the world, I have no use for it; do with it what you please." She then desired them to go with her to perform the last ceremonies to her husband's dead body, after the manner of his country, lest he should be displeased; that she could not stay with them, to be a witness, because she was in haste to go and be married again. She surprised the Europeans, when they heard this latter part of her speech, so dissonant from the beginning; however, they followed her and she led them into a plantain walk, where they found a great number of men and women, sitting under the shade of plantains, around the corpse; which lay (as they all set) on the ground, covered with flowers. She embraced them all; one by one, and then the Europeans in the same manner; she then poured out the most bitter imprecations against the Mohilians, whose treachery had darkened her husband's eyes, and made him insensible to her caresses, who was her first love, to whom she had given her heart, and her virginity. She then extolled him to the highest, calling him the joy of infants, the love of virgins, the delight of the old, and the friend of all, adding, he was strong and beautiful as the cedar, brave as a lion, tender as a kid, and loving as a turtle dove. Having finished this oration, she laid herself down by the side of her husband, and embraced him, then sitting up again, pierced herself to the heart with a bayonet, and fell dead by her husband's corpse.

After the husband and wife were buried, the crew returned on board, and gave an account of what had passed; the captains' wives (for Misson and his wife were on board the *Bijoux*, the name they had given their prize make and gilding) seemed not in the least surprised; and Caraccioli's wife said, "she must have been of noble descent, for none but the nobility had the privilege allowed them of following their husbands, on pain, if they transgressed, of being thrown into the sea, to be eaten by the fish; and they knew that their souls could not rest, as long as any of the fish, which fed upon them, were alive. Misson asked them if they intended to have done the same thing had they died? "We should not," said his wife, "have disgraced our families; nor is our love to our husbands inferior to hers whom you so much admire."

After their recovery, Misson proposed to cruise on the coast of Zanguebar, which being agreed to, they took leave of the Queen and her brother, and would have left their wives on the island, but they could

by no means be induced to the separation : it was in vain to urge the shortness of the time they were to cruise ; they answered, that it was farther than Mohila they intended to go, and if they would not allow them to accompany them, they must not expect to see them on their return, if they intended one.

They were obliged to yield to their entreaties ; but told them, if the wives of their men should insist as strongly on following their example, their tenderness would be their ruin, and make them a prey to their enemies ; they answered, the Queen should prevent that, by saying, that no woman should go on board, and if any were in the ships, they should return on shore ; this order was accordingly made, and they set sail for the river Mozambique. In about ten days after they had left Johanna, and about fifteen leagues to the westward of the river, they fell in with a stout Portuguese ship of sixty guns, which engaged them from day-break, till two o'clock in the afternoon ; when the captain having been killed, and a great number of men lost, she struck ; this proved a very rich prize, for she had on board gold dust, to the amount of £250,000 Sterling. The women never quitted the decks during all the time of the engagement, neither gave they the least mark of fear, but for their husbands.

This engagement cost them thirty men, twenty of whom were English ; the loss of the Portuguese amounted to nearly sixty men ; during the battle, Caraccioli lost his right leg, which, together with their wounded, caused them to make the best of their way for Johanna, where the greatest care was taken of their wounded, not one of whom died, their number amounting to twenty-seven.

Caraccioli kept his bed for two months ; but Misson, seeing him in a fair way of recovery, (took what hands could be spared from the *Bijoux*, leaving her sufficient for defence,) and went out, having mounted ten of the Portuguese guns, for he had hitherto but thirty, though he had ports for forty. He steered for Madagascar, and coasted along this island as far as the most northern point, then turning back, he entered a bay to the northward of Diego Suares. He ran ten leagues up this bay, and on the larboard side found it to afford a large and safe harbor, with plenty of fresh water. He then cast anchor and went ashore, that he might examine into the nature of the soil, which he found rich, with a wholesome air, and the country level. He told his men that this was an excellent place for an asylum, and that he determined here to fortify and raise a small town, and make docks for shipping, that they might have some place to call their own ; and when age, or wounds, had rendered them incapable of enduring hardships, might be a receptacle, where they might enjoy the fruits of their labor, and go to their graves in peace ; that he would not, however, commence this, without the approbation of the whole company ; and were he sure they would all approve of this design, which he hoped they would, it being evidently for the general good, he should not think it advisable to begin any works, till they should return from Johanna,

least the natives, during their absence, should destroy them ; but as they were unemployed, if they were of his opinion, they might begin to fall and square timber, to be ready for the raising of a wooden fort, when they should return with their companions.

The captain's views were universally applauded, and in ten days, they felled and hewed a hundred and fifty trees, without any interruption from the natives, one of whom they did not see. They felled their timber at the water's edge, which saved much time and labor. They then returned to Johanna, and acquainted their companions with what they had seen and done, and with the captain's resolution, to which they one and all readily agreed.

Captain Misson then told the Queen, as he had been serviceable to her in the war with the Mohilians, and might be of farther use, he did not question her lending him three hundred men to help him in colonizing himself upon the island of Madagascar. The Queen answered she could do nothing without consent of council ; and that she would assemble her nobility, and did not doubt their agreeing to any thing he could reasonably desire, for they were sensible of the very great obligations the Johannians were under to him. The council was accordingly called, and Misson's demand presented, when one of the eldest arising said, he did not think it expedient to comply, nor safe to refuse ; that they should by complying help to raise a power that might prove formidable to themselves, that these men who had lately protected them, might, when they found it for their interest, enslave them. On the other hand, if they did not comply, they had the power to do them great injury ; that of two evils, they were to chose the least, for he could prognosticate no good to Johanna, from their settling near them. Another answered, that many of them had Johanna wives ; that it was not likely they would make enemies of the Johannians at first, because their friendship might be of service to them ; and that from their children there was nothing to be feared, as they would be half their own blood ; that if they complied, they might be sure of an ally and protector against the Mohilians ; wherefore, he should think it advisable to comply with the request.

After a long debate, in which every inconvenience and advantage was maturely considered, it was agreed to send with him the number of men desired, on condition he would send them back in four moons, make an alliance with them, and war against Mohila. This being agreed to, they put the Johannians on board the Portuguese ship, with forty French and English, and fifteen Portuguese to work her ; they set sail, and arrived at their place of destination, which Misson called Libertatia, and to the people that of Liberi, desiring in that, might be drowned the distinguishing names of French, English, Dutch, Africans, &c.

They in the first place, commenced raising a fort on each side of the harbor, which they made of an octagon figure, and having finished it, they mounted forty guns, taken from the Portuguese ship, and then

began to raise houses and magazines, under the protection of their forts and ships; the Portuguese was unrigged, and all her sails and cordage carefully laid up. While they were very busily employed in raising the town, a party which had often explored the country four or five leagues from their settlement, resolved to venture farther into the country. They accordingly erected huts, about four leagues from their companions, and travelled E. S. E. about five leagues farther into the country, when they came up with a black, who was armed with a bow and arrows; they, with a friendly appearance, persuaded the fellow to lay aside his fears, and go with them. They took him to their companions, and entertained him three days with a great deal of humanity, and then returned with him nearly to the place where they found him, and made him a present of an axe, and a piece of scarlet baize. He appeared overjoyed at the present, and left them with seeming satisfaction.

The hunters imagined there might be a village not far distant, and observing that he looked at the sun, and took his way directly south, they travelled in the same direction, and from the top of a hill they spied a large village, and went down to it; the men came out armed as before described, with bows, arrows, and javalines; but upon two only of the whites advancing, with presents of axes and baize in their hands, they sent only two to meet them. The misfortune was, that they could not understand each other; but by their pointing to the sun and holding up one finger, and pointing to heaven with one finger, they apprehended they gave them to understand there was but one God, who had sent one prophet, they concluded from thence, and their circumcision, they were Mahometans. These presents were carried to their chief, and he seemed to receive them kindly, and by signs invited them into their village; but they, remembering the late treachery of the Mohilians, made signs for victuals to be brought them where they were.

N. B. The remainder of Misson's life, will be found incorporated with that of Captain Tew.

CAPTAIN JOHN BOWEN,

THE PIRATE.

THE exact time of this person commencing his piracies I have not been able to ascertain. We find him cruising on the coast of Malabar in the year 1700, commanding a ship called the *Speaker*, whose crew consisted of men of all nations; and their piracies were committed upon the ships of all nations. The pirates met with no manner of inconveniencies in carrying on their designs, for it was made so much a trade, that the merchants of one town never scrupled buying the commodities taken from another, though not more than ten miles distant, furnishing at the same time the robbers, with all the necessaries of their ships.

Among the rest, an English East Indiaman, Capt. Coneway from Bengal, fell into their hands near *Callequilon*. They carried her in, and put her up for sale, dividing ship and cargo, into three shares; one third was sold to a merchant, a native of *Callequilon*, one third to a merchant of *Pereu*, and the other to one *Malpa*, a Dutch factor.

Loaded with the spoils of this and several county ships, they left the coast, and steered for *Madagascar*, but in their voyage thither, meeting with adverse winds, and being negligent in their steering, they ran upon *St. Thomas' reef*, at the island of *Mauritius*, where the ship was lost; but *Bowen*, and most of the crew were saved.

They met with all the civility, and good treatment imaginable. *Bowen* was complimented in a particular manner by the Governor, and splendidly entertained at his house; the sick men were got into the fort, and cured by their doctor, and no supplies of any sort were wanting for the rest. They remained here three months, but yet resolving to settle at *Madagascar* they bought a sloop, which they converted into a brigantine, and about the middle of march, 1701, departed, having first taken a formal leave of the Governor, by making him a present of 25 00 pieces of eight; leaving him, besides, the wreck of their ships, with the guns, stores, and every thing else that was saved. The Governor in return, supplied them necessaries for their voyage which was but short, and gave them a kind invitation to make that island a place of refreshment, promising that nothing should be wanting to them which his island afforded.

Upon their arrival at *Madagascar*, they landed at a place on the east side, called *Maritan*, quitted their vessel, and settled in a fruitful plain, by the side of a river. They built a fort at the mouth of the river towards the sea, and a small one on the other side towards the country; the first to prevent a surprise from shipping, and the latter as a security from the natives, many of whom were employed in building. They

also built a small town for their habitation, which took the remainder of the year, 1701.

When this was done they soon became dissatisfied with their new situation, having a longing desire for their old employment, and accordingly resolved to fit up the brigantine they had from the Dutch at Mauritius, which was laid in a cove near their settlement; but by an accident, which they improved, they were provided for in a better manner, and saved much trouble.

It happened that about the beginning of the year 1702, a ship called the Speedy Return, belonging to the Scotch, Africa, and East India company, Capt. Drummond, came into the port of Mauritan in Madagascar, with a brigantine that belonged to her; they had previously taken in negroes at St. Mary's, a little island adjoining that of Madagascar, and carried them to Don Mascarenhas from whence they sailed to this port on the same trade.

On the ship's arrival, Capt. Drummond, with Andrew Wilky, his surgeon, and several others of the crew, went ashore; in the mean time John Bowen, with four of his comrades, went off in a small boat, with the pretence of buying some of their merchandise brought from Europe; and finding a fair opportunity, there being but four or five hands upon deck, and the rest at work in the hold, they threw off their masks, each drew his pistol, and told them they were all dead men, if they did not retire that moment to the cabin. The surprise was sudden, but they thought it best to comply; one of the pirates placed himself sentry at the door, and the rest immediately laid the hatches, and gave the signal agreed upon, to their companions on the shore; upon which, about forty, or fifty came on board and took quiet possession of the ship, and afterwards the brigantine without bloodshed, or striking a stroke. Bowen was (or rather made himself) captain; he detained the old crew, burnt the Dutch brigantine, it being of no use to them, cleansed the ship, took the water, provisions and other necessaries wanted, and made ready for new adventures.

The night after they left Maritan, the brigantine ran upon a rock off the west side of the island of Madagascar, which not being perceived by the ship, went into Mascarenhas without her, not knowing where she might be. Here they stayed eight or ten days, in which time they supplied the ship with provisions, and then sailed for Mauritius; but the pirates seeing four or five ships in the N. W. harbor, thought themselves too weak to make an attack; consequently they stood for Madagascar again, and arrived safe, first at Port Dauphin, and then at Augustine Bay. In a few days the Content brigantine, (which they supposed to have been lost, or revolted their honorable service,) came into the same bay, and informed them of the misfortune which had befallen them. The rogues were glad, no doubt, to see one another again, and having called a council, they found the brigantine in no condition for business, being very leaky; therefore

she was condemned, and forthwith hauled ashore and burnt ; the crew united, and all went on board the Speedy Return.

At this place the pirates were made acquainted, by the negroes, of another gang, which had settled for some time not far from the harbor; and had one Howard for their captain. It was the misfortune of an India ship called the Prosperous, to come into the bay at a time that these rogues were looking out for employment ; who, under the pretence of trading, (almost in the same manner that Bowen and his gang had seized the Speedy return,) made themselves masters of her, and sailed with her to New Mathelage. Bowen and his gang, consulted upon this intelligence, and concluded it was most for their interest to join in alliance with this new company, than to act single, they being too weak of themselves to undertake any considerable enterprize, remembering how they were obliged to bear away from the island of Mauritius, when they were in search of the Book galley, which they might have taken with several others, if they had had, at that time, a consort of equal force with their own ship.

They accordingly set sail from the bay, and came into New Mathelage, but found no ship there, though upon enquiry, they found that the pirate they looked for, had been at that place, but was gone ; so after some time they proceeded to Johanna, but the Prosperous not being there, they sailed to Mayotta, where they found her lying at anchor. This was about Christmas, 1702.

Here these two powers formed an alliance, which was ratified by both companies. They staid about two months at this island, thinking it as likely a place as any to meet with prizes, and such it proved to be ; for about the beginning of March, the ship Pembroke, belonging to an East-India company, coming in for water, was boarded by their boats and taken.

The two pirate ships weighed, and went out to sea, along with their prize, and that day and the next plundered her of the best part of her cargo, provisions and stores, and then taking the captain and carpenter away, they let the Pembroke go where the remainder of the crew pleased, and came with their ships into New Mathelage. Here the two captains consulted, and concluded to take a cruise to India ; they detained Captain Woolley, of the Pembroke, in order to be their pilot in those parts ; but a hot dispute arose between the two companies, which ship he should go aboard of, insomuch that they would have gone by the ears, if an expedient had not been found to satisfy both parties, which was to murder the poor man ; but at last, by the authority of Captain Bowen, Woolley escaped the threatened danger, by bringing his company to consent to his remaining on board the Prosperous, where he then was.

The speedy return being foul, and wanting a little repair, it was judged proper for her to return to Augustine Bay, to clean ; in the mean time the Prosperous was to have a pair of boot-tops where she

lay, and likewise to take in water, and provisions, and then join them at Mayetta, the island appointed for the rendezvous. The Prosperous went to Mayetta as agreed upon, and waited there some time for Bowen's ship, without seeing or hearing any news and then went to Johanna, but not meeting with her there, they apprehended some accident had befallen her, and therefore sailed upon an expedition themselves. The Speedy Return arrived safe at St. Augustine Bay, and there cleaned and victualled ; but tarrying there somewhat too long, and the winds being contrary they could not for their lives beat up to Mayetta and therefore went to Johanna, where hearing that their friends had lately left that island, they sailed for the Red Sea, but the winds not proving fair for their design, they bore away for the high land of St. John's near Surat, where they once more fell in company with their brethren of the Prosperous.

They cruised together, as was first agreed upon, and after some time they had sight of four ships, to which they gave chase ; but these separating, two standing to the northward, and two to the southward, the pirates separated likewise, Bowen standing for those that steered southerly, and Howard for the others. Bowen came up with the heaviest of the two, which proved to be a Moorish ship, of seven hundred tons, bound from the Gulf of Mocha, to Surat. The pirates brought the prize into Rajapora, on the coast of India, where they plundered her ; the merchandise they sold to the natives, but a small sum of current gold which they found on board amounting to £22,000 sterling they put into their pockets. Two days after, the Prosperous came in, but without any prize ; however, they soon made their friends acquainted that they had not succeeded worse than themselves, for at the mouth of Surat river, where all four of the ships were bound, they came up with their chase, and with a broadside one of them struck, but the other got into the bay. They stood down the coast with the prize till they had plundered her of the best of her cargo, the most valuable of which was 84,000 sequins, a piece of about ten shillings each, and then they left her adrift, without either anchor or cable, off Daman.

While they were lying at Rajapora, they made a survey of their shipping, and judging their own to be less serviceable than their prize, they voted them to the flames, and straightway fitted up the Surat ship. They transported both companies aboard of her, and then set fire to the Prosperous and Speedy Return. They mustered at this place, one hundred and sixty-four fighting men ; forty-three only were English, the greater number French, the rest Danes, Swedes, and Dutch. They took aboard seventy Indians to do the drudgery of the ship, and mounted fifty-six guns, calling her the Defiance, and sailed from Rajapora the latter part of October, 1703, to cruise on the coast of Malabar. But not meeting with prey in this first cruise, they came to an anchor about three leagues to the northward of Cochen, expecting some boats to come off with supplies of refreshments, but none appearing, the quarter-master was sent in the pinnace to confer with

the people, which he did with some caution, keeping the boat upon her oars at the shore. They agreed very well, and the pirates were promised whatever supplies they wanted, and the boat returned aboard. The next day a boat came from the town with hogs, goats, wine, &c., with a private intimation from Malpea, the Dutch broker, an old friend of the pirates, that a ship of that country, called the Rhimæ, lay then in Mud bay, not many leagues off, and if they would take her, he would purchase the cargo of them, and likewise promised to supply them with pitch, tar, and all other necessaries, which was made good to them; for people from the factory flocked to them every hour, and dealt with them as in open market, for all sorts of merchandise, refreshments, jewels and plate, returning with coffers of money, &c., to a great value.

The advice of Malpea was received very thankfully, but the pirates judging their own ship too large to go close into the bay, consulted with their friend, upon means for taking the said ship, who readily treated with them for one of less burthen, that then lay in the harbor; but Malpea, speaking to one Punt, of the factory, to carry her out, he not only refused to be concerned in such a piece of villainy, but reproved Malpea for corresponding with the pirates, and told him, if he should be guilty of so base an action, he should never see the face of any of his countrymen more; which made the *honest* broker change both his countenance and his design.

At this place Captain Woolley, whom they had taken as their pilot on the Indian coast, being very sick, was, at his earnest entreaty, discharged from his severe confinement, and set ashore. The next day the pirates sailed, and ranged along the Malabar coast, in quest of booty. On their way they met a second time with the *Pembroke*, and plundered her of some sugar, and other small things, and then let her go. From the coast they sailed back to the island of Mauritius, where they staid some time, and lived after their usual extravagant manner.

CAPTAIN TEW,

THE PIRATE.

BEFORE entering upon the adventures of this pirate, it may be well to inform the reader why, the life of Misson was discontinued.

In reading the notes I have before me, I find Tew joined with Misson; and that I must either be guilty of repetition, or give an account of Tew in Misson's life, which is contrary to the method I proposed, that of giving a distinct account of every pirate of any considerable note; and surely, in point of gallantry, Tew was inferior to none. However, before I enter upon the life of this pirate, I shall continue that of Misson to the time that these two commanders met.

The blacks seeing them so much upon their guard, brought out boiled rice and fowls, and after they had satisfied their hunger, the chief made signs that they were the same men who had carried a negro to their ships, and sent for the axe and baize they had given him. While this was passing, the very negro returned from hunting, and seemed overjoyed to see them. The chief made signs for them to return, and ten negroes coming to them laden with fowls, and kids, who accompanied them to their ships. They parted very amicably, and in hopes of settling a good correspondence with the natives. All the houses were neatly framed and jointed; they were not upon very strong foundation, but so made that half a dozen men could move them with ease, from one place to another. The hunters returning to the ships, with their presents, and the negroes were joyfully received; and the negroes were not only caressed, but laden with baize, iron kettles, and rum, besides the present of a cutlass to the chief. While the negroes staid, which was three days, they examined and admired the forts, and the growing town, in which all hands were engaged, not even the prisoners being excused.

As Monsieur Misson apprehended no danger from the land, his fort, though of wood, being he thought of sufficient strength for the defence of his infant colony, he took one hundred and sixty men, and went a second time on the coast of Zanguebar, and off Quiloa he gave chase to a large ship, which laid by for her. She proved an over-match for the Victoire, which engaged her, with great loss of men, nearly eight glasses; but finding he was more likely to be taken, than to take a prize, by the advice of his officers, endeavored to leave the Portuguese, which was a fifty gun ship, and had aboard three hundred men; but he found this attempt vain, for the Portuguese sailed as well as the Victoire, and her commander, who was a resolute and brave man, seeing him endeavoring to get off, boarded him, but lost most of the men he entered. Misson's crew not used to being attacked, and expecting no

quarter, fought so desperately, that they not only thoroughly cleared their own decks, but some of them followed the Portuguese, who fled to their own ship, which Misson seeing, and hoping to make an advantage of their despair, cried out, "Elle est a nous, l'abordage"—She's ours, board, board her—so many of his men followed the few, that hardly was there enough left to work the ship. Misson, observing this resolution of his men, leaped on board himself, crying out, "la mort ou la Victoire"—death or victory. The Portuguese, who thought themselves in a manner conquerors, seeing the enemy not only drive off those who entered them, but in their turn board with such resolution, began to quit the decks in spite of their officers. The captain and Misson met, as he was endeavoring to hinder the flight of his men; they engaged with equal bravery with their cutlasses, but Misson, striking him on the neck, he fell down the main hatch, which put an end to the fight, for the Portuguese, seeing their captain fall, threw down their arms, and cried for quarters, which was granted, and all the prisoners without distinction were ordered between decks, and the powder-room secured, he put thirty-five men on board the prize, and made the best of their way for *Libertatia*. This was the dearest prize he ever made, for he lost fifty-six men. She was vastly rich in gold, having nearly £200,000 Sterling on board, being her own and the cargo of her companion, which was lost upon the coast, of whose crew she had saved one hundred out of one hundred and twenty men, the rest were lost by endeavoring to swim ashore.

Being within sight of Madagascar, they spied a sloop which stood for them, and when within gun shot, threw out black colors and fired a gun to windward. Misson hove to, fired another to leeward, and hoisted out his boat, which the sloop perceiving, lay by for. Misson's lieutenant went on board, and was received by Capt. Tew, with great civility to whom the lieutenant gave a short account of their adventures and new settlement, inviting him very kindly on board the *Victoire*. Tew told him he could not consent to go with him till he had the opinion of his men. In the mean time, Misson, coming along side, hailed the sloop and invited the captain on board, desiring the lieutenant to stay as an hostage, if they were in the least jealous of him, which they had no reason to be, since he was of force so much superior that he need not employ stratagem. Upon this, the company on board the sloop, advised their captain to go with the lieutenant, whom they would not suffer to stay behind; to show the greater confidence in their new friends.

My reader may be surprised that a single sloop should venture to give chase to two ships of such countenance as were the *Victoire* and her prize; but this wonder will cease, when he is acquainted with the sequel.

Capt. Tew, after being handsomely regaled on board the *Victoire*, returned to his sloop, gave an account of what he had seen, and his men consenting, he gave orders to steer the same course with Misson,

whose settlement it was agreed to visit. I shall here leave them to give an account of capt. Tew.

Mr. Richier, governor of Bermuda, fitted out two sloops, as privateers, commanded by Captain George Drew, and Thomas Tew; with instructions to make the best of their way for the river Gambia in Africa, and there, with the advice and assistance of the agent for the Royal African Company, to attempt the taking of the French factory on the coast.

The above commanders having their commissions, and instructions from the governor, took their departure from Bermuda, and kept in company some time, but Drew springing his mast and a violent storm coming upon them, they lost each other. Tew being separated from his consort, thought of providing for his future ease, by making one bold push; and accordingly he called all upon deck, and spoke to them in the following manner:

“You are not ignorant of the design the governor had in fitting us out; the taking and destroying of the French factory; I indeed readily agreed to take a commission to this end, though contrary to my judgment, for the sake of being employed; but I thought it a very injudicious expedition, which, should we succeed in, will be of no use to the public, and only be of advantage to a private company of men, from whom we can expect no reward for our bravery; I can see nothing but danger in the undertaking, without the least prospect of being rewarded; I cannot suppose any man fond enough of fighting, for the pleasure of fighting merely, without some view either of personal interest, or public good. Wherefore, I am of opinion, that we should turn our thoughts to what will better our circumstances; and if you are so inclined, I will undertake to shape a course, which will lead us to ease and plenty, in which we may pass the remainder of our days. And now one bold push will do the business, and we may return, not only without danger, but even with reputation.” The crew seeing he waited their determination, cried out, one and all, “A gold chain, or a wooden leg—we’ll stand by you.”

Hearing this, he desired them to chose a quarter-master, who might consult with him for the common good; which was accordingly done.

I must inform the reader, that on board the West-India privateers and free-booters, the quarter-master’s opinion is like that of the Muffi’s among the Turks; the captain can undertake nothing which the quarter-master does not approve.

Tew then, instead of proceeding on his voyage to Gambia, shaped his course for the Cape of Good Hope, after doubling which, he steered for the Strait of Babelmandel, and entered the Red Sea, when he came up with a lofty ship bound from the Indies to Arabia; she was richly laden, and as she was to clear the coasts of rovers, five more extremely rich (one especially in gold) being to follow her, she had three hundred soldiers on board besides her seamen.

Tew, told his men she carried their fortunes, which they would find

no difficulty to take possession of; for though he was satisfied she was full of men, and was mounted with a great number of guns, they the two things necessary, skill and courage: and indeed, so it proved, for he boarded and carried her without loss, every one taking more care to run from danger, than to exert himself in the defence of his goods.

In rumaging this prize, the pirates threw over a great many rich bales, to search for gold, silver, and jewels; and having taken what they thought proper, they left her sharing to each man 3000*l* Sterling.

Encouraged by this success, Capt. Tew proposed going in quest of the other five ships, of which they had intelligence by the prize, but the quarter-master opposed him, and he was obliged to steer for Madagascar.

The quarter-master finding this island productive of all the necessaries of life; the air wholesome, the soil fruitful, and the sea abounding with fish, proposed settling on it: but twenty three only were in favor of the proposition who having received their share of the plunder designed returning to America, (as they afterwards did) the rest who staid with Capt. Tew, spying the Victoire and her prize, and thought, they might, by their means return somewhat richer than their companions, and resolved to speak with them, in manner before described.

Tew and his company having resolved to visit Mons. Misson's colony, arrived with him, and were not a little surprised to see his fortifications.

On their coming to an anchor, all the prisoners were permitted to come upon deck, a privilege they had never granted them, on account of the fewness of their hands.

The joy those ashore expressed at the first sight of so considerable a prize, was vastly allayed, when they heard how dear a purchase she had proved to them. However, the reinforcement of the sloop made some amends. Capt. Tew was received by Caraccioli and the rest, with great civility and respect, who did not a little admire his courage, both in attacking the prize he made, and in giving chase to Misson. He was called to the council of officers, which was immediately held, to consider what method should be taken with the prisoners, who were, (by one hundred and ninety brought in by the new prize,) nearly as numerous as those of their own party, though Tew joined them with 70 men. It was therefore resolved to keep them separate from the Portuguese and English, who were before taken, to make them believe they were in amity with a prince of the natives who was very powerful, and to propose to them, at their choice, either to assist them in the new colony, or be sent prisoners up the country if they rejected entering with them. Seventy-three joined them, and the rest desired they might be any way employed rather than be sent up the country; one hundred and seventeen were then set to work upon a dock which was laid out about half a mile above the mouth of the harbor; and the other prisoners were forbid to pass such bounds as were prescribed them on pain of death; lest they, knowing their strength should revolt; I must in-

form the reader, that on the arrival of the *Victoire*, both their loss and the number of the Portuguese they brought in, was known to none but themselves, and the number of those who had joined them, magnified; besides the Johannamen were all armed and disciplined, and the *Bijoux* lay as a guard-ship, where the last prisoners were set to work; but while they provided for their security, both within and without, they were not negligent in providing for their support, for they dug and sowed a large plat of ground with Indian and European corn which they found on board their prizes. In the mean time, Caraccioli, (who had the art of persuasion,) wrought on many of the Portuguese, to join them.

Misson, who could not be easy with an inactive life, would have taken another cruise; but fearing the revolt of the prisoners, durst not weaken their colony by the hands he must necessarily take with him. Wherefore he proposed giving the last prize to the prisoners and sending them away. Caraccioli and Capt. Tew were against it, saying it would discover their retreat, and cause their being attacked by the Europeans, who had settlements upon the coast of the continent, before they were able to defend themselves. Misson replied, it was better to die, than to live in continual fear of death: that the time had come to send away the Johannians, and that they could not go without a ship; neither durst he trust a ship out unless well armed, and it would not answer to take away the necessary hands from their fort, while so many prisoners were with them. Wherefore there was a necessity of sending them off, or of putting them all to the sword; a barbarity by which he would not purchase his own safety. A council was called, and what Capt. Misson had proposed, agreed to. The prisoners were then summoned, and he told them, in a few words, that he knew the consequence of giving them liberty; that he expected to be attacked as soon as the place of his retreat was known, and that he had it in his hands, by putting them all to death, to avoid the doubtful fate of war; but his humanity would not suffer him to allow a thought so cruel, and his alliance with the natives, he hoped would enable him to repel his assailants; but he required an oath of every one, that he would not serve against him. He then enquired into the circumstances of every man particularly, and what they had lost, all of which was returned, telling his company it should be considered as a part of his share; and the prisoners, that he did not make war with the oppressed, but the oppressor. The prisoners were charmed with this mark of generosity and humanity, and wished he might meet a treatment equal to that he gave them. The ship being victualled for a voyage to the coast of Zanguebar all her guns and ammunition taken out, with the spare sails, and spare rigging, 137 departed highly applauding the behavior of their enemies. All this while they had heard nothing from the natives, which made them suspect that they were afraid of their new neighbors, and had shifted their quarters; but as the Johannamen were upon leaving, there came about 50 negroes to them, driving about 100 head of black cat-

tle, twenty male negroes bound, and 25 females, which they bartered for rum, hatchets, baize and beads, some hogsheads of this last commodity they had taken upon the coast of Angola. Here the negroes belonging to Misson's crew were provided with wives: the natives were caressed, and to the slaves signs made that their liberty was given them: they were immediately clothed and put under the care of as many whites, who, by all possible demonstrations, endeavored to make them understand that they were enemies to slavery. The natives staid ten days which retarded their departure of the Johannamen; but, upon their leaving, the Bijoux sailed with one hundred of them on board under the command of Caraccoli's lieutenant, who apologized for having kept them a month longer than the appointed time, and for not bringing them all at once, by their not having but two ships. The ten men of Misson's who had settled at Johanna, being desirous to return, were brought to Libertatia with their wives (of which they had two or three apiece) and their children. The Bijoux, at two more voyages, carried over all of the Johannians who were left the first time. Misson hove down the Bijoux, and resolved on a cruise to the coast of Guinea, to strengthen his colony by those of some slaving ships; the command was given to Capt. Tew, and Misson and Caraccioli pressed forward the work of the dock. Tew took two hundred hands, of whom forty were Portuguese, thirty-seven negroes, seventeen of them expert sailors, thirty English, and the rest French. Tew met with nothing till he came to the northward of Cape of Good Hope, when he fell in with a Dutch East India galley of eighteen guns, which he took after a small resistance, with the loss of one man only. On the coast of Angola he took an English Guinea man with two hundred and forty slaves, men, women, and children. The negroes, who had before been taken on this coast, found among these a great many of their acquaintance, and several of their relatives, to whom they reported their sudden and happy change of fortune, the great captain (for so they now called Misson) having humanely knocked off their fetters and chains, and of slaves made them free men and sharers of his fortune; that the same good fortune would attend them, for he hated even the name of slavery. Tew, following the order, and acquainted with Misson's policy, ordered their fetters and hand cuffs to be taken off; they were sensible of their happiness in falling into his hands. Content with these prizes they made the best of their way for Libertatia; but I had forgotten to tell the reader, that he set his Dutch prisoners (nine excepted who joined him) ashore, about thirty miles to the northward of the Cape, in Saldanha Bay where Capt. Misson had buried the English captain. He found a great quantity of English crowns on board the Dutch prize, which were carried into the common treasury; money being of no use where every thing is in common, and no hedge bounds any man's property. The slaves they had released in the last cruise were employed in perfecting the dock, and treated as free people. They not ignorant of the change in their condition, and were therefore

extremely diligent and faithful. A white man, and one of the old standing negroes, wrought with every four, and made them understand the French words (by often repetition, and the help of their countrymen's interpreting) used on their works. Misson ordered a couple of sloops to be built in a creek, of eighty tons each, which he mounted with eight guns apiece, taken from the Dutch prize. These were perfected in a little time and proved not only shapely vessels, but speedy sailors. The officers of these sloops were chosen by balloting, and as their first design was only to discover, and lay down a chart of the coast, sands, shoals and depths of water around the Island of Madagascar, the school master was sent, for that reason, as commander of one, and the other was entrusted to Tew. Each sloop was manned with fifty whites and fifty blacks. This voyage round the Island was of vast advantage to the newly released negroes, in giving them an insight into the manner of working a ship. One of these sloops they named the childhood, and the other the Liberty; they were on this expedition nearly four months. In the meanwhile, a few of the natives had been often to the Settlement, and they began to speak a little broken French, mixed with the other European languages. The sloops having returned, and an exact chart taken of the coast, Carraccioli was desirous of taking a cruise. He proposed visiting all the neighboring islands; he returned with a Dutch prize, which he took off the island of Mascarenhas, where they were about fixing a colony. This prize, as it had all manner of European goods, and necessaries for settling, was more valuable than though it had been vastly rich in gold and silver. The negroes having become useful hands, Misson resolved to take a cruise northward, being encouraged by Tew's success; and with all the blacks, which he divided between the two ships, one of which Tew commanded, set out with five hundred men. Off the coast of Arabia Felix, they fell in with a ship belonging to the Great Mogul, bound for Zidon, with pilgrims to Mecca, who with the mariners, made sixteen hundred souls.

This ship carried one hundred and ten guns, but made a very poor defence, being encumbered with the goods and passengers she carried. The adventurers did not think it advisable to cannonade; they therefore boarded, as soon as they came up with her, and the Moors no sooner saw them entered, than they discharged one volley of small arms, and fled the decks. Being masters of the ship, which did not cost them a single man, they consulted what they should do with her, and the prisoners, and it was resolved to set them ashore between Ain and Aden.

They then made the best of their way for Madagascar, having put two hundred men on board the prize, which proved a very heavy sailer. Off Cape Guardé Fin, they were overtaken by a cruel storm, which came very near wrecking them on an island called Irmanes; but the wind getting due North, they were so fortunate as to escape the threatened danger. Though the fury of the wind abated, yet for twelve

days in succession, it blew so hard, that they could only carry their coursers reefed.

They spied a small sail but the weather would not permit of their endeavoring to speak with them. They returned to Libertatia with their prize, without any other accident. They could make no estimate of her value, she having on board a vast quantity of diamonds, besides rich silks, raw silk, spices, carpets, wrought and bar gold. The prize was taken to pieces, (being of no use,) her cordage and knee timber preserved, with all the bolts, eyes, chains, and all the other iron work, and her guns planted on two points of the harbor, where they raised batteries, so that they were now so strongly fortified they apprehended no danger from any amount of shipping which could be brought into the harbor to attack them. They had, by this time, cleared, sown, and enclosed a good parcel of ground, and enclosed a quantity of pasturage, where they had above three hundred head of black cattle, which they had bought of the natives. The dock was now finished, and the Victoire growing foul and unfit for a long voyage, the last storm having shaken her very much, she was taken to pieces, and rebuilt, retaining the same name. She was rigged, victualed, and fitted to go to sea, and was to sail to the coast of Guinea for more negroes, when one of the sloops came in, bringing word that five lofty ships chased her into the bay, and stood for their harbor; that she judged them to be Portuguese, from their build, and fifty gun ships, full of men. This proved to be the real truth. The alarm was given, the forts and batteries manned, and every man stood to his arms. Misson commanded one hundred negroes, who were well disciplined, (having been frequently exercised by the French sergeant,) to be ready where his assistance should be required.

Tew commanded the English. They had hardly given their orders, when these ships hove in sight, and stood directly for the harbor, with Portuguese colors. They were warmly received by the two forts, which did not stop them. They entered the harbor, and thought they had done the job, but were saluted so warmly from the forts and batteries, sloops and ships, that two of them sunk down-right, and a great number of men were drowned, though some got on board the other ships. The Portuguese, who did not imagine they were so strongly fortified, and thought in passing the two forts they should without difficulty land their men, and easily rout this nest of pirates, now found their mistake, for they durst not venture to hoist out a boat. They had wisely, however, contrived to enter before the return of the tide. Finding the attempt vain, and that they had lost a great number of men, spread to the wind, and by the help of the ebbing tide, made more haste in getting out than they had made in getting in; but they did not get off so cheaply, for no sooner were they clear of the forts, than Misson, with the utmost expedition, manned both the ships and sloops, gave them chase, and engaged them at the mouth of the bay. The Portuguese defended themselves with a great deal of gallantry,

and one of them beat off the Libertatians twice, who boarded them from the two sloops; two of them finding themselves hard pressed, made a running fight, and got off, leaving the third to shift as well as she could. She was defended till her decks swam with blood, and the greater part of the men were killed; when the captain finding all resistance vain, and that he was left by his companions to an unequal fight, called for quarter, and good quarter was given to him and his men. This prize yielded them a large quantity of powder and shot. None of the prisoners were stripped, and the officers, Misson, Caraccioli and Tew, invited to their tables, treated them with great civility, and extolled the courage they had manifested in their defence. Unhappily two prisoners were found on board, who had been released, and had sworn never to serve against them; these were put in irons, and publicly tried for their perjury. The Portuguese officers being present, the witnesses proved them the very men discharged, and they were condemned to be hanged at the point of each fort; which execution was performed the next morning after their condemnation. This was the engagement with the pirates, which made so much noise in the Lisbon Gazette, and these the men whom the English ignorantly took for Avery; who, we in London had a notion, commanded thirty-two sails, men of war, and had taken to himself the title of king.

Some differences arising between Misson's and Tew's men, on a national quarrel, which the latter began, Captain Tew proposed their deciding the quarrel by the sword; but Caraccioli was decidedly against it, alleging, that such a decision must necessarily be a damage to the public, since the brave men who fell, would be a weakening of their colony. He therefore desired Captain Tew to use the authority he had over his company, and he and Misson would endeavor to bring their men to an amicable agreement; and for the future, (as this accident proved the necessity,) wholesome laws should be made, and a form of government entered upon. Both parties were therefore called, and Caraccioli showed them the necessity of their living in unity among themselves, who had the whole world for enemies, and as he had a persuasive and insinuating way of arguing, with the assistance of Captain Tew, this affair was settled to the satisfaction of both parties.

The next day the whole colony was assembled, and the three commanders proposed a form of government, as necessary to their preservation; for where there were no laws, they would always be the sufferers, and every thing must tend to confusion; that they looked upon a democratical form of government where the people were the makers and judges of their own laws, the most agreeable; and therefore, desired them to divide themselves into companies of ten men each, and every such company to appoint one to assist in the formation of a constitution, which might be for the good of all; that the treasures and cattle they had in their possession should be equally divided, and such lands as any particular man should enclose, should, for the fu-

ture, be deemed his property, which no other should claim, unless he should purchase it.

This proposal was received with applause, and they decimated themselves that day, but adjourned the meeting of the states until a house might be built, which was commenced immediately and finished in about a fortnight.

When this body met, Caraccioli opened the session, by a speech, in which he showed the necessity of having the supreme power vested in the hands of men who should have the power of rewarding the good, and of punishing the bad, according to the laws of the state, by which he must be guided ! that such a person however should not be chosen for life, but for a term not exceeding three years, at the expiration of which time he must be re-elected, or another chosen.

This was approved, and Misson was elected conservator, with power to choose other officers &c. with the title of Supreme Excellence.

A law was then made for the meeting of the State once every year, and oftener, if the Conservator and his council might deem it necessary ; and that nothing of moment could be undertaken without the approbation of the state.

The first session lasted ten days, during which time many wholesome laws were enacted, which were registered in the State Book, and dispersed among the crews.

The Conservator honored Capt. Tew with the title of Admiral, and Caraccioli he appointed Secretary of State. He chose a council from among them of the ablest, without distinction of nation or color. An equal division was made among them of their treasure and cattle, and every one began either to inclose lands for himself, or his neighbor who would hire his assistance.

Admiral Tew then proposed building an arsenal, and augmenting their naval force. The first was agreed to be proposed to the state at their next convention ; but the latter was thought unnecessary, until the number of their inhabitants was augmented ; for should they all be employed at sea, the husbandry must be neglected, which would be of fatal consequence to the growing colony.

The Admiral then proposed fetching in those Englishmen who had followed the quarter-master ; but the council rejected this, alleging, that as they deserted their captain, which was a mark of a mutinous temper, and might infect others with a like spirit of disorder ; but that they might have notice given them of the settlement, and if they made it their earnest entreaty to be admitted, and would desert the quarter-master, it should be granted as a particular favor done them, at the hands of the Admiral, upon his engaging his honor for their good behavior.

The Admiral then desired to take a cruise ; for he hoped to meet with some East-India ships, and bring in volunteers, for the number of subjects being the riches of a nation, he thought the colony stood in

more need of men, than of any thing else ; that he would lie in the way of the Cape, and did not question doing good service ; and as he went to the northward, would call upon his own men.

The Victoire was fitted out according to the admiral's desire, and in a few days he sailed with 300 men aboard. He came to an anchor at the settlement his men had made, hoisted an English ensign in his fore shrouds, and fired a gun ; and after waiting some time, perceiving no signal from the land, he landed and sent back his boat. Soon after the boat returned towards the ship two of his men came up to him, to whom he gave an account of Misson's settlement. They invited him into the wood to see theirs, and to council with their companions, respecting the proposed migration. The governor, alias quarter-master received with great civility but told him, that he could see no advantage they should gain by changing their present situation, though they might prove a great one to the new colony, by adding to their number so many brave fellows : that they here enjoyed all the necessaries of life ; were independent of all the world ; and it would be madness to subject themselves to any, however mild, which still exercised some power. That he was governor for three months, by the choice of his companions ; but his power extended no further than to the judging in small matters of difference which might arise, and that this power of determining, was to devolve at the expiration of three months, on him to whom the lot should fall by balloting providing he had not previously enjoyed the honor, for such were not to draw ; by which means, every one would, in time, be raised to the supreme command, which prevented all controversy in balloting. However, continued he, "if you go to America or Europe, and show the advantages which will accrue to the English, by fixing a colony here, out of that love we bear our country, and to wipe away the odious appellation of pirates, with pleasure we will submit to any who will with a commission from a lawful government ; but it is ridiculous to think we will become subjects to greater rogues than ourselves."

Capt. Tew finding the quarter master spoke the sentiments of his companions, took leave, and returned to his ships ; but went ashore again in the evening, the wind not serving to weigh, it blowing due west. He asked the governor how he got acquainted with the natives ? He answered, by meeting them while hunting and using them well : that he wheeled one of them down to their huts, the fellow being alone, and they three in company, he supposed thought it best to go with seeming willingness. After him several came, and they lived very friendly with them. The captain had brought ashore with him some rum and brandy, and they were drinking a bowl of punch, when, on a sudden, a violent storm arose. Capt. Tew ran to the shore and made a signal for his boat to carry him off, but the sea ran too high to venture out of the ship. The storm all the while increased, and the Victoire, in less than two hours, parting her cables, was driven ashore where it was steep, and perished, with all her men, in Capt. Tew's sight.

The captain staid with his old companions, not knowing how he should return to his friends, whom he had left with Misson, not one of whom was on board the ship. At the end of three months, they saw a large ship, which Tew believed to have been the *Bijoux*, but she took no notice of the fires they made. As he expected she would return after a short cruise, he and his companions made large fires every night on the shore, and visited the coast very often. About a month after this, as they came early to the sea side, they were surprised at the sight of two sloops which were lying at anchor about a cannon's shot from the shore. They had not been long looking upon them when they perceived a canoe hoisted out of one of them, and made for the shore with six men who rowed, and one sitter.

Tew soon knew him to be Misson. He came ashore and embracing the former, told him all their fancied happiness had vanished; for without the least provocation, in the dead of night, the natives came upon them in two great bodies, and made a great slaughter, without distinction of age or sex, before they could put themselves in a posture for defence. That Caraccioli (who died in the action,) and he, got what men together they could to make a defence, but finding all resistance vain against such numbers, he made a shift to save a considerable quantity of diamonds and bar gold, and to get on board the sloops with forty-five men. That the *Bijoux* having gone on a cruise, and the number of men he had taken so weakened the colony, that the natives were emboldened to attack them as they did, but for what reason he could not imagine.

Tew gave him an account of the disaster which had happened, and after having mutually condoled their misfortunes, Tew proposed returning to America, where they might, with the riches they had, live unknown and in a comfortable condition. Misson said he could not yet make any resolutions, though he had thoughts of returning to Europe, and of privately visiting his family, if any were alive, and then retire from the world. They dined with the quarter-master who pressed them to return to America, and procure a commission for settling a colony. Misson told Tew he should have one of the sloops, and as many men as would volunteer to keep him company, for his misfortunes had erased all thoughts of future settlements; that what riches they had saved, he would distribute equally, nay, he would be content with enough barely to support him. On this answer, four of the quarter-master's company offered to join Capt. Tew.

In the afternoon they visited both sloops, and Misson having put the question, fifteen men joined Misson, and thirty joined Tew. The four men who joined Tew made the number thirty-four. They stayed about a week in hopes the *Bijoux* might return, but not appearing they set sail, Capt. Misson having first shared the treasure with them. Hoping to meet the *Bijoux* in her return, they shaped their course for the coast of Guinea. Off cape Infantes they were overtaken by a

storm, in which Misson's sloop went down within musket shot of Captain Tew, who could give him no assistance.

Tew continued his course for America, and without any accident arrived at Rhode Island. His men dispersed as they thought best; and he lived in tranquility unsuspected by any. The French who had belonged to Misson's crew, took different routs, one of whom dying at Rochelle, the French manuscript of Misson's life was found among his papers, and transmitted to me by a friend.

Capt. Tew, (as before stated,) lived unsuspected. He had a sufficiency, and designed to have lived quietly at home; but those of his men who lived near him, having spent their shares, were continually entreating him to take another trip. He withstood their entreaties for some time, but they having got together a number of resolute fellows, by their united voices, persuaded him to take one voyage. They prepared a small sloop, and made the best of their way for the strait of Babelmandel, and having entered the Red Sea, they met and attacked a ship belonging to the Great Mogul. In the engagement a shot carried away the rim of Tew's belly, who held his bowels some small time with his hands. When he fell, it struck his men with such terror, that they suffered themselves to be taken without further resistance.

CAPTAIN JOHN HALSEY,

THE PIRATE.

JOHN HALSEY was born at Boston, Massachusetts; he commanded the *Charles*, a brigantine, and went out with a commission from the governor, to cruise on the banks of Newfoundland, where he took a French banker, which he appointed to meet him at Fayal; but missing his prize here, he went among the Canary Islands, where he took a Spanish *barcalonga*, which he plundered and sunk; he then went to the island of Bravo, one of the Cape-de-Verds, where he wooded and watered, and turned ashore his lieutenant; several of his men here ran away from him, but the governor sent them on board again, his commission as yet being in force.

He then stood to the southward, and having doubled the Cape of Good Hope, made for the bay of Augustine, on the coast of Madagascar, where he took in wood and water, with some straggling seamen, who were cast away in the *Degrave*, commanded by Captain Young. Then he shaped his course for the Red Sea, and met with a Dutchman of sixty guns, coming from Mocha, with whom he kept in company a week. Though he was resolved on turning pirate, yet he intended to rob none but Moorish ships, which occasioned a dispute between him and his men; they insisting on the ship's being a Moor, and he as strenuously asserting her to be a Dutchman. The men were for boarding, but his obstinacy not being easily conquered, they bound both Halsey and his gunner, and made ready for boarding, when one of the men perceiving he was about to run out his lower tier, knocked down the quarter-master, (whose business it was to be at the helm in time of chase or of an engagement, according to the rules of pirates,) clapped the helm hard to weather, and wore the brigantine. The Dutchman stayed, and fired one gun, which narrowly missed the man at the helm, and shattered the taffrail. The men perceiving they were caught in a bad scrape, made the best of their way off. The captain and gunner were reinstated after they had found their mistake, and then they sailed for the Nicobar Islands, where they met with a country ship called the *Buffalo*, commanded by Captain Buckley, an Englishman, which they took after a short engagement, there being only three Europeans on board, the captain and his two mates; the rest were Moors. They took the two mates to sea with them, but left the captain and the Moors at Cara Nicobar, at an anchor, and then took a cruise. Captain Buckley, who was sick, died before their return. In the cruise they met with Captain Collins, in a country ship, bound for Ache. He had also two English mates, and the rest

of his company, Moors. Him they carried into the same harbor where they had left the Buffalo.

Here a dispute arose among the pirates. Some were for going to the West-Indies, and others were against it, for they had no money, and that was what engaged the search. Upon this they parted; one part went on board the Buffalo, made one Rowe captain, and Myres, a Frenchman, whom they had picked up at Madagascar, they made master. The sloop's deck was ripped up, with which they mended the brigantine, which Halsey still commanded. The ship made for Madagascar, and the brigantine made for the straits of Malacca, to lie in the track of the Manilla ships. I must observe, that Capt. Buckley's two mates, whom they intended to force, were by entreaty permitted to go away in a canoe. In these straits they met an European built ship, of twenty-six guns, which they had not the courage to attack, having been beaten by the Dutchman. They afterwards stood for the shore, and came to an anchor. They laid here some time, and then spied a tall vessel which they chased, and which proved to be the Albamarl, an East-Indiaman, commanded by Captain Bows, coming from China. They came up with him, and after exchanging a few shots, thought it best to make the best of their way off; and the Albamarl in turn chased. They however got clear, having a greater share of heels, and came again to anchor. Having not more than forty men, and but little water, and not daring to venture ashore on account of the Dutch, a council was called, and it was resolved to make the best of their way to Madagascar, to pick up more hands, refresh, and start on new adventures. Pursuant to this resolution, they steered for that island, where making the governor a small present, they were supplied with what they wanted. Then they went to a place on Madagascar, called by the pirates Hopeful Point; by the natives, Haraughby, near the island of St. Mary's, in latitude $17^{\circ} 40'$ S., where they met with the Buffalo, and the Dorothy, a prize, made by Captain Thomas White and his companions, who were about ninety or one hundred men, settled near the same place, in petty governments of their own, having some of them five or six hundred negro subjects, who acknowledged their sovereignty. Here they again repaired their brigantine, took in provisions and other necessaries, augmented their company to about one hundred men, and set out for the Red Sea. They touched at Johanna, and there took in a number of goats, and a quantity of cocoa-nuts, for fresh provisions, and in eleven days reached the strait of Babelmandel. They had not cruised many days, before they spied the Moorish fleet from Mocha and Jafa, which they fell in with, consisting of twenty-five sail, and would have been taken if their oars had not helped them off, there being a dead calm. Some days after this they met a one mast vessel, called a grab, coming from Mocha, which they spied within gun shot, there being a thick fog; they fired a gun which cut her halliards, and then took possession of her with their boats. They took from her some necessaries, and \$2000,

and having learned that four English vessels were lying at Mocha, (one of which was from Jafa,) they let her go.

Three days after they spied the four ships, which, at first, they took to be the trees of Babelmandel. At night they fell in with and kept them company until morning. When it was clear day, the ships hailed the pirate, and having learned she was such, (for they made no scruples in telling who she was) formed themselves into a line. The brigantine bore up till she had slung her gaff. One of the ships perceiving this, advised Capt. Iogo, (who led the van, in a ship of twenty four guns and seventy men,) to give chase, for the pirate was under motion; but one of the mates who was acquainted with the manner of working among pirates, told him he would find himself mistaken; and that he had seen many hot days, but he feared this would be the hottest. The brigantine turned and coming astern, boarded the *Rising Eagle*, a ship of sixteen guns, being in the rear. The *Rising Eagle* disputed them warmly for nearly three quarters of an hour, during which the first mate and several other men were killed, the purser was wounded, jumped over board, and was drowned. In the mean while the other ships called to Captain Iogo to board the pirate; he bore away for that purpose—the pirate gave him a shot which raked him fore and aft, and determined Captain Iogo to get out of danger, though he was fitted out to protect the coast from pirates. His example was followed by the rest, every one steering a different course. They were then left masters of the *Rising Eagle*. They examined the prisoners to know which was the ship from Jafa, that had money aboard; having learned it was the *Essex*, they gave chase, came up with her, hoisted the bloody flag at the top-mast head, fired a gun, and she struck, though she was fitted for close quarters; there were not more than twenty men on board the brigantine, and the *Flying Eagle* was so far astern, that her top-mast scarcely appeared out of water. In chasing this ship, they held the fly of their ensigns in their hands, ready to strike if they were saluted. When the ship had struck, the captain of her, asked who commanded the brigantine? was answered Capt. Halsey. He then asked who was the quarter-master? was told Nathaniel North; he replied that he was well acquainted with him. North learning his name was Punt, replied, "Captain Punt, I am sorry you have fallen into our hands." He was treated with civility, and nothing belonging to him or the English gentlemen, who were passengers, touched, though they ventured to take £40,000 belonging to the ship. They got out of the *Rising Eagle*, about £1,000. They discharged the *Essex*, and with the other prize steered for Madagascar, where they shared the booty. Some of the passengers who had been so well treated, came afterwards with a small ship from India, (with license from the governor of Madras,) called the *Greyhound*, laden with provisions, in hopes to barter with the pirates for the dry goods they had taken, and recover them at an easy rate. They were received very kindly, an invoice of their goods was taken, the price agreed upon, and

paid in money and bale goods. In the mean while there came in a ship from Scotland, called the Neptune, carrying twenty-six guns, and fifty-four men, commanded by Capt. James Miller, who came with a design to slave ; but finding here another ship, trading with the pirates, and having many necessaries, Captain Miller thought it better to trade for money than slaves.

While they were here, there came on a hurricane, which obliged the Neptune to cut away all her masts, and destroyed the three ships belonging to the pirates, which was their whole fleet. Having now no ship, and many of them no money, having lost it by gambling, their thoughts were turned to the Neptune. Her chief mate, Daniel Burgess, who disliked the captain, having joined the pirates privately, (among whom he died,) got all the small masts and yards ashore ; and the pirates having been requested to find them proper trees for masting, told Captain Miller they had found such as would serve his turn, desiring him to take a number of hands ashore, and get them down to the water, which he (suspecting no harm) accordingly did, and he and his men were seized, and the long-boat detained ashore. The captain was forced to send for the second mate, and afterwards the gunner ; the mate, who was the captain's brother, went, but the gunner suspecting foul play, refused. In the evening Burgess went on board, and advised to surrender the ship, which, (though but 16 were left on board,) they scrupled, and proposed going under cover of their guns to fetch off their top-masts and yards, and with them put to sea ; but the chief mate, Burgess, (whose villainy was not yet known,) persuaded them to give up a ship they could neither defend nor sail ; which was no small satisfaction to the merchants in the Greyhound, little thinking how soon they were to meet the same fate ; for two days after the pirates manned the Neptune's pinnace, seized the Greyhound, and took away all the money they had paid them, and shifting out of the Neptune ten pipes of Madeira, with two hogsheads of brandy, into the Greyhound, and putting on board the captain, second mate, boatswain and gunner, of the Neptune, and about fourteen of her hands, ordered her to sea. The rest of the Neptune's company being young men fit for their service, were detained. Captain Halsey, while the Scotch ship was fitting, fell sick of a fever, died, and was buried, with great solemnity.

P. S. The Neptune, the year after Captain Halsey died, was ready to go to sea ; but there came a hurricane, and she was lost ; this proved the last ship that this gang of pirates ever got possession of.

CAPTAIN THOMAS WHITE,

THE PIRATE.

THOMAS WHITE was born at Plymouth, where his mother kept a public house. She took great care of his education, and when he was grown up, (as he had an inclination to become a mariner,) procured for him the king's letter. After he had been several years on board a man of war, he went to Barbadoes, where he married, got into the merchant's service, and designed to settle on the island. He had command of the *Marygold* brigantine given him, in which he made several successful trips to Guinea. In his third he was so unfortunate as to be taken by a French pirate, who detained him, being in want of good artists. They kept White's ship and sunk their own; but meeting with a sloop on the coast of Guinea, more fit for their purpose, they went on board her, and burnt the brigantine.

After having cruised along the coast for some time, the pirates doubled the Cape of Good Hope, and shaped their course for Madagascar, where, being drunk, they knocked their ship on the head at a place called by the natives *Elixa*. When the ship struck, Capt. White, Capt. Borman, Capt. Brown, and several other prisoners got into the long boat, and with broken oars, and barrel staves, which they found in the bottom of the boat, paddled to *Augustine Bay*, which was about fourteen or fifteen leagues from the wreck, where they landed, and were kindly received by the king of *Bewaw*, who spoke good English.

They stayed here about a year and a half at the king's expense, who gave them a plentiful allowance of provisions, as was his custom to all white men, who were so unfortunate upon his coast; but he obliged them to enter the first vessel that might come in, let it be what it would.

At the expiration of the above term, a pirate brigantine come in, on board of which the king obliged them to enter, or travel by land to some other place, which they durst not do; and of two evils chose the least—that of going on board of the pirate vessel, which was commanded by one *William Read*, who received them with great civility.

This commander went along the coast, and picked up what Europeans he could meet with. His crew, however, did not exceed forty men. He would have been glad to have taken on board some of the wrecked Frenchmen, but for the barbarity with which they had treated the English prisoners.

Read, with his gang, and a brigantine of sixty tons, steered his course for the Gulf of Persia, where they met a grab (a one mast vessel,) of two hundred tons which they took. They found nothing on

board but bale goods, most of which they threw overboard to search for gold and to make room in the vessel.

In this cruise Capt. Read was taken sick and died, and was succeeded by one Jones. The brigantine being small, crazy, and worm-eaten, they shaped their course for the island of Mayotta, where they took out the masts of the brigantine, fitted up the grab and made a ship of her. Here they took in a quantity of provisions, which in this place are very plentiful and cheap.

They staid here during the monsoon, which is about six months; after which they resolved on going to Madagascar. As they came in sight of land they spied a sail coming round on the east side of the island. They hailed each other and received the same answer, viz. from the seas. They went in company.

This vessel was a small French ship laden with liquors from Maitimco, first commanded by one Fourgette, to trade with the pirates for slaves, at Ambonawonia, on the east side of the island, in latitude, 17° 30' and was taken by them after the following manner.

The pirates, who were headed by George Booth, now commander of the ship, went on board (as they had often done) to the number of ten, and carried money with them under pretence of purchasing what they wanted. This Booth had formerly been gunner on board a pirate ship, called the Dolphin.

Capt. Fourgette was well upon his guard, and searched every man as he came over the side, and a pair of pocket pistols were found upon a Dutchman who was the first entered. The captain told him he was a rogue, and had some bad design upon his ship, and the pirates pretended to be so angry with the fellow for pretending to come aboard with arms, that they threatened to knock him on the head, and tossing him roughly into the boat, ordered him ashore, though they had previously taken an oath either to carry the ship, or die in the undertaking.

They were all searched, but they contrived to get on board four pistols, which were all the arms they had for the enterprise, and Captain Fourgette had twenty men, and his small arms on the awning, to be in readiness.

The captain invited them into the cabin to dinner, but Booth chose to dine with the under officers, though one Johnson, Isaac, and another went down. Booth was to give the watch-word, which was to be *hurrah*. Standing near the awning and being a nimble fellow, at one spring threw himself upon it, drew the arms to him, fired his pistol among the men, one of them he wounded and gave the signal.

Three, I said were in the cabin, and seven upon deck, who with hand-spikes and the arms seized, secured the ship's crew. The captain and his two mates were at dinner in the cabin, hearing the pistol, fell upon Johnson, and stabbed him in several places with their forks, but they being silver did no great damage. Fourgette snatched his piece which he snapt at Isaac's breast several times, but it would not go off. At last finding resistance vain, he submitted, and the pirates

set him, and those of his men that would not join them ashore, allowing him to take his books, papers, and whatever else he claimed as belonging to himself; and gave him several casks of liquor, with arms and powder to purchase provisions in the country.

I beg pardon for this, which appeared rather a needful digression, and will now return to my narrative.

After they had taken in the Dolphin's company, which were on the island, and by that means increased their number to that of eighty, they sailed to St. Mary's, where Capt. Mosson was at anchor, between the island and the main.

The gentleman and his whole company had been cut off at the instigation of Ort Vantyle, a Dutchman of New York. Out of her they took water casks and other necessaries, which being done they steered for the river Methelage, on the west side of Madagascar, in the 16th degree of latitude, to obtain salt provisions, and to proceed to the East Indies, and lie in wait for the Moorish ships from Mocha.

On their way to Madagascar they fell in (as I have said,) with the pirate on board of which was Capt. White. They joined in company, came to anchor together in the above named river, where they had cleaned, salted and taken in provisions, and were ready to go to sea, when a large ship appeared in sight and stood into the same river. The pirates knew not whether she was a merchantman or a man of war. She had been the latter belonging to the French king, and could mount fifty guns; but having been taken by the English, she was bought by some London merchants, and fitted out from that port to slave at Madagascar, and then go to Jamaica. The captain was a young, inexperienced man, who was put in with a nurse.

The pirates sent their boat to speak with him, but the ship firing at them, they concluded it a man of war and rowed ashore. The two pirates shipped and ran ashore; the grab standing in, and not keeping her wind so well as the French built ship, ran among a parcel of mangroves, and a stump piercing her bottom she sunk; the other run aground, let go her anchor, and received no damage, for the flowing tide fetched her off.

The captain of the Speaker, (for that was the name of the ship which frightened the pirates,) was not a little proud of having frightened these two pirates ashore, and could not help expressing himself in these words: "How will my name ring on the Exchange, when it is known that I have run two pirates aground;" which gave a handle to a satirical return from one of his men after he was taken, who said: "Lord, how our captain's name will ring on the Exchange, when it is known that he frightened two pirate ships ashore, and was afterwards taken by their two boats."

When the Speaker came within shot, she fired several times at the two vessels; and when she came to an anchor, several more into the country, which frightened the negroes, who having told their king, would allow him no trade, until the pirates whom he had driven ashore,

(having a design to take his ship) interceded for him, telling the king, that what had happened was through a mistake, it being a custom among their countrymen to fire their guns by way of respect, and that it was owing to the gunner's negligence, that they had fired shot.

The captain of the *Speaker* sent his purser ashore, to go up the country to the king, (who lived about twenty miles from the coast,) with a couple of small arms inlaid with gold, a couple of brass blunderbusses, and a pair of pistols, as presents, and to require trade.

As soon as the purser was ashore, he was taken prisoner, by one Tom Collins who lived on the shore, and had belonged to the *Charming Mary*, of Barbadoes, which went out with a commission, but was converted to a pirate. He told the purser he was his prisoner, and must answer for the damages done two merchants, who were slaving on the coast. The purser answered, that he was not the commander; that the captain was a hot-headed, rash youth, put into business by his friends, which he did not understand; but that satisfaction should be made. He was carried by Collins on board Booth's ship when, at first, he was talked to in pretty strong terms; but after a while treated with more civility, and the next morning sent up the country to the king, with a guide, and a peace concluded as before stated.

The king allowed them to trade, and sent down the usual presents, viz. a couple of oxen, between twenty and thirty people laden with rice, and as many more with the country liquor, called *toke*.

The captain then settled the factory on the shore, and began to buy slaves and provisions. The pirates were among them, and had opportunities of sounding the men, and finding in what posture the ship lay. They found by one Hugh Man, belonging to the *Speaker*, that there were not above forty men on board, and that they had lost the second mate and twenty hands in the long boat, on the coast, before they came into this harbor, but that they kept a good lookout, and their guns ready primed. However, for a hundred pounds, they agreed with him to wet all the priming, and assist in taking the ship.

After a few days, the captain of the *Speaker* went ashore, and was received with a great deal of civility by the heads of the pirates, having previously agreed to make satisfaction. In a day or two after, he was invited by them to eat a barbecued shoat, which invitation he accepted. After dinner, Capt. Bowen, who was, (as already stated, a prisoner on board the French pirate, but now become one of the fraternity, and master of the grab,) went out, and returned with a case of pistols in his hand, and told the captain of the *Speaker*, (whose name, for certain reasons, I shall omit to mention,) that he was his prisoner. He asked upon what account? Bowen replied, "we want a ship, and yours being a good one, we are resolved on having her, to make amends for the damage you have done us." His boat's crew and the rest of his men were also made prisoners.

A watch word was given, and no boat to be admitted on board the ship. This word, which was for that night, *Coventry*, was known to

the pirates. At 8 o'clock they manned the twelve oared boat, with twenty-four men and set out for the ship. When they had put off, the captain of the *Speaker* desired them to come back, for he wanted to speak with them. Captain Booth asked him what he wanted? He replied, "you can never take my ship." "Then," said Booth, "we'll die on or along side of her," and then proceeded.

When they were near the ship they were hailed, and the answer was *The Coventry*. "All well," said the mate, "get the lights over the side;" but seeing the second boat, he asked, "what boat is that?" One answered, "it is a raft of water;" another said, "a boat of beef;" this derangement in the answers made the mate suspicious, who cried out, "Pirates! take to your arms my lads," and immediately clapped a match to a gun, which, (as the priming had been previously wet by the treacherous Hugh Man,) only fizzed. They made themselves masters of her, without the loss of a man on either side.

The next day they put the necessary provisions on board the French built ship, and gave her to the captain of the *Speaker*, and those of his men who would go with him. The captain having thus lost his ship, sailed in that which the pirates had given him, for Johanna, where he died of grief.

The pirates having victualled, sailed for the Bay of St. Augustine, where they took in between seventy and eighty men, who had belonged to the ship *Alexandria*, commanded by Captain James, who was also a pirate. They also took in their guns, and mounted the *Speaker* with fifty-four; they numbered two hundred and forty men, besides twenty slaves.

From hence they sailed for the East Indies, but stopped at Zanguebar for fresh provisions, where the Portuguese had had a settlement, but was then inhabited by the Arabians. Some of them went ashore with the captain to buy provisions. The captain was sent for by the Governor, who went, being accompanied by fourteen of his men. They passed through the guard, and when they had entered the Governor's house they were all cut off; and at the same time, others who were in different houses in the town were attacked and fled to the shore. The long boat which lay off at a grappling, was immediately seized by those who sought for it. There were not above half a dozen of the pirates who carried their arms ashore, but they used them so well that most of the men got into the boat. The quarter-master was attacked by many but he behaved himself so well, having his drawn sword, that he got into a little canoe, put off, and reached the long boat.

In the interim, the Arabians played upon the ship with their little fort, which was returned with equal warmth. They got on board with the loss of Capt. Booth, and twenty men, and set sail for the East Indies. When they had got under sail, they chose a new captain, and the quarter-master, who had behaved so well during the last affair with the Arabians, was chosen; but he declining all command, the crew made choice of Bowen for captain, Pickering to succeed him as quar-

ter-master, Samuel Herculat, a Frenchman, for quarter-master, and Nathaniel North, for captain quarter-master.

Things being thus settled, they went to the mouth of the Red Sea, and fell in with thirteen sail of Moorish ships, with which they kept company the greater part of the day, but did not venture too near them, as they took them to be Portuguese men-of-war. At length part were for boarding, and proposed it. The captain, though he said little, did not seem inclined, for he was but a young pirate, though an old commander of a merchantman. Those who were desirous to board, then desired Captain Boreman to take the command, but he said he would not be an usurper; that no one was more fit for commander, than he who was commander; that he would stand by his fusil, with such as wanted him to take the command, to be ready to board; on which, the captain's quarter-master said, if they were resolved to engage, their captain did not lack resolution; therefore he ordered them to get their tucks on board, and get ready for boarding; and coming up with the hindermost ship, they fired a broad side into her, which killed two Moors, boarded and carried her: but night coming on, they made only this prize, which yielded them £500 per man. Thence they sailed to the Malabar coast. The adventures of the pirates on this coast are already recorded in Captain Bowen's life, to which I refer the reader, and shall only observe, that all this time Capt. White was before the mast, being a forced man from the beginning.

Bowen's crew dispersing, Captain White went to Methelage, where he lived with the king, not having an opportunity of getting off the island, until another pirate ship, called the Prosperous, commanded by one Thomas Howard, came in.

Those who were ashore with Captain White, resolved to enter this ship, and he, rather than to be left among the natives, and hoping an opportunity might present itself which would enable him to get home, accompanied them. He continued on board this ship, in which he was made quarter-master, until they met with and joined Captain Brown. At port Dolphin he went off in the boat to fetch some of the crew which were left ashore, the ship having blown to sea during the night. The ship not being able to get in, and he, supposing she had gone to the west side of the island, (as they had formerly proposed,) steered that course with his boat and twenty-six men. They touched at Augustine, where they waited a week, in expectation of the ship, but not appearing, the king ordered them to be gone, telling them, that they imposed upon him by their lies, for he did not believe they had any ship; however, he gave them fresh provisions, and they made for Methelage. Here, (as Captain White was known to the king,) they were kindly received, and staid a fortnight, in expectation of their ship; but not appearing, they raised their boat a streak, salted the provisions which the king gave them, put in water, and stood for the north end of the island, designing to go round, believing their ship might be at the island of St. Mary. When they came to the north end, the cur-

rent which sets to the N. W. for eight months in the year, they found it impossible to get round. Wherefore they got into a harbor, of which there are many for small vessels. Here they staid three or four weeks, when part of the crew were for burning the boat, and of travelling by land, to a black king of their acquaintance, whose name was Roberimbs, who lived at a place called Manangaromasigh, in lat. 15°. As this king had been several times assisted by the whites in his wars, he was a great friend to them. Captain White dissuaded them from this undertaking, and with much ado saved the boat; but one half of the men, being resolved to go by land, they took what provisions they wanted and started. Captain White, and those who staid with him, accompanied them a day's journey, and then returning, they got into the boat, and went back to Methelage.

Here he built a deck to his boat, and laid by three months, in which time there came in three pirates with a boat, which had formerly been trepanned on board the Severn and Sarborough men-of-war, which had been looking for pirates on the east side: from which ships they made their escape at Mohila, in a small canoe, to Johanna, and from Johanna to Mayotta, where the king made them the boat which brought them to Methelage. The turn of the current's setting to the N. W. with violence being over, they proceeded together with White's crew, to the north end, where the current running yet too strong to get round, they went into a harbor, and staid there a month, maintaining themselves upon fish, and wild hogs, which were abundant. At length having fine weather, and the swiftness of the current having abated, they got round, and after sailing about forty miles on the east side, they went into a harbor, where they found a piece of a jacket, which they knew had belonged to one of the men who had left them to go by land. He had been a forced man, and a ship-carpenter. This they supposed he had torn to wear around his feet; that part of the country being barren and rocky. As they sailed along this coast, they came to an anchor in convenient harbors every night, till they came to Manangaromasigh, where king Roberimbs resided, where they called to enquire for their friends, and to recruit with provisions. The latter was given them, but they could obtain no information respecting their companions.

They then went to the island of St. Mary, where a canoe came off to them, with a letter directed to any white man. They knew it to be the hand writing of one of their former companions. This letter was to advise them to be on their guard and not to trust too much to the blacks of that place, they having been formerly treacherous. They enquired after their ship, and were informed, that the company had given her to the Moors, who had gone out with her, and that they had settled at a place called Ambonavonla, about twenty leagues to the south of St. Mary, where they lived among the negroes as so many sovereigns.

One of the blacks who brought off the letter went on board their

boat, and guided them to a place called Olumbah, where twelve of them lived in a large house which they had built, and fortified with about twenty pieces of cannon.

The rest of them were settled in small companies of about twelve or fourteen together, along the coast, as the English, French, Dutch, &c. They made enquiry for their companions; and Capt. White desiring to return home, proposed going out again in the boat; and many of them agreed to go under his command, and if they could not meet a ship to carry them to Europe, to follow their old vocation. But the others did not think it reasonable for him to have the boat, but thought it ought to be sold for the benefit of the company. Accordingly it was set up for sale, and Capt. White bought it for 400 pieces of eight, and with his old companions, whose number were increased by others of the ship's crew, he returned the same way he had come to Methelage.

Here he met with a French ship of fifty tons and six guns, which had been taken by some pirates who lived at Maratan. This ship's master would not allow White and his men a passage to Europe, for he had himself once been a pirate, and quarter-master to Bowen in the *Speaker*, and apprehended their taking his ship. England and France being at that time at war with each other, he thought they might do without being called in question as pirates. The pirates who had been concerned in taking *Hercault's* ship, had gone up the country, and left her to the men belonging to the *Degrave*, who had fitted her up, cleaned and tallowed her, and got in some provisions, with a design of going to the West Indies, that they might light on some ship in which to return to their native country.

Capt. White having found these men desirous of joining him, and of going round to *Ambonavonla*, it was agreed upon, and they unanimously chose him commander. They then put to sea, and stood for the south end of the island, and touched at *Don Mascarenhas*, where he took in a surgeon, and stretching over to *Madagascar*, fell in with *Ambonavonla*, and increased his company to sixty men. From that place he shaped his course for the *Island of Mayotta*, where he cleaned his ship and waited for the season to go into the *Red Sea*. The proper time having arrived, and having previously taken in provisions, and the ship being well fitted, she sailed for *Babelmandel*, and running into a harbor, waited for the *Mocta* ships.

He here took two grabs laden with provisions and having small money and drugs. These he plundered of what was of any service to him, kept them a fortnight and let them go. Soon after they spied a lofty ship, upon which they put to sea, but finding her an European, and too strong for them, gave over the chase and were glad to shake her off, and get back to their former station. A few days after, they met with a large ship of about one thousand tons, and six hundred men, called the *Malabar*, which they chased all night, and took in the morning with the loss of the boat-swain only, besides two or three wound-

ed. In taking this ship they damaged their own so much by springing their mast, carrying away their bowsprit, and beating in part of their upper works, that they did not think her longer fit for use. They therefore filled her with prisoners, gave them provisions, and sent them away.

Some days after this they spied a Portuguese man-of-war of forty-four guns, which they chased but gave over by carrying their main-top-mast, so that they did not speak with her, for the Portuguese took no notice of them. Four days after they had left the Portuguese man-of-war, they fell in with a Portuguese merchantman, which they chased with English colors flying. The Portuguese, taking White for an English man-of-war, or an East Indiaman, made no endeavors to get from him, but on his coming up brought to, and sent his boat on board with a present of sweet-meats to the English captain. His boat's crew was detained, and the pirates getting into his boat with their arms, went on board and fired on the Portuguese, who being surprised, asked if war was declared between England and Portugal? They answered in the affirmative, but the captain could not believe them. However, they took what they liked, and kept him with them.

After two days they met with the Dorothy, an English ship, commanded by Capt. Penruddock, coming from Mocha. They exchanged several shots in the chase, but when they came along side of her, they entered their men, and found no resistance, she being navigated by Moors with no Europeans except the officers. By vote they gave Capt. Penruddock (from whom they had taken a considerable quantity of money,) the Portuguese ship and cargo, with what bales he pleased to take out of his own, and kept the English ship for their own use.

Soon after, they plundered a Malabar ship, out of which they took as much money as came to £200 to each man, but missed 50,000 sequins which were hid in a jar under the cow's stall. They then put the Portuguese and Moorish prisoners on board the Malabar, and sent them about their business. The day after they had sent the prisoners away, one Capt. Benjamin Stacy, in a ketch of six guns, fell into their hands. They took what money he had, and what goods and provisions they wanted. Of the money, \$500, a silver mug, and two spoons belonged to a couple of children who were under the care of Stacy. The children mourned grievously for their loss, and the captain asking the reason of their tears, was answered by Stacy, that the above sum and plate was all the children had to bring them up. Capt. White addressed his men, and told them it was cruel to rob the innocent children; upon which, by unanimous consent, all was again restored to them. Besides, they made a present to Stacy's mate and under officers, and about one hundred and twenty dollars to the children, Stacy and his crew were then dismissed, and then they made the best of their way out of the Red Sea.

They went into the bay of Defarr, where they found a ketch at anchor, which the people had made by seizing the master, and boat's

crew ashore. They took a French gentleman, named Monsieur Berger, on board, whom they carried along with them, and took out about two thousand dollars, and sold the ketch to the chief for provisions.

Hence they sailed for Madagascar, but touched at Marcarenhas, where several of them went ashore with their booty, amounting to about £1200 each. Here they took in fresh provisions, and sailed for Madagascar, and fell in with the Hopeful Point, where they divided their spoils, and settled upon the shore; here White built a house, bought cattle, took off the upper deck of his ship, and was fitting her up for the next season. When she was nearly ready for sea, Captain John Halsey, came in with a brigantine, which being a more proper ship for them, they desisted working on the ship, and those who had a mind for new adventures, joined Halsey, among whom White entered as captain.

On his return to Madagascar, White was taken ill of a flux, which in about five or six months ended his days. Finding his days were drawing to a close, he made his will, left several legacies, and appointed three men of different nations, guardian to his son whom he had by a woman of the country, desiring him to be sent to England, with the money he had left him, in the first English ship, to be brought up in the christian religion, in hopes he might live a better life than his father. He was buried in the same manner as they usually bury their companions. Some years after, an English ship touching there, the guardians faithfully discharged their duty, and put him on board with the captain, who brought him up with care, acting by him as a man of probity and honor,

WILLIAM FLY,

THE PIRATE.

THE origin of this villain remains in obscurity ; which is a matter of little consequence, as it is certain that he was brutally ignorant, and wholly unfit to command even a band of pirates, unless his cruelty and blood thirstiness may be considered a qualification. Of all the miscreants that have ever disgraced their kind, not one is known to have been more bloody and remorseless than William Fly.

In April, seventeen hundred and twenty-six, the snow Elizabeth Snow, of Bristol, was preparing to sail from Jamaica to the coast of Guinea. Mr. Green, the master, shipped this Fly as boatswain. It seems that he had been a pirate before, and having escaped justice, he had now an opportunity of getting an honest living, and of attaining some small preferment, of which he was very ambitious.

Immediately after sailing, Fly sounded the crew, severally, and found most of them birds of his own feather ; ripe for any guilt he might devise. As he thus found tools ready to his hands, he conspired with them to seize the vessel and kill the officers. This done, he proposed to assume the command, and renew his trade of piracy. His brethren in iniquity fully concurred with him.

On the twenty-seventh of May, Fly went up to Maurice Condon, the man at the helm, accompanied by Alexander Mitchell, Henry Hill, Samuel Cole, Thomas Winthrop, and other conspirators. Putting a pistol to Condon's head, Fly swore, that if he uttered a syllable or stirred hand or foot, he would blow his brains out on the spot. Then, leaving a sentry over Condon, he tucked up his sleeves, and went with Mitchell into the captain's cabin, with a naked cutlass in his hand. He told the captain that he was captain no longer, and must turn out. Captain Green asked what was the matter ; and was answered by Mitchell, that they had no time to answer impertinent questions, and that if he would turn out and go on deck quietly, it would save them the trouble of scraping the cabin ; but if he would not, then a few buckets of water and a scraper would take his blood out of the floor ; that they had chosen Captain Fly for their commander, and would have no other. He said, furthermore, that they were resolved not to waste their provisions to feed useless mouths.

Mr. Green said, that since such was their resolution, he would make no resistance. He only begged that they would spare his life ; as it would be no obstacle to their designs. He said that he had never treated any of them harshly, and that therefore they could not kill him out of revenge. If they wished to do so for their own security, he gave his word that he would oppose them in nothing. If they were not

satisfied with the pledge, he desired them to keep him in irons till they came to some place where they might conveniently put him on shore.

"Ay," said Fly, "to live and hang us, if we are ever taken? No, no, that bite won't take. It has hanged many an honest fellow already. Walk up! walk up."

Fly and Mitchell then laid hands on him, and pulled him out of bed. The poor man again entreated them to spare him, for his soul's sake, and he would bind himself by the most solemn oaths never to appear against them. He continued to plead for life, mere life, in terms, that had these monsters been indeed men in any thing but form, must have softened them. He said he was unfit to appear before the judgment seat of God; that he was loaded with sins, and that, to send him to that awful tribunal before these were washed away by tears of repentance, would be cruelty infinitely greater than merely depriving him of life, since without having given them any provocation, they would consign him to everlasting misery. If they would not be persuaded he conjured them in the name of their fathers, of their mothers, and of all they held in reverence, to allow him to prepare for so great a change. He asked, he said, no more mercy than the laws would allow them in case they should be taken hereafter—but it was all in vain; Mitchell cut his pleading short.

"D——n your blood," said he, "no preaching. Be d——nd if you will; what 's that to us? Let him look out who has the watch. On deck, you dog; we'll lose no more time about you."

They then dragged him into the steerage, and forced him on deck, without regard to his prayers and supplications. Here one of these fiends incarnate asked him, if he would take the leap like a brave man, or be tossed overboard like a sneaking rascal. Then, addressing himself to Fly, the captain said, "Boatswain, for God Almighty's sake, do not throw me overboard. If you do, I am lost forever; for hell will assuredly be the portion of my crimes."

"D——n him," said Fly, "since he's so godly, we'll give him time to say his prayers and I'll be parson. Say after me, 'Lord, have mercy on me.' Short prayers are best, so no more words, and over with him."

The captain still implored mercy, and begged an hour's respite only, but it was in vain. The miscreants seized him and threw him overboard. He caught and hung by the main sheet, which when Winthrop saw, he brought an axe and chopped off the unhappy victim's hand, and he fell, and sunk. It is to be hoped that his keen sense of his unworthiness and lost condition, will be found acceptable, and be the means to screen him from the punishment he so much feared.

The captain being thus despatched, Thomas Jenkins, the mate, was secured and brought on deck to undergo the same fate. His entreaties were as useless as those of the captain had been, and not to be reversed; for he was in the hands of those who knew not what mercy is. His executioners were deaf to the voice of supplication. "He

belongs to the captain's mess," said they, "so let them drink together. It would be a pity to part such good company."

Thus they jested with his agonies ; but he did not suffer so patiently as the captain. He made some struggle, which irritated his tormentors, upon which Winthrop, with the same axe wherewith he had chopped off the captain's hand, gave him a deep blow on the shoulder, and he was instantly thrown into the sea. He swam, notwithstanding, and called to the surgeon to throw him a rope. The surgeon could not hear him, for he was laid in irons, on the floor of his own cabin, and if he could have heard, and had thrown him a rope, it is not to be supposed that these hardened villains would have suffered him to come on board again. But the drowning catch at straws, and hope is the last feeling to desert us.

The conspirators next debated what should be done with the surgeon. Some were for sending him after the captain and mate, but the majority were for sparing him, as he was a useful man. Their work now done, Mitchell saluted Fly by the title of Captain, and, with the rest of the conspirators, gave him formal possession of the great cabin.

Here the conspirators now held a council over a bowl of punch. They sent for Condon, the carpenter, and one Thomas Streaton, and on their appearance Fly addressed them. He told them that they were three rascals, and richly deserved to die, but that he was nevertheless disposed to be merciful, and would only put them in irons, for the security of himself and his crew. Accordingly they were ironed. Scarcely had this measure been carried into effect, when the council was broken up by the approach of another ship, the Pompey, which had sailed from Jamaica in company with them. The Pompey came within hail, and enquired for Captain Green, and Fly replied, that he was very ill. The pirates did not dare to attack this vessel, but returned to their consultation, and it was agreed to steer for the coast of North Carolina.

After making that shore, the first vessel they saw was the sloop John Hannah, riding at anchor. Captain Fulker, her commander, thinking the Elizabeth might want a pilot, went on board with his mate, two passengers, and a boy, and offered his services. Fly told them that the snow was from Jamaica, with a cargo, and asked them into the cabin to partake of a bowl of punch.

When the punch was brought in, Fly told his guests that "he was not a person to mince matters. He and his comrades were *gentlemen* of fortune, and they would make bold to try if Mr. Fulker's sloop was not a better sailor than the snow. If she should prove so, she was better adapted to their business, and they would have her." The Elizabeth was then brought to anchor, about a league from the sloop, and Fly commanded Mr. Fulker to take his boat, with six of his own hands, to the sloop, and bring her along side the Elizabeth. Fulker complied, but the wind being high and adverse, he could not reach the sloop, and therefore returned to the Elizabeth. As soon as he came

on board, Fly being warm with liquor, fell into a violent passion, and cursed and abused Mr. Fulker, for not bringing off the sloop. Fulker excused himself, saying that it was impossible. "You lie, you dog," returned the savage, "and your hide shall pay for your roguery. If I can't bring her off, I'll burn her where she lies." Then, disregarding reason and remonstrance, he ordered Fulker to be tied, and whipped him in a very inhuman manner. The boat's crew were again despatched, and with great difficulty and danger gained the sloop's deck. She was lying within a bar, upon which the pirates, not knowing the coast, ran her, and she bilged and sank. The disappointed freebooters, endeavored to burn that part of the hull which remained out of water, but did not succeed, probably owing to the dashing of the spray.

As the Elizabeth was making sail, Mr. Fulker and his companions entreated to be set on shore, to which Fly would not listen, but he promised them that as soon as he should have taken some vessel, he would set them at liberty. He then stood off the coast; and on the next day, (the sixth of June,) espied a ship called the John and Betty, to which he gave chase. Finding that she outsailed him, he hung out signals of distress, to which the chase gave no heed. Fly continued the pursuit all night, and as the wind slackened, in the morning he came within shot of her. Hoisting the black flag, he fired several guns at the John and Betty, and prepared to board, when she struck. Fly boarded the prize with his men, all armed to the teeth, but she proved of small value, and they only took from her a quantity of sail cloth and some muskets. He put on board of her the surgeon of the Elizabeth, Mr. Fulker, and one of his passengers, and then suffered her to proceed. The other passenger whose name was Atkinson, was an experienced seaman, well acquainted with the coast of New England, and Fly resolved to detain him for a pilot. When he desired to be permitted to accompany the others, the pirate refused, with horrid oaths and imprecations; assuring him, at the same time, that if he played them false, in his compelled vocation, his life should be the forfeit.

Atkinson answered, that he did not know the coast, and that it was hard that such a penalty should attach to the mistakes of his ignorance. He therefore again begged to be put on board the John and Betty, and trust to their own knowledge, for he did not doubt that there were able navigators among them.

"No, no," said Fly, "that won't do. Your palavering won't save your bacon. Go you shan't; so either discharge your duty like an honest man, or I'll send you to the devil, with my compliments. So no more words about it."

Fly then stood for the coast of New England. Off the capes of Delaware he gave chase to a sloop, bound, with fifty passengers, from New York to Philadelphia. As soon as the pirate came up, she struck, and Fly ordered Mr. Atkinson, with three of his own crew, on board, to sail her, but would not allow Atkinson any arms. But after search-

ing the vessel, they found that she would be of no use to them. So they impressed one of her hands, and then let her go.

Mr. Atkinson was then ordered to take the Elizabeth into Martha's Vineyard, but he purposely missed it; for which, when Fly found himself within Nantucket, was much exasperated. "You d——d rascally scoundrel," said he, "it's a piece of cruelty to let such a villain live, as wants to take the lives of so many honest fellows."

Atkinson answered, that he had never pretended to know the coast, and that it was very hard their good opinion of his ability should be the cause of his death. Had he offered to be their pilot, without knowing his business, he might have merited punishment; but as he was forced to undertake, upon affairs which he declared he did not understand, it would be cruel to make him suffer for their own mistake.

"You are an obstinate villain," cried Fly, "and you mean to hang us; but, blood and wounds you dog, you shan't live to see it."

So saying, he ran to the cabin, and returned with a pistol to shoot Atkinson. Mitchell, however, who thought the poor man innocent of any deceit, interposed, and his life was saved.

Finding himself hourly in danger, Atkinson began to ingratiate himself with the pirates, giving them to understand that he might, perhaps be induced to join them, by good usage. They were not a little elated at the prospect of having so able a seaman among them, and some even intimated that if he would accept of the command, they would depose Fly, whose arrogance displeased them, and who, they were well aware knew nothing of navigation, or, indeed, any thing, farther than the duty of a boatswain. Atkinson did not altogether discourage their hopes, but he refused to hear any thing about accepting the command. This conduct induced them to treat him better, and to protect him from the violence and abuse of Fly, who had more than once proposed to cast him into the sea, supposing, truly, that he intended to betray them.

The Elizabeth now sailed to Brown's Bank, and on the twenty-third of June captured a fishing schooner. On coming up with this vessel, Fly ran up the black flag, fired a gun, and swore, "if she did not instantly bring to, and send her boat on board, he would sink her." He was obeyed. He examined the master respecting the prospect of finding other vessels, and promised that if he could enable him to take a good sailor, he would give him back his schooner; otherwise, he would keep her. The man told him that he had a consort that would soon join him, and was a much better vessel. He spoke the truth; in a few hours the vessel hove in sight, and Fly manned his prize with six pirates, and sent her in chase, remaining himself on board the Elizabeth, with fifteen impressed men, and Atkinson, who, by this time, had gained somewhat upon his good graces.

It is written that the days of the wicked shall be short, and it seems that Heaven, weary of the crimes of William Fly, prepared to make the promise good. Atkinson seeing that the honest men were more

numerous, five to one, than the thieves remaining with Fly, thought he could never have a better chance to turn the tables on him. Fortunately, several more fishing vessels came in sight, right ahead of the Elizabeth, whereupon Atkinson desired the pirate captain to come forward with his glass. Fly left his arms on the quarter-deck, and coming forward, sat down on the windlass to look out ahead. Atkinson and three more instantly took possession of his arms, and laid hands on him. They secured him with little trouble, and then mastered the other three pirates, and bound them. They then brought the snow to the Great Brewster, in Boston Harbor, on the twenty-eighth of the month. It should be remarked that Mr. Atkinson effected this rescue with the aid of three men only, not having had an opportunity to advise the other impressed men of his design.

Thus, in less than two months from its commencement, ended the sanguinary career of this obdurate miscreant, and the closing scene was soon to follow. On the fourth of July following, Fly and his comrades were brought before a special Court of Admiralty, at which Lieutenant Governor Sir William Dummer presided, assisted by eighteen of the council. They were found guilty of piracy and murder, and condemned to be hung. Fly was hanged in chains on one of the islands in Boston Harbor. The names of the three inferior pirates, were, Samuel Cole, George Condick, and Henry Greenvil.

J A S O N F A I R B A N K S ,

T H E M U R D E R E R .

THIS unhappy person was a native of Dedham, in Massachusetts, and the child of respectable, though poor parents. His constitution was weak and his health infirm, so much so, that from his tenth year upward he was able to perform little labor, and his friends, therefore, sent him to school at Wrentham, hoping to give him an education that might be the means of his future support. His constitutional infirmity prevented him from prosecuting his studies, and he returned home. After his return he was afflicted by a pulmonary complaint, which increased his debility. In addition to all this, he lost the use of his right arm, by an unsuccessful inoculation for the small pox.

The incidents of his life were unimportant, and could excite no interest excepting so far as they are connected with the tragedy in which he was, fatally for himself, an actor. These will, we opine, be best elucidated by an account of his trial, which began on the sixth of August, eighteen hundred and one, before the Supreme Judicial Court of Massachusetts, held in Dedham. Fairbanks was at this time twenty-one years old.

The jury presented, that Jason Fairbanks did, on the eighteenth of May, one thousand eight hundred and one, assault Elizabeth Fales with a knife; and gave her a mortal wound in the throat, two inches deep: that he gave her another mortal wound in the back, four inches deep: that he gave her four mortal wounds in her back, each four inches deep: another mortal wound in her left side, three inches deep: six mortal wounds on her left arm: two mortal wounds on her right arm, and one mortal wound on her left thumb: of all of which wounds the said Elizabeth Fales instantly died. To this indictment the prisoner pleaded not guilty.

The first witness examined, was Dr. Nathaniel Ames. His testimony was as follows.

On the eighteenth of May he went to the place where the dead body of Elizabeth Fales was found. The windpipe was cut through, and the wounds on her breast were deep, as were those on her left arm. Those on her right arm were merely scratches. That on her side was deep, and the ball of her left thumb was cut almost off. The witness did not think she could have survived these wounds, and was of opinion that the immediate cause of her death was, that the blood had flowed from the gash in her neck into her vitals. The wound in her back he did not see at the time, but afterwards examined it, and found it a small one. He believed she might have inflicted it herself, and thought it might have been given with the knife produced in court.

Samuel Fales, the uncle of the deceased, said, that he had lived in the same house with her. At about three o'clock, on the 18th of May, he saw Jason Fairbanks standing by the house, with a bloody knife in his hand. His throat was cut across, and he had several stabs in his body. The witness took him by the hand, and held him till his son came, whom he desired to hold him till some other person should arrive. Going to Mr. Mason's pasture, he saw his niece lying on the ground, nearly on her face, with her arms over her head. Her father came up, laid his hand on her head and exclaimed, "O Betsey!" when she turned on her side. The witness then asked her if she knew what hurt her, and she assented, by signs. Her father asked if she wanted water, and, in the same manner, she signified that she did. A greatcoat, belonging to the prisoner, was lying near her, which her father desired the witness to put under her head, while he sent for water. The witness took her shawl, which was lying on the ground, and tied it round her neck, to see if she could swallow, which she could not. She breathed but faintly. There was little blood near her, so little that the witness thought she did not lose enough to cause her death. She was dressed in a short, loose calico gown, and a green skirt; her shoes were off. Her mother came to the spot just before she died, which was about half an hour from the time Samuel Fales first saw her. There was a pocket book near her, containing receipts and other papers, purporting to have been given to Jason Fairbanks. When the witness first saw the prisoner, a froth was issuing from the wound in his neck, and he held him, thinking he was insane, and might do some mischief. The prisoner's information induced him to go to Mr. Mason's pasture. The witness was not permitted to say, what the prisoner had told him.

In the course of the trial, Samuel Fales was called again, and said, that when he first saw the deceased, her head was lying near a rough sharp stone, and that the bushes about her were six or seven feet high. A little distance from the place, the trees and bushes were very thick. Between where she was lying, and the place where Mr. Fales had been at work, was the clearest part of the pasture, and he thought he might have seen her if he had looked in that direction. She was on a rising ground.

Doctor Jonathan Wild bore witness, that the wound on the neck of the deceased was in a circular form, round her neck, and appeared to have been cut with one stroke. One wound on her left arm, near the wrist, was severe, and would have disabled her from resisting with that arm. The wound in the neck was mortal.

John Endicott described the wounds as the other witnesses had done.

The Attorney General now produced the clothes, worn by the deceased at the time she was found murdered, and the holes in them corresponded with the wounds described. *Rebecca Fales* and *Lydia Whiting* swore, that they had taken them off, when she was laid out.

Eunice Lewis testified that the deceased was of the middling size, and that she had always thought that the prisoner and she were friends. She first saw Elizabeth Fales after the murder, dead, in the pasture. She verified the evidence touching the wounds. When she assisted to lay out the deceased, she took several trifles from her pockets, but no knife, or other sharp instrument.

Doctor Abijah Draper, describing the wounds, stated that the one on her hand appeared to have been made with teeth, two of which had pierced the skin, so as nearly to meet. He did not examine them.

The knife taken from Fairbanks was then exhibited to *Ephraim Handy*, who swore it was his, and that he had lent it to the prisoner, in the morning of the day of the murder. Fairbanks borrowed it to make a pen, as he said, and the witness commonly used it for the same purpose. The point was broken off at the time. He saw the prisoner again, between twelve and one o'clock, at his father's house, when he was calm and cheerful; nothing strange appeared in his conduct. Witness heard him ask his brother for his pocket-book. When Handy saw his knife again, it was in the hands of Dr. Ames. He did not know that any intimacy existed between Fairbanks and Elizabeth Fales, though he had lived in the prisoner's father's house almost a year.

Sarah Fales, the mother of the murdered girl, deposed, that after the murder she first saw Jason Fairbanks, at about 3 o'clock, coming into the yard of her house, with a bloody knife in his hand, which he gave to her. She gave the knife to her other daughter, and asked Fairbanks what horrid thing he had been doing. Elizabeth Fales had gone from home between 12 and 1 o'clock to borrow a book at Mr. Guild's. There was nothing singular in her conduct; she had been washing, and was gay and cheerful. She had attended church the day before. Mrs. Fales never knew that her daughter was attached to the prisoner. When she saw her again, it was in Mason's pasture, mortally wounded, as before described. She did not know that Elizabeth carried any sharp instrument with her.

Polly Fales, sister of Elizabeth, testified that she had been in company with the deceased, a week before the murder, to the house of the prisoner's father, and that Jason let them in. She left her sister alone with the prisoner about an hour. Jason had attended her sister and others, home from church, the day before her death. The witness was not aware of any attachment between them, and did not believe there was any on the part of her sister. Fairbanks was not particularly attentive to the deceased.

Herman Mann had found some pieces of paper about the body of Elizabeth Fales, after her death. When joined, these fragments appeared to be the certificate of a publication of banns, between the prisoner and the deceased. It was signed with the name of the town clerk, but not in his hand writing.

Susannah Davis swore that she had written this certificate, at the

request of Jason Fairbanks. He made this request the day before the murder, saying, that he had forgotten the form of such certificates. Miss Davis asked whose name she should insert, and he replied, "any of the Dedham girls;" whereupon she said she would put in Elizabeth Fales. Fairbanks assented, and the witness inserted the name accordingly, and affixed the signature of the town clerk. On receiving it, he exclaimed, "Ah! Betsey Fales, that will do!" Miss Davis took the certificate back, and was about to burn it, but Fairbanks prevented her, and put it in his pocket. He promised her, however, that no one should see it.

This witness further stated, that Fairbanks asked for the certificate in a jocular manner, and she did not believe, at the time, that he meant any thing serious. She had frequently seen Fairbanks and the deceased together, and believed them reciprocally attached.

Doctor Benjamin Turner had seen the body at the grave, and confirmed the testimony touching the marks of teeth on the hand.

Sarah Guild swore that Elizabeth Fales came to the house where she lived, on the day of her death, between twelve and one, and staid more than an hour. She said she came to borrow a book, and refused to stay longer. She said she had been working hard, but was cheerful, and as she was going away, stopped some minutes at the door to play with a child. *Eliza Guild* testified to the same effect, and added, that, in the Spring, she heard Jason Fairbanks say, he should not live till the election. A person present told him that he must take Elizabeth Fales to a ball, to which he replied, "I am not sure of it. I am sure I shall not live till election."

Hannah Farrington lived a quarter of a mile from the place where the body was found. On the day, and at the time of the murder, she heard a voice, which she knew to be that of Elizabeth Fales, cry, "O dear! O dear!" It appeared to come from the woods, between the house and the place where the body was found. On hearing it, the witness said to her sister, that it was Elizabeth Fales, laughing, and that she would soon be there. She heard the voice two or three times, within fifteen minutes, and it appeared like that of a person in distress. The witness had always thought Miss Fales and Fairbanks very fond of each other, and had often seen them together. She said that Fairbanks had been sick, and was always weakly. During the last spring he had been confined to the house, and spat blood. Beside, his right arm was entirely stiff at the elbow, and he could not use it. He had spent most of his time at home, but had lately been at an academy in Wrentham.

Hannah Farrington had always seen the prisoner and the deceased walk home together, and they always seemed to desire the company of each other. She had not doubted that they were *courting*.

Prudence Farrington agreed with the last witness, in all points. Fairbanks and Miss Fales had often met at her house, it appeared to her, by appointment.

William Mason met the prisoner on the eighteenth of May, between twelve and one, who asked him where he had been. There was some small talk between them, and Fairbanks demeaned himself as usual.

Isaac Whiting had conversed with the prisoner the December before. Fairbanks told the witness that he found some difficulty in addressing Miss Fales, as her friends were opposed to it. At another time he told Whiting, that he must sacrifice her character by violating her chastity; but added, that he "sometimes thought it too bad." He frequently told this witness he thought he should never marry her, because the families were at variance. Once Whiting had heard him say, that some one had informed him that Miss Fales had been addressed by another person, and if that was the case, he would have nothing more to do with her. He had said to Whiting that he did not think he should ever enter her father's house again, but if he should, the difficulty could be settled in a few minutes. Whiting then understood that the difficulty was removed, and saw them together often. The Saturday before her death, Fairbanks spoke as if he expected to see her soon, and his conversation was light and jocular. This witness also confirmed the account of the prisoner's debility.

Abner Whiting testified, that being once in Mr. Bates' shop with Fairbanks, he saw Mrs. Fales going by. This was two or three years before. Fairbanks cursed and swore, and said he would have satisfaction of Mrs. Fales. He would not explain his meaning; but Bates said, that one evening he went home with Miss Fales, and the door was shut against him. Fairbanks replied, "well, you know something about it;" and then repeated that he would have satisfaction. The witness again saw the prisoner, in the same place. They went out together, and saw Miss Fales coming toward them, on which Whiting asked Fairbanks if he had obtained satisfaction yet. He answered, that he had not, and that he had no such intention. He added, "Betsey is a nice girl, but d—n it, for all that, I don't know what to do. I don't know but I must be the death of her."

The next time the witness saw Fairbanks, he (Whiting) was standing in the door of Bates' shop. Fairbanks was coming toward the shop with another young man, a stranger to Whiting. A young woman, whom Whiting believed to be Miss Fales, was approaching at the same time. He heard some person, apparently Fairbanks, exclaim, "d—n you, I must have you in the bushes." He went toward them and listened, but could hear no more.

At another time, Whiting was in Mr. Daniel's shop, and saw Fairbanks and another young man; and at the same time Miss Fales, approaching. One of them exclaimed, "d—n you, I will be the death of you." In this case, also, the prisoner's companion was unknown to the witness.

Whiting stated all this to have occurred a long time before, perhaps two or three years. He said he had told his wife what he heard, but she answered, "that he had been to the shop, and did not know what

he did hear." He had also, he said, informed Joshua Fales of the threats of Fairbanks.

Joshua Fales positively denied ever having had such a communication from Abner Whiting. He said that misfortune and law, had some years before unsettled his intellects, for a time, but he knew nothing against his character, with respect to truth, or any thing else.

The wife of Abner Whiting was not permitted to testify, with regard to the communications sworn to have been made to her.

William Draper had known Abner Whiting to be 'troubled in mind,' several years before. He had appeared before a court as a witness, and was fearful of having said something amiss. His father took him home in consequence. Draper had also been told by Whiting of one of the conversations alleged to have taken place at Bates' shop. In a conversation which took place relative to the death of Miss Fales, Draper thought he behaved much in the same manner as when troubled in mind. He appeared to be intoxicated, and afterward did not remember what he had said. He also told Draper, "he did not know but he had said something wrong before the Grand Jury," and feared that he might be blamed for it.

Nehemiah Fales, the afflicted parent of the deceased, testified that, two or three years before her death, she had received the attentions of a Mr. Sprague, who went to New-York and was married. He thought that this had affected her much, but was not aware that she had been attached to Fairbanks. He had never forbidden the prisoner his house. The rest of his evidence only went to confirm points proved before.

Reuben Farrington stated, that the Sunday evening before the death of Miss Fales, he walked home from church with her, Fairbanks, and others. Fairbanks stopped at the witness' house, while Miss Fales proceeded homeward. The prisoner asked him home to supper, and on their way told him, that he was about to meet Miss Fales, in order to settle the matter. He said he would either violate her chastity, or carry her to Wrentham and marry her, for he had waited long enough, to the injury of his health. Farrington laughed at him. The next morning Fairbanks came to his house, but said nothing more of the matter. He came again at ten o'clock, and Farrington asked him to assist in planting beans, but he excused himself, saying he was too weak. He said he was coming to Farrington's house at election, as Miss Fales had invited him. Much more idle conversation passed, by no means important to relate, Farrington thought he jested, having often heard him discourse in the same jocular manner.

Farrington was of opinion that the prisoner and the deceased were very intimate, and strongly attached. He thought that Fairbanks was liked by the family of Miss Fales. She had often met Fairbanks at Farrington's house, as often as two or three times a week, and they sometimes tarried till eleven or twelve o'clock. He thought they would "have gone through fire and water for the sake of being to-

gether." Their meetings did not appear accidental, but the result of previous assignation.

Bulah Guild swore, that about two months before the murder, in a conversation with Fairbanks, the latter observed, that "Mrs. Fales and Mrs. White had been talking about him, but he had thought of a better way—there were other ways to come up with people, besides talking about them." He said the physician had told him he might live many years; but he did not himself think that he should live three months. He said, "if he thought he should live seven, he should not care."

Several witnesses testified that the demeanor of the deceased on the day previous to her death, was gay and cheerful.

Doctor Ames being again called, testified that he saw Fairbanks several times after the murder, before he was committed to prison. The wound on his windpipe had not penetrated the cavity, and the doctor told him he need not be afraid, for it would not kill him. He exclaimed, "O my heart! O my heart!" Speaking of the wounds in his breast, he said he had run the knife in to the hilt, but this Dr. Ames did not believe. Fairbanks wished that he might not live, as his life was a burden to him. The witness described the prisoner's right arm as small, and stiff at the elbow, but believed he might raise any thing from the ground with it, by stooping.

Doctor Charles Kitteridge stated that the wounds of the prisoner were very dangerous. One, in the abdomen, began to mortify, and the mortification was arrested with great difficulty. It brought on a tetanus, or locked jaw, that lasted seven or eight days.

The witness had also examined the wounds of the deceased; and as there was some contradiction which thumb was wounded, satisfied himself that it was the left. He said he did not see the wound in the back.

Lydia Whiting and *Catharine Everett* both swore positively that Dr. Kitteridge did see the said wound, and that on seeing it, he said it was the strongest evidence against Fairbanks. The doctor was again called, and swore as positively to the contrary. The others stated that the examination took place after the jury were called out of the chamber. *Reuben Farrington*, who was a witness on this occasion, went with the jury, and did not see the doctor, who afterwards told him that he was sorry he had not seen the wound. *Ebenezer Fairbanks, Jr.*, the brother of Jason, deposed that he was in the room with Dr. Kitteridge and his brother, while the jury were examining the wound; and the doctor did not leave the room.

Eunice Lewis then swore that Doctor Kitteridge had examined the wound, and that she was not mistaken.

Edward Fisk swore that Doctor Kitteridge had told him that he had not examined the wound in question.

Sukey Fairbanks, the prisoner's niece, testified to the existence of an attachment between Jason Fairbanks and the deceased, and that

Elizabeth and Polly Fales had visited her father's house on the 8th of May. She said that the lovers had been left together, and that at her departure, Miss Fales had affectionately kissed Jason's hand. Again, when she came with Polly Fales, the witness and Polly went to bed, and left her with Jason. About daylight Miss Fales came to bed, and told the witness that she had something important to communicate, but dared not, lest Polly should overhear them.

The witness further testified, that the prisoner was sickly and weak. On one occasion, he had been unable to force a little boy to school. He had once scuffled with the witness, who had been able to hold him very easily; and he was so fatigued with the exertion, that he did not get over it for several hours. In the forenoon of the day on which Elizabeth Fales was murdered, he had copied music for his brother, and was in good health and spirits. When he left the house, he informed her that he was going to see Elizabeth Fales.

Ebenezer Fairbanks, Jr., testified to the continued ill health of his brother, and that he was unable to dress himself. He lent the prisoner the knife he had on the morning of the murder, to be used as a penknife. He had been used to tease Jason, for which reason he was not in his confidence. He knew that Jason, on the morning of the murder, had about him the pocket-book already mentioned. He had conversed with Mr. Fales since his daughter's death, who told him, that he knew that something was the matter with the deceased, but never suspected that it had any reference to the prisoner.

Mary Fairbanks, the wife of Ebenezer, Jr., testified in substance as her husband had done, touching the health of the prisoner.

John Guild had once seen Jason Fairbanks scuffle with a young man, named Ryan, two years before, and thought him full a match for Ryan. He knew little respecting the prisoner's health.

Joseph Ellis had seen Jason Fairbanks scuffle with an active young man, named Calvin Fairbanks, and get the better of him.

Abner Atherton had scuffled with the prisoner, who got the better of him, and put him on the floor. This happened the preceding September.

Mrs. Abigail Gay testified that she had witnessed the scuffle between Atherton and the prisoner, and that they were both so much intoxicated at the time, that she thought she could have managed either of them.

What has been given, contains the substance of the evidence. There were more witnesses, who testified to things immaterial. We have not given the whole particular testimony of each, excepting in cases where there was contradiction, conceiving it to be unnecessary.

We presume to offer no opinion on the credibility of the witnesses, except that of Abner Whiting, who, it appears, hesitated, and contradicted himself on the stand, probably in consequence of mental derangement. We think that no importance should attach to his testimony.

After a deliberation which lasted ten hours, the jury found the prisoner GUILTY ; and he received sentence of death, and was remanded to the county jail in Dedham."

The evidence against him was, it seems, though strong, entirely of a circumstantial character, and there were many who did not participate in the popular indignation, or believe Jason Fairbanks guilty. Of these, five or six concerted a plan of escape, which was carried into execution on the night of the 17th of August. The community at large were highly indignant at this interference with the course of law ; and most of the inhabitants of Dedham signed a paper, agreeing to give an account of themselves and the inmates of their houses, to have their premises searched, and to omit no exertion to apprehend the fugitive and his accomplices. A reward of five hundred dollars was offered by the Executive for his apprehension, which was soon increased by subscriptions, principally in Boston, to a thousand.

Fairbanks, and Henry Dukeham, the accomplice in his escape, and partner of his flight, in the mean while, took the road to Canada. They were pursued by three inhabitants of villages near Boston. At Milford they first obtained information respecting the fugitives, and then pursued their route to Connecticut River. They came up with Fairbanks and Dukeham, on the 23d of August, at Skeenborough on Lake Champlain, and made them prisoners. Previous to this, Dukeham had hired a boat to carry Fairbanks to St. John's in Canada. At the time his pursuers overtook him, Fairbanks was ready to embark, and was only waiting for his breakfast.

Dukeham and Fairbanks had travelled leisurely, though they were well mounted, not expecting to be pursued. When taken, Fairbanks expressed his surprise, and said that if he had expected to be followed, his captors should have ridden some hundreds of miles farther. He had manifested much indifference during his trial, nor was his courage shaken by his detection.

On the 29th of August, Fairbanks and Dukeham were committed to Boston jail. On the same day, the Governor, with the advice of the council, signed a warrant for the execution of Fairbanks on the 10th of September, and he was executed accordingly. He died with the greatest firmness, denying his guilt to the last.

There is, to this day, doubt in the minds of many, respecting the guilt of Fairbanks. For the murder of Elizabeth Fales, there appears to have been no adequate motive, yet it seems almost impossible that she could have given herself the wounds of which she died.

SAMUEL GREEN,

FOR THE MURDER OF

THE PEDLAR.

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 contray. 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 to extort 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 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 the fear of failure, he prepared the barn door in the same fashion, poisoning 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 pitch fork 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 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 liked 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 an 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 afterwards 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 to 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 sometime 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, reprovved 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 the 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 was 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 being 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 draughted, and he joined in the capacity of a musician. At Portsmouth, coming in contact with regulars, he was recognised 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 misdoer 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 wine 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 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 pedlar came in with a box of jewelry, which he incautiously displayed. A—— proposed to Green to waylay, rob, and murder the pedlar, 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 this road the pedlar 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 pedlar.

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 high 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 Sanbornton, 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 then 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—— 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 Sanbornton, 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, recognised 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 augur 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 jailor, 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 suc-

ceeded 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 further 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 the 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 log 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, and a reward of an hundred dollars was offered for the apprehension of each, so that travelling 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 may serve 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 cannot 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 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 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 preceptor, 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 traveller

had put up at a neighbouring 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 despatch the business. Green shot the man dead on the spot, at the same time A—— shot the horse. The bodies of the brute 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 where 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 anything. 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 committed 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 con-

fnement, 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 25th of April, 1822, 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.

Green was about five feet eight inches high; withal, thickset and muscular. His eyes and hair were dark, and his features were savage and scowling.

He was, in appearance, such a person as a traveller would not like to meet alone in a lonely place:

CHARLES MARCHANT, ALIAS JOHN
DUNCAN WHITE;
AND SYLVESTER COLSON, alias WINSLOW CURTIS;
THE PIRATES.

MARCHANT was a native of England, and a mariner by profession. The incidents of his life previous to the commission of the crime for which he suffered have not come to our knowledge.

On the twentieth of August, 1826, he shipped on board the schooner *Fairy*, at Boston. The *Fairy* was bound to Gottenburgh, under the command of Edward Selfridge, a young man of blameless character and a skilful navigator. The mate, Thomas Paine Jenkins, was a native of Barnstable, Massachusetts. He was described as an honest, quick-tempered, active man. Both the captain and mate were the sons of widows, who depended chiefly on their exertions for support. Beside Marchant, the crew consisted of Winslow Curtis, otherwise Sylvester Colson, John Hughes, and John Murray, the cook.

On the day the *Fairy* sailed, Marchant and the mate had a dispute on the wharf. The mate commanded the seaman to "bear a hand" in getting in the wood, and was asked, in return if he thought he was speaking to negroes. Jenkins made a testy reply, and the quarrel ended. After the vessel had sailed, the watches were set; Marchant belonging to the mate's watch, and Hughes, and Curtis, or Colson, to the first, or captain's watch. Marchant, being a good seaman, was kept at the helm four hours at a time; an arrangement with which he expressed himself much dissatisfied. Colson, also, found cause of complaint; while he slept on his watch, the captain threw water on him to awaken him.

Excepting the dispute already mentioned, and the circumstance of being obliged to do double duty at the helm, it does not appear that Marchant received any provocation from Jenkins. Yet it seems probable, that the murder of either the captain or mate, or both, was premeditated, from this circumstance: there were two axes on board, and a hatchet, which was kept in the cabin till the 24th of the month, when it was missed, and none of the hands could, or would, account for it. Colson, also, was seen to secrete a heaver, (a kind of staff used to set up halliards,) in the boat, probably with a view to have a weapon ready.

On the night of the 27th of August, at nine P. M., the captain went below, leaving Colson and Hughes on deck. At twelve, his watch having expired, Hughes called the mate and Marchant, who came up,

and Marchant took the helm. He then went below, and slept till he heard the watch called. He then went to call Colson, but did not find him in his berth. Going on deck, he saw Colson at the helm, and Marchant sitting on the weather rail. On being asked where the mate was, Marchant replied, that he and Colson had killed the two officers and thrown them overboard. The following dialogue ensued.

Colson. Yes, we have killed the d—d rascals, and hove them overboard. The devil has got them in hell, by this time.

Marchant. You may thank God, we did not kill you as we did them.

Hughes. I may thank God, but I don't know but that you will kill me as you did them.

Marchant. No, we will not kill you if you behave yourself.

Hughes (weeping.) Who killed them?

Marchant. I killed one, and he the other.

Hughes. What did you kill these men for; for what cause?

Marchant. No cause at all, I am sorry that I did it.

Colson. Sorry! What! for killing them two fellows? I had as lief kill the two d—d rascals as to kill a dog. If they were good men, it would be worth while to be sorry.

Hughes. And what do you mean to do with the schooner?

Marchant. We'll run for Newfoundland, and there scuttle her and go ashore in the boat.

Hughes. It will be a terrible thing for the owners to lose the schooner and cargo.

Marchant. Damn the owners the insurers will have to pay for all. What are you crying about all this time?

Hughes. It is enough to make any man cry.

Marchant. You think a great deal of killing a man. Cry! Look at the old countries; the Italians, the Portuguese, and Spaniards make nothing of killing a man.

Hughes. If they do so, will you do the same? Only look at it, and see what a shocking thing it is to kill those poor men. I dare say you killed the captain while he was asleep.

The two murderers then cut away the best bower anchor, stove the water casks, and destroyed every thing on deck. After breakfasting, they searched the vessel's papers and letter-bag, and destroyed some of them. The captain's astronomical instruments and private property they divided between them. Colson took Murray into his watch, and Marchant took Hughes into his. The pirates then disputed which should assume the command. The dispute ended; by one steering in one direction while he had the watch, and the other in a contrary one.

After this Marchant spoke little about the murder. Once, speaking with Hughes, he said, that Colson had been three days persuading him to assist in killing the captain and mate, and to throw them overboard. He told Hughes, too, that after the officers were despatched, Colson had proposed to him to kill the two seamen also, to prevent a

discovery of their crime; but that he had refused; saying, that wrong enough had been done already. Both of the pirates threatened Murray with death, in case he should betray them. Colson spoke much of what he had done, making it a matter of boast and exultation.

After their measures were thus taken, Hughes went down into the cabin to look at the captain's berth. He saw stains of blood on the pillow and ceiling, as well as in several other places. There were some specks also observed on Marchant's trousers.

In the morning of the 29th, before daylight, they made the coast of Nova Scotia, and stood off and on. Marchant and Colson then began to bore holes in the vessel's bottom, stopping them with plugs as fast as made. There was but one augur on board, which they used by turns, neither of the other men helping them. When Marchant thought the vessel was near enough to the shore, he pulled out the plugs, and ordered the boat to be hoisted out, having first lowered the sails and yards. Three chests were put into the boat, one belonging to the captain, one to the mate, and one to Hughes. The pirates filled the two first with the property of their victims. When they had gotten all they wanted, Colson took an axe and cut holes in the vessel's sides, even with the water's edge.

On their way to the shore, the pirates invented a tale to impse on those they might meet. They agreed to say that they belonged to the brig *Fame*, of Philadelphia, and that the said vessel had sprung a leak at sea. The rest of their story was to be this: that the crew had taken to the boats, four in each, and that as they had separated from the other in a fog, they supposed it was lost, with the captain, mate, and two seamen in it. They agreed to call the supposed captain *Adams*. Before they reached the shore the *Fairy* went down.

About sunset they landed near *Louisburg*, on the island of *Cape Breton*, and Marchant took Hughes with him to the house of a Mr. *Slattery*, where they procured some milk, and immediately returned to the boat. Marchant then said that they must remain in the harbor all night, and in the morning try to get a passage to *Halifax* or *England*. Accordingly they pulled off from the shore, and lay in the boat all night. In the morning they landed again, and Colson took Murray with him to Mr. *Slattery's* house, while Marchant led Hughes to another dwelling; for the pirates were afraid to lose sight of them.

There was an American schooner called the *Sally*, lying in the harbor, commanded by Captain *Hook*. Captain *Hook* being on shore this morning, saw the four seamen all together and talked with them. They, that is, the two murderers, told him the story previously agreed on; and Colson asked if Mr. *Hook* would give him a passage to *Danvers*, where, he said, he belonged. Murray preferred the same petition; and Mr. *Hook* agreed to give them both a passage. Marchant procured a passage, on board a shallop, for *Halifax*, agreeing to give the master the *Fairy's* boat for taking him thither.

Colson took his chest, and went with Murray on board the *Sally*

shortly after ; but not finding Mr. Hook on board as he expected, he unlocked his chest, took some very good clothes, and returned to the shore, taking Murray with him, much against the will of the latter, Mr. Hook went on board the Sally, about an hour after, and hearing what Colson had done, resolved to pursue him and his companions, as he suspected they were guilty of some crime.

As soon as Mr. Hook gained the shore, Murray, who, by this time, had separated from Colson, came up to him, and desired him to apprehend the two pirates, who, he said, were murderers. Mr. Hook told him to step into a house at hand, lest Colson, seeing them together, should abscond. Murray then said, that he had better apprehend Marchant first, as he had gone to the Old City, three miles distant, and might escape. Accordingly, Mr. Hook manned his boat to go thither ; but, in passing Mr. Slattery's, he saw Colson come out of the door, and go round the house. He immediately put ashore, and pursued the pirate who ran toward the woods. Finding Colson too swift for him, Mr. Hook called to his men to row to the Old City, and said that he would go thither by land. Before he started, however, Hughes came up to him, and was taken in custody.

Mr. Hook encountered three men on his way to the Old City, who assisted him to look for Marchant. They found him concealed, under a bundle of hay in a field. Mr. Hook laid hands on him, and told him that he was a murderer. Marchant was much agitated ; and, while Mr. Hook was tying his hands, confessed that he had assisted Colson to dispose of the bodies of the mate and captain of the Fairy. He said that Colson had slain the mate, on the hen-coop with an axe, while he, Marchant, was at the helm. After this, he continued, Colson went below and killed the captain, and he, Marchant, heard him scream several times. He then assisted Colson to drag the body on deck, and to throw it overboard. In giving this account, he declared that he held himself not guilty of murder, and added, that Colson had "haunted" him three days, before he assented to the commission of the crime.

Mr. Hook then sent Marchant, Murray, and Hughes on board the Sally, and then started in pursuit of Colson. Not finding him before night, he obtained the assistance of a military patrol, to guard the shore. The next morning, it was ascertained that Colson had gone toward Gabberouse. A guard was sent in that direction, and returned at eight P. M. with Colson in custody. By this time a magistrate had arrived from Sidney, and Marchant was examined. He repeated the same story he had told Mr. Hook.

When Colson entered the apartment, he addressed himself to Marchant, in these words : "Charles, if you had only listened to my advice, we should not have come to this." The judge asked Marchant what was the meaning of this exclamation, but he made no reply. Colson then said, that he "knew, that he had got to die, and would tell the truth." His confession was as follows:

He was forward when he heard Marchant strike the blow that killed

the mate, and also heard the mate fall from the hen-coop upon the deck. He went aft, and found Marchant throwing the body of Jenkins overboard. After the corpse was thrown out of the vessel, Marchant took up a bolt, and swore, that if he, Colson, did not instantly go below, and kill the captain, he should share the fate of Jenkins. Colson, fearing for his own life, then went into the cabin, with an axe; but as he approached the berth where the captain was sleeping, his heart failed him, and he ran back to the steps of the companion ladder. Marchant came to him, and again told him, that if he did not kill the captain, he should die himself. He, Colson, went to the berth, and struck the captain with his axe. The captain screamed, and cried "murder;" whereat Marchant sprung into the cabin, seized the captain and pulled him out of his berth, and he, Colson, then killed him on the cabin floor. He then assisted Marchant to haul the body up the companion stairs, and to thrust it through a port hole into the sea.

Marchant offered no reply to this statement. As soon as the examination was over, the hands of the prisoners were tied, and they were marched off to Sidney, under the charge of a guard.

In due time, Marchant and Colson were brought to Boston. On the 29th of November, they were arraigned at the bar of the Circuit Court of the United States, held in Boston, and four bills of indictment were presented against them. The first, for the felonious homicide of Edward Selfridge; the second, for the murder of Thomas Paine Jenkins; the third, for a revolt, and for piratically running away with the schooner *Fairy* and her cargo; and the fourth, for piracy and murder.

By virtue of a previous order, made at the motion of counsel, Charles Marchant, *alias* John Duncan White, was brought up for a separate trial.

Murray, in addition to what we have already related, testified that Marchant and Colson, after the commission of the two murders, had threatened to take away his life, if he informed against them. They told him, that they might as easily have killed him as the captain and mate; and that they always kept loaded pistols on deck. On the way from Sidney to Louisburg, Marchant had furthermore told the witness, that he might thank him for his life, for had he, Marchant, followed the advice of Colson, he, *Murray*, would not then have been alive. He also stated, that before the murder, Marchant had asked him if there was money on board, and said that he thought there must be himself.

Abigail Jenkins, mother of the deceased mate, said that the first house to which the prisoners came, in Sidney, belonged to her daughter, the sister of the murdered Jenkins.

The substance of the rest of the evidence, has been given in our narrative. It was full, clear, and distinct, without the slightest discrepancy.

In the defence of the prisoner it was admitted, that on the night of the 28th of August, he and Jenkins were together, on the watch.

The prisoner slept at the helm ; at which circumstance the mate was very angry, and after some altercation, struck him twice. Marchant returned the second blow with such force, as to strike Jenkins into the sea, and he instantly sunk and was drowned. He immediately informed Colson of what he had done, who instantly proposed to put in execution a revenge he had been for some days devising, on the captain, for having thrown water in his face. This vengeance Colson did immediately execute. Whence the counsel, in a learned and able speech, argued, that the prisoner Marchant was guilty of manslaughter only.

The jury returned a verdict of GUILTY.

When the verdict was pronounced, the prisoner, who appeared greatly agitated, asked if he might be allowed to speak a few words to the jury. He was informed by the court that such a proceeding was improper at that time, inasmuch as he had been fairly tried, and legally convicted ; but, that if he had any remarks to offer, when brought forward to receive sentence, they would be heard. On hearing this he burst into tears, and protested that he was innocent of the murder. He was a foreigner, he said, far from his family and connexions, in a strange land, and destitute alike of friends and money. He declared that his trial had been unfairly conducted, and that the verdict of the jury was cruel and unjust. He continued to hold forth in this strain, till remanded to prison.

On the 20th of December, Sylvester Colson, *alias* Winslow Curtis, was placed at the bar, and an indictment was presented against him, on four counts :

First ; On the supposition that the murder was complete ; that Edward Selfridge was killed on board the vessel and thrown into the sea, dead ; that the deed was perpetrated with a hatchet, by Colson as principal, and Marchant as accessory.

Second ; That Marchant was principal and Colson accessory ; other circumstances being as described in the first count.

Third ; Supposing that the crime was perpetrated in a manner different from the allegations of the first count, and charging Colson and Marchant jointly with having thrown the living body into the sea.

Fourth ; On the ground that divers wounds were inflicted by two persons jointly, which were not instantly mortal, and that the body was cast into the sea, while a spark of life was yet remaining, death being the consequence of all these causes combined.

Francis Pike, mate of the schooner *Sally*, swore, that on seeing Marchant and Colson near Louisburg, before their apprehension, they gave the same relation of the supposed loss of the supposed brig *Fame* that has before been related, excepting that they said the master's name was Francis Avery, and Colson said, "he was a d——d rascal, and as green as a cabbage leaf."

Murray testified that Colson, after the murder, asked him if he were not glad, and that he answered that he did not know. He feared

death at the hands of Colson, but always meant to inform. When Colson was going ashore from the Sally, he asked the witness "not to tell," who replied that he did not know what he should do.

Hughes swore, that while standing on shore near Louisburg, Colson said to him, "For God's sake don't tell, for we shall all be hung if you do." The witness then asked whether the captain or mate was killed first, and he replied that the mate was first killed by Marchant, and the captain afterwards by himself. The witness then asked him why he did not tell the captain, when he went into the cabin; to which he replied, "The devil got into me, and I could'nt." During this conversation, Colson and the witness were both weeping. The Thursday before, he had heard Colson (in prison) say to Marchant, "If you had taken my advice, and killed them two d—d rascals, we should not have been here."

Here the prisoner was cautioned by the court, against testifying touching any confessions made in prison.

On his cross examination, *Hughes* said, that he had no fear of being tried for the murder, whether the prisoners were convicted or not. He had been kept in prison ever since he landed. His cell was opposite to that of Colson, and Marchant's was next to Colson's, so that he could hear them talking together. He knew the voice of Colson, and saw him looking through the upper hole in the door, when he made the remark above mentioned.

Matthew Newport testified to the general good and inoffensive character of Colson.

The rest of the evidence was identical with that produced against Marchant.

After three hours' deliberation, the jury returned a verdict of *Guilty*. The prisoner's counsel made two motions for a new trial, and arrest of judgment, on the ground that a copy of the indictment had not been given to the prisoner two days before his arraignment, as the law requires. After a long argument the motions were overruled.

On the 23d, Marchant and Colson were brought to the bar, and asked if they had any reason why sentence of death should not be pronounced on them. Colson offered none, but Marchant protested his innocence anew, and made some incoherent observations. Sentence was then pronounced, and both the prisoners uttered the most violent exclamations. Colson declared it was the best news he had heard for six months. Marchant said that he wished the time to be altered, so that he might die on the morrow. He should die happy, for he did not kill Jenkins willfully. He had received two blows from a Yankee, and had too much English blood in his veins not to return one. He would never suffer any man to strike him three times, without defending himself. Colson knew that he did not kill Jenkins willfully, and he was willing to meet him before God. As he went on, his action and expression became maniacal, and he uttered such imprecations and blasphemies as we will not shock our readers by re-

peating. This dreadful scene continued till the prisoners were removed by order of the court.

The prospect of pecuniary gain was so small in this piracy and murder, that we can hardly suppose it to have been the motive. Again, the provocation given by either of the sufferers was so trifling, that it appears almost incredible that it could have been an incentive. Yet, one or both of these causes must have driven these two wretches to a crime, not surpassed in atrocity by any that has come to our knowledge. The evidence was perfect and conclusive, in an uncommon degree.

While awaiting his execution in prison, Marchant showed no signs of penitence. He stated that he belonged to Dover, in England, where his father was a pilot. He had been on a voyage to the North West Coast of America; but the master of the vessel finding him to be a dangerous man, set him on shore at the Sandwich Islands, whence he worked his passage to Boston. From some expressions that dropped from him, it appears that he had been a pirate before, and there is reason to believe that he was one of those pardoned at New-Orleans, several years since, by President Munroe. He acknowledged that he killed Jenkins, but persisted, to the last, that he did it in his own defence.

The night immediately preceeding the day appointed for his execution, he made a cord of his blanket and neck-kerchief, and hanged himself on the grates of his cell.

In person, Marchant was heavy and uncommonly powerful. His face was the index of his mind, sullen and ferocious.

Colson, also, during the first part of his imprisonment, appeared extremely hardened; but being visited by the Reverend Mr. Tuckerman, became fearful and contrite. A short time before his execution, he evinced great distress of mind, and often prayed fervently to his Maker for forgiveness. He showed much agitation in walking from his cell to the place where the gibbet stood, and continued in the same mood till swung off. He acknowledged his own guilt, and that of his comrade.

He was a man of ordinary stature, and without any peculiarity of person or feature. After his body was cut down, some experiments were made on it with a very powerful galvanic battery, conducted by Doctor Webster. The most appalling effects were produced.

DANIEL DAVIS FARMER,

FOR THE MURDER OF ANNA AYER.

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, dependant 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 Goffstown 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 1820, they quarrelled, and she made, on the 30th of January, a declaration, on oath, that he was the father of a 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 evidence of his guilt. Speaking with one Thomas Hardy, he vowed, "that if ever he could find Anna Ayer two rods from any body, he would kill her." Thus rapid is 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 4th 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 his 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 different 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

five to see hanged. To those who conversed with her, she gave an account of the proceedings of the night of the 4th 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 9th of October, 1821, 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 skilful 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.

THE LIFE AND DYING CONFESSION
OF JOSEPH T. HARE,
THE MAIL ROBBER.

I was born in Chester county, in the state of Pennsylvania. My mother, who was of a good family, was called a very clever woman, and my father had always the character of an honest and sober man. When I was about sixteen years of age, my mother died, and from that time I was left very much to my own management, my father being of an easy disposition, and not calculated to control a boy of my ungovernable spirit. I escaped from any very great crimes till twenty-one, though I was very often engaged in wild frolics, and was notorious in the neighborhood as a desperate fellow, who did not mind a broken head, or a boxing match, in which I was apt to come off the best. My idle life was the cause of uneasiness to my friends, who often said that it would come to no good; and as they grew tired of me, I found I must shift for myself, which I was bad enough to do, I thought, without caring much in what way. I went to Philadelphia, whence I went with an old friend of my father's, a sea captain, to New-Orleans, and worked my passage.

In New-Orleans I suffered a good deal of trouble, for I had no money but what I made by dangerous thieving, and gambling. At last I enlisted in the governour's guard, and at this time I associated myself with some desperate fellows, who were in the habit of knocking people down in the streets and robbing them. The first person we robbed in this manner was the captain of the ship Ocean, in company with a gentleman of the city of New-Orleans; I took the captain's watch, for which he must have paid fifty guineas in France. As I was playing at cards, some time after, I having staked this watch against three others, in came a French gentleman, dressed in uniform, and asked me if I was not an officer belonging to the governour's guard, as he had seen me at the governour's dressed in uniform; I told him I was; he said he had occasion for proper officers to get back some money he had been robbed of last night. It was I and my companions that had robbed him, and had got a great deal of money from him. What made us stop him was our hearing his money jingle in his pockets, and seeing so much powder in his hair. This was good encouragement to us, and as for me, I should have been loath to change my place for a colonel's commission.

But now, as we feared we should get notorious in New-Orleans, and saw every few days a company start from New-Orleans on horses and were told they carried a great deal of money with them through

the Choctaw and Chickasaw nations, to get to Kentucky, Tennessee and Pittsburg, we thought we should do better on the highway. But before we went, we made two other robberies. One of my men took two hundred and fifty-seven dollars from a countryman; he told me when I came up, it was all that he had; I gave him up forty dollars in silver. The same evening I went and stopped a Spaniard, and he gave me his watch and seventeen dollars. He seemed poor, and I left his watch and part of the money where he got it again. Now I saw it was slow and dangerous work too, to make money in the city of New-Orleans. So we all agreed to get some rifles, and three first rate horses, that were swift and gentle. We left the town and went as far as Nashville, in the state of Tennessee, without meeting with any thing. We raked the wilderness from the Muscle Shoals to the Choctaw nation. One day when we were much fatigued with hunting, (we depended on this for our eating,) we came across a company of four men. I had hard work to save their lives. We stopped them; we had hid all the horses from the sight of the road; I stepped up to the one who had holsters before him, and told him that I had twelve highway robbers under my command, and the first man that moved should be blown to hell. The dry cane made a great cracking; it was so thick in that spot that a man could not be seen ten feet from the road. It was a cloudy day, and every thing looked black and gloomy, and the sound of the cane, though it did not frighten me, made me feel very strange and out of the way. My two men said that we had not painted our faces, which we ought to have done, and that we should be known, and it was better to murder the rascals, than let them live and tell tales on us. An oldish man spoke, and said, "for God's sake spare my life." I told him it was well thought of; that if there should be one man move till I gave leave, they should all be landed in eternity; and with this I called to one of my companions, to come up and take the money. Up stepped one with a pair of double barrell'd pistols hanging in a belt buckled round his body, and a dagger hanging in his breast in sight, and a good rifle in his hand. I told him not to fire on them until they should make battle. We took all they had, and after I had talked a little while longer with my men, we set them on their road.

A day or two before this, while we were hunting in the woods, we came across a spot that seemed a very good retreat from any danger of being overtaken by justice, and a very comfortable home too. It was on one side of a cane brake, where the cane grew very thick and tall, and would have concealed us from the best eyes. These cane brakes are very much frequented by wild animals of all sorts, and beasts of prey, particularly wild cats, and are kept clear of generally. Our habitation was in a cleft of rock, where one rock jutt'd very much over another, and made a sort of cave, that we could easily make safe from every savage that walked the wild wilderness. It was near the Chickasaw Bluffs. We had a good feather bed in our cave, that we

got in the manner I am going to tell. We met a family one day on the road, that was moving low down on the Mississippi. I told the woman I was an officer stationed at the Chickasaw Bluffs, and as I had a uniform on, they took it for granted. The old lady finding me offer a good price, hunted up her best bed and bedding, and I paid her well, as I had promised. We got a pot too, and a little salt.

After we had committed this robbery, we thought of betaking ourselves to this place, and found it with some trouble. I employed myself in counting the money, while my two companions slept as if nothing had happened. I had not suffered the two men to open the mouths of all the bags, to see what amount was in them. There was one bag I told them they need not open. I had heard the man say, when it was got out of his saddlebags, "Lord bless my soul," and give a very heavy sigh. I remember I thought he was frightened for his life, and I told him I had never asked any man for his life, and if we were not strongly armed, he would take mine; but that he should not be hurt. A good deal of the money we took was in gold and silver, and in bags of buckskin. This one was the one he sighed for, as an old lady would over a favorite daughter, if she expected a gentleman was about to run away with her and marry her. It had a hundred and eighty pieces in it, and a good many of them gold. I made each man a belt, and put all the gold in three bags, made out of a deer's hide that I bought from an Indian, that lived in the Cherokee nation when he was at home. The whole that I had to my share from that robbery came to 7,000 dollars. Though it was heavy, I lashed my belt to my great coat, ready to put it on whenever there should be any occasion.

It was no great while after this, that we robbed another party in the Cherokee nation; two of them were from St. Augustine, and one from Charleston in South Carolina—three in company. I rode in company with them, for I was by myself and my two mates had gone to the house of a man called Hayfoot. One evening I told the men I was agent for the Cherokee nation, as they knew no better, and found out all their business. They spoke Spanish and broken English: they had a pack-horse, with a large pair of saddle-bags lashed to the pack-saddle. One of the men had a watch that would run, he told me, seven days without winding up, and asked me if I would exchange my horse for it. I told him, "No, sir, my horse would run more to my advantage than his watch, but not so long a time without *winding up*, which was very inconvenient sometimes in the wilderness, where he could not get proper *food*." My two men, I said, were in a house five or six miles from the Chickasaw nation, with a man that called his name Hayfoot, a half breed Indian; they had taken their horses to his house, which stands between Bear Creek and Tennessee River, I rode on before my company to inform my men that we might likely get something from these men. One of my fellows would hardly hear me to the end, so greedy was he after the pack-saddle I men-

tioned. When I first told him of it, he was delighted, and said I was a devil of a fine fellow for smelling out specie and bank notes. We left the neighborhood of Bear Creek, took to the great road again, and made as fast as possible after the company I had left, which I was much afraid we should miss. About twenty miles from the house of one Thompson, who was known in those parts at that time, I overtook the company again. This Thompson is a white man married to a squaw. We made off into the woods when we got the travellers in sight, made a bend, and in a cane-brake just off the road, we painted our faces like the Indian when he is going to war.

The party was well armed; I rode up to them—they all started very much at seeing us, as we showed our arms, and looked very threatening. I spoke to them in the Creek tongue, of which I knew a few words, as if I had been an Indian. They did not understand me. One of my men asked if they could "*parler Anglais.*" They stopped, and spoke broken English. I told them we were Indians, that did not think it any harm to take money from the white people; and if they raised one of their hands to fire on us, we would send them to eternity, every man of them. One of them said, take every thing we have; we have more at home, and only wish you to be civil to our persons. The two men I had with me, stood still with their rifles cocked, and each had his pistols at his side, and a dagger. I stepped up and took away their arms from the travellers, who made no more resistance. I thought to myself that if I had been in their situation, matched in numbers, and so well armed, they should not have had *my* money without a little hard fighting. But the Spaniards, I think, are a cowardly people, and I should not fear getting the better of them, if they and these good United States ever went to war. A Spaniard will cut your throat in the dark, but he is not very fond of open fighting: yet I don't know but that they are made as good by nature as we are, and they would show what they could make, if they could once get free in South America, which I hope we shall help them to do. On the pack-horse we found 300 doubloons, and 704 pieces of different sizes, and a large quantity of gold in bars, six inches in length, and eight-square—thirty weight of it. With the others I found 74 doubloons and 5 silver dollars, and 400 French guineas, and 67 pieces, the value of which I could not tell, till I weighed them. I got 12 or 13,000 dollars altogether, from the company, all in gold. One of the men looked very blank at seeing all his money taken from him, and swore, "he'd be damn'd if he did not deserve better luck, for he had got it after an hour and a quarter's hard fighting." He told me he had been on board of a privateer, and seen some danger, but he could not fight without a noise, and this damn'd place was so quiet and mournful, he felt as if he was going to the devil every moment. I told him I would stand his friend, and gave him his watch and several gold pieces, and he looked as thankful as if I done him a favor, instead of robbing him.

On the fifth day after this we reached our cave again. I never felt more strong and hearty than I did at this time: I felt as if I could overcome any savage that walked the wilderness. Indeed I was strong naturally, for I had whipped the bully of New-Orleans, one William Marshall, who was much feared there, in a pitched battle. I had liked to have put my strength to the proof, for a few days after, we killed a deer in the evening, and left it close to the mouth of our cave. In the night we heard the rustling of a wild animal near the deer, and started up to look what it was. One of my mates snatched his rifle, and put a ball into the breast of a panther, and it came out at his side, as we found afterwards. We had a small fire in the mouth of the cave, to keep the damp air out, about sixteen feet from where the dead deer lay; and though the panther had received his death wound, he made one spring and lighted on the fire with great revenge; the fire flew every way, and the panther fell dead.

It was a day or two after this I fell in with a negro trader from Natchez. I was by myself, and had left the men in the cave. I had one pistol with me, and felt a desire to do something myself. I rode up on his left side, and told him to deliver his money, for I was the devil, and would take him to hell in a second, if he did not drop that gun off his shoulder, and his pistols too, if he had any. He turned the muzzle towards me to fire, and made such a smoke that when I fired, I had to do it without seeing him. My horse jumped one side, and my hat fell off, and at the same time I saw two men up the road, one of them had a rifle on his shoulder. I had not hurt the trader in the least, but he looked frightened, and I told him to clear himself as fast as he could be off, or I would give him another fire. He went off as fast as his horse could carry him, in a different direction from that the two men were coming, and I suppose, had not seen them. I picked up my hat, and presently the two men came up, and asked me if I had seen any deer near there; I told him I had; says he, I suppose you fired at one just now—why didn't you kill it; I told him, "people sometimes *missed* a thing," meaning he had missed the thing I had really fired at.

I then started for the camp, (that was what we called our cave,) and on my way, I met a man on horseback, with a rifle on his shoulder. I joined company with him, and he told me he had been to St. Louis to buy land. In a few moments we came to a beautiful spring, and dismounted to get a drink. He laid his rifle against a tree, and asked me to take some brandy and water with him. Whilst he was stooping to get some water from the spring, I seized his rifle from the tree, and told him I was a highway robber, and would take a drink of *water* with him *after* I had counted what money he had; that I never drank brandy or any other spirits, as I always had spirits enough in me, without taking brandy, and that if he did not instantly deliver to me every cent he had, I would send him where he would get something hotter than brandy. He was very much alarmed, and trembled

worse than I now do under the gallows. He delivered up all his money to me. I got from him twenty-seven hundred dollars in gold, and a small bag of silver, but as I never wished to bring a man to poverty, I gave him back the bag of silver and his watch. His rifle I carried to camp. When I arrived at our cave, I found my two men very tired of staying out here in the wilderness—says one, "I am as well off as I wish to be just now," and says the other, "well or ill o'"; I can't stand it here any longer; I must go back to town and enjoy myself." I was well agreed myself, for I had made enough money to support me for some time, and was tired of staying in the woods. I had as much money as I could conveniently travel with. It was all in gold, and amounted to (my share) *thirteen thousand dollars*, and some change; my two robbers had all the silver, and I saw their shares counted before we left the cave. We found the whole amounted to thirty-eight thousand dollars that we had made during the three months we had staid in our cave, and nearly all of it was in gold. There is very little silver comes that road. It is too heavy, which was very pleasing to a highway robber. Having secured all our money in belts and bags, and mounted our horses, we bid adieu to our cave. We had raked the woods from the Southwest Point, to the Choctaw nation, five hundred miles, through the Creek and Chickasaw nations and Indian settlements. We came to Nashville in Tennessee. I put up at a very good house kept by a widow lady, where we lived very well. I bought a black boy, and two horses and a gig, and after a few days we started for Knoxville together. From there we went to Lexington, in Kentucky, and from there to Louisville, at the falls of Ohio. Here I swapped my two horses and gig, with a gentleman from Georgia, for a black boy and a gold repeater, and my first black boy I sold to one of my highwaymen, for four hundred and fifty dollars. My two robbers having sold their horses, we left this place in a flat-topped boat, and went down the Ohio to Natchez, and from there to New-Orleans. Here we staid seven months, and put up at a house kept by an Irishman, from New-York, who kept a great tavern, and was a great sportsman. Twice a week a great many respectable persons met at his house to play at dice, and Billiards, and a curious game called the "United Stable," with thirty-two figures on it, of different colors. I and my highwaymen lost a great deal of money by playing at this table, and our stock was further diminished, by our having to pay thirteen hundred dollars to a French gentleman, to make him hold his tongue about a trunk of his that had been broken open and robbed, and one of my men had been seen in his room. My robber said there was a cheaper way to quiet his tongue, and wanted to take his life, but I would not consent to it. I told him, murder will out—that God never forgave a murderer—that nobody ever led a quiet life that had any thing to do with a murder. I told him the stories in John Wesley's Magazine, about God's punishment of murder and adultery, but he said they were old women stories. However, the Frenchman was

quiet, and perhaps it was well for him. My highwayman whom I have just mentioned, married a Spanish girl in New-Orleans, who belonged to the nunnery. She was eighteen years of age, a handsome figure, dark complexion, black hair and eyes, and of a lovely countenance. I was introduced to her as his brother. Two months after, he was married he told me he had a mind to leave her ; that her ways were strange to him, and that he could get an American girl that would suit him better. I told him that if I had a girl of her looks, I would set as much store by her, as an angel from heaven, and that it was the next crime to murder for a man to leave his wife. He left her however. One night we lost so much money at the gaming table, that we saw something was to be done. I set my black boy free in New-Orleans, which place we left, after purchasing three good horses, and started for Baton Rouge, which is one hundred and thirty miles from New-Orleans, and belonging to the Spaniards. I got a passport from the governour, whose name was Grandpree. I intended to rob on the road between Baton Rouge and Pensacola. The road was not much travelled by merchants, but we did not like to take our old route.

We started from Baton Rouge to find a place for our camp. About eighty miles from Pensacola, and near a tract that led to the gold mines, we found a cleft of rocks that form an admirable cave, which no man visited before, I expect, since the flood. It was overhung by rocks, and covered by grape vines and bushes, and could not be got to without much climbing ; we made a ladder of grape vines to let us down to the cave, and to climb up by. The cave was twenty feet wide, the solid rock projecting over the top, nine feet deep, and six feet high. There were a great many swamps in the neighborhood, filled with alligators, very large, and that made a great noise. Sometimes they cried like a young child, and sometimes they made a noise like thunder, which they did whenever they rushed from the sides of the great pools of water, out into the middle of them. They are very ugly creatures and will attack a man when they are hungry. We never had any battle with them, though I was much afraid of them.

We hunted here nine days ; at the end of that time we began to want powder and shot, and thought that two of us should go to Pensacola to get it. I was the one to stay at home, and I don't know why it was, I felt very well pleased with my situation, and did not wish to leave the woods ; they were as pleasant to me as the land of Canaan, flowing with milk and honey, to the children of Israel. The robber that had married the Spanish girl, could speak very good French by this time, and a very little Spanish. He had once been aboard a privateer, and was as brave a fellow as I ever saw, though I have been in many desperate attempts, and seen many desperate fellows for a good many years. They were away nine days. I was sitting thinking when they came back. The one that had married the Spanish girl, looked at me and smiled. Says he, " we have had a pleasant time of it at Pensacola ; we have danced the fandango with a fiddle and

tamborine, and seen the pretty girls." But, says I, have you got any news? "O yes," he said, "but let us have some dinner, and I have got some brandy, and then I will tell you." I had killed a wild turkey that morning, and had it for my dinner, and he had brought a plenty of biscuit from Pensacola. We had corn for ourselves and horses from a man about fifteen miles off, that we went to by turns, to prevent suspicion. He said the dinner tasted very sweet, and that he had not tasted a much better one in Pensacola. He then began to tell me of all the news he had heard at Pensacola. He said that he had seen a Spanish gentleman there from Old Spain, that was going from Pensacola to Baton Rouge in ten days, and that he had seen that he had a good deal of gold about him. We immediately put our arms in order. I had a pair of pistols, a dirk, a cutlass, and a rifle; my two robbers had each of them a rifle, a pair of pistols, and dagger. On the eighth day I saw a company pass, as I watched the road, and directly went back to our cave, had our horses caught and saddled, and we mounted them, with our arms, in pursuit of them. On the next day, about eleven o'clock, we came up to them. My Spanish talking man, who had seen the old Spaniard in Pensacola, said that it was the right company, for he knew the Spaniard "by the cut of his gib," as he called it. I rode past them to see what *arms* they had, and saw as I passed them, that there were five in company, and that they had two pair of pistols. I turned in the woods to let them pass, and waited till my two robbers came up. I had tied a handkerchief about my face, when I passed them, so that they could not know me: we all painted our faces red, and having primed our pieces, again started after them. We came up to them, and passed them ten or fifteen paces, when we suddenly wheeled round, and presenting our rifles, told them we were highway robbers, and that if they made any resistance or offered to run, until they had delivered up their money to us, we would stop them with powder and ball. I told them to dismount from their horses or we would fire and bring them down. They hesitated at first, but seeing us resolute, with our rifles cocked, and presented to them, ready to fire, they got down from their horses. I then stepped up to them with my dagger in my hand, and took from them two pair of pistols and three daggers; my two highwaymen stood off about fifteen feet, with their rifles cocked, a dagger in their hands, and each a pair of pistols belted around them. I would not suffer them to speak to each other whilst I was robbing them, as I did not understand their lingo, and was afraid of some scheme. We got forty weight of gold from this company of five, and twenty-eight dollars in silver. We did not take their watches, nor rob their waiters. My share of this robbery amounted to 233 doubloons, (\$3,728.) As we left them, one of the Spaniards said to the other, that we were American devils.

We were forty miles from our cave, and one hundred and twenty from Pensacola. It was four o'clock in the afternoon when we left them, and at forty-three minutes past seven we reached our cave, and

found a large gray wolf in it. He had been drawn there by some fresh meat we had left in the cave. He sprang seventeen feet down from the rock, but we put two balls into him as he jumped. We staid in our cave six weeks before we went on the road again. We had seen several companies pass the road, but they were so large and well armed, we did not attack them. One day as I was walking near the road, I saw a gentleman pass, with a waiter behind him, both armed. The waiter had a broad-sword hung to his side, and a pair of pistols before him. This was a noted sign for money, both being so well armed. We mounted our horses and overtook them thirty-two miles from our camp. The man in front asked us, who gave us leave to carry arms, and assault people on the highway? I told him I was an officer, (being in uniform,) that war was declared between Spain and the United States, and that he must surrender all his money, or we would put powder and ball into him. Seeing our pistols cocked, they both dismounted and gave up their money; after taking their arms from them, I took their saddlebags and portmanteau. We found seven hundred and seventy-four pieces of gold in their saddlebags and pockets, and five hundred pieces of gold in the portmanteau. I got for my share five hundred and thirty-four pieces of gold, amounting to five thousand three hundred dollars. We mounted our horses and returned to our cave. We had been in this cave altogether about two months, and had made during that time, twenty-six thousand seven hundred dollars. I thought that it was time for us to leave our cave, and go on to some civilized place, where we could enjoy our money, for we had made enough to satisfy us. I had as my share of the whole proceeds, nine thousand and nine dollars, all in gold. In a few days we bid farewell to our cave, and started for Pensacola, where we put up at a boarding house kept by Madame Saint Valey. Our time passed with great pleasure there. We staid here five months. There never was a week passed, without a ball being given in our boarding-house, by some of the Spanish or French gentlemen that were in the town. One day one of them asked me if I had heard the news. I told him, "No." I was alarmed, for I thought may be he was going to mention the robbery of the last Spaniard; but it was only that I and my companions were picked out to give the next ball, on that night week. I told one of my men to give a ball at my expense, as he could speak their language. I was much pleased to find the Spaniards so agreeable. They were full of mirth, particularly the Spanish ladies. A Spanish lady would think she saw no pleasure, if she could not go to a ball twice a week in great style. These balls generally cost from two to three hundred dollars, and with these and other expenses, I found our money was going as fast as it came. My pleasures I have seen, and my sorrows I don't think hard of. My two men had not gambled much away; I had spent two thousand dollars whilst we were there, and had seven thousand and nine dollars remaining. My two men had spent as much as I had. We determined to

leave Pensacola and go to New-Orleans. My two robbers bought each a black boy, and an additional horse, for which they gave one thousand six hundred dollars. I sold the horse I had, and purchased an Apaluchy horse, beautifully spotted, which cost me two hundred and fifty dollars. I intended to bring the horse to Philadelphia, and show him to my relations. We left Pensacola, and when we arrived at Baton Rouge, the Governor sent a priest to bring us into the garrison. This priest was his interpreter. Governor Grandpree asked me, when we appeared before him, if we were from the United States. I told him, "No, sir," and taking out my pocket-book, found and gave to him the passport which he gave me eight months before, to pass through the Spanish dominions. He looked very earnest at us and said, that we had been passing through the Spanish provinces, to see the fortifications, and that he would send us to the mines, unless we could give a more satisfactory account of ourselves. He gave us in charge to an officer, until he got some word from Pensacola. We were put in the guard-house, and our money taken from us. I hired a man to go to Pensacola and get a true account of us from the house where we had boarded, and to bring a letter from some Spanish and French officers, who had boarded with us in the same house. On the 14th day my messenger returned, accompanied by the son of the lady at whose house we had boarded. He was known to the Governor. He had a number of letters from the French officers to the Governor in favor of us, and he gave so good an account of us that the Governor ordered us to be released, after it had cost us near two thousand dollars. We had like to have been in difficulty, however, for during our confinement the captain of the guard having quarrelled with my Spanish talking robber, he knocked the captain down, and it was only by paying him roundly, that we made peace with him. We left Baton Rouge, glad to get out of the Governor's clutches, and arrived at New-Orleans, where we staid two months and a half; we soon fooled away nearly all of our money, and found we should have to return to the highway again. I had but seven hundred dollars left. My horse was too noted to go on the highway, and I exchanged him for a gold watch worth two hundred dollars. We went by water to Natchez, where we stole three horses fit for the highway, but being pursued closely, we had to leave them in the woods and make our escape. We got on board of a barge and went up to Nashville. Finding there was a man going to Georgia, we left the town and lay in wait for him and robbed him. We had no horses, but as he came along the road, I rushed from the woods and seized his horse by the bridle. I told him he must alight and deliver up his money. Seeing that we were well armed, he dismounted very peaceably and delivered up what he had. I got nine hundred and seventy dollars from him. We determined now to get some cave between Knoxville and South West Point, as we thought it would be a good place to rob. I therefore left my two robbers at a tavern in Knoxville, and went to Nashville to make

some previous arrangements. Upon my return from Nashville, I fell in and joined company with a drover, on his way to Virginia. As I supposed he was pretty flush of money, I determined to rob him. When we got into Franklin county, Va., a favorable spot presented itself about fifteen miles from the court house, when I robbed him of his horse and four hundred and fifty dollars, and rode off as fast as possible. The night after I was taken. I had retired to bed, at a house on the road, thinking the pursuit was over, when the house was surrounded by ten or fifteen men, (acquaintances of the drover,) who had pursued me, and I was put in prison.

Now I am going to relate a singular thing which occurred, and which I think was the cause of my being taken. About nine o'clock the night I robbed the drover, as I was riding along very rapidly, to get out of the reach of pursuit, I saw standing right across the road, a beautiful white horse, as white as snow, his ears stood straight forward, and his figure very beautiful. I never saw so white a horse as he was. When I approached him, and got within six feet of him, he disappeared in an instant, which made me uneasy, and made me stop and stay at a house near, all that night. My seeing him was the cause of my being taken, for had I not seen him, I should have rode all night, and thus got out of my pursuers' reach. I think this white horse was CHRIST, and that he came to warn me of my sins, and to make me fear and repent. Well, my trial came on, and I was sent to the penitentiary for eight years. When I got there, the gloomy place struck me with horror. It gave me sorrow to see objects of distress around me, with despair painted on their faces. Hell could not have cast a deeper shade to my mind. There was a strong guard kept up, well armed, to watch us closely. The prisoners were half starved, and their cries were like those of a hungry wolf. I despaired of making my escape, and concluded that I should never come out alive, unless released before my term of imprisonment expired. They kept us very close at work, and the men became pale and sickly. Many deaths were no doubt occasioned by bad treatment.

After I had served five years, I was dismissed for my good conduct. I started for Baltimore, where I worked six months very steady at the tailoring business, but found I could not make a living unless it was a very poor one. So I left Baltimore and went to Albany. Here I was in great distress and poverty, and I fell to bad courses again, gambling, and so on, and began to find my good resolution fading away. What brought me back to my old course of life again, was meeting with an old friend in Albany, that I knew, who had seven hundred dollars in his possession, and offered to share it with me if I would join him. He said that he had been down to Quebeck, and that there was a great deal of gold and plunder to be met with in Canada. I told him I would go, and so we armed ourselves. He bought two horses, and we provided ourselves with a pair of double barrelled pistols, and a dirk each. We started across the Green Mountains towards Bos-

ton,—we put up at the Exchange Coffee House, where we met two men, that had come from New-York, and were going to Canada. We left Boston in company with them, travelled through Vermont, and crossed into Canada. They travelled in a gig at tandem, and had a trunk behind that appeared very heavy. My companion passed for a merchant from Montreal. After we had travelled into Canada, seventy or eighty miles beyond the line, we stopped to dine at a Frenchman's house, by the name of Wilson, where I saw the travellers open their trunk, and saw several large bags of money in it. I told my companion we must have it. About five o'clock that afternoon I rode up on one side of the travellers' gig, and my companion on the side opposite. I told them we were highway robbers, and that if they attempted to put their hands upon their arms, we would send them to heaven. I had a pistol in each hand, ready cocked. I told my companion to dismount and take their arms, which he did. We then took the men with their gig into the woods, when we took from them all they had in their trunk and about them, except their watches. We got fourteen thousand seven hundred dollars. It was most all in English guineas. My share amounted to fourteen hundred guineas and one hundred and thirty-seven doubloons. We kept them in the woods till dark, when we bid them good bye, and rode off as fast as we could towards Canada, but turned back, and crossing into the States, went to Ballston Springs, where we staid sometime. My companion got a gambling and lost all his money. I did not gamble any. I left him and proceeded to New-York, but before I started I gave him some money. I saw one day a very fine pair of carriage horses, in New-York, which I was told belonged to the governor. They pleased me very much, as I thought he could do very well without them, I determined to take them. So one morning before day, I broke into his stable, and stole them out. I got on one and led the other; but the one I led, being a little wild, jerked away from me, and I could not catch him again. I rode the other, sixty miles in four hours. The road was very muddy, and I thought I had got out of all danger. I started for the city of Washington, where I sold my horse.

I fell in company here with a man that had stolen a horse, and who said he was so well known, he could not dispose of him, and the consequence was, that I was apprehended and lay in jail several months, when I was released on condition that I should join the army. To get clear of prison I consented to join the army, and was five months under the orders of Col. Carberry. I had no other duty than to be on guard at the President's every day.

I had a mind to deliver up the President to Admiral Cockburn some night, to be taken on board their vessels, as they lay in the Patuxet. I could have got him on board from seven o'clock in the evening till daylight, if I could only have seen the British to communicate the scheme to them.

As I had got very tired at this time of the army, I took a very brisk

smart young fellow to my Colonel, and told him he would take my place, but the Colonel told me, he had as lief have me as four common men; then I tried Colonel Beal, but as they would none of them let me go, I hired a horse and gig in Georgetown, and started off for Annapolis. I broke the gig on the road, and lodged at the house of a minister. It was Sunday the next day, and as I could not get the gig mended that day, I staid with him. He treated me with great respect, and as I had an epaulette on my shoulder, he took me for an officer, and called me captain. I got the gig mended the next day, and started for Annapolis, where I sold the horse and gig to a stranger, and purchased a gold watch. I went from Annapolis, to Baltimore, and from there to New-York, where I staid all winter. I went then to Philadelphia, and in a short time made a robbery on the road that leads from Chester, on the Lancaster turnpike. In the tavern where I stopped there were a couple of men that looked like rich Germans, and had waggons with them. It was on a Saturday night I stole into their room, and took from one of them sixteen hundred and nine dollars in bank notes. After this I was once more in Baltimore a short time, and put up at the stone tavern, in Bridge street, Old town. I sold to a negro trader a black boy, that I had purchased in New-York, by the name of Harry, about twelve years of age. He was free born, and I bought him for a waiter. I feel very sorry that I sold him, for I had plenty of money at the time, and the tears ran down his cheeks like water. I left Baltimore and went to Philadelphia, and lodged in the house of a woman in South-street, whose husband had been in New-York state prison. I had at this time several highwaymen under my command. I was their captain, and sent them out in different directions to make common robberies. One day one of my men brought me word of a drover, by the name of Scott, who put up at Myers' in Philadelphia, and was going to start for Harrisburg. I started with one of my robbers after Scott, when I understood he had left Philadelphia, and got to Westchester the first night, where he staid; next morning Scott came up. We intended to rob him that day, but could not find a suitable place. We started on the Harrisburg road, and waited in the woods for him. When he came up I caught his horse by the bridle, presenting a pistol at his breast, told him to deliver his money. We took from him eighteen hundred dollars. We expected to have got five or six thousand, but he had taken checks for the greater part. We immediately returned to Philadelphia. I now married a young girl about seventeen years of age, of good figure and reputable connexions, and well educated. When I married her I had a good deal of money, and never expected to leave her. I bought a horse and gig, and took my wife to Boston, where I intended to spend the remainder of my life, and give up the highway. But I had the misfortune to put up at a house where one Jacob V—— lodged. He was a great rogue—I never met with his match. One night he stole from me seven hundred and fifty dollars, and another won from me three hundred

dollars, fairly at play. I was determined to get satisfaction of V— for robbing me. One day I met him at a tavern, where he was boasting of being able to whip any man in Boston. I immediately challenged him to fight me. He accepted it, and we went into a large lot adjoining the town, and began the battle. I gave him a handsome dressing, and he cried 'enough!' About this time I sent my dear companion to her friends in New-York, telling her I had a good deal of business to settle. The fact was, I found my money was almost gone, and that I would have to replenish my pockets by another robbery. I robbed a man near Boston, of four hundred dollars, and then went to New-York and Philadelphia; from thence to Princeton, N. J., where I robbed a merchant, from North-Carolina, of thirty thousand dollars. I was apprehended at Philadelphia, and sentenced to the state prison for five years; two of which I served, and got a discharge.

Let no person be induced to turn highwayman by reading this book, and seeing the great sums of money which I have robbed; for it is a desperate life, full of danger, and sooner or later ends at the gallows. The meanest trade is preferable to it; for however little you may make, you make it with a good conscience, and your sleep is not disturbed by fears of jailors, penitentiary, and the gallows. Let no man say, "I will make *one* large robbery, sufficient to support me handsomely, and then I will give it up, and live honestly," for I know, by woful experience, which has brought me to the shameful death I die, that when a man makes one step on the highway, he can't turn back; all his good resolutions fade away, he gets into bad company, and bad habits—the money he gets easily, he spends easily, and as soon as it is gone, he will rob again, and so go on, until he comes to the gallows, as I have done. I could not leave this world with an easy conscience, until I had given this caution.

Now, before I relate the crime for which I am to die, I wish to say a few words. I hope I have made my peace with God, for I have sincerely repented of my sins, and pray night and day for mercy: I know God's mercies are great, and that he will not reject the prayers of a broken and contrite heart. I have been struggling with the spirit of the Lord for these seven years, which has been trying to bring me back from the error of my ways, like a stray sheep from the fold. The spirit has conquered; I see the wickedness of my past life—repent, and throw myself upon the boundless mercies of my Creator and my Judge.

Now I will relate the crime for which I am to die. When I was discharged from the state prison in New-Jersey, (where, as I said before, I was confined for robbing the thirty thousand dollars, in Princeton,) I went to Philadelphia, where I fell in company with a man by the name of Alexander, an honorable thief; and at last the idea occurred to me of robbing the United States Mail. Alexander approved of it, and agreed to join me.

I also persuaded a young man, whose name I do not mention, to

leave the man that was teaching him a trade. These two new robbers I did not place much confidence in; they had never seen any such robbery before, and one was so very young I was afraid his resolution would fail. On Wednesday night, two or three miles on this side of Havre de Grace, I made them help me to build a fence across the road, before the mail passed that was on its way to Philadelphia from Baltimore. I wanted to take both the northern and southern mails; but the young man threw away the rope that we were to have tied the driver with. I saw the lamp burning on the stage, and two men in the stage. The driver let the horses come up to the fence, and they stopped: I told my two men not to be alarmed; that one was the driver, and the other the guard. I ran up very quick, that they might not have time to take out their arms. I was soon alongside of the driver, and told him we were highway robbers, and there were six of us, and we all had double barrell'd pistols and dirks, and told them two different times not to attempt to fire on us. The young man with us had fallen back; I could not see whether they had arms. The driver spoke, and said he had no arms. I asked the other if he had; he said no! My other man had come up by this time, and I told him to get up and search if they had any arms. One was a passenger; he had one pistol, and it was loaded. I told Alexander to bring both of them down. They came down, and I stepped up to the passenger, and told him not to be scared—that he should not be hurt, and that if he had ten thousand dollars with him, he should not have a cent taken from him; I told him all I wanted was the South-Carolina mail; that these gentlemen held so many blacks, that the loss of a five hundred dollar note would not hurt them: that I should be obliged to keep them until I got the money out of the mail. I told the passenger I was sorry I did not know he was coming that evening, for I would have waited till another night. We took them into the woods, and Alexander tied him and the driver, while I was bringing down the stage. I threw the large mail off, cut it open, and we went to breaking open the letters. The passenger spoke, and said the rope hurt his arm; the young man untied him, and took the letters we had broken open, and carried them for him to sit on, and keep him warm. He was much pleased with the young man, and said that he was much of a gentleman; I told him I was not afraid to let him be untied, that I knew he would not run away; that he knew now what highwaymen were. After we had got all the money out of the mail, we were ready to start. Alexander tied the two men to the hind part of the stage. Before we left them, I went and felt the rope on the passenger's arm, and he said it would not hurt him. I asked him if I might look at his watch, to see the time of night; he said yes. It was near two o'clock, and we had been near *three* hours breaking open the letters. I told him his watch was an elegant one, and put it back into his pocket. He said it was a family piece, and thanked me for my politeness. I told him from his appearance I expected he was a merchant, and had per-

haps fifty thousand dollars in his trunk, but I would not take it. He made no answer, and I left him. I had told the driver I had some gin for him in the evening, and tried to keep it for him, but could not; but if I found any change, I would give it to him, to get him something to drink when he got to the tavern next morning. I told him I would give him some large money if I thought he would keep it. He said he should give it up. When I was going away, I gave him a note of ten dollars, to get something to drink, and asked him to tell me which was his swiftest horse; he told me, I mounted him, and we started for Baltimore. We left the horses after riding fourteen miles from the road. When it came daylight, we counted the money; and it was mostly in bank notes, and came to sixteen thousand nine hundred dollars. I had seven thousand five hundred dollars for my share, as I had done the robbery mostly myself. The second night after the robbery we got to Baltimore. At daylight we parted. The young lad and I went to buy some clothes at a mercer's shop. The young lad is my brother. I had bought a plaid cloak at the price of thirty-five dollars, and a coat at seventy-five dollars, with some small articles, when to men, whom the owner of the shop had sent for, suspecting that we were the mail robbers, came in and apprehended us. We were taken before the court, examined, and sent to jail.

The circumstances of our trial, and our *sentence* are already known. Since then I have been confined in a dreary dungeon, heavily ironed—without hopes of any mercy here, but looking forward to a crown of everlasting glory in the world to come. My offences have been great and many. For the last fourteen years of my life, I have been a highway robber, and have robbed on a larger scale, and been more successful than any other robber either in Europe or in this country, that I have heard of; but I have the consolation of reflecting, that I never killed or wounded any man, and that no man's blood is upon my head. I have employed myself in my confinement in writing this confession, which I solemnly declare to the world, and will repeat it under the gallows, is a true and faithful history of my life and adventures, and I hope that it may serve as a caution to other persons, how they follow the same course. May the God of mercy pardon and receive my soul.

TRIAL OF WILLIAM F. HOOE,

ON A CHARGE OF MURDER AND ROBBERY.

At an Examining Court, held in Fairfax Court-House, Va., on the 15th day of March, 1825, the following evidence was taken in regard to the murder of WILLIAM SIMPSON, with the commission of which deed WILLIAM F. HOOE stood charged :

Testimony of Enoch Grigsby.—He was a tavern-keeper in Centre-ville—where Simpson was. He (Simpson) came there Thursday evening, 3d of March. Came by himself, and without baggage. He enquired for Hooe upon his arrival. Same evening, perhaps two hours after, prisoner came. On Friday, Simpson went out to look at negroes at Butler's. Hooe remained all day on Friday at his house. Friday evening Simpson returned and staid all night ; prisoner also, and slept with Simpson. After breakfast, on Saturday, they set out to go together to Dade Hooe's. Returned about dinner time, and said run was too high. After dark, on Saturday evening, Simpson went to the door, where he and prisoner stood talking some time ; and the last he saw of them they were standing just out of the door, in the porch. He never saw Simpson afterwards. About ten, or twelve, or fifteen minutes, but is not certain as to time, prisoner then returned ; and, upon being asked where Simpson was, he said he did not know ; he wondered he staid so long out. Deponent supposed Simpson had either gone to Mrs. Lane's to look at negro girl, or possibly to freemason's lodge. He then gave to Hooe the key of the room where they had usually slept ; and deponent went to bed. Deponent rose some time after sunrise. Prisoner, he thinks, was in the public room with other persons. When the sun was about an hour high, he saw the prisoner coming from towards where the deceased was found. Hooe had said before he went to Leesburg, he believed he should go to the District. On Sunday, he said, "Tell Simpson he did not know of his own knowledge Dade Hooe had the negroes for sale," and that he had gone to Leesburg, as it was rule day. Left his house about nine o'clock on Sunday morning. When he saw Hooe coming in on Sunday morning, it was in the direction of the ice-house ; a little beyond it. Ice-house is distant about thirty or forty yards from the door.

Testimony of Alexander S. Grigsby.—Simpson and Hooe were at his father's together. Appeared to be intimate, and walked about frequently together. On Saturday night he does not know whether they went out together or not. Thinks Hooe left the supper room a little first. He went from his father's house at his usual gait to where the body was found, in six minutes ; staid six minutes, and returned in six

minutes. Mr. Hooe, on Sunday morning was wondering why Simpson did not come in; said he had detained him, and he believed he should make him pay his bill; but as he was obliged to go, and had not shown him negroes at Dade Hooe's, he supposed he would not like to do it. The distance to the spot where the body was found, was about a quarter of a mile, on the side of a hill, about fifteen paces from a bye-road.

Testimony of Robert Denton.—Was at Grigsby's on Saturday night just before supper. Heard Hooe and Simpson conversing low, but does not know what about. Hooe and Simpson finished their supper first; and Hooe went out, and shortly after Simpson followed. After supper he came out, and saw Hooe and Simpson talking in whispers. Simpson he had heard say, "he wished he could find a house where there was some girls, and have a game." When he last saw them, they were standing talking together; and then he missed them both; and after some little time (he thinks not less than fifteen minutes, he will swear,) Hooe returned alone. He had been censured with the thing himself, and when he gave testimony before, he was in liquor.

Testimony of William S. Darrell.—Is a boarder at Grigsby's tavern. He was unwell, and did not go in to first supper. Being unwell, paid very little attention when Simpson and Hooe went out. How long they were gone he knows not. Hooe came in alone, and staid till after usual breakfast next morning. Was in company with prisoner, he thinks, till about half past nine o'clock, after he came in. Did not see any change of dress or appearance in Mr. Hooe; his manner as usual, and conversed as usual.

Testimony of Bailey Padgett.—When he went to Grigsby's after supper, does not recollect to have seen either prisoner or Simpson. Does not know when he returned. He saw him some time after, and had but little conversation with him. Grigsby, he thinks, asked where Simpson was. Some one said, but he does not know whether it was Hooe or Grigsby, that he had probably gone to Mrs. Lane's or to the lodge. Prisoner walked about the public room a good deal, and frequently pulled out his watch. Denton, and Young, and Sanders, the hatters, went out after supper, and were gone perhaps an hour and a half. They said they went to Monroe's to get paid off. Hooe, after Darrell, went to bed—walked two or three times across the floor, and looked at his watch and then went to bed. Early next morning, he saw him whilst in his shirt sleeves, and before he was dressed. After prisoner went to bed, hatters were in.

Testimony of Andrew B. Young, a hatter.—He (Denton,) Saunderson, and himself, had their bills made out, and went to Monroe's. Does not know when prisoner and Simpson went out, or when they returned. When he came back, Hooe was in the public room. Hooe on Sunday morning, was in the room about sunrise. Does not know whether he walked out before breakfast or not.

Testimony of John D. Perry.—On Tuesday, 8th of March, he was

of the party who found the body. It was found about a quarter of a mile from Centreville and from Grigsby's tavern, about forty or fifty yards from the Dumfries road, lying behind a sort of stump with sprouts around it. Lives in Leesburg. Tuesday he went to look for Simpson, did not hear any suspicion of foul play. The body was lying flat on its back; head and face very bloody. Met prisoner on the road from Leesburg on Sunday, and had some conversation with him as to the bad roads, &c. Did say that he thought Hooe had been sick or crying, or something. But there was nothing particular in his manner or conversation. Wind, he believes, was blowing in his face, and his eyes are usually weak.

Testimony of Dr. Lane.—The body appeared to have received a pistol shot, and sixteen wounds by stabs, ten in the neck and face, and six in the body. Considered the wounds in the neck mortal wounds. Thinks the carotid artery was divided. Does not know whether the shot was or not. Was informed that there appeared some strokes on the head and neck, as if with a stick. This, upon examination, was not the fact. In a by-road about ten steps from where the body was found, there was found blood; and he has no doubt but the murder was committed in that by-road. Edwards, from Leesburg wrote, that upon minute examination, he could find blood; he thought he could discover some blood and a hair upon examination; there was no more then than now; the hair he saw was on the screw at the barrel where the dirk is fastened on; what he took to be blood was near end of dirk; the dirk has been driven through paper to examine the size of the hole made by it. The wounds on the ribs were only about half an inch deep. Thinks they were larger than the size of the dirk at that distance from point.

Testimony of G. W. Lane.—The pistol was found in Hooe's chest, over clerk's office, in Leesburg. Before he saw the impression of this dirk through paper, he thought the wounds had been made by a bayonet or some such triangular instrument; but upon seeing the impression through paper, he thinks the wounds were made by similar instrument, aided in searching Hooe. They found small pocket book, in which was the following money: forty-four dollars of southern money, twenty dollars southern notes. The body appeared to have been dragged from place where first blood was seen to place where found, whilst in his custody and that of Mr. Hutchinson, he told prisoner appearances were against him; he told him he had better tell of any one else that was guilty. Hooe said, "he knew no one," and said, "Lord, what have I brought upon myself!" Previous to examination he saw nothing that could lead to belief that Hooe was guilty.

Testimony of Mr. Watt.—Knew deceased about four years. Lives himself in North Carolina. Was in partnership with the deceased in purchasing slaves at time of his death. Deceased left witness on Tuesday previous to his death. He had previously about a thousand dollars, mostly in large notes, several of one hundred dollars each, and

not more than two hundred dollars but what was in fifty and one hundred dollar notes. On Tuesday morning witness let him have five hundred dollars in small notes, all payable in Richmond; among them several thirty dollar notes. And, also on Tuesday, he let him have some North-Carolina money over and above the five hundred dollars. Brought a certain note himself, now shown, from North Carolina. It was said in Petersburg, by Mr. Booth, to be a forgery. Thought he knew all the marks, &c. Had forgotten the names until he has since seen it; and, upon seeing, does now recollect them. Does not know whether it is a number or not. Upon having another note, since shown, that was torn in two, recollects he gave Simpson such an one. He gave him this torn note on Monday evening. Gave the notes now supposed to be forgeries. Thought the name on the note was "Prescot."

Testimony of Jeremiah Hutchinson.—He was at search. The pistol was found in chest. Hooe said it was his; he had it for about ten months. Hammett showed pistol he had loaned Hooe, 'twas still loaded. He saw his clothes. They had no marks; were perfectly fair. The pistol Hooe said, was too large to carry. After they had examined Hooe's person, &c., Hooe was left in the room with him and Lane. Hooe said he did not, upon being asked, know any one who had acted with him, and added, "O Lord, what have I brought myself to." He did not know any such instrument had ever been made. As soon as he saw the weapon spring out, he at once felt satisfied it was the one had made the wounds. The wounds were not triangular but more like a gouge.

Testimony of Colonel Millan.—He went to arrest Hooe with Hammett. Found him writing. Hammett said I have a warrant against you. He said, "against me?" He went up stairs with them. He examined the clothes; found nothing wrong about them; found the pistol; Hooe said it was his; he had owned it ten months. He saw, in Edward's house, when pointed out, the hair at the screw on pistol, and when carried to the window, he thought it was mark of blood, but was not certain. He was forcibly struck, the moment he saw the pistol, it was the identical instrument that had done the mischief. There was a small piece of clay on part of the pistol, near the screw. A dark colored hair he is positive was on the screw near the mouth of the pistol. One wound entered on one side of the neck, and the point of the instrument appeared to have passed out on the other opposite.

Testimony of Samuel Hammett.—Hooe said, upon this pistol being found, he had not carried this pistol with him—it was too large, and he had borrowed one from Mr. Hammett; and it is true he had loaned him one loaded with buckshot, which on examination had the same load in it.

Testimony of Mr. Hooper.—Hooe bought a horse from him, on Tuesday after Simpson's death, for which he gave thirty-six dollars—thirty dollar Virginia note, and five dollars of the Bank of the Valley.

Testimony of Joseph Meade.—He says, on Monday, the 7th, Hooe paid him two hundred and twenty-five dollars, all in Virginia money, except one note. Notes, \$100, two of \$50, \$20, and \$5. At January court he paid Hooe two hundred and twenty dollars, and on the 17th January, two hundred dollars in Virginia money; one of \$100; he does not recollect whether they were on Richmond or not. He bought paper of Hooe. One note was redeemable, and it was to redeem that note. On the 23d February, Hooe told him the money was ready to redeem the note whenever he should call for it, which he did on the 7th March.

Testimony of William King (of Leesburg.)—Hooe went away on Friday, and returned the Sunday week next after. Just before he went on his journey, Hooe wished to borrow of him fifty dollars, which he did not lend, and does not know whether he got any. He said he had borrowed of Mr. Saunders fifty dollars which he wished to return. He said he could get ten dollars from Bently towards the fifty. Hooe, after his return, took witness out, asked him what had been said of him in his absence. Answers he heard nothing said of him; but asked if he had done his business. He said he had got his money from John Hooe, of Prince William, and from Horner, of Fauquier. He saw a roll of 100 dollar notes, and Hooe said he had about nine hundred dollars. He thinks, but is not certain, he had got five hundred and fifty dollars from John Hooe. Pocket book small in which money was. Looked like the one now shown. He has frequently seen Mr. Hooe have considerable sums of money, two hundred and four hundred dollars in \$100 notes and Virginia paper.

Testimony of William Drish, (tavern keeper in Leesburg.)—On Monday evening Hooe offered him the loan of money. Said he had five hundred and fifty dollars then. He advised Hooe to deposit his money in bank. Afterwards Drish has said he wanted money to pay a note in bank. He said pistol was his, but too large to carry, and he had borrowed one.

Testimony of Erasmus G. Hamilton, (officer in the bank at Leesburg.)—Says, on the 8th March, Hooe deposited three hundred dollars. He now had in bank one hundred and sixty dollars; being one note of one hundred dollars, Virginia, payable at Petersburg, and two of thirty dollars, payable at Richmond.

TESTIMONY AT THE SUPERIOR COURT:

The following notes of evidence were taken upon the final trial of the prisoner, which took place at the May term of the Superior Court for Fairfax County, 1826.

Enoch Grigsby.—In addition to testimony at examining court states—On the morning Hooe left his house, he brought his valice

out, and in his presence put his clothes in it, and then went away. Before prisoner went to Fauquier, he talked of going to the District. On Tuesday morning body was found. On Saturday evening prisoner offered sixty-eight acres of land for a horse. Then he offered a gold watch and the difference. On Sunday morning he offered seventy-five dollars in cash. Grigsby asked eighty; but prisoner would not give it. Saw the body. The neck, breast, &c. appeared to be jobbed all to pieces.

Dr. Lane.—Early at night, on the evening of the murder, he heard report of fire arms in the direction where the murder was committed. Watt described the notes to him before they were found, and described the numbers to him.

Bailey Padgett.—In addition to his former testimony, says, he discovered no agitation in prisoner when he went to bed, except, he thought, he appeared restless by walking about. When prisoner opened the door of his (prisoner's) bed room, in which he (prisoner) had slept the night before with deceased, heard him start suddenly back, and withdraw, and came back into the public room where witness was, and continued there, pacing the floor for some time. Very little in the house on the morning after; but was walking about, that is, in the porch and street. Thought he appeared restless next morning. Prisoner could have gone out at any time in the night without interfering with or disturbing any one else.

Jeremiah Hutchinson.—Was on inquest. First thought deceased was shot in the neck; afterwards found it not so, but wounded by some other instrument; powder or something had infringed upon the skin. Observed to prisoner, "If you know any body else who is concerned in this business, Mr. Hooe, now is your time." Prisoner replied, "I know no one." Upon the atrocity of the crime being spoken of, he said with three sighs, "O Lord, what have I brought upon myself." M'Intyre said, "I hope you will be relieved." Prisoner said, "I hope so too." Prisoner never touched the pistol.

Colonel Millan.—Says that, while at the search at Leesburg, Hooe moved his shirts in the trunk or chest; but left a pair of drawers unmoved. He (witness) then moved the drawers, and there found a pistol. Found afterwards dirt on the pistol, with a hair, like one from the temples or breast, and corresponding in color exactly with the color of the hair of Simpson. His clothes at the washerwoman's were free from stain, and not then washed, except such as had been there some time. Saw Hooe press Simpson several times to drink on Saturday evening.

Mr. Walden.—Prisoner came into his store (of John and William Walden) at Fauquier, at February court, 1825, either Tuesday or Wednesday. He produces pistol as one of the pair he sold to prisoner. Prisoner first refused to give the price. He afterwards returned and agreed to give the price, if he would give in the moulds. This he refused. Prisoner then said, "have me a few balls run, and

that would answer his purpose." Prisoner, upon his leaving the room, had proceeded to load the pistol, and had loaded it nearly to the muzzle, very improperly. He, witness, then loaded the pistol for him properly with one ball. Prisoner upon being asked if he was not going to the south and would require both pistols, said no—he was going to the north. He gave ten dollars for one pistol, and refused to take the pair at fifteen. He believes the pistol produced is the one sold to prisoner. He knows the pistol only by its similarity, has no particular mark upon it—showed in court the one unpurchased, which was precisely like that found in prisoner's chest. He said to prisoner, if I am correct your name is Hale; he said no, it is not. The bayonet of the pistol was not bent when sold by him. It is not difficult to bend these bayonets. These pistols were purchased in Baltimore out of a military warehouse.

James English.—He saw prisoner at Fauquier court in February. Was applied to by Tennel to purchase a pair of pistols for Mr. Hooe, who was present, and to whom he was introduced. He offered a pair. Tennel and Hooe wanted only one. This he refused to sell. He then offered a single pistol which he had. He received in reply, this would not answer, as it was not fixed as he wished, and that he had supplied himself, and something was said about the dirk.

Samuel Hammett.—In latter part of February, Hooe applied to him to borrow a pistol. He lent it to him. He went off for about ten days. He was going, he said, to Fauquier to receive some money. Upon going to arrest Hooe, he found him in Clerk's office. Upon telling him he had a warrant for him, he manifested some surprise, and said, "For me? for what?" He told him to get his hat, and come with him, and he would inform him; it was a matter of serious importance. Col. Millan asked Hooe, where his trunk was? He said he had no objection to their searching, and carried them up stairs, where they found the pistol. Hooe said he had not carried that pistol, as it was too large. They examined his clothes; no marks found. They went to his washerwoman, and found his clothes there without mark or stain. Upon examination of Hooe's person, they found on him a small pocket book containing certain money as described in a memorandum taken at the time, and he had other money. He thought there were some appearances of blood on the pistol. He saw also afterwards the hair. The dirk was somewhat bent. The appearances of blood were on the spring part of the bayonet. The pistol has been constantly in his possession, and taken great care of, wrapped up in soft cotton.

Samuel M. Edwards.—Mr. Hooe, upon his warrant, was brought to his office. While officers were keeping off the crowd, Hooe said, "You see what I have come to; I am totally ruined." He answered Hooe, saying, if you can show your innocence, no such result will take place, but the contrary. Hooe said he was well satisfied he could do that. Upon producing the pistol, the form of the wounds

having been previously described, and upon springing the dirk, E.'s feelings gave way, and he became convinced. He then examined and found marks of blood; round the screw and crevice there were marks of clay. This clay he thought also was stained with blood. Round the head of the screw was a hair in some way connected with it. He was unable to say whether it was fastened round the screw or fastened there by congealed blood. Hooe, upon being told it would remove a strong circumstance by showing how he came possessed of so large a sum of money, said he would account for it, and had a witness who would prove how he got it. He then wrapped up pistol carefully. Examined pistol with a magnifying glass. The persons from Fairfax told him before the money was found two of them would prove to be counterfeit. Upon examination, he thought they were counterfeit.

Wm. King.—After telling Hooe he could not get the fifty dollars for him, Hooe said he had borrowed ten dollars from Bently to bear his expenses. Hooe stated as the reason for making the inquiry [See testimony of witness in examining court] as to what people were saying about him, that he had overstaid his time. Witness asked him how much money he had? Here he made a pause—during which witness was forcibly struck with an embarrassment under which prisoner labored, apparently from the interrogation. This confusion in the countenance of prisoner, induced witness to exclaim, “Why I hope you came honestly by it!” Prisoner said he had upwards of nine hundred dollars, besides forty-five dollars of Mr. Binn’s which he had collected. Prisoner said he had played cards at Fauquier, and won a dollar and a half or two dollars and a half. Witness has heard him say he had, at one time, ten thousand dollars belonging to a negro buyer. [At this examination it was shown that the prisoner’s uncle, John Hooe, had denied giving him any money, as stated by witness in former testimony.]

Peyton Norvell, (inn-keeper, at Haymarket.)—Prisoner came to house of witness on Tuesday evening, second day of Fauquier court. Inquired about negro buyers, and then for his brother Howsen. Hooe inquired for “Mr. Black.” Witness said he “knew no such man; reckon you must mean Blackwell.” Simpson came in the same evening, about sunset. He does not know that they were acquainted. Hooe went off very early. It was muddy. On the evening before, Hooe said he intended to go to Fauquier court house. Simpson left the house of witness after breakfast of the same day.

Alexander Tennel.—States that Hooe came to Warrenton at February court. Asked witness if there were any bull dogs in town; and upon explanation, said he meant pistols. They applied to English, but his did not suit. Prisoner went out. Returned with a pistol which he had purchased. When English came in, witness told him his single pistol as offered would not do, as Hooe had purchased one. Hooe said he expected to receive a large sum of money. Hooe showed the pistol purchased. Was like the one now shown in court. Hooe

said, "Be careful—it is charged;" and then put it in his valise. Witness paid Hooe fifteen dollars the morning he left Warrenton. Hooe said he was going to the Inauguration.

John R. Caton.—Said that a house was set on fire on the night prisoner was brought to Centreville from Leesburg. He saw the house; and believed the fire was placed there by design.

William P. Richardson.—States, the Monday after Hooe was committed to jail, he was sent for by Hooe, and he went there. He told Hooe he did not want to know whether he was guilty or not. Hooe asked what the people thought? He told him the impression against him was very strong. Hooe said—"Why they cannot hang me without point blank proof." He told him he thought he was much mistaken, and that a chain of strong circumstances was even better:

[A number of other persons were examined, the insertion of whose testimony would only be tedious to the reader, as it is so analogous with that already given, and which it merely goes to confirm.]

S P E E C H E S

Delivered at the Superior Court of Fairfax County, May term, 1826, upon the Trial of WILLIAM F. HOOE, for the Murder of WILLIAM SIMPSON, which was committed near the Town of Centreville, in Virginia, on the night of the 4th of March, 1825.

After the examination of the witnesses were gone through with, Mr. TYLER rose and opened the cause with the following Speech.

May it please your Honor,

GENTLEMEN OF THE JURY:—You are impannelled upon no common or ordinary occasion. In the reciprocation of the protection afforded by the laws of society to your property and persons, you have been called to the discharge of a duty, at once poignantly painful and seriously important. Solemn and impressive is the spectacle, of society assembled to determine the innocence or guilt of one of its members, charged with the commission of a crime, the punishment of which is death. Painful and highly responsible the duty of those upon whose integrity, intelligence and firmness, society, as well as the unfortunate being to be tried, rests the task of deciding. To witness this sad spectacle, those who so unusually crowd at your bar, are assembled. To discharge this serious and all-important duty, you, gentlemen, have been impannelled. Impannelled then, gentlemen of the jury, to decide the most awfully important question that can possibly engage the attention or interest the feelings of civilized men, it will be unnecessary for me to remind you how important it is, that your attention should be closely and undividedly given to the arguments, as no doubt

it has been to the evidence in this case. As men possessing the common feelings of humanity, you cannot but be deeply interested in the decision of a case, that either must consign to ignominy and infamy, the character of your fellow man, and his body to the hands of the executioner, or restore him to society freed from the foul stain of blood. As members of society, selected from among the great mass of the people, to determine the innocence or guilt of one of its members, charged at the bar of justice, with the commission of the highest crime known either to the laws of God or man—upon the firm, faithful, and energetic discharge of whose duty, rest and depends the welfare and prosperity of society ; you must feel solemnly impressed with the importance of the case in which you are impannelled, and anxiously concerned in its result ; and as jurors, who, in addition to the inducements of men and members of society, have added thereto an oath solemn and obligatory, so to render your verdict as the evidence and the law may require ; you cannot but feel deeply affected with a conviction of the solemn and important duty you have to perform ; who are, this day, to be the arbiters of the fate of an unfortunate man, charged with the commission of a crime, at the very mention of which even when committed under the most palliating circumstances, humanity shudders and starts appalled ! A crime, gentlemen of the jury, that finds no palliation but in the protection of honor, and no justification, save in the dire necessity of self preservation. One that, in the case under your consideration, possesses not a claim, even to that palliation, that is founded in the weakness and frailty of our nature, because committed in the full exercise of the best faculties of the human mind, and under a show and display of the noblest feelings of the human breast. The atrocity of which is aggravated and its hue darkened by its author having made honor, virtue, and friendship, the most sacred principles of the human breast, and the dearest feelings of the human heart, panders to its commission. Gentlemen of the jury, when I reflect upon the horrible atrocity of this crime, aggravated as it has been, by a total disregard of all obligation, human and divine, and recollect my own inability to do it justice, I am ready to shrink from the performance of a duty to which I have been called by the kind feelings of friendship and partiality, in the fear, (strengthened as has been that apprehension, by the suggestion of the counsel on the part of the defence,) that the partiality that selected me out from among the bright array of learning and intelligence, by which I am surrounded, in the exercise of its affection, has been blinded to the interest of justice and humanity, that demanded more able and experienced counsel.

But, perhaps it has been thought, and rightly too, that it was not to the ability or ingenuity of counsel, that the friends of justice and humanity, had this day to look ; but, to you, gentlemen of the jury ; to your intelligence and stern virtue, is the melancholy appeal of bleeding humanity this day made. To you, do the violated laws of your coun-

try, now look for redress—Not those laws enacted to guard the morals and protect the property of society, but those still more sacred and important, founded on heaven's edict, and enacted to preserve the lives of the members of society. Yours, then, gentlemen of the jury, is a situation of serious and alarming importance: serious, because you come not here to-day to decide the trifling right of property, to say to whom this or that belongs, but to decide the all-important question of life or death. Alarming because of the extraordinary exertions that will be made by the most able, ingenious, and eloquent counsel, that adorn this or any other bar, to shake the energy and firmness of your decision. Counsel, who trusting to their well known ingenuity and eloquence in blinding and misleading the judgment of jurors, have declined introducing one single witness. But, gentlemen of the jury, when you cast your eyes back upon the oath you have taken, and by which you are to be governed, you will discover that it is not in accordance with the ablest or most ingenious argument your verdict is to be rendered; but according to the law and evidence: bearing this in mind, you have no cause of alarm. Trusting to this, I shall enter upon the argument of this case, feeble as I am, confident that ingenuity and sophistry will not prevail over justice and truth. When the facts and circumstances of this case were first detailed to me, I had supposed—for the sake of humanity I had hoped that the horrible atrocity of the crime as then represented—that the barbarous circumstances under which it was, then, said to have been committed, were founded rather in the exaggerations of envy and malice, than the facts of this case. I had hoped that the dark dye in which the crime was then presented to my view, was attributable to the coloring it had received from some one, either inimicably disposed toward the prisoner, or some friend or relative of the deceased, who in the warmth and enthusiasm of his feelings, at the murder of his friend, had overstepped the bounds of truth and probability, to stamp the crime of his murderer with the darkest dye. I could not bring my mind to the belief that the human imagination could conceive, and the human heart perpetrate a crime, that mocks alike all aggravation and description. I could not believe, that he who harbored in his bosom the commission of so base a crime, could make a pretence of friendship and a show of virtue to effect it. But there is now no longer room for doubt; the mists of doubt and of uncertainty that before hung over this case, have been dispelled by the clear, explicit, and well connected circumstances that have been detailed to you; and all doubt founded upon the belief, that there was in human depravity, a point beyond which human nature could not descend, has been removed by the conviction this case carries with it, that the gulf of human depravity is yet to be sounded.

In examining the facts and circumstances of this case, I am really at a loss to know, upon which to comment—all equally plain, equally clear, and equally conclusive of the guilt of the prisoner; they would seem to defy the powers of argument to render them more so. In-

deed, from a full view of this case, it would seem as if the providence of God had superintended and assisted the inquiries of man, in the production and development of every fact and circumstance necessary to the arrest of the wretch in his sanguinary deeds, and to bring to condign punishment, he who, in the violation of the laws of his country and his God, had imbrued his hands in the blood of a fellow being—and that being too, the miserable and unfortunate dupe of his pretended friendship.

Suffer me now, gentlemen of the jury, to examine that evidence, to which you have listened, no doubt, with horror and astonishment, and to ask, if your indignation will suffer it, your attention, whilst I make to you the most powerful argument this case will admit of—a plain and simple rehearsal of the evidence. Gentlemen of the jury, in order that you may the better understand, and I the more easily manage this case, let us first consider the relation in which the prisoner stood to the deceased: the circumstances under which they met and parted—the circumstances attending the arrest of the prisoner—the facts disclosed by the prisoner, previous and subsequent to his arrest; thus determining the motives and acts of the prisoner, so that from the combination of the two, you may ascertain his innocence or guilt of Simpson's blood. Who then, is the prisoner? A young man, just entering upon the theatre of life; of an amiable and respectable family, before whom, lay for the exercise of his discretion, in making a choice, the paths of honor and disgrace: the one leading to respectability, preferment, and happiness, the other to the awful brink of ruin, upon which he now tremblingly stands. In the employ of the clerk of Loudoun county, receiving from him, no doubt, an ample support; holding daily converse with the most honorable and virtuous society; living in a family respected and beloved by all who know them, whose precepts and examples would have taught any thing sooner than the pursuit of vice. And who, gentlemen of the jury, was he, whose untimely and barbarous end has called you together to-day, over whose grave the green grass just begins to shoot its head. A stranger of genteel and amiable deportment, of whose virtues and whose faults we are alike ignorant; whose character, I sincerely hope, was free from blight or stain. Engaged, however, in a traffic which, however honorably it may be conducted, is unfeeling in its character and cruel in its effects.

You find the prisoner, thus circumstanced, leaving the employ of the clerk of Loudoun county, under pretext of visiting Mr. Kelly, of Fauquier, going first to Mr. Grigsby's in the town of Centreville, and finding no traders, from thence to Captain Norville's, in Haymarket, two houses known as the resort of traders. His first inquiry after reaching Norville's is indicative of his intentions—"Where are the traders?" "Where is Mr. Black?"—Not so much as acquainted with the name. Being answered by Norville that a part was at Warrenton, and a part expected there that night, and at the same time told

that there was no such man as "Black," but Mr. Blackwell, he contents himself until Simpson—the unfortunate Simpson arrived. No salutations were exchanged : no acquaintance existed : but that night they slept in the same room ; and, no doubt, while alone, when out of the hearing of every one, he then learned the direction in which he was travelling, and proffered his assistance. He leaves Haymarket early the next morning for Warrenton, pondering, as he travelled, the manner in which he should execute his dark purpose. Arrived at Warrenton, his first inquiry is for pistols : and how does he inquire for them ? In language indicating the use he intended to make of them—“ Are there any bull-dogs in town ? ” Mr. Tennel, of whom he made this inquiry, surprised alike at the inquiry and the manner in which it was made, asks him, “ What he meant ? ” He tells him he wants a pistol ; that he expected to receive a large sum of money from Mr. Kelly, and he wanted to guard himself. No inquiry, however, is made of Mr. Kelly : it is in proof that he did not owe him one cent. Here, gentlemen, he commences his false statements ; and had he stopped here, the evidence of his guilt, though conclusive, would not have been as much so as it is : some grounds would have been left for doubt ; and his able and ingenious counsel would not have to argue, as they will have, in the face of the strong evidence disclosed by the falsity of the prisoner. But he wanted pistols : and every effort is made to procure them : two or three are brought to him ; and he declares them all too small—none of them suit : he knew how apt pistols were to snap ; and he meant not to make child’s play of it ; he was determined to be sure ; he wanted to make “ assurance doubly sure ; ” he wanted a pistol that, even if it snapped, would enable him to defend himself from the attack of him who should be fortunate enough to discover, in time, his treacherous and villainous design. After inquiring in every direction for pistols (through his friend Mr. Tennel,) mark, gentlemen of the jury, his ingenuity, his caution. He finally learns that Mr. Walden has pistols for sale. He posts off at once to his store ; and in examining his pistols he lights upon this—this pistol yet stained with blood ! This pistol that Mr. Walden identifies as the one sold by him to the prisoner. This pistol, the dirk of which when compared with the holes in the clothes in which Simpson was murdered, fits them exactly. No sooner did he see it than he was struck with it—have it he must, and have it he would ; none other would suit him so well. If he failed with the ball, the dirk is still left : he is told fifteen dollars is the price of the pair ; he does not want them both, they would have been too much in his way : he wants one only : one could only be obtained by paying ten dollars ; and then without the moulds : he gives it, provided he gets a few bullets run : he does not want the moulds ; half a dozen bullets would suit his purpose ; one ball would answer for the present. The bullets are moulded : he proceeds to load : and here his anxiety is too great ; here he is for being too sure, if possible : he fills it brim-full. Mr. Walden discovering it,

reloads it for him; and, after having obtained a new pistol flint, and primed it well, he lays it away as ready for use: Having settled for the pistol, a short conversation takes place between Mr. Walden and the prisoner, in which you discover Mr. Walden courteous and polite; the prisoner mysterious and reserved. Mr. Walden asked if his name is not Hale? that there was a great likeness; and if he was not going to the south? Cunning and artful, he avoided the question, without satisfying the inquiry. His name is not Hale, and he was going to the north. In the courtesy and civility of gentlemen, nothing is more common than such inquiries; and nothing more sure, without there is, as there was here, some reason for the concealment, that the real name will be given. The next morning, Thursday, he leaves Warrenton, as he said, for the District of Columbia, after having first (in so much need was he of money) sold a note of twenty dollars for fifteen. The next that we hear of him is in Centreville, on the same evening, a few hours after Simpson. They both put up at Mr. Grigsby's, where, it seems, they had determined to meet, and where they did remain until Sunday morning. Gentlemen of the jury, let us stop for a moment and inquire into the motive of this strange and unnatural association. The prisoner had no business in Centreville; and acknowledges, upon leaving there, that he remained to serve Simpson. He tells Grigsby that he thinks Simpson ought to pay his bill, acknowledging thereby that he remained on Simpson's account, and that he was to receive no remuneration for so doing. Strange and unnatural union! But two days before they had never seen each other: they were entire strangers—unconnected by any favors conferred or kindness received; differently situated and differently circumstanced; unconnected by any similarity of profession or identity of interest; the prisoner leaves his business in Loudoun; leaves the clerk of Loudoun county, to whom he was bound to render the services of every day; leaves the society of the virtuous and intelligent, and associates himself with Simpson in the odious and detestable traffic of human flesh! What was his motive? what his object? what could he promise himself from the association, that would afford him pleasure, or redound to his honor, for he was to receive no remuneration, not even the amount of his bill? What, then, could induce the prisoner to leave his residence in the first instance, and to stop short on his way to the District in the second—to embark, uninvited and unrewarded, in a trade that stains with cruelty, if not with dishonor, the character of those engaged in it? was it pleasure? was it honor? Could he promise himself either from visiting the abodes of misery and woe, from seeing the parent torn from the child, the husband from the wife, the infant from the breast?—all the tender ties of nature, consanguinity, and affection, burst asunder. Could he promise himself pleasure or honor from participating in a practice so cruel and inhuman? And, if this association was not formed for honor, pleasure or reward, as I have shown it was not, for what was it formed? Let the prisoner's

acts speak ; they will explain it in a language that none can misunderstand.

And now, gentlemen of the jury, let us examine his conduct. During their stay at Grigsby's, the prisoner informs the deceased that his uncle Dade Hooe has a lot of negroes for sale : and so well acquainted is he with the fact, that he even knows their names, their condition, their ages. So certain is he that they will suit that he advises Simpson not to purchase one that was offered to him, as he knew his uncle's would suit him better. After recommending this lot of negroes for their different qualities—after having in this way convinced Simpson that they would suit him—after having slept with him the night previous—this warm and disinterested friend who had devoted his time and his purse to the service of Simpson, in first finding out the particular quality of negroes that would suit him, and where they were to be had, set out on Saturday morning for Dade Hooe's, in company with the deceased, to make the purchase. But here a difficulty presents itself to the prisoner—the run is too high to be crossed. The deceased is willing to venture it, but the prisoner is not. The run had been forded that morning, but still the prisoner is afraid to venture. No, gentlemen of the jury, the run was not too high, and the prisoner knew it. But the prisoner also knew that if the run was crossed, and they visited Dade Hooe, that his treachery and deceit would be detected, and his design, at least for a time, frustrated. He knew Dade Hooe had no negroes for sale ; and out of his own mouth will I convict him :—He tells Grigsby, upon leaving his house on Sunday morning, that he did not know of his own *knowledge* that Hooe had negroes for sale ; that he had only heard so. But the day before he not only knew that he had negroes for sale, but even knew the names and condition of the lot, and now he does not know, *of his own knowledge*, that he has any for sale. He knew full well he had none for sale, he had never sold one in his life, and the prisoner knew it. He started to Dade Hooe's—not to reach there in fact, but to murder Simpson. This was the time fixed for the execution of his dark purpose. This was the trap he had set for him, and in which he had determined to ensnare him. Why he did not execute it then I leave to his ingenious counsel to tell ; who will attribute his conduct to better motives than I can, and who will, if you go heart and hand with them, wipe from the face of his character the blood with which it is besmeared. Why did he not execute it ? It was a crime too dark to have been committed in the face of day. His cowardly heart shrunk within him as he faced the man he intended to murder. I have heard, gentlemen of the jury, that the lion, the most daring and intrepid of animals, if viewed, even in the act of pouncing upon his prey, sternly with the eye of courage, will shrink back, deterred if not terrified ; and thus, perhaps, it was with the prisoner ; his arm raised, his finger upon the trigger—he may have caught one glance from the eye of virtue and innocence ; and his dastardly nerves, that could only pull a trigger in

the dark, gave way: why did he not execute it then? Perhaps the struggles of conscience were not entirely over—some feeling of nature and humanity remained to be stifled. Perhaps humanity might not then have yielded its place entirely to brutality and barbarity. They return, the prisoner stating that the run was too high—and here they remain until night, during which time every effort is made use of by the prisoner to gain Simpson's confidence: all the means that his ingenious and base mind could devise; all the designs that his artful and designing head could plan were resorted to, to gain his confidence and lull the unfortunate man into security and repose. Not content with the use of these means, he resorts to one still more infamous, if possible; he plies him with the intoxicating draught; drink after drink is pressed upon him during the short space of twenty or thirty minutes. The prisoner, apprehensive that his other arts might fail, resorted to drink: he knew its effects. He knew how apt, how certain, it was to remove all the guards that prudence and caution might impose in the moments of sobriety and reflection; he knew how apt we are, when under its influence, to unbosom ourselves of every secret, and to throw our persons, "nothing fearing," into the arms of a *professed* friend. The prisoner knew too that he had claims upon the deceased; he knew that his conduct viewed by the eye of unconscious guilt and unsuspecting innocence bore the semblance, at least, of disinterested friendship. This game he played until supper. Immediately after supping, the prisoner and the deceased leave the house together, arm in arm, and after an absence of fifteen minutes, as one of the witnesses thinks, and to which he seems to adhere, not so much from his belief of it as from the circumstance of his having said so upon a former occasion, the prisoner returns, and when inquired of as to Simpson, he says he does not know where he is; "he reckons he has gone to Lane's, as it was lodge night." The prisoner had left him in the street, to go where—he had not even the curiosity to inquire!—Where, then, was that friendship that but a few hours before had prompted him to his strict and close attendance upon the deceased? Where was his curiosity, that he did not make of his friend the most common inquiry, where are you going, and when will you return?—Time passed away, and Simpson does not return; and still this warm and particular friend is cold and indifferent. The family becomes uneasy, but no uneasiness as to the absence of Simpson does he discover. The night passes away, and still the prisoner is indifferent—orders breakfast—pays his bill, and leaves there without discovering the least concern about the absence of his intimate friend; without putting himself to the trouble to walk to Lane's, a distance of two hundred yards to shake the hand of him, to serve whom he had left his business, his friends, and drawn upon himself the censures of the feeling and the virtuous. Where, then, was his friendship? had it evaporated so soon? or had it not rather, like the noxious vapor, that, rising from the pestilential pool, blights every thing it touches, and scatters dis-

ease and death wherever it settles, risen from the surface of a foul and distempered breast, settled upon the deceased, removing his caution and lulling him into a repose upon which he practised his ruin? His friendship, gentlemen of the jury, notwithstanding the imposing garb in which it appeared to the deceased, not even its appearance deserves the name. Friendship—No! No! It was the “*ignis fatuus*” that was to allure the too credulous and confiding Simpson into the snare set for his destruction. It was the opiate that was to lull him into a repose upon which his ruin was effected. Poor unfortunate man! warm in his friendship; pure in his motives; innocent himself; he did not suspect others: the show of virtue and the pretence of friendship he grasped at for the reality, and unbosomed himself with unsuspecting confidence to the wretch who meditated his ruin; he folded to his bosom, because dressed in the garb of virtue, and wearing upon its brow the simplicity of friendship, the viper that was to sting the bosom by which it was nourished. Thus it was, gentlemen of the jury, that he gained his confidence.

And now let us retrace our steps a little, and see how he used the confidence he had thus gained. You have been told he was absent only fifteen or twenty minutes; some say more. This, gentlemen of the jury, is the point upon which the prisoner’s counsel will hinge; this is the pivot upon which they would have this case to turn. But even this: this their strong hold, must yield—this, the only ground that *they* believe tenable, must sink from under them, leaving them nothing upon which to stand. It will require but little calculation to convince you, that even admitting the prisoner was absent fifteen minutes, he had ample time to commit this crime. You have been told by three different witnesses, that they walked from Grigsby’s to the spot where the body was found, in five minutes; giving, then, to the prisoner five minutes to walk there, five minutes to return, (and it is unnatural to suppose that he returned in the same gait he went,) and you leave him three minutes to have shot and stabbed him. Admitting that he accomplished his dark deed at that time, which is very doubtful, the door of his room opened into the yard, and there was nothing to have prevented him from finishing, during the night, the deed he had in part executed, and where had he been the morning after the murder, when he was seen coming from the direction in which the body was found. But he had ample time to have finished in the few moments he was absent.

After an absence of fifteen or twenty minutes, the prisoner returned to Grigsby’s, where he meets with the witness who discovered his agitation: and here, gentlemen of the jury, I cannot withhold the expression of my pleasure at the complete triumph in this man of truth over ingenuity. Every effort was made by the counsel for the prisoner, to confound and confuse him; he is confronted with counsel’s notes *said* to have been taken upon a former occasion; he is charged with misstatements and inconsistency. These notes are held in ter-

rorem over him, and all will not do. In his plain, but honest way, he gives you all the facts he was possessed of. When the prisoner's agitation is touched, his counsel, conscious of the weight the disclosure of this fact would have, flatly charged him with inconsistency and misstatements. The court discovering the drift of these repeated efforts to confuse, and *only* anxious to obtain the truth, asked the witness, "If he had not heard of the death of Simpson, would the agitation of the prisoner have made an impression upon him?" His reply is laconic and pointed—"It made an impression at the time." His statements are the same too, with Grigsby's as to what the prisoner said upon his return, viz. That he reckoned Simpson had gone to Lane's, &c., and that, as the inquiries of Grigsby became more particular, the prisoner said, "Damn the fellow! what can have become of him?" Gentlemen of the jury, pause with me one moment, and ask yourselves, of what materials must the bosom of that man be made, who could first commit a crime like this; and then, whilst smoking with the warm blood of his friend, make a remark so conclusive of the cold and deliberate manner in which the crime was committed. The same witness tells you, that the prisoner took his candle to retire; reached the room in which Simpson and himself had lodged the night before—entered it—and returned immediately, agitated and confused. No wonder, indeed. If his conscience was not completely seared, if every feeling of humanity was not completely stifled, with what emotion, other than the keenest remorse and most bitter anguish could he view the bed, in which, but the night before, he had pressed the warm and palpitating breast of the unfortunate Simpson, to his own deceitful bosom, and think that he was then struggling in the last pangs of dissolution, to which he had been hurried, with all his sins upon his head, by his blood stained hand. He paced the room to and fro, until he collected himself sufficiently—and then, with a desperate effort, he regains the room. The next morning, after having first made Grigsby an offer of seventy-five dollars in cash for a horse, that but the night before he acknowledged himself unable to pay for in money, he starts to Leesburg. But from whence came this money. When he left Leesburg he had but ten dollars, which he borrowed for the express purpose of paying his expenses. He had, it is true, received fifteen dollars in Warrenton from one, and forty-five dollars from another; but this last sum was not his own, and he laid out, independent of his bill, ten dollars in the purchase of the pistol, which would not leave him seventy-five dollars. From whence then came this money? The fact needs no comment; it speaks for itself. On his way to Leesburg, he is met by two different persons, both of whom think he was crying. From whence came these tears? Was all at rest within? No, gentlemen of the jury, that reflection which had deserted him in an evil hour, had just returned to paint to his distracted mind, in figures of blood, the crime he had committed, and the misery he had brought upon himself. He was then writhing under the

"gnawings of the worm that never dieth." Arrived in Lcesburg, he seeks out King, of whom he had attempted to borrow a sum of money before he left there, and inquires of him immediately, what the people had been saying of him there? Who was he that the people should talk of in a week's absence; what had given him this importance? It existed only in his own eyes, and his crime had given it to him, conscious of guilt. Every thing—inanimate nature itself—seemed to him indignant at his crime. King inquires if he had been fortunate? for so cunning had he been, that for months before the commission of the crime, he was preparing the minds of his friends for the exhibition of a large sum of money, by telling them he expected to draw it from his guardian, who, it is proved, did not owe him one cent. He tells King he had; shows him his pocket book; but upon being questioned as to the amount, such is his hesitancy, and such his confusion, that the witness evidently discovering it, says, "I suppose you came by it honestly; you have shown it to me." He then tells him he has nine hundred dollars, besides forty-five that he has for Mr. Binns; and that he obtained it from J. S. Horner and John Hooe. Here, gentlemen of the jury, he gives a death blow to all his hopes. Horner proves he paid him but forty-five dollars, and his counsel admit that he did not receive one cent from John Hooe. From whom, then, did he receive it? Not one effort is made to prove; not one witness is summoned; eighteen months have elapsed since his arrest, and not one witness is introduced to show in what manner he possessed himself of this money. Some inquiry has been made about gaming; and how has it resulted? In the complete refutation of every supposition that he could have obtained it in this way. The prisoner acknowledged to King, that he had played but once; and then won only one dollar fifty or two dollars fifty. And it has been proved that Simpson did not know one card from another. Here then, hope again flies them. The prisoner after having disposed of his money in various ways, paid some away and deposited the balance in bank; returns to his business as if nothing had happened. But a different game is playing in Centreville. Simpson's absence; the prisoner's precipitate retreat; his distress upon the road, had awakened suspicion, and a search is made: on Tuesday morning the body was found—shot under the right shoulder, and stabbed with a three edged instrument, ten times in the neck, and six times in the abdomen. A jury is held, and the pursuit of the prisoner commenced. Previous, however, to setting out, the party obtain from Watt, the partner of Simpson, a description of the several counterfeit notes that Simpson had in his possession. On Wednesday morning the prisoner is arrested; the money, such as described by Watt, found in his pocket book. This pistol, the only one with which the murder could have been committed, the only one with which such wounds could have been made, is found in his trunk, secreted under a pair of drawers. He is asked, "How long have you had this pistol?" He answers, ten months; when Mr. Walden proves he had not had

It ten days. Upon an examination, blood, dirt, and hair is found upon the bayonet of the pistol. The money found in his possession is identified by Watt. It is particularly described by Watt before he sees it—not only the bank, the number, the names of the president and cashier, but even private marks. The bulk of the money the prisoner passed, described as the notes Simpson had in his possession, as far as the size of the notes and the bank that issued them. These, gentlemen of the jury, are the facts upon which you have to pass your verdict of innocence or guilt; and is there one of you who can entertain a doubt? Is there nothing in true facts, that a young man engaged in business that required his attention, of a respectable family, but much pressed for money, leaves his business in search of traders, meets with one, forms an acquaintance with him; purchases a pistol with a bayonet, whilst he had one in his possession; follows the trader with whom he had become acquainted; forms a more intimate acquaintance; worms himself into his confidence and affection; decoys him from Centreville under a false pretence; is the last one seen in his company; unable to account for him; suddenly possessed of a large sum of money; accounts falsely for the possession of it; the money identified as the money of the deceased; found in possession of a pistol stained with blood, with an instrument attached to it with which the wounds were inflicted; that instrument fitting exactly the holes in Simpson's clothes, stained with blood; dirt and clay found in the screws of it; and a breast or temple hair of the color of Simpson's found in one of its screws. The possession of this pistol accounted for falsely, at a time too, and under circumstances when every thing that could influence an innocent man to a strict and close adherence to the truth and consistency were pressing upon him; arrested, charged with the commission of the most flagrant and outrageous of crimes, his life, his character, "that pearl justly prized above all price, at stake;" at this time, and under these circumstances, you find him telling the most barefaced falsehoods. Does this speak innocence or guilt? This is the evidence upon which you, in your retirement, have to pass. Evidence of the most conclusive character. When every circumstance, every act of the prisoner, is followed so closely by the motive in which it originated, that the one is the explanation of the other, and both the evidence of the prisoner's guilt—when each succeeding circumstance shows more and more plain the prisoner's guilt—like the waves of the ocean, each succeeding one rising in proud majesty over the one that has gone before. It is true, gentlemen of the jury, that, whilst in planning the execution of this, the "bloodiest picture in the book of time," much art and ingenuity is apparent. In its concealment you discover, on the part of the prisoner, the grossest folly. Having committed the crime, all caution is laid aside. But such is ever the nature and condition of crime; such its fatuity, and such its folly, that the most ingenious plans, laid for its commission, open the door to detection, and punishment; and such,

too, the character of guilt, that the very facts, the concealment of which might ensure safety, are blazoned forth to the world in such colors as to make detection inevitable. And is there one of you, gentlemen of the jury, skeptical enough yet to doubt? If there is one, and his mind is not entirely barred against the reception of truth, and his bosom not so corrupt but that he will acknowledge its influence, I trust even yet to convince him; for even strong as this proof is, unnecessary as its confirmation may seem, I can yet add to it, "confirmation strong as holy writ." I have the prisoner's confession,—yes, gentlemen of the jury, I have his confession. When told, after his arrest and after the evidences of his guilt were such as to leave no doubt upon the mind of the witness who addressed him, that the circumstances were too strong for him to entertain any hope of acquittal, and that if he had any accomplice, now was his time to speak. He answers that he had none—and, struck with the confession he had made, he immediately raises his impious hand to that God whose laws he had violated, and exclaims, "Great God, to what have I brought myself!" Here gentlemen, I repeat, is "confirmation strong as holy writ." But, gentlemen of the jury, this was a confession that escaped him in an unwary moment; it was a confession that slipped him when all the horrors of his situation burst in awful gloom upon his mind—it escaped him at a time when he was so pent in by the evidences of his guilt, that he saw no pass opened from disgrace and death. Let me, then, beseech you give it back to him; suffer it to have no weight upon your minds; return to him his unguarded expression, and convict him upon other evidence independent of this, or else acquit him; for, if there is not evidence sufficient to convict him independent of this confession, you should acquit him.

Thus much, gentlemen of the jury, for the evidence itself. Its character is that to which the prisoner and his counsel turn an eye of hope and confidence. It is to this, it seems, that he has trusted even in his dungeon, when he had no other music than the clanking of his chains, and no other company than the ghost of the departed Simpson. For there he tells one of the witnesses, that he cannot be convicted upon circumstantial evidence. Vain and mistaken notion! This is the rock upon which he has hung his last remaining hope. But even this will give way when pressed by the weighty evidence in this case. The host of authorities that I see introduced in proud array, convince me, gentlemen, that I should notice the circumstantial character of this evidence. And what I say to you upon this subject, the principles of evidence that I shall lay down to you, will lie not in the way of advocacy which justifies itself in any resort by the necessity of the case. But under the instruction of the court, who, if I err, will correct me. Indeed, gentlemen of the jury, occupying the place I do, it does not become me to do more than make a fair comment upon the evidence and its character. It does not become me to say one word in aggravation of this crime even if I could do it. But, gentlemen of the jury,

aggravate it I cannot. Were I to attempt it, memory, bringing before my affrighted mind, the mangled carcass of the unfortunate Simpson, would defy my imagination, and mock even description itself.

Circumstantial evidence, especially when of the character of that you have heard, is entitled to as much, indeed to more weight than positive proof. To use the language of the law books, circumstances cannot lie; men may. In the one case circumstances speak for themselves, uninfluenced by malice, envy, revenge, or any of the passions of the human breast—made known, too, as in this case, by a large number of individuals unconnected with each other by any other tie than a mutual regard for the happiness and well being of society. Not so, however, with positive proof. If the proof of the prisoner's guilt rested upon the oath of one, two, or three individuals, unsupported by any corroborating circumstances, who swore that they saw the dagger driven, and the blood follow—how much more room for doubt and distrust would there then be, than exists at present. To the wild, base, and malignant passions of the human breast, always upon the alert in devising the scheme of another's misfortunes, might their evidence be traced; an envious and malicious feeling might have prompted them to it; they might have been the guilty wretches themselves; the concealment of their own guilt might have urged them in the sad alternative of prosecuting, or being prosecuted, to thrust between themselves and merited punishment, an innocent, but unfortunate man. In cases, then, depending upon the positive proof of a few individuals, a thousand causes exist for the concealment of truth and the implication of innocence. And strong and substantial would be the grounds upon which a jury might raise doubts as to the truth of a statement, to deviate from which there existed so many powerful temptations. But in circumstantial evidence you have to weigh and connect each circumstance, and depend upon the facts they disclose; and not upon the oaths of witnesses influenced as I have shewn they might be. It is not only the best evidence upon which a jury can rely—but it is the only evidence upon which the midnight murky assassin can be convicted. His crime is not the effect of passion that pounces upon its object wherever it is to be found, regardless of the consequences; whose sudden burst is the first and only evidence of its existence. But it is the result of mature deliberation and reflection, in which all the chances of detection have been carefully examined, and as carefully avoided. The wretch who meditates the crime of murder, imparts it to no mortal. He holds communion only with his own bosom; in silence he plans, and in secrecy he executes. Whilst closeted with the dark and base passions of his breast, he plans the dread and awful purpose of his soul, and in its execution he courts the closet's secrecy. No eye but the all-searching eye of Omnipotence views his acts; none but that God knows the workings of his depraved bosom. When all is still as death; when no eye winks, and no ear listens, it is then that the murderer, like the wolf, commences his prowl.

It was then that the prisoner, less merciful and more brutal than the wolf, set out for the execution of the dread design his imagination had conceived, whetted as his determination was by the base hope of lucre. It is true that sleep had not closed the eye, or unnerved the arm, of the unfortunate man he had singled out as the victim of his purpose. But, gentlemen, a confidence more dangerous than sleep, had lulled him into a repose more fatal than the slumbers of nature—a confidence which bid him close the eye and shut the ear of vigilance and suspicion; that lulled him into a security that proved his ruin. Darkness is the robe in which the murderer conceals himself from observation. Upon what, then, but upon circumstantial evidence can you depend? He communicates his determination to no one, for fear that in the hour selected, notwithstanding the opinion he may have formed of his depravity, there may still be lurking in his bosom one feeling of humanity that might prompt him to a disclosure. In this, then, as in all crimes of so dark a dye, it cannot be expected it should be committed under the eye and observation of man: and it is, therefore, upon circumstantial testimony only you can convict. Abolish circumstantial evidence, reject its weight and influence by your verdict—and, gracious God, to what deplorable consequences will it not lead! What protection do the laws of your country afford to the companions of your bosom, and offsprings of your loins, whilst here rendering your services as citizens to your country, from the ruthless murderer? Although on your return you may meet him at your door, besmeared in blood; although you may find him in possession of your property; although you may find the fair bosom of your companion mangled, with the instrument you find in his possession; yet no one saw him give the blow; no one saw “the flesh quiver;” and he may brandish his gory steel over your head, dripping with the blood of those that were dearest to you, and defy your detection or punishment. In the language of the prisoner, “you cannot convict me upon circumstantial evidence, you have no positive proof.” Are you prepared, gentlemen, to give a license to the midnight murderer, by the establishment of a principle like this? Are you prepared to hold out to the murderer another inducement other than the congeniality of the hour and the crime to court darkness in the perpetration of his premeditated crimes? Are you prepared to say to the depraved of society who are anxiously watching the issue of this trial, either as the signal of plunder and murder, or as an example which, by deterring them from the execution of their purpose, shall make them good and faithful citizens, upright and honest men? Are you prepared to say to them, “Go on—plunder where you will—commit what crime you dare—only avoid the sight of man, and you are secure?” I trust not. For your own, and for our country’s sake, I trust not—for God’s sake I hope not.

Gentlemen of the jury, his counsel, in the great effort they will make, will call your attention to numberless cases, where individuals

have been convicted, upon circumstantial evidence of crimes, and executed, of which they were innocent. It is a lamentable fact, that some such cases do exist. But, gentlemen of the jury, I beg you to observe one, if only one, marked difference between the cases to which your attention will be called, and the one at the bar. In no one of those cases will you discover the least inconsistency or falsehood in the statement of those who have suffered. They have been convicted entirely upon the weight of the evidence, and not upon their own inconsistency—which evidence you will not infrequently find coming from the lips of the guilty wretches themselves.

Gentlemen of the jury, perhaps the prisoner's counsel abandoning all hope of his acquittal, founded upon his innocence, and trusting to their well known pathos and eloquence, may seek to gain from your mercy that which they cannot hope from your justice. They may bring his youth—his former good character before your eyes, to awaken your sympathies, and offer you his present narrow escape as a pledge for his future good conduct. Should this be done, gentlemen of the jury, bear in mind that yours is not the province of mercy. It is the attribute of another and a higher tribunal. It is for you to pass upon the evidence; the law passes upon the crime. But, gentlemen of the jury, is this a case for the exercise of mercy? "That mercy which he to others showed, that mercy show to him." Cast your eyes back upon the circumstances under which this crime was committed, and ask yourselves if it is a case for the exercise of mercy. Look at the prisoner's deceit and hypocrisy in gaining the confidence of the deceased. Look at his inhumanity in butchering him. Look at the inducement—base lucre. Look at his hardened and impertinent conduct since; and then look at his age—at the inducements he had to pursue the path of rectitude; and then tell me whether the pledge is a good one. If when, free from stain or imputation; if when young and respectable the hopes and the fears of the opinion of mankind and the certainty of punishment did not deter him, what grounds have you for the hope, that with a conscience seared by the commission of crime; a mind lost to the influence of public opinion; with his notion of circumstantial evidence confirmed by your verdict, that he will reform and do so no more. But, gentlemen of the jury, do not the times require that some example should be made of those who, setting the laws of their country and their God at defiance, coldly imbrue their hands in the blood of their fellow being? Is this the first murder that, in a few short months past, has roused the mother from her pillow to behold the loneliness of her widowhood brought on by the hand of the murderer? Is this the first murder that has sounded in the ears of the infant the tidings of its orphanage? Look around you, gentlemen of the jury. In every direction you see the traces of the murderer marked in innocent blood. Look to your adjoining county, Prince William—there stands the scaffold, still dripping with the blood of one who expiated with his life a crime originating

in the infirmity of his nature. Look to the county of Loudoun—there a scene presents itself to the view, over which the human heart sickens and dies—there you discover the widow clothed in sackcloth and in ashes, bathing with her tears the grave of her deceased husband, who fell by the hands of her brother. Look further, and you only add to the catalogue of crimes. Is this a time then, for you to forego your duty—to yourselves, your country, and your God—in a case of “murder’s deepest grain.”

Gentlemen of the jury, I have now discharged the trust reposed in my hands, feebly I know, but to the best of my abilities. In the discharge of this duty, for a duty I think it was, I have occupied a novel situation—one that may draw upon me the censure of some and the commendations of others. I am enabled to look back upon the course I have pursued, free from any compunctions of conscience, and looking only to my conscience as the source of my reward and punishment in this world; I neither court, in the discharge of my duty, the smiles, nor do I fear the frowns of mankind. Had I not been convinced beyond the possibility of doubt of the guilt of the prisoner, I would have cut my arm from my body, ere I would have raised my voice, feeble as it is, in his prosecution. I have now discharged my duty. The much more serious and important duty that devolves upon you, you have yet to discharge. After you shall have heard the argument in this case, should one rational doubt rest upon your mind, as to the guilt of the prisoner, discharge your duty and acquit him. But if, on the other hand, you should be convinced of his guilt, let no idle fears deter you from the firm and faithful discharge of duty. And, gentlemen of the jury, I hope that, from the evidence and the arguments, you may be enabled to give a verdict that you may hereafter view with composure and free from the compunctions of conscience. That you will be able to give such a verdict as will afford to the passing traveller, who, trusting to the validity of your laws and their faithful execution, shall entrust his person within the limits of your county, nothing with which, as he feels the dagger of the assassin, in unveining his heart’s blood, to upbraid you. That you may give such a verdict as will furnish to the friend who shall find in only the last ebbing of life, the treachery of him in whom he reposed confidence, no foundation for bestowing his last most withering curse on you. I sincerely hope that you may so acquit yourselves of the sacred trust reposed in your hands, as that hereafter stretched upon the bed of death, and the acts of your past life shall be passing in dark and awful succession before you, to “point the sting of conscience,” you may be able to view the hour in which you shall render your verdict as one in which, unawed by ability, and unseduced by eloquence, you devoted the best faculties of your mind to the firm and faithful discharge of a duty you owed to yourselves, your country, and your God.

[Mr. Hewitt replied to Mr. Tyler, in behalf of the prisoner—but the editor is unable to furnish his remarks.]

[Mr. M'Carty followed, also on the part of the prisoner; but having departed for the Western States before his remarks could undergo his own revision, it is deemed best to omit them, as accuracy is very desirable in the Report.]

Mr. Henderson rose in reply to Messrs. M'Carty and Hewitt. He contended that it was the solemn duty of the jury, while they treated the accused with the tenderness every where inculcated by the benignity of the law, to vindicate also the great interests of public justice, and the honor of the commonwealth itself. He conceded that the prisoner ought to be acquitted, unless the proof of his guilt carried full and ready conviction to the breast of every man; but maintained that, if such proof were made, to resist it were to degrade the state by sheltering from condign punishment, the monster who had first betrayed, and then butchered, in the most savage manner, an unsuspecting stranger.

Mr. H. here read the statute defining murder in the first degree, and prescribing its punishment; and told the jury expressly, that the prisoner was either an innocent man, or guilty of the crime thus defined. He stated the difference between positive and presumptive proof, admitting the superiority of the former, and that, in order to condemnation upon the latter species of evidence, its truth, clearness, consistency and weight, should be above all rational criticism.

He then adverted to the cases cited by the counsel for the prisoner, from the Supplement to the first edition of Phillip's Evidence; arguing first, that they were not reported upon proper authority, and were probably extracted from newspapers and magazines, and, in support of this idea, referred to the fact, that the author of the work in question, had discarded them in the last edition. He then showed that, even allowing them to be of unquestioned authority, they were light, in themselves, most of them, in truth, resting upon positive evidence of perjured witnesses, and that they were wholly unlike the case at the bar.

Having thus noticed the remarks of the opposing counsel, and commented on the cases adduced by them. Mr. H. proceeded to exhibit to the jury, a condensed view of the evidence in the order of time: beginning with Friday the 25th day of February, on which the prisoner left Leesburg, without a dollar, save ten dollars which he borrowed, and closing with his return to that place on Sunday the 6th day of March, with nearly one thousand dollars in his pocket. He reminded the jury that the prosecution was supported by the concurrent testimony of thirty-two witnesses, living in four different counties, not one of whom had been assailed, or even doubted by the counsel for the defence; many of them, and they the most material, of known and high respectability, and who had been examined separately. He reviewed this evidence, touching its most striking features, and proving the coherence of its several parts, and the irresistible effect of their combination, and concluded by making an emphatic appeal to the judgment of

the jury, founded upon the testimony of Mr. Richardson. In doing this, he repeated it in substance. Mr. R. had been sent for by the prisoner a day or two after he was brought to the Fairfax jail:—On going into the jail, he asked the prisoner what he wanted with him? prisoner inquired, “what people said about him?” “To be plain with you,” replied Mr. R., “the prevailing impression is, that you are guilty; but make no confession to me, I desire to hear nothing about it.” Upon this the prisoner rejoined, “*But they can't prove it by positive evidence, and without it they cannot condemn me.*” Mr. H. asked, if the prisoner did not, by this dialogue itself, virtually admit his guilt, and cast himself upon a legal quibble for impunity? He conjured the jury not to sanction by their verdict, this horrible principle, and the influence of which darkness and solitude would be a complete defence for every villain who chose to court their protection. He regarded the language of the prisoner under the circumstances, a lively and impressive illustration of the soundness of the doctrine maintained by the prosecution. He, prisoner, had for years kept the bar of a tavern, within hearing of the court-house of a large and populous county, where of course, there were many criminal trials, and had passed the six months, which preceded the murder, in the clerk's office. In this situation, he had heard the position sturdily, and sometimes successfully supported, that a man ought not to be condemned on circumstantial evidence, and could not be. The sophism sunk into his soul, and in looking abroad for the means of replenishing his exhausted purse, and ministering to his unhallowed passions, he said to himself, while caressing the unhappy young man, whom he were but to destroy—“He has a large sum of money, I will insinuate myself into his intimacy; lead him in the darkness of night into the recesses of a forest, plunge the dagger into his bosom, and despoil him of his wealth: having done so, I will boldly face my accusers and challenge them to produce positive evidence to bear witness to the deed of infamy, seen only by my own pitiless eye, and that of the common Father of mankind.” Mr. H. remarked, that it must be obvious to all, that if men were permitted thus to reason, and to back their arguments by their acts, individual safety would be imperilled, and social order and security fearfully impaired, and earnestly impressed upon the jury, the performance of their painful but indispensable duty in the cause.

Mr. Mason replied to Mr. Henderson. He assigns various argumentative reasons why he deemed the evidence not of sufficient weight to justify a conviction of the prisoner—and illustrated his positions by reference to similar cases. He labored with much ingenuity and reason to show from the nature of the testimony that he could not have been the *perpetrator* of the murder, and that whatever may have been his agency in it, that there must have been some one else concerned. This he forcibly maintained by various circumstances and facts which had been very inadequately, if at all explained by the imputed guilt of the prisoner. And if convinced that any other had been concerned,

he maintained, it became the jury whose solemn duty, as well as province it was, to ascertain and decide "in what manner, and to what extent," and in like manner, how far (if at all) the prisoner had participated in the guilt of the transaction. Whether as an *accomplice and principal*, or an adviser and *accessary before, or after the fact*. And he made a strong appeal to the jury as to the necessity of settling all these questions (the principles of which he explained) satisfactorily to themselves, before they could render a verdict against the accused.

Mr. Mason made, from the evidence, the following statement of the moneys which were, or had been, possessed by Hooe upon his arrest:

Hooe deposited in bank	\$300
Paid Meade	225
Bought a horse	36
Paid Bentley	10
Carolina money found on him	65
Paid Moore	125
	<hr/>
	\$760
	<hr/>
Simpson had	\$1000
Watts gave him	500

He had several other notes and money of his own.

Leaving about one-half of the money to be accounted for, which Simpson had just before his death. This fact, Mr. M. conceived conclusive as to Hooe's having a participant in the deed.

Mr. Mason was succeeded by—

Mr. Gibson, who said he considered the case (and so admitted it) depending alone on circumstantial evidence, but contended that the circumstances were so strong and irresistible, as to carry conviction of the prisoner's guilt to every mind that was not predetermined to exclude light. The case of Hooe, the prisoner, certainly differed from any other case he ever heard of or read of depending upon presumptive evidence. The majority of the cases reported in the law books where convictions have taken place on circumstantial evidence, depend upon but few circumstances, where it was possible such circumstances, however specious, might be deceptive; but in Hooe's case, there were so many links in the chain, each one so well and conclusively sustained by evidence, and that too, collected from different quarters of the country, without any previous concert, as to leave no well founded or rational doubt of his guilt, upon the mind of any, unless such mind should be worse than skeptical.

A strong circumstance against the prisoner, was the false and inconsistent account he gave, when arrested at Leesburg, of the manner in which he became possessed of the money found on him. He said he got a part from a gentleman in Prince William, and a part from a man in Fauquier. That was negatived on the trial by both of those

gentlemen ; and the prisoner made no further attempt to account for the manner by which he possessed himself of it.

The identity too of the money proven by an individual who was associated *in trade* with the deceased, was another strong circumstance going to show the guilt of the prisoner. The individual described several notes so accurately as that their identity could not be misconceived or doubted ; and that description given before the arrest of the prisoner.

The circumstance of the pistol which was found on the prisoner, being stained with blood and dirt, and as some of the witnesses (whose testimony from their standing and respectability, could not be questioned) say, with hair attached to one of the screws, resembling the breast or whisker hair of the deceased, is another link in the chain, which would naturally impel any unbiased mind to conclude, that, as the prisoner and the deceased went out together from the house of Grigsby, on the night of the murder, the prisoner returning alone, and failing to give any satisfactory account of the manner in which he had separated from the deceased, that he, and he alone, had been the perpetrator of the bloody deed. Add to that the circumstance, that when the pistol was found, he professed to have owned it ten months ; when it was proven on the trial by a witness who sold him the pistol, that it was only purchased the Wednesday preceeding the Saturday evening that Simpson was murdered. The same witness also stated, that he had offered the pair of pistols for fifteen dollars, but that the prisoner preferred giving for one and a few balls, ten dollars. Mr. G. had but little doubt, from the evidence, that the prisoner long meditated the commission of murder and robbery, and he was induced to select some individual engaged in the traffic the deceased was, from an impression that such individuals were likely to prove the most profitable prey, for he had long been endeavoring to impress upon the minds of some of his acquaintance in Leesburg that he expected to receive a considerable sum of money, no doubt with a view of preparing the public mind for such an exhibition, for it seems to have been his fixed and determined purpose to procure money at all hazards, even at the price of blood. Another singular incident is disclosed in the progress of the examination, going to show that the prisoner's mind was fixed on the destruction of some unfortunate fellow being engaged in that business, is this that whenever he spoke of the fortune he professed to expect to receive, that in such conversation he invariably took occasion to refer to the traders, as he termed them, as being persons in the possession of large sums of money. He left Leesburg without money, and had to borrow ten dollars to defray his expenses ; he returned the day after the murder with (according to his own account) upwards of nine hundred dollars, and when questioned (after his arrest) as to the manner the possessed himself of it, he resorts to falsehood, and when he is detected in that, he makes no further effort to account for the possession of it, but seemed by the strongest implication to admit his guilt, by

exclaiming, in the presence of two most respectable and credible witnesses, "Oh Lord! what have I brought myself to."

From the evidence introduced on the trial, no doubt was left on Mr. G.'s mind but that the prisoner had conceived the erroneous idea that no one could be punished capitally upon presumptive evidence; however strong and violent it might be; and had the jury acquitted him, it would certainly have held out to society the dangerous doctrine that the midnight assassin might with impunity plant the dagger in the bosom of his unsuspecting victim. But it being contended by the counsel for the commonwealth (and conceded by the counsel for the prisoner,) that presumptive evidence, if strong enough to carry conviction to the mind of the prisoner's guilt, was, in the eye of the law, equal to full and positive proof, no ground was left upon which the jury could build a rational doubt. The jury conducted themselves with such marked propriety, throughout the long but necessary protraction of the trial, as to have commanded the respect of the court, of the counsel for and against the accused; and said Mr. G., he was sure of all unprejudiced by-standers. They seemed fully aware of the important character of the trial, and though they were sensible of the awful responsibility which devolved on them—awful and interesting as it regarded the fate of the prisoner, whose life depended on the verdict they were to render, they did not forget that the wise and salutary laws of their country had been most grossly violated in the barbarous hutchery of one of their unoffending fellow citizens, and that too under circumstances of the most atrocious nature. The prisoner had used every art and stratagem to worm himself into the confidence and friendship of his devoted but unsuspecting victim. He was feeding at the same board, and sleeping in the same bed with the deceased, at the very time he was meditating the perpetration of an act to be committed on that individual, at the bare mention of which human nature shudders.

The several counsel having concluded their arguments (which, with the examination, occupied five days,) the jury retired for about half an hour, when they returned into court with a verdict of murder in the first degree. And on the next day, the sentence of the law was pronounced upon the prisoner, and the day of his execution fixed for the 30th of June, 1826, by judge Dade.

CONFESSIO N OF HOOE.

Wm. F. HOOE, whose execution we record to-day, wrote, during his confinement, a history of his life for the last five years, in which he makes a full confession of the murder of SIMPSON—and that he perpetrated it alone.

He states that he was instigated to the deed from the want of money to adjust a gambling transaction in Leesburg. In the society to

which he was admitted there, he states, it is common for gambling parties to pass their notes for whatever they may lose at cards; but that it is considered a violation of honor in the holder of such notes to transfer them to a second person. He had sold one of these notes, which was afterwards won back and demanded of him by the drawer. He evaded the demand, by stating that the note was not about him, but in his trunk, and that he would get it and return it. He called upon the person to whom he had sold the note, and requested that it might not be presented for payment for a few days, as he was going to Prince William county for money, which would enable him to redeem it on his return. It appears that he really did believe money was due to him from his uncle, John Hooe, living in that county. But he says, he felt his honor at stake, in having sold the note, and was, therefore, determined to have money for its redemption at all hazards.

Having falsely told Simpson that his uncle Dade Hooe had a family of negroes for sale, he proffered his services to conduct him to his uncle's plantation; and says that while on their way thither he asked Simpson how much money he had, as it would take a thousand dollars to purchase the family. Simpson dismounted from his horse and seated himself upon a log at the side of the road; took out his pocket book and counted its contents in his presence, and said he had nine hundred dollars. After renewing their journey, he says, he made three different efforts to shoot Simpson, but that the checkings of his conscience whenever he touched the pistol for that purpose, were so powerful as to overcome him. At the third attempt, he says, he was determined to despatch his victim, and had drawn his pistol as much as half way from his pocket, when his energy again completely forsook him. The danger in crossing the run, which had risen above its usual level, was urged as a reason for not crossing it, though Simpson was willing to make the attempt. They returned thence to the tavern, at Centreville.

When about leaving the tavern, at Centreville, on the night of the murder, Hooe says he advised Simpson that he had better leave his money behind as they were going to a house of ill fame, where it might be lost. Simpson accordingly took out his pocket book with his money, which was put into Hooe's valise, (they then sleeping in the same room.) They next departed for a house of the kind referred to, and which Hooe told Simpson he knew about—though none such was in the direction they pursued. Hooe says that when they arrived at the spot where the murder was committed, he asked Simpson if he would go before as his eyes was very weak, and he could not see his way clearly. Simpson accordingly complied—and Hooe took out his pistol and shot him in the back. Hooe says that Simpson gave a most dreadful shriek, which he should recollect were he to live a thousand years—and ran to a distance of about four yards (we think,) and fell. Hooe walked up to him and called to him by his name—but he made no answer—he was dead. He says he heard the blood gurgling inside of

Simpson's body from the perforation of the shot, as distinctly as if from a bottle. With a fit of desperation which came over him, for which he cannot account, he then inflicted the wounds upon the body with every possible expedition—and immediately ran with all his might back to the tavern.

He did not visit the body again as has been frequently stated. He returned to Leesburg the next morning.

The circumstance that but part of Simpson's money was found with Hooe was supposed to be an evidence that there must have been an accomplice in the murder. Hooe, however, says that the other part of the money had been left by Simpson in the hands of a person in Centreville for some purpose, and whose receipt for the same was in the pocket book. He says he burnt the pocket book and receipt upon his arrival at Leesburg. [The supposition in regard to the silence of this fact is, that the person holding this money would have been also arrested for trial upon its identification.]

The confession was written and sealed up by Hooe, and put into the hands of the jailor, directed to an intelligent gentleman of his relation.

Hooe denies the testimony given by two certain witnesses.

EXECUTION OF WILLIAM F. HOOE.

On June 30, 1826, agreeably to sentence, Wm. F. Hooe, a young man of about twenty-three years, suffered the punishment of death, near the court-house of Fairfax county, Virginia, for the murder of William Simpson, in that county, on the night of the 4th of March, 1825.

It had been proposed to the criminal early in the morning that he should come into the court-house to hear a public sermon; but he declined it. The sermon was accordingly preached by Mr. Burch, of Leesburg, of the Methodist persuasion, at a quarter past eleven o'clock, before the window of the room in which he was confined. With one or two exceptions of declamation about the "disgrace" which was reflected upon "the councils of our nation" by a particular sect, differing from his own, Mr. B.'s harangue was quite rational. He portrayed the enormity of the prisoner's crime, showing that (by divine command that "whosoever sheddeth man's blood, by man must his blood be shed," as well as by the laws of the land,) his life only could make ample atonement therefor. He strenuously advised the audience to profit by the solemn warning which would be afforded, in the horrid spectacle about to be presented to their eyes, as the consequence of frequenting the gaming table. He asserted that the criminal had been led into this vice by older and more experienced heads, upon whom rested materially the enormity of the offence, for which

he was about to suffer. He enjoined upon all present, the propriety of indulging in no levity on this occasion, desiring that nothing might be done which could tend to compromise their respect for decency and order. His remonstrances were not without effect; the behaviour of the people upon the occasion was generally remarkable for its propriety. Prayers and hymns wound up the religious ceremonies before the jail. As most of the crowd had repaired to the gallows, the audience at the jail was not numerous, but very respectful. Those present were accommodated by the officers of the day, as well as circumstances would admit. The guards formed a hollow square of the male audience from the front of the jail; inside of which, around the minister's stand, under the shade of a large tree, seats were erected for the convenience of the females. The criminal did not show himself either before or during divine service.

After the lapse of near half an hour, and at the conclusion of the religious performances, the jailor appeared with the keys of the jail; opened the door for the two attending clergymen, who entered in company with an officer. Before their admission, the cart for the reception of the criminal had been drawn up in front of the door, enclosed in a hollow square of the guards with loaded muskets, and fixed bayonets turned towards the crowd. The cart contained a plain black stained coffin, at the head of which a country made chair was placed. An old black man led the horse in the cart. During the stay of the clergymen in the jail, they were heard at prayer.

It was but a short interval ere the jailor again appeared and unlocked the door. A feeling of an indescribable character now prevailed, in a deathlike silence which reigned, as the prisoner's coming was waited for. A minister presently appeared from the inside, to the door for about half a minute—when the prisoner approached. Though the curiosity of the spectators was not gratified in having a view of his countenance, yet their feelings were, perhaps, more heavily touched by his conduct, than if they had not been disappointed.

His face was entirely concealed by a long loose white cap, which extended down to his bosom; and was dressed in a very white shroud, wore white gloves, and had on a half-worn black fur hat, under which was his cap. His arms were pinioned at the elbow; the noose of the rope was already around his neck, and the balance of the rope wrapped around his body, until he arrived under the gallows. He moved with a slow and cautious, but firm and apparently unconcerned step to the cart, up into which he was conducted with the assistance of a chair, by the clergymen. He continued to the head of the coffin, and deliberately seated himself in the chair. This scene was one that none seemed prepared for. His apparent resignation to his fate, and the willingness with which he advanced to and took his seat, were unexpected, and extorted involuntary and simultaneous expressions of "Poor fellow," "Good God be merciful," &c., from every quarter. The sobbings and wailings of the females, who had remained at the

jail, now broke loose ; yet the criminal heeded them not ; he seemed fixed like a statue of marble in his seat—he neither moved his head to the right nor to the left, but kept it perfectly still and erect. Why this prelude should be so touching, we cannot say—but it cost more tears than any part which followed it. We saw it flood the eyes of those whom we thought we knew were made of sterner materials than to be affected at any sight whatever. Though this sympathy seemed to pervade the hearts of all present at his fate—yet none denied its justice or its necessity. He was so steady in his seat that those who did not see him enter thought he was tied thereto.

The criminal's feet were next tied ; and the command "march" being given, the guards moved in the manner as already described to the place of execution, a plain about two miles in circumference, which had formerly been used as a race course, and about three-fourths of a mile distant from the jail. The criminal was followed by a cavalcade, some of whom occasionally pressed so closely upon the guards that they deemed it necessary to prick the horses with their bayonets. Arrived at the field—a good deal of confusion ensued among the mounted spectators, who had already surrounded the gallows in making way for the guard, though no material accident occurred from it. The guards having opened an avenue to the gallows, the cart was driven up to it so as to bring the criminal directly under the beam to which he was to be hanged. A ring had been made with ropes and stakes around the gallows, inside of which the guards placed themselves immediately. Almost every thing was now arranged ; when a prayer was offered to the throne of mercy in behalf of the criminal. Here, too, was another truly affecting spectacle. When the clergyman commenced his supplication, the criminal arose from his seat, as quick as the pinions of his arms and feet would permit, and knelt into the cart, with his face resting all the while upon the coffin. At the conclusion of the prayer, he rose and resumed his seat, without assistance. The sequel which soon followed to all further religious ceremony was a hymn, in which, we are told by those who were near enough to hear, the criminal united. He now shook hands very cordially with Mr. Burch, and continued whispering something in his ear for several minutes, to which the revered gentleman frequently nodded an assent. We hear, that the purport of his conversation was that thanks might be returned to various persons from whom he had experienced acts of kindness during his imprisonment. He also took leave of several of the civil officers with the same cordiality. The last person with whom he shook hands was a young man who stood before him as one of the guards, and to whom he called. What was said to the young man we are uncertain ; but it so affected him, that he broke from the criminal—burst into tears, and retired to his post, covering his face with his hat. A sub-officer, of very genteel appearance, now mounted the cart, and took the seat of the criminal, who had risen without the least reluctance. The officer in endeavoring to fix the

chair upon the side of the cart to enable him to reach the beam to which the cord was to be fastened, shook the cart so much that it occasioned the criminal in his helpless condition to move, which was mistaken by some as a tremour of fear. He had exhibited nothing of the kind, physically, even from his first entrance into the cart—and he maintained one and the same position in the chair from his departure from the jail, until he joined in the religious ceremonies at the gallows. Having been assisted in adjusting the chair, the officer unwrapped the cord from the body of the criminal, with which he was to be executed. He then examined the knot at the noose around the criminal's neck, and securely fastened the balance of the rope over the beam of the gallows, allowing a sufficient length, we suppose, for a fall of about a foot and a half. After bidding adieu to each other, the officer dismounted. In a few seconds the cart drove slowly from under the criminal—he necessarily leant forward as he was dragged from it—and in an instant was launched into eternity without a struggle. Thus was the vengeance of the laws of God and of man justly inflicted upon the misguided and unfortunate William F. Hooe—a youth of the most numerous and highly respectable connexions in the state of Virginia.

After the criminal had been suspended for a few minutes, we thought we once perceived him shrug his shoulders—but presume that we were mistaken, as he must have broken his neck the moment he fell from the cart. He had his right hand clenched when hung, while his left one was entirely open.

The body was kept suspended under the gallows for more than an hour. We heard the high sheriff assign as his reason for doing so, that he had given up the criminal's body to his relations; and wished none of the multitude to imbibe absurd notions as to the reality of the execution, which might have been the case from the easy manner in which he died, and if immediately surrendered up to his friends. His body was finally cut down by the deputy sheriff, with a knife, and received into the arms of some persons without suffering it to come to the ground, and placed in the coffin—when it was taken off in a wagon provided for the purpose.

JAMES TEED AND DAVID DUNNING,

FOR THE MURDER OF RICHARD JENNINGS.

MILD and equal laws, promptly and humanely executed, are justly considered among the greatest blessings any people can enjoy; at the same time they are an indication of the depravity of the human heart. Were all mankind honest and upright, there would be no need of locks and bolts, of prisons and fetters, of laws and courts, of judgments and executions; if every one followed that golden precept promulgated by the divine founder of our religion, "to do by others as we would that they should do by us," we should all sit down in safety under our own vines and fig-trees, with none to disturb our tranquility, or make us afraid. But in the present lapsed and sinful state of mankind, when the greater part are disposed to do evil and not good to their neighbors, it is necessary for the peace and security of society that the wicked propensities of our hearts should be restrained by good and wholesome laws and regulations, whose infraction in order 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 crimes. A man long accustomed to wickedness becomes callous to benevolent feelings, and seems to take a pride in breaking through the bulwarks of law, and braving the dangers before him. 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 have thought proper to give the following brief detail of a most horrid murder, and the lamentable consequences to the perpetrators.

The person for whose murder these men suffered, was RICHARD JENNINGS. His age was about seventy, and he resided in Sugar Loaf, a small village within the limits of Warwick, about seven miles from Goshen, in the county of Orange. His character among his neighbors and acquaintance was far from being amiable, his temper was sour and morose, he was avaricious, niggardly, and hard-hearted to the poor; generally engaged in law-suits, and on the whole was extremely troublesome and vexatious to the society with which he was connected. We should have spared his memory these recollections, had they not been a necessary preliminary to the following narrative.

That the reader may correctly understand the transaction, it will be proper to take a concise retrospect of some facts, that were intimately connected with, and were the undoubted 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 incumbered 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 incumbrances 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 the loan of 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 con-

tention 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 deprivation 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 recolled 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 in general was 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 19th 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 instructions 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's 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, anxiously 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 in 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 his 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 Curlice, 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 Conkling 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, till 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 travelling 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 mean time vigorous measures were taking 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 waggon was procured and the prisoner was conveyed to Goshen, where he arrived on Saturday the second of January, 1819. He was examined by five magistrates, and committed to prison.

Jack Hodgea 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 half 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 Highlands 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 in 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—that 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, an accessory before and after the fact. On which indictments, being arraigned, 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 goal 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 16th 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, the two 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, 1819, *James Teed* and *David Dunning* were executed 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 for 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 prompter of the murder, which never would have taken place had it not been by his procurement. This is the universal opinion.

GEORGE COOMBS,

HOMICIDE.

This person was a seaman by profession, and served in the navy of the United States, through the late war. He was one of the crew of the *Enterprise*, when she captured the *Boxer*, and was in the battle between the *Constitution* and the *Cyanne* and *Levant*. His general character was good. On the return of the *Constitution* to port, he formed an illicit connexion with an abandoned woman by the name of *Maria Henry*. They dwelled together in Clark street at the North end of Boston, as man and wife.

On the 15th day of June, 1816, the *soi disant* Mrs. Coombs was somewhat intoxicated; nevertheless they passed the day quietly till late in the afternoon, at which time the lady was sitting on the sailor's knees. One *Eliza Snow* was present. Mrs. Coombs requested her partner to make a fire, and he peremptorily refused, with an oath. She then said that she would make the fire and get tea, but that he should not partake of it. With that the woman left the room in a passion, and went into the kitchen. He followed her, as much enraged as she, and a quarrel instantly took place. A woman in the next apartment, hearing the noise, looked through a gimlet hole, and saw Coombs strike his paramour down. The sufferer cried murder, and begged him to desist. Howbeit he persisted in striking and kicking her; nay, even stamped on her twice. At last, when the neighbors, attracted by the noise, came in, he raised her in his arms, and laid her on a bed.

She said, "George Coombs, you have given me my death wound; you have killed me." To one of the bystanders she said she had hurt herself by falling; to another that Coombs had killed her. She then requested that some one would go for a physician. Coombs refused to stir, but one of the females present went.

When the doctor entered, Coombs was walking about the room much agitated, but not intoxicated. Mrs. Coombs was weak, had no perceptible pulse, and was scarcely able to speak. At midnight she expired. A *post mortem* examination discovered a bruise on the left side, which had ruptured two blood vessels. The deceased was a robust, strong woman.

For this homicide, George Coombs was brought to the bar of the Supreme Court on the 1st of June, 1816, on an indictment for murder. He pleaded not guilty.

A mistake did then, and still does, generally prevail that to kill a person in the heat of passion, can be no greater crime than manslaughter. To correct this impression we must hear state, that "Murder," is, in law, the voluntarily killing any human being under the

peace of the commonwealth, with malice aforethought. The sense of the word malice is not confined to any particular ill will to the slain, but denotes an action proceeding from a wicked and corrupt motive, and done with an evil mind. This applies to an act committed in such circumstances as evinces a heart regardless of social duty and fatally inclined to mischief. Therefore in any deliberately cruel act against another, however sudden, malice is implied. These principles are clearly enforced by Blackstone.

It appeared in the prisoner's favor, that the deceased was habitually drunken, given to profane and indecent language, and of a turbulent and furious temper. Coombs had always appeared to be much attached to her, and on the fatal evening said he feared he was about to lose his best friend. On being advised by a man present to abscond, Coombs ordered him to leave the house. He willingly gave money to procure the physic ordered by the physician. After the death of his paramour, he made no attempt to escape, but went to Charlestown and returned again fearlessly. Also, four out of seven of the witnesses to the blows given, were common prostitutes. The person who witnessed the act of stamping, however, was of unimpeached character. Admitting this fact to be true, the act of Coombs was undoubtedly a savage murder, but the testimony of this witness was in some degree contradicted by other evidence. The prisoner was acquitted and discharged.

WILLIAM BEVANS,

HOMICIDE.

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 6th of November, 1816, he was stationed by a proper officer as a centinel 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. Bevans had received orders to keep silence about the galley, to allow no noise or quarrelling, or interference with the cooks. In pursuance of these orders Bevans commanded Lunstrum and Duncan to desist. Lunstrum, in return, called him "a d—d marine son of a b—h," 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 centinel's post, Lunstrum continued his abuse of Bevans, and repeatedly called him a liar. Bevans 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 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 16th 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 demeanor 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 law martial, 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 wilful 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 Bevan's 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 Bevans—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, we opine that Bevans acted rashly, but not so far wrongfully as to deserve the punishment of death.

STEPHEN AND JESSE BOORN,

CHARGED WITH MURDER.

The trial of these two brothers for a crime they did not commit, and their conviction, furnish a theme of deep interest. The like has seldom happened in any land, and their case has greatly increased the difficulty of convictions on circumstantial evidence. We give a sketch of their trial, and other events connected with it, compiled from documents of unquestionable authority.

Russel Colvin, whom they were accused of having murdered, married a sister of the Boorns, and had several children by her. He was at all times possessed of but a feeble capacity, and at times his small intellects were deranged. As he was not always able to provide the necessaries of life for himself and family, he was in some degree dependent on his wife's relatives. Colvin and the Boorns were residents of Manchester, Bennington County, in Vermont. In the spring of 1812 he disappeared, and was given up by his friends for lost.

In September 1819, Stephen and Jesse Boorn appeared before the Supreme Court held at Manchester, to meet a charge of murder. The indictment presented that they on the 10th of May, in 1812, made an assault on Russel Colvin; that Stephen struck the said Colvin a mortal blow on the back part of his head with a beechen club, of which he died, and that Jesse Boorn was present aiding and abetting. The second count charged Jesse as principal, and Stephen as accessory.

The Boorns pleaded not guilty to the charge.

— *Skinner* testified that he knew Russel Colvin many years, while he resided with Barney Boorn, his father-in-law. It was now seven or eight years since Colvin had been in Manchester. The spring preceding, the witness had attended a court of examination—a button, knife, and some bones that had been found in a certain cellar-hole, were shown by the witness to Mrs. Colvin. They rubbed the button in her presence, and discovered the color, as well as a flower in the centre. The knife was an old-fashioned, long jack-knife, that had been much used. They showed her these articles, to see if she would recognise them as having belonged to her missing husband.

According to Mrs. Colvin's testimony before the court, she knew the button to have been worn by her husband the last time she saw him, and many years before.

Mr. Skinner further testified that on the evening before the search for Colvin's body took place, Jesse Boorn told him he suspected his brother Stephen had buried the body on a neighboring hill. The next day Jesse and Mr. Skinner went together to search for it. On their

return Jesse told Mr. Skinner he had often seen old Mrs. Colvin, Russel's mother, cut tobacco with the jack-knife, that had been found.

Amos Boorn was present when the knife and button were found, and the knife would then open and shut. This happened on the first of May preceding the trial. The Sunday after, the witness was one of a party who examined a hollow stump, whence they dug up two nails, and a number of bones. One of the nails appeared to be a thumb nail; the other was much decayed. The witness had heard Jesse Boorn say that he believed the knife to be Russel Colvin's, and that he felt very badly about it. The said cellar-hole, belonged to a house that had been removed nineteen years before. The stump was about sixty rods from the cellar-hole, near the bank of Battenkill river.

Amos Boorn further testified that he had been acquainted with Colvin—that said Colvin had before been absent from home a long time, and had returned. The often mentioned cellar-hole was not large enough to receive a coffin.

Truman Hill went into the prison to see Jesse Boorn the Saturday after the sitting of the court of examination. Jesse told him he believed the knife was Russel Colvin's, and that when it and a certain hat were presented to him before the court, his feelings were such that he was obliged to support himself by leaning on a pew. While saying this he was much agitated, and Mr. Hill asked him what was the matter. Being urged he said he believed his brother Stephen had killed Colvin, but that he had never so believed till he went into William Boorn's shop, when Stephen and William Boorn were both in it. On that occasion, he learned the manner of Colvin's death, and now thought he knew the spot where the body was buried within a few rods.

About this time, the witness, who kept the keys of the prison, let a Mr. Johnson in to see Jesse Boorn. Mr. Johnson exhorted the prisoner to confess.

Thomas Johnson testified that at the time Colvin disappeared, he, the witness, lived on the farm adjoining that of Barney Boorn, Colvin's father-in-law. Colvin at that time lived with Barney Boorn. About that time he saw the prisoners, Russel Colvin, and Lewis, Russel's son, in a lot near his own house. They appeared to be quarrelling, but though the witness listened he could not ascertain the cause. He went home, and soon after going to the door, heard the parties still in loud debate. He then went to a rising ground, whence he could see them without being himself seen, and perceived that the quarrellers were picking up stones. From that time he never beheld Russel Colvin.

Mr. Johnson heard Stephen Boorn say on the day of his examination, that on the day Colvin disappeared, he, Stephen, was ploughing on the ridge out of sight of the spot where he, the witness, had witnessed the quarrel. He, Stephen, added that he might have gone to the spot to see the boys, but did not work there, or ever pick up stones at that place.

Stephen Boorn had since told Mr. Johnson a different tale, viz :

that on the day Colvin disappeared, he, Stephen, was at work in other places. He mentioned that he that day killed a woodchuck, and that Lewis Colvin had carried it home.

Jesse Boorn had told Mr. Johnson, that on the day so many times specified, he, Jesse, had also been at another part of the town.

Three years after Colvin went off, Mr. Johnson bought Barney Boorn's farm. His, Johnson's, children, found on it a hat, which though decayed and mouldy, the witness knew to be that worn by Colvin, about the time of his disappearance.

Lewis Colvin, Russel's son, now seventeen years old, testified to the picking up of stones several days. While thus engaged, a quarrel arose. Russel Colvin struck Stephen Boorn with a small riding stick, which Stephen requited by a blow on the neck with a club. The stroke knocked Colvin down, but he soon rose and struck Stephen again. Stephen knocked Colvin down again, and the witness being frightened, then ran away. He saw no blood drawn: The club was about a foot long, and not very thick.

The next day Stephen Boorn told the witness not to mention what had taken place, threatening to kill him if he did: The witness promised to say nothing about the matter. He never saw his father again, or for a year heard either of the Boorns say what became of him. He had once heard Stephen say that after the quarrel Russel Colvin ran away to the mountain. Witness remembered nothing about the woodchuck mentioned by Stephen Boorn.

Mrs. Eunice Baldwin related a conversation that had taken place between Stephen Boorn and her husband. On this occasion Stephen said that Russel Colvin had disappeared strangely—that the last time he was seen, he went into the woods in the presence of a number of persons, among whom were himself and his brother Jesse. Stephen added that when Russel Colvin went to the woods, Lewis his son was absent, having gone for drink. When Lewis came back he asked after his father, and one of them, the Boorns, answered that he was gone to h—ll: the other said they had put him where potatoes would not freeze. Stephen observed to Mr. Baldwin that if they had killed Colvin, it was not likely they would have so spoken to his son. Stephen said moreover, that he did not know, but some believed he had killed Colvin. Mr. Baldwin testified to the same effect, adding that Stephen spoke seriously.

Sarah Colvin, the wife of the absentee, declared that when she returned home after her husband's disappearance, her son Lewis told her his father had gone to h—ll. More than four years before the trial, Stephen Boorn told her that her husband was dead, and Jesse said something to the same purpose.

Johnson Marsh testified as follows. In the spring before the trial, Stephen Boorn came to his house. A girl living there said to Stephen, "They are going to dig up Colvin for you, are they not?" Stephen began to swear, and threatened to beat some person, but Mr.

Marsh appeased him. Stephen then said that Colvin often left home, and returned again—that when he last departed he was insane, and went without his hat—that he was seen at Mrs. Ferguson's when he went off, which was now denied. He added that when Colvin disappeared, he, Stephen, was absent in Sandgate. Mr. Marsh further stated that Stephen Boorn had since denied this conversation.

Benjamin Deming had been told by Stephen Boorn that he, Stephen, knew nothing about Russel Colvin at the time of his departure, for that he, Stephen, was then living at Hammond Place. Stephen said Mrs. Colvin had told him her husband went off on Tuesday, and that he, Stephen, was at his father's house on the Saturday following. Mrs. Colvin then and there told him that her husband went off after dining, saying it was the last dinner he should ever eat there.

William Wyman swore that previous to Colvin's departure, Stephen Boorn asked him if there was no way to break off the intercourse between Colvin and his wife. The witness replied that he knew of none, on which Stephen said that if there was no other way he would put a stop to their intercourse himself. On another occasion Stephen asked Wyman, if his, Stephen's father, was obliged to support Colvin's children; and being answered in the affirmative, repeated that he would himself put a stop to the intercourse between his sister and her husband. Wyman knew that Stephen Boorn was living with Barney Boorn, in the same house with Clovin, about the time the latter went away, but Stephen had since told him that he was then living at Hammond Place.

William Farnsworth had questioned Stephen Boorn concerning the woodchuck before mentioned, and told him his parents denied the truth of his statement. Stephen declared what he had said was true; that in denying it his parents had sworn themselves to the devil, and their condition was worse than his own. Farnsworth then told Stephen what Mr. Johnson had seen on the day Colvin went off, as before related, and that his parents had contradicted Mr. Johnson. Stephen answered that Johnson had sworn to the truth, anything his parents might have testified, to the contrary notwithstanding.

William Boorn had been told by Stephen that he was at Hammond Place, when Colvin was first missed. Jesse Boorn had told this witness that he was in another town when Colvin went off, (and not in Manchester as he had said to Johnson.)

Daniel Jacobs, in 1813, was informed by Jesse Boorn that Russel Colvin was then an enlisted soldier in the United States Army. (This witness was hard of hearing.)

After Jesse Boorn was arrested, he told *Joshua French* he knew the knife that had been found was Colvin's. He had often seen Colvin's mother use it.

Silas Merrill, had heard the confession of Jesse Boorn. When Jesse had been several times examined and remanded to prison, he told the witness he had been persuaded to confess by the promise of pardon. Merrill answered that by so doing he might, perhaps, obtain

some favor. That night Jesse and Merrill slept in the same apartment of the prison. In the night Jesse wakened Merrill, being frightened, as he said, by something that had come into the window, and got on the bed behind him. He said he wanted to tell Merrill something, whereupon the latter rose and listened.

The singular confession that followed of a crime never committed, proves, we think, if the testimony of Merrill was true, which we see much reason to doubt, that Jesse Boorn was insane, or that fear had made of him a blacker villain than twenty murders would have done. What else can we think of a man who, to save his own life, would destroy those of his father and brother.

Jesse said that the statement of Mr. Johnson respecting the picking up of the stones was true, that Stephen Boorn and Russel Colvin, quarrelled while so employed, and Stephen struck Colvin to the earth with a club. Colvin's boy ran, and Colvin rose again, when Stephen fractured his skull a little above the ear with a second blow, and the blood gushed out. Barney Boorn then came up, and asked if Colvin was dead. Being answered in the negative, he walked off, but soon returned, and repeated his question. He again received the same answer, again went away, and returned the third time. Finding Colvin still living, the old man cursed him.

Jesse then took his brother-in-law by the legs, and Stephen by the shoulders. With their father's assistance they carried him to the cellar-hole, where the old man cut his throat with Stephen's penknife. Stephen and his father buried him in the cellar between daylight and dark, while Jesse kept watch without. Two or three days after, Jesse saw that Stephen had Colvin's shoes on, and told him that their sister would know them. Jesse never saw them again. Boorn, their father, gave Stephen a hundred dollars, of which Stephen promised Jesse twenty-five. The jack-knife found, Jesse knew to have belonged to his brother-in-law. This was the confession of Jesse that night, as stated on oath before the court by Merrill.

Jesse was soon removed into another apartment in the prison, and when Merrill was afterwards permitted to visit him, said he had informed Stephen of his confession. Stephen then entered the room, and Merrill asked him if he did really kill Colvin. Stephen replied that he "did not take the *main* life of Colvin."

About a week after, Stephen Boorn and Merrill met again. Stephen said that he had agreed with Jesse to take the whole business on his own shoulders, and had made a confession, according to which his deed would be manslaughter. Merrill told him what Jesse had confessed, and he answered that it was true.

Jesse furthermore had told Merrill that eighteen months after they buried the body, he and Stephen took it up again, put the remains in a basket and put the bones under the floor of a barn. The spring after the barn was burnt, and they again took up the bones, pounded them, and threw them into the river. The skull bone was so burnt, that it

crumbled to pieces. Their father picked up some of the pieces, and put them into a hollow stump near the road.

On his cross-examination, Merrill added that Jesse had since his confession, desired him to keep the secret. Jesse also told him that Russel Colvin struck the first blow. This was the evidence of Merrill.

At this stage of the trial, a confession written and signed by Stephen while in prison, was offered to the court. The fact that he had written it was fully proved, but it also appeared that he had been exhorted to do so, and persuaded by vague hopes of pardon held out to him by several persons. The court rejected the document.

Several witnesses testified to the finding of the knife, button and bones, at the cellar and stump before mentioned.

William Farnsworth was now called again to testify touching a conversation between himself and Stephen Boorn. On preliminary examination, he said that neither he, nor, to his knowledge, any other person, had done anything to influence Stephen to the talk he was about to communicate, directly or indirectly.

A fortnight after he wrote his confession, Stephen Boorn told Farnsworth that he killed Russel Colvin. They quarrelled, Colvin struck him, he returned the blow and killed Colvin. He put the corpse in the bushes, buried it, dug it up again, and put the remains under the barn that was burnt. After this he took up the bones, and put them into the river, scraped up the remains, and put them into the stump. He perpetrated the whole himself, and no one was present. He knew the nails and the jack-knife were Colvin's. Farnsworth told him the case looked dark, to which he replied that if Jesse had kept silence they should have done well enough, for he had put the pieces of bone under the stump through a hole between the roots, and stamped the earth down on them. He said too, that he wished he had a paper he had written back again. This was the substance of William Farnsworth's testimony.

Here the counsel for the prisoners said that as Farnsworth had been permitted, contrary to his expectations, to testify, he asked that the written confession might be produced. To this there could be no objection. The confession was in the following words.

"May the 10th, 1812, I, about nine or ten o'clock, went down to David Glazier's bridge, and fished down below uncle Nathaniel Boorn's, and then went up across their farms, where Russel and Lewis was, being the highest way, and sat down and began to talk, and Russel told me how many dollars benefit he had been to father, and I told him he was a d—d fool, and he was mad and jumped up, and I told him to set down, you little tory, and there was a piece of a beech limb about two feet long, and he caught it up and struck at my head, as I sat down, and I jumped up and it struck me on one shoulder, and I caught it out of his hand, and struck him a back-handed blow, and being on the north side of him, and there was a knot on it about one inch long.

"As I struck him I did think I hit him on his back, and he stooped down, and that knot was broken off sharp, and it hit him on the back of the neck, close in his hair, and it went in about half an inch on that great cord, and he fell down, and then I told the boy to go down and come up with his uncle John, and he asked me if I had killed Russel, and I told him no, but he must not tell that we struck one another. And I told him, when he got away down, Russel was gone away, and I went back and he was dead, and then I went and took him and put him in the corner of the fence by the cellar-hole, and put briars over him, and went home and went down to the barn and got some boards, and when it was dark I went down and took a hoe and boards, and dug a grave as well as I could, and took out of his pocket a little Barlow knife, with about half of a blade, and cut some bushes and put on his face and the boards, and put in the grave, and put him in four boards on the bottom and on the top, and t' other two on the sides, and then covered him up and went home cryng along, but I want afraid as I know on.

"And when I lived to Wm. Boorn's I planted some potatoes, and when I dug them I went there and something I thought had been there, and I took up his bones and put them in a basket, and took the boards and put on my potatoe hole, and when it was night, took the basket and my hoe and went down and pulled a plank in the stable floor, and then dug a hole, and then covered him up, and went in the house and told them I had done with the basket, and took back the shovel, and covered up my potatoes, that evening, and then when I went and lived under the west mountain, Lewis came and told me that father's barn was burnt up, the next day or the next day but one, I came down and went to the barn and there was a few bones, and when they was to dinner, I told them I did not want my dinner, and went and took them, and there want't only a few of the biggest of the bones, and throwed them in the river above Wyman's, and then went back, and it was done quick too, and then was hungry by that time, and then went home, and the next Sunday I came down after money to pay the boot that I gave to boot between oxens, and went out there and scraped up them little things that was under the stump there, and told them I was going a fishing, and went and there was a hole, and I dropped them in and kicked over the stuff, and that is the first any body knew it, either friends or foes, even my wife. All these I acknowledge before the world."

STEPHEN BOORN.

Manchester, August 27th, 1819.

This closed the evidence on behalf of the state.

It appeared in behalf of the prisoners that though Russel Colvin was in the habit of going from home, he did not use to go without his hat, of which he was very careful. It seems too that Jesse Boorn denied ever having confessed to Merrill, and that Merrill was at the time a prisoner for a criminal action, and in chains. It was proved that

persuasion and threats had been used to induce both the brothers to confess, and that they had often refused, laying much stress on their innocence.

The jury unanimously found both the prisoners guilty, and they were sentenced to be hung on the 28th of January, 1820. Immediately after sentence was pronounced on these two unfortunate men, a number of the most respectable citizens of Manchester signed a petition for a pardon or mitigation of punishment, which was sent to Montpelier, where the legislature was in session. It seems however, that some were willing that the punishment of Jesse Boorn should be mitigated, but not that any mercy should be extended to Stephen, and they said so on signing the petition. It was in consequence resolved that the punishment of Jesse should be commuted for that of imprisonment for life, by a majority of a hundred and four to thirty-one. It was judged inexpedient to grant any relief to Stephen, by a majority of ninety-seven to forty-two. Stephen, therefore, was left to suffer according to his sentence.

When the news of this decision arrived at Manchester, those who still believed the prisoners innocent, immediately caused a notice to be printed in the Rutland Herald, to which few attached any importance. It contained a description of Russel Colvin's person, and desired any who could, to give information respecting him, and thereby save the life of the innocent. Printers of newspapers were requested to circulate it.

An answer soon appeared in the New-York Evening Post, to the confusion of all in any way concerned in the condemnation of the Boorns. It was as follows.

To the Editor of the New-York Evening Post.

SIR,

Shrewsbury, Monmouth.

Having read in your paper of November 26th last, of the conviction and sentence of Stephen and Jesse Boorn of Manchester, Vermont, charged with the murder of Russel Colvin, and from facts which have fallen within my own knowledge, and not knowing what facts may have been disclosed on their trial, and wishing to serve the cause of humanity, I would state as follows, which may be relied on. Some years past, (I think between five and ten) a stranger made his appearance in this county, and upon being inquired of, said that his name was Russel Colvin, (which name he answers to this time) that he came from Manchester, Vermont—he appeared to be in a state of mental derangement, but at times gave considerable account of himself, his connexions, acquaintances, &c. He mentions the name of Clarissa, Rufus, &c. Among his relations, he has mentioned the Boorns above, Jess, as judge, (I think) &c. &c. He is a man rather small in stature, round favored, speaks very fast, and two scars on his head, and appears to be between thirty and forty years of age. There is no doubt but that he came from Vermont, from the mention that he has made

of a number of places and persons there, and probably is the person supposed to have been murdered. He is now living here, but so completely insane, as not to be able to give a satisfactory account of himself, but the connexions of Russel Colvin might know by seeing him. If you think proper to give this a place in your columns, it may possibly lead to a discovery that may save the lives of innocent men. If so, you will have the pleasure (as well as myself) of having served the cause of humanity. If you give this an insertion in your paper pray be so good as to request the different editors of newspapers in New-York and Vermont to give it a place in theirs.

I am, Sir, with sentiments of regard, yours, &c.

TABER CHADWICK.

Many thought this letter a hoax, but others believed it fully. When it appeared, the corporation of New-York, with a promptness that does them honor, despatched a Mr. Whelpey to New-Jersey to ascertain if the person described was the man supposed to be dead. Mr. Whelpey had formerly been well acquainted with Colvin, and identified him at once. He was forthwith conducted to New-York, where the public curiosity was so highly excited that the streets through which he passed were crowded. On the route to Manchester, vast multitudes assembled to see him. Nothing could exceed the joy of the people of Manchester on the day he arrived there. The bells were rung and cannon were fired to welcome him.

Stephen Boorne was released from his chains and prison, that he might see his recovered brother-in-law. Some conversation passed between them, but Colvin was too much deranged to hold rational converse with any one.

Some questions were propounded to him touching the quarrel said to have taken place between him and Stephen Boorn, but he appeared wholly ignorant of the matter. The Boorns were soon after exonerated from the crime of which they stood convicted, and restored to their rights and privileges.

So ended a transaction of equal singularity and importance in the annals of criminal law. Judging from the evidence of the record, we know not which most to pity, the men who had so nearly been victims, or the members of the court and jury that condemned them. The evidence was certainly so strong that no rational doubt could be entertained of their guilt, and if it had been less so, they furnished arms to be used against themselves. There can be no better example of the fallacy of the confessions of persons accused, unless it may be in the story of the Salem Witchcraft. May every man liable to act as a juror into whose hands these pages shall fall, learn from them to beware of a hasty judgment.

AMOS FURNALD,

FOR THE MURDER OF HIS CHILD.

WE now record what we believe to be the most savagely atrocious homicide ever committed in a christian land. Putting to death by starving is a thing not unknown, but that a father should so despatch his own offspring is almost incredible, and what adds to the guilt of the offender is, that his barbarity endured five years; from his child's birth to its death. Neither the ties of nature nor the helpless and unprotected condition of his victim could make him relent for a moment.

Amos Furnald was a husbandman and resident of Gilmanton in the State of New Hampshire. He was married in the year 1807, and had several children by his wife; but this did not hinder him from an illicit intercourse with a young girl named Mary Wadleigh, a servant in his house, by whom he had two children. On the 27th of June, 1819 this girl complained to a justice of the peace that she was about to become the mother of a second child of which Amos Furnald would be the father. A warrant was accordingly issued by virtue of which Amos Furnald was arrested, and made to give a bond for the maintenance of the infant.

The child was born on the last of July following, and received the name of Alfred Furnald. The day after, its father went to the house where it was, and desired the nurse to let him see it. He took it in his arms and carried it away, despite the remonstrances of the mother, telling her she should never see it again. Though it rained violently he carried it, uncovered, to his own house, a distance of half a mile.

The day following he carried the child back to its distracted mother. He told her she might keep it three weeks, but no longer, unless she would promise to come to his house and remain there. She promised, and Furnald came again for the child as he had threatened. Rather than be separated from her infant, Mary Wadleigh went to Furnald's house, where she remained as its nurse, till it was eight months old. About this time Furnald said repeatedly, in the presence of his wife and her children, that he would use the child like a dog, that it should have neither food, clothing, nor a bed to lie on; that it should obey his legitimate children; that they should chastise it in case of disobedience; that he would chastise it after they were weary, and that if it died under this treatment it should not be buried. Terrified by these threats, Mary Wadleigh ran away from his house with her child, and carried it to her father's dwelling, as a place of safety. The morning after she reached her parent's house Furnald came and seized the child before it was dressed, swearing he would have its body or its heart's blood. Mary Wadleigh resisted, but after

a struggle, in which he bit her, he prevailed and carried the child back to his own house. The mother then complained to one of the selectmen, after which she went to Furnald's house, where she found the child naked. Furnald refused to let her have the infant's clothes, and she therefore went away as she came.

A mother's love is not easily extinguished, and she watched an opportunity to carry off her infant by stealth. She found one and carried it home again. In the March following Furnald seized it once more and carried it home.

The 20th of March, Mary Wadleigh saw Furnald and persuaded him to give her the child for a short time. When she received it, it was extremely pale and emaciated, and appeared to have been burnt or frozen in various parts of its body. She kept and tended it till the next fourth of July, during which time it regained its health, and had the appearance of other children of its age. Furnald then came, and notwithstanding the entreaties of the mother, carried the child away once more. She never saw it again, but their criminal intercourse was renewed, and she had two more children by him, both of which died.

From the last time Furnald obtained possession of his child, he and his wife treated it with extreme cruelty. Its barbarous usage and forlorn condition became known to a Mrs. Susan Sanborn, who, for the sake of christian charity, offered to take the child home and keep it a year for ten dollars. Furnald assented, and she carried the sickly and feeble infant home with her. It soon became robust and healthy, and appeared to be a very sprightly and promising boy. About the last of September, 1822, Furnald carried the child back to his own house.

From this time till the death of the child, which happened on the 8th of April, 1824, a course of cruelty more barbarous, of inhumanity more depraved, has not found a place in the annals of crime. It appears that the formal words of indictment must have literally been made good by Amos Furnald and his wife. They had no fear of God or man before their eyes, but were seduced and instigated by the devil.

The clothing of the unfortunate child of sin and shame, was a thin outside frock, as revolting as filth and long use could make it. For two winters it was compelled to sleep in a box four or five inches shorter than its person, on straw, and covered with dirty rags. Its apparel was not changed for months together, and in the coldest weather the unhappy infant was shut up in a room without fire, without shoes or stockings, and bidden, with threats to bear its pains in silence. It was often heard to utter those moans and complaints which agony extorted in spite of fear, for hours, while Furnald and his family took not the smallest notice. Furnald had a child by his wife about the same age in the house, who was fed, clad and lodged comfortably; all his legitimate children partook of such aliments as he had abundant means to provide, but the miserable memento of his shame was

never allowed to eat with them. Nay, he was often driven into the street without shoes or covering, in the coldest of winter, till his feet froze and several of his toes dropped off. In this forlorn plight, no physician was called to visit him. When he was permitted to eat in the same apartment with his half brethren, he was seated on a block in the corner, from which he dared not depart, and fed on the rinds of the potatoes which the other children had swallowed. Sometimes he was allowed gravy, but never a spoon, knife or fork.

Nor was this all; hunger, filth and vermin were not considered sufficient to compass his destruction. His head and face were constantly seen scarred with blows, and often bleeding. He was unmercifully beaten by parents and children. The young Furnalds (they ought to be called *infernals*) were seen to throw him down, tie a rope round his neck, and drag him backward and forward across the floor, till his face was black with strangulation. When the victim of this unheard of cruelty was released, he lay for several minutes motionless, and apparently lifeless.

In the severity of winter, Furnald was seen to take his hapless child out of doors, strike him down with his fist, and throw him into a puddle. He was seen to whip the infant with a raw-hide scourge, with as much violence as a man would punish a refractory horse. He was known to drive the child out of doors when so weak that it could hardly stand, and to knock it down with snowballs. These acts of continuous barbarity at last accomplished Amos Furnald's purpose.

On the 1st of April, 1824, Furnald began to frame a wood-shed and shoemaker's shop near his house. Those who worked on the frame and boarded in his family, saw the child but once, and it was then standing leaning against the door, presenting the appearance of a bloodless skeleton. For three days after, none of the family mentioned his name, and though the laborers looked for him, they did not see him. But they convinced themselves that he was either in the garret or the cellar. On the 8th, while they were at breakfast, a faint moan was heard in the garret. Mrs. Furnald, after looking her husband in the face, left the table without speaking, and went up stairs. Furnald followed her, but in eight or ten minutes came forth and went to work as usual, without saying a word about the child to any one. A little after, Mrs. Furnald raised the window and asked her husband to come in. He asked her what she wanted, and she replied, "nothing particular." Furnald entered the house, came out again, and told one of the workmen that Mrs. Furnald wanted him. The man asked him what she wanted, and he replied, that the child was dying. The man went in just in time to see the infant expire.

Neither Furnald nor any of his family expressed the least concern, matters went on as if no one were sick or dead, and no physician was summoned. When the corpse was laid out for burial, it was an object too shocking to look twice upon. It was literally skin, bone and muscle, covered with filth and vermin. News of the fact spread all

over the country, and the voice of an unanimous community demanded an inquest on the dead body of Alfred Furnald. The guilty father fled. The corpse was dissected by an able surgeon; and it was at once apparent that the child had died of inanition. The inquest pronounced Amos Furnald and his wife guilty of murder. After some resistance he was arrested, and, with his wife, examined by the proper authorities and committed to prison. The grand jury, after hearing witnesses, brought a true bill against them for wilful murder, and they were arraigned before the Superior court of Judicature, in September, 1824. They pleaded not guilty, and the trial was postponed till the next term, when they were brought up again.

These facts were fully proved, if the witnesses for the government are to be credited. The prisoners' eldest daughter, however, a girl of sixteen, testified that the deceased was well treated in every particular. The jury returned a verdict of manslaughter.

Alfred Furnald was notwithstanding believed to have been taken off by foul and damnable means. We think that a deep stain was imprinted on the escutcheon of New-Hampshire, no less by his inhuman death than by the mitigated verdict of the jury. The circumstances of the prisoners being poor, and the parents of a large family, should not have been of any advantage to them. Their jeopardy and distress were of trifling consequence to the community compared with the influence of a too lenient verdict on the morals and character of the rising generation. Judging from the evidence on record, we are of opinion that their guilt was beyond a doubt, and that the jury should have forgotten to pity. If pity should have been felt, it was for society at large, and not for the stony hearted monsters who beheld a helpless infant perishing slowly by cold, disease and famine, and who neither soothed its parting spirit, nor followed its body to the grave.

ELIJAH P. GOODRICH,

PERJURER.

The first account we have of this wretch, is, that he entered as a foremast hand on board the schooner Jones Eddy, of Portsmouth, Richard Sutton, master. The vessel was bound to the West-Indies. During his stay on board, Goodrich behaved in a very disorderly manner, was habitually disobedient, and more than once endeavored to bring about a mutiny. The Jones Eddy touched at Mevis, St. Christopher, and St. Croix, at which latter place Goodrich deserted, and the master considered himself fortunate in being rid of him. Beside this account, Mr. Sutton deposed that his character was wholly bad, and that he was unworthy of the least confidence.

We next find him established as a merchant at Bangor, in Maine, and enjoying considerable credit. In December, 1816, he left Bangor in a single sleigh for Boston, and reached Brunswick without mischance. Here he gave the first proof of that fertility of invention which has rendered him so distinguished, and might have insured him a high rank among the American poets, had it been properly directed. He told the landlord of the inn where he put up, that he had made his fortune the spring before by catching shad, and his method of taking these fishes was truly ingenious. He had moored a scow in the middle of the stream, he said, and built a rail fence round it. Finding their passage up stream obstructed, the shad would leap into the scow as fast as ten men could secure them.

He tarried long enough at Portland to buy a pair of pistols of Mr. E. Wyer. He also offered a number of soldiers' land patents for sale, but was unable to show any of them when asked. At Alfred, Mr. Goodrich put up at a tavern where he had a conversation with the landlord's son on the topics of lumber and ship-building. In this discourse he again indulged his predilection for the marvellous, saying he had built a large ship entirely of wild juniper, and sent her to Boston. When on the point of departure, as the young man was putting his baggage into his sleigh, he desired him to be careful of the pistols, and observed that it was very dangerous for a gentleman in his capacity to travel unarmed. Before he left the place, however, he stopped to breakfast at another inn, where he expressed his fear of being robbed, but consoled himself with the reflection that he had an excellent pair of pistols about him. At Berwick he again threw the reins on the neck of his fancy, and told a very worthy landlady that he had lived in Bangor ten years, had made his fortune, and was now returning home in style, as became him, with between four and five thousand dollars in his pockets. He again avowed his apprehension of robbery.

but said it would take at least four stout men to plunder him, as he was well armed.

At Dover, Goodrich put up for the night at Mr. Riley's inn. In the morning he brought his portmanteau from his bed chamber into the room where Mr. Riley was sitting, and producing a pocket pistol, said, "Old daddy, are you not afraid of this?" Mr. Riley, though a very old man, was nothing daunted by this very uncivil question, and coolly replied, "No, boy, nor of you either. I have seen more gun-powder burnt when America was fighting for her independence, than you ever saw in your life." Satisfied with this courageous demonstration, Goodrich put up his pistol and departed.

When he arrived at Exeter, he called for a dinner, and put up his sleigh, having resolved to perform the rest of his journey on horseback. He sent a boy to buy him some very small pistol balls, which when he had gotten he found too small for his purpose, and the youth then procured some still less. He next asked for a private apartment, in which he managed to make it sufficiently public that he was loading a pocket pistol, probably the same he had shown to Mr. Riley. Thus prepared to resist any attempt at violence, he mounted his horse amidst the laughter of the bystanders, and set off on the road to Boston.

He reached Kensington before dark, and then, in passing through Salisbury, missed his way—as he swore. It is probable he was again misled by his imagination in this particular, as there was but one road too plain to be missed. He reached Essex Bridge in safety just before nine o'clock, paid his toll into the hands of Mr. Ebenezer Pearson, and passed over. Two waggons, driven by two men named Keyser and Shaw, passed immediately after, and before these got to the top of the hill next beyond the bridge, the mail stage overtook and passed them. As to what happened to the Major after he crossed the bridge, we must take his own word, and we are sorry its authority is no better.

As he was riding up the hill, and at the distance of about a quarter of a mile from the bridge, he swore that a man sprang toward him from the side of the road. His horse started and had nearly thrown him. The man seized his bridle, presented a pistol, and demanded his money. The Major desired him to wait till he could get it, and under pretence of feeling for his valuables, cocked a pistol, and tried to strike the robber's weapon aside. The thief fired just as the Major was presenting his pistol, and at the same moment saw two others approaching. He, at that moment, became insensible, from some cause not specified.

When his senses returned, the robbers were dragging him into the field hard by. He cried for help—and they choked him. He attempted to bite, but finding resistance vain, at last became passive. They jumped on him, stripped him, turned him over and finally left him. He then again cried for help and they returned. He rushed on them and seized one, but was overpowered in the struggle and again left senseless.

Mark, reader, while this violent transaction was going on, while Major Goodrich was being maltreated by the robbers, while he was crying for help and struggling with them, the mail stage full of passengers, and the two teamsters passed the spot, without hearing the slightest noise, though the night was very still. All was as quiet as the grave.

Major Goodrich had no recollection of what happened to him after his final struggle with the robbers till he found himself at the bridge, shot through the hand, badly wounded in the side, his head aching with blows, and his hip sprained. It is a little remarkable that he should have passed several houses where the people were up and lights burning on his way from the scene of robbery to the bridge, and that in a state of insensibility. Perhaps the reason may be this: it was necessary to get rid of the above mentioned pocket pistol, and it was not safe to throw it where it might be found again. He probably thought it best to hide it in the river, and therefore returned to the bridge.

It appears by other and better testimony than Goodrich's oath, that a little before ten he arrived at Mr. Ebenezer Pearson's house again, Mr. Pearson, jr. went out of the door and met this much abused personage, who laid hands on him, exclaiming, "You are the d——d robber." Mr. Pearson, senior, then came forth and Goodrich was taken into the house, apparently delirious, and raving about robbers and his gold watch. Here he received every possible attention, and a physician was immediately sent for.

When the physician (Dr. Moses Carter) arrived, Goodrich was walking about the room into which he had been introduced, talking incoherently. He expressed a desire to go to the place where he had been robbed to look for his watch, and Mr. Elias Jackman and some others went with him. He walked sturdily along till he was near the place, when he became faint, and the others carried him a little farther and then set him down. He desired them to take his pistol and shoot him rather than drag him along so. They carried him back to the house, in what they thought an expiring condition, but Dr. Carter on feeling his pulse, said it was as healthy as that of any one present, and that it was no dying case. The people were nevertheless much agitated, for Goodrich complained of severe bruises on the back of his head and on his body. The doctor dressed his hand and then examined him strictly, but found no external mark of injury except the aforesaid wound in the hand and a very slight scratch on the arm. He *then* said that he had fired his pistol and nearly knocked down one of the robbers, that some one had searched his bosom and taken his watch from his fob.

In the meanwhile, as the unfortunate Major continued anxious about his watch, some of the neighbors went to the field of battle at his request, for he had by this time somewhat recovered. They found his whip and pistol in the road, and in the field his pocketbook, valise,

portmanteau, clothes, papers, hat and some money. The hat was beat in, and there was blood on it. His watch they found laid carefully under a board, with the face upward and going.

Those who went the next morning to the spot where the robbery was alleged to have been committed, found in the field a screw belonging to the pistol Goodrich had left in the road. Query, if the pistol left his hand in the first scuffle, how came the screw in the spot where the second took place? Moreover there was blood on the head of the screw corresponding with more on the stock of the pistol. On the very spot where the Major said he first lost his senses, a horse had staled. It may be doubted if the beast would have performed this operation while a person was robbed on his back or near him.

This morning Dr. Israel Balch was summoned to consult with Dr. Carter. He found Goodrich lying in bed raving. While Dr. Carter was describing the case the patient watched him closely, in silence, but when he caught Dr. Balch's eye, he appeared confused and looked in a different direction. This led Dr. Balch to believe that his delirium was mere pretence. No bruises or wounds besides those above mentioned could be discovered. Presently the patient called for Jerry Balch and the last named physician answered that he was Jerry Balch. Goodrich said, "No, you are not Jerry Balch." Being strongly persuaded that this incoherence was mere sham, Dr. Balch adopted a stratagem to come at the truth. He went down stairs, took off his boots, stole softly up again and peeped in at the door. He heard the bed clothes move, and saw Goodrich raise himself up and look cautiously around. Before this he had pretended to be in such pain that it took three or four persons to turn him in his bed. Dr. Balch saw him adjust his hair and very composedly spit on the floor.

That afternoon he was removed to Newburyport, and the next day he again pretended delirium. He became rational again soon, and never after showed any appearance of insanity.

On examining the clothes he wore at the time of the *sworn* robbery, it was found that a ball had entered the inside of the cuff of the surtout, indicating that the weapon from which it came had been directed perpendicularly to the palm of the hand, and must have been fired very nigh for the garment was burnt and blackened. After the attending physician told him he might go abroad safely, Goodrich kept his chamber a week.

Goodrich went from Newburyport to Danvers. The belief had now become prevalent, that his account of the robbery was a fiction, and as he took no measures to discover the robbers, the opinion gained ground. Some of his friends told him that his reputation was suffering, and he was thereby induced to take more active measures. Better authority being now beyond our reach, we must take the Major's word for what followed.

Some one told him that a certain Ruben Taber was a person likely to have been concerned in the robbery, and upon mature delibera-

tion, he recollected that a person answering to Taber's description had taken his horse's bridle when he stopped at Exeter. He also learned that Taber frequented certain cellars about the market in Boston. He repaired to Boston, found Taber, identified him by name, and asked him to step into Bowden's tavern in order to converse, but Taber chose rather to go into the back yard. After some conversation Taber said he had formed an opinion on the subject of the robbery, that it would endanger his life to point out the robbers, but for three hundred dollars he would disclose all he knew. He made an appointment with Taber to meet a second time, but Taber did not keep it. Goodrich therefore consulted with Mr. William Jones and other friends, who advised him to disguise himself, in order to meet Taber. He did so.

Mr. Jones, as he afterwards testified, accompanied Goodrich to the market, where the Major left him for three quarters of an hour. Goodrich found his man in Ann-street, who agreed to give him the names of the robbers for four hundred dollars, payable in case his information should prove correct. Goodrich accepted the terms, and Taber gave him the names of Laban and Levi Kenniston, of Ipswich, who, he said, must have some of the money, if they had not already spent it. During the time spent as thus alleged, Mr. Jones was watching Goodrich, and actually saw him conversing with a person whom he believed to be Taber. When Taber was afterwards produced before a court, Mr. Jones swore he believed him to be the same man.

Major Goodrich then went to Danvers, and communicated these particulars to a Mr. Page, who consented to assist him in finding and apprehending the Kennistons. They were accordingly apprehended and committed for trial. The Major's suspicions next fell upon Mr. Ebenezer Pearson, senior, the good Samaritan, who had so kindly received and sheltered him on the night of the pretended robbery. He caused this gentleman to be arrested and hired a quack to go to his residence with a divining rod, to search for gold and silver. It seems he had more faith than is common in this our Israel, as he believed there was virtue in a forked branch of hazel to discover what never, probably, was lost. Nothing was found, and Mr. Pearson was discharged without a trial. Goodrich seems to have been, for a while, ashamed of this conduct, for he offered to make every atonement in his power for the affront to Mr. Pearson. This interval of good feeling did not last long. He came again to the house with a sheriff, and searched from garret to cellar. While the inquest was going on, Goodrich was seen going to the privy, and on his return proposed and urged that that building should be searched. The search took place, and some papers were found which Goodrich swore were his. Some pieces of money were also discovered in such circumstances as almost amount to proof positive, that Goodrich dropped them himself.

The Major also entertained suspicions of Mr. Joseph Jackman, a gentleman who lived near Essex Bridge, who had gone to New-York,

immediately after the robbery. Him he followed and arrested, and found, as he afterwards swore, several wrappers of money in his possession, which he identified as his own. He wrote from New-York, that Mr. Jackman made a strenuous resistance, than which nothing could be more false.

The Kennistons were put to the bar with Reuben Taber on an indictment for robbery. Taber moved for a separate trial, which was granted.

From the evidence it appeared, in favor of Goodrich, that the money of which he said he was robbed, was his own, and that what he saved belonged to other persons. Several witnesses testified to his general good character. It was proved that the Kennistons were in Newburyport the evening of the robbery, and they gave no account of the manner in which they passed the time from seven o'clock to ten. Different witnesses swore to the following facts. A Mr. Leavitt who assisted to search their house, swore that he went into a certain apartment thereof, before any other one of the party, opened a drawer and found in it a ten dollar bill of the Boston bank, carefully rolled up. Suspecting it to be a counterfeit he threw it back, and did not mention the circumstance to any one. Shortly after another of the assistants, named Upton, went to the draw, found a ten dollar bill, and carried it away. On seeing it, Goodrich claimed it as his own, knowing it, as he said, by certain words written on the back. Upton also took down a pair of pantaloons, from a bed post on which they were hanging, and found in the pocket a pocket-book containing gold. Now, as the Kennistons were very poor, shiftless men, it was not probable they could have obtained gold honestly. Again, Upton in searching the cellar, found several pieces of gold.

It seems, also, that when Levi Kenniston was arrested, he "appeared agitated, and perspired profusely, though the weather was cold, looking guilty, and frequently changing countenance when urged by those around him to confess what he knew of the robbery."

On the other hand, it appeared that the whole story about Taber was a sheer falsehood, for the man was on the limits of the Boston jail at the time of the robbery, and long after. An alibi was also proved in the case of Jackman. It was shown that the Kennistons had no means of knowing that a man was to pass at the time of the robbery with money. At the moment Goodrich was exhibiting his pistol in Exeter, the Kennistons were in Newburyport, where they remained the next day, without fear or alarm. It appeared that they lived together in the same house with their sister, and their father lived in another part of the same house. When the house was searched, gold was found in two places, where Goodrich had previously been, where he *might* have put it. As to the bill, the sheriff and Upton both saw writing on the back of it before Goodrich saw it. It was proved that when the sheriff first saw the bill, he left it where he found it, and that Goodrich was alone in the room before it was finally taken

away. After this he recognised the writing as his own. Thus he had an opportunity to take away the bill first seen and substitute another.

From the robbery to the time of their arrest, an interval of six weeks, the prisoners exercised their usual employment, and were not seen or known to have any money. Moreover, it is a little suspicious that in each of his several searches Goodrich identified every article found, every scrap of paper as his own. One of the witnesses said, that the pistol found in the road appeared not to have been fired at all, and he did not account for the smaller one he loaded at Exeter.

The jury unanimously found the prisoners not guilty, and they were discharged.

We must now go back to Mr. Pearson. His character was so well established that his arrest produced a strong excitement. When he was discharged, he was drawn in a wheel carriage to his house by the populace in triumph. He brought an action against Goodrich for defamation, recovered two thousand dollars damages, and the Major was committed to jail. It took the jury but five minutes to agree upon a verdict.

What was Goodrich's motive for inventing his tale of robbery we are unable even to guess. Perhaps he owed money in Boston, was unable to pay, and was willing to adduce a plausible apology. Many inclined to this belief. Perhaps his conduct was the effect of a strong desire of distinction. Other men have been known to prefer infamy to obscurity. Besides, it is probable he did not foresee the consequences of his ill-contrived deception. He might not at first have thought he should be obliged to prosecute any one, or seal his falsehood with perjury. He manifested no zeal in the pursuit, but appears to have taken every step at the instigation of others.

A tragedy resulted from the farce commonly called the Goodrich robbery. There lived in Salisbury an old man named Colburn or Colby, who had been a soldier of the revolution. Some time before the events we have recorded took place, he made affidavit of his military services, in order to obtain a pension. He unwittingly foreswore himself, saying he had served in 1775, whereas the fact was, he had been a soldier in 1776. This was excusable, for his memory, as well as his other faculties, were much impaired by age. Yet, when he discovered his mistake, it bore heavily on his mind; he believed himself guilty of perjury, and liable to suffer its penalties. He frequently spoke on the subject, and several thoughtless young persons in the neighborhood made sport of and increased his apprehensions.

After the trial of the Kennistons, the people erected a gibbet and hanged Goodrich in effigy, near the house where Colby lived. The gallows stood for a long time, to the great terror of the old man, who imagined it was intended for himself, in case he should be convicted of perjury. He imagined every stranger he saw was an officer come to arrest him. Those about him amused themselves by confirming his fears, till the old soldier, driven frantic by the fear of infamy, actually hanged himself.

DANIEL H. COREY

M A D M A N .

THIS miserable person was a poor husbandman of the township of Sullivan, in New-Hampshire. His was a case of hereditary insanity. His father was deranged in mind and so was one of his sisters. Daniel Corey had also several severe falls on his head, sufficient alone to have induced alienation of mind. He did not refrain from the use of ardent spirits, as under such circumstances he should have done, and it is probable that his habits tended to increase and irritate his constitutional infirmity.

Some time in the year 1829 he imagined he had discovered a mine of gold and silver on his farm, which piece of good fortune he made known to his neighbors. He dug a hole in the ground five feet long, and two deep, and exhibited sand which he believed to be gold dust. To those who conversed with him on the subject he said that the metal extended over his farm, his house, and was fast getting into his neighbors ground. He declared himself the richest man in the world, and averred that he and his wife were to be crowned king and queen of America. Once he directed his son to cover his mine with boards, and it was done. Nor was this the whole of his delusion, he was, it seems, a firm believer in witchcraft, and was convinced that the ghost of an Indian kept watch over his treasure in the form of a snake. He thought his black cat was bewitched, and shot her with a silver coin; nay, took many precautions against sorcery. At one time he said his wife had engaged a dozen men to come from Walpole to kill him, and that they had attacked him with guns, but did not prevail, for his guardian angel protected him. Sometimes his language was profane, at others he imagined himself called to preach the gospel. Many and various were the indications of his mental derangement, beside what we have related.

About the first of June he went to work in a wood, but soon returned, affirming that he had been shot at with an air gun, and had heard a bullet whistle by his head. He said his life was in danger, and would not return to the wood. About the same time he declared that he had been thrown from a log in his wood, and fell upon his head, which made him think the Devil was seeking to destroy him. A bee flying into the window put him in great distress—he said it was a spirit come to carry him to hell.

On the eighth of June he declared that the country was at war, that the British had attacked the Americans, and was of opinion that every man ought to fight. He asked the person to whom he delivered this intelligence if he had not seen strange sights and heard singular

noises. The next day he labored at his mine, and the day after showed it to several of his neighbors. On the twelfth he kept his wife and children confined all the forenoon. He behaved this day in such a manner, that his wife, fearing for her life, procured a letter to be written to the selectmen, describing the situation of her family, and desiring them to take care of her husband. She sent this letter to Mr. Daniel Nash, with a request that he would carry it to the selectmen, but he neglected to do so.

About noon Corey left the house and went to see his wife's mother. He told her he could not rest at home because his wife was crazy, or bewitched, or had the devil in her. He laid down for about an hour, with his eyes shut, but did not sleep. After this, he asked his mother-in-law to go to his house and see if she "could not make his wife more reconciled." She went, as he desired, and in a short time Corey came home. He went off again and returned about dusk, saying he had gotten a new wife. Then he prayed for his wife and spoke incoherently about her. That night Mrs. Corey and her mother occupied one bed, but could get no rest for his ravings. Toward morning he slept for a little while. When he arose he went to his mine, returned, and said his angel had told him to take off his black jacket and put on his red one. He put on the red garment and began to talk about his mine. His angel, he said, was in it or about it; it was full of silver and gold, his house was covered with it, but his brother Ben's had none. After eating a scanty breakfast he went out with his staff. A block with a hole in it was lying before the door. He put his cane into this hole, lifted the block, and walked about with it.

After going round his field he came back and sat down on his threshold. After sitting awhile, he put his arm round his wife's neck and said, "now we shall always live in peace, now I have conquered; we shall always live happy." She soothingly replied, "I guess we shall."

His wife and children would have left the house, but he would not suffer them, and said if they did he would knock them down with his staff. He then took down his gun, looked in the pan, and seeing there was no priming put it up again. He thus kept his family within an hour and a half, when he at last went off himself. They watched him till he was out of sight and then fled to Mr. Daniel Nash's house. Here Mrs. Corey asked Mrs. Matilda Nash, the mother of Daniel, to go to her house, and unhappily for herself, the old lady complied. To make Corey think she had come on an errand Mrs. Nash took a bundle of flax. Her granddaughter Elizabeth Nash went with her.

When Mrs. Nash reached Corey's house she found the lunatic lying on his bed. She entered and inquired after his health. He replied, "Get out of the house, or I'll kill you," whereupon the old lady and her granddaughter took to flight. He snatched his gun from the place where it had been hanging and followed. When he overtook Mrs. Nash he knocked her down with the butt of his gun, and repeat-

ed the blow. He then followed the child, crying, "Stop her," but soon gave up the chase. The little girl went directly home and informed her father of what had happened. He repaired to the spot and found his mother dead. Her skull was broken to pieces, and the broken-butt of the gun was lying on her cheek.

After killing Mrs. Nash, Corey went toward his mine, and at a short distance met three men, one his brother, who had been attracted that way by the cry of murder. He had a pail on his arm and a gun-barrel in his hand, bloody, as were his sleeves. His brother asked him what he had been doing? and he replied, "I don't know—what have I?" He gave up the gun-barrel without resistance, and as they thought he had only killed his dog they left him. But when they came to the body of Mrs. Nash, they followed him, accompanied by Daniel Nash, who by this time had come up. They found him in the bushes near his mine. He picked up stones, but did not throw them, and they laid hands on him. Nash, who had the breech of the gun in his hand, told him that if he attempted to get away, he would smite him. Nash also said, "you have killed my mother," to which he replied, "I hav'nt. I was crazy."

He was arraigned for this homicide before the Superior Court of Judicature on the fifteenth of June, 1829. Many proofs of his insanity besides those we have related, were adduced before the jury, which, with the apparent want of motive, and absence of malicious intent, induced the jury to acquit him on the score of insanity.

CAPTAIN DREW,

FOR THE MURDER OF CHARLES F. CLARK.

No principle in criminal law is more universally admitted than that the insane man is not responsible for his acts; that guilt does not attach to the individual who is unconscious of his deeds; that it is the criminal mind, the wicked intent, which makes him the subject of punishment, and yet this principle must be received with some qualification. Voluntary insanity, brought on by indulgence and excess, is no excuse for crime. A homicide committed in the phrenzy of intoxication subjects the offender to punishment. And here insanity and its cause must not be confounded. The law discriminates between the delirium of intoxication and the insanity which it sometimes produces. While the drunkenness continues, the person under its influence is responsible as a moral agent, though reason in the meantime has lost her dominion; but when the intoxication ceases, if insanity immediately follow as a consequence of the vice, he is in the eye of criminal justice, no longer amenable for his acts. This legal distinction in the criminality of acts in relation to insanity and its causes, is exemplified in cases of delirium tremens, a species of madness which often deprives the sufferer of the power of distinguishing between right and wrong; which medical writers attribute to frequent intoxication, or the sudden cessation from habitual drinking, or to the combined effect of both upon the system. But however just the distinction, it does not appear to have been judicially settled before the decision of Justices Story and Davis, in a late case, which it is the design of these few preliminary remarks to introduce.

At the May term, A. D. 1828, of the Circuit Court of the United States, Alexander Drew, commander of the whaling ship John Jay, was indicted and tried for the murder of his second mate, Charles F. Clark, while upon the high seas. It appeared in evidence that previously to the voyage, during which the fatal act took place, Drew had sustained a fair character, and was much respected in the town of Nantucket, where he belonged. It was proved that he was a man of humane and benevolent disposition, but that for several months he had been addicted to the use of ardent spirits, and for weeks during the voyage had drunk to excess; that he made a resolution to reform, and suddenly abstaining from drinking, he was seized with the delirium tremens, and that while under the influence of the disease he made an attack upon Clark, and gave him the stab of which he afterwards died.

The first witness who testified in the case was George Galloway, the cooper on board the ship. He stated that he joined the ship in the Pacific Ocean; that he found Capt. Drew to be an amiable man,

kind to his crew and attentive to his business, but that he often indulged to excess in spirituous liquors. During the latter part of August, 1827, he had been in the habit of drinking very freely; that they spoke a ship from which Capt. Drew obtained a keg of liquor, and after he returned to his own vessel he drank until he became stupified; that soon after he recovered a little from his intoxication, and ordered the keg with its contents to be thrown overboard, and it was accordingly done. There being now no more liquor on board of the ship, and none to be procured, Capt. Drew, in two or three days discovered signs of derangement. He could not sleep, had no appetite, thought the crew had conspired to kill him, expressed great fears of an Indian who belonged to the ship, called him by name when he was not present, begged he would not kill him, saying to himself he would not drink any more rum. Sometimes he would sing obscene songs, and sometimes hymns, would be found alternately praying and swearing. In the night of the 31st of August, Drew came on deck and attempted to jump overboard, and when the witness caught hold of him he sunk down trembling and appeared to be very weak. His appearance the next morning the witness described to be that of a foolish person.

At seven o'clock in the morning of the 1st of September, the witness, Capt. Drew, and others, were at breakfast in the cabin, when Drew suddenly left the table and appeared to conceal something under his jacket which was on the transom in another part of the cabin. He immediately turned round to Mr. Clark and requested him to go upon deck; the reply of Clark was, "when I have done my breakfast, sir." Drew said, "go upon deck, or I will help you," and immediately took from the transom a knife which had been covered over by his jacket, and before another word was spoken by either, he stabbed Clark in the right side of his breast. Clark was rising from his chair at the time the knife struck him, and immediately fell upon the floor. He afterwards rose up and went upon deck alone. As the witness left the cabin, Drew cocked his pistol, and pointed it at him, and snapped it but it missed fire. Capt. Drew followed them upon deck, and addressing the chief mate said, "Mr. Coffin, in twenty-four hours from this, the ship shall go ashore."—He was then seized, bound hand and foot, and a guard was stationed over him. His whole demeanor for some time after, was that of an insane person. He would frequently call upon persons who were not on board, and who never had connexion with the ship. Some weeks after, when Drew first appeared to be in his right mind, he was informed of the death of Clark and its cause, he replied that he knew nothing about it, that when he awoke he found himself handcuffed, and that it all appeared to him like a dream. There had not been for months any quarrel or high words between Clark and Capt. Drew.

The second witness was Moses Coffin, the first mate of the ship. Coffin stated that Capt. Drew had been in the habit of drinking, and that it was by the order of Drew that the keg of spirits was thrown

overboard. He recounted numerous instances in addition to those before stated, of frivolous complaints made by Drew of his countermanding his orders, of his fear of being left alone, and his conversation with imaginary beings by whom he supposed himself surrounded, all going to prove physical weakness and alienation of mind. Though familiar with his habits, the witness had not before this affair supposed him insane.

With regard to Clark, the witness dressed his wound and took care of him. Two physicians at a Spanish port, which they reached soon after, gave it as their opinion that it was not dangerous, and that it would be well in a few days; but Clark himself had said, in describing his complaint to witness, that the wound caused an internal flow of blood. It healed externally before Clark expired.

At this stage of the proceeding, the Court asked the District Attorney if he expected to change the posture of the case. He admitted that unless upon the facts stated, the Court were of opinion that this insanity, brought on by the antecedent drunkenness constituted no defence for the act, he could not expect success in the prosecution. After some consultation the opinion of the Court was delivered as follows:

“We are of opinion that the indictment upon these admitted facts cannot be maintained. The prisoner was unquestionably insane at the time of committing the offence. And the question made at the bar is whether insanity whose remote cause is habitual drunkenness, is or is not an excuse in a Court of Law for a homicide committed by the party, while so insane, but not at the time intoxicated or under the influence of liquor. We are clearly of opinion that insanity is a competent excuse in such a case. In general, insanity is an excuse for the commission of any crime, because the party has not the possession of his reason which includes responsibility. An exception is when the crime is committed by a party while in a fit of intoxication, the law not permitting a man to avail himself of the excuse of his own gross sin and misconduct, to shelter himself from the legal consequences of such crime. But the crime must take place and be the immediate result of the fit of intoxication, and while it lasts, and not as in this case a remote consequence, superinduced by the antecedent exhaustion of the party, arising from gross and habitual drunkenness. However criminal, in a moral point of view, such an indulgence is, and however justly a party may be responsible for his acts arising from it to Almighty God, human tribunals are generally restricted from punishing them, since they are not the acts of a reasonable being. Had the crime been committed while Drew was in a fit of intoxication, he would have been liable to be convicted of murder. As he was not then intoxicated, but merely insane from an abstinence from liquor, he cannot be pronounced guilty of the offence. The law looks to the immediate, and not to the remote cause, to the actual state of the party, and not to the cause which produced it. Many species of insanity arise remotely from what, in a moral view, is a criminal neglect

or fault of the party, as from religious melancholy, undue exposure, extravagant pride, ambition, &c. &c. Yet such insanity has always been deemed a sufficient excuse for any crime done under its influence."

The jury without retiring from their seats, returned a verdict of *not guilty*.

MUTINY ON BOARD THE SHIP GLOBE.

THE ship *Globe* belonged to Nantucket, and sailed from Edgarton on the 15th of December, 1822, on a whaling voyage to the Pacific Ocean. She was commanded by Mr. Thomas Worth. The names of the other officers were as follows:—William Beetle, first mate; John Lombard, second mate, and Nathaniel Fisher, third mate. The others of her crew were Samuel B. Comstock, Stephen Kidder, Gilbert Smith, Peter Kidder, Columbus Worth, Rowland Jones, John Cleveland, Constant Lewis, Holden Henman, Jeremiah Ingham, Joseph Prass, Rowland Coffin, George Comstock, brother of Samuel, Cyrus M. Hussey, and William Lay. We are thus particular in recording their names, because we shall have something to say of each.

Shortly after leaving port, Samuel B. Comstock scuffled with Mr. Fisher, the third mate, who proved much too strong for him. Comstock, finding himself worsted, lost his temper and struck the mate, who thereupon seized and threw him very roughly upon the deck. This quarrel led to a result unhappy for both.

The ship reached the Sandwich Islands in the following May, and obtained supplies at Oahu. Here six of the crew deserted, and five atrocious villains were shipped in their places. They were Silas Payne, John Oliver, Anthony Hanson, a native of Oahu, William Humphries a black, and Thomas Lilliston. After this the vessel sailed to the coast of Japan, where some of the crew began to grumble because their allowance of meat was not, in their estimation, always sufficient. There was no just cause of complaint beside this. The men were never abused by the officers, or treated with further severity than was necessary for the maintenance of discipline. These remarks do not, however, apply to the wretches shipped at Oahu, who received frequent reprimands, and on one occasion one of them was severely whipped. Nevertheless, some of the crew resolved to leave the ship in case she should touch at Fanning's Island, but this determination was superseded by another more desperate and bloody.

In the whaling ships of the Pacific, the master and the first and second mates stand no watch unless there is blubber to be boiled. The boat steerers and their respective boat's crews divide the watches. Some whale ships have six boats, but the *Globe* had but three, and consequently but three watches were set on board. This explanation is necessary to explain what happened after the *Globe* left the coast of Japan, near the Sandwich Islands. She was cruising for whales in company with the ship *Lyra*; and the masters had agreed to set a light at night as a signal for tacking, in order that the vessels might not part company. On the night when the terrible event we are about to relate took place, Gilbert Smith a boat steerer, had the first

watch. He was relieved by Samuel B. Comstock, also a boat steerer, and the first watch retired to their berths. George Comstock took the helm. When his time was out he announced the fact with a rattle an instrument used on board whale ships for that express purpose. While thus employed, his brother came to him and peremptorily commanded him to desist, threatening to slay him if he made the least noise, after which he went into the steerage with a lighted lamp. Alarmed at this conduct, George was about to sound his rattle again, but Samuel arrived in time to prevent him, and so awed him by his threats that he dared not stir. Samuel Comstock then laid a large sharp two edged whaling knife on a bench near the companion way, and went to summon his fellow conspirators. He came back with Payne, Oliver, Humphries and Lilliston. The latter came no farther than the companion ladder, and then went forward again to his berth. According to his own account he only went so far to show himself as courageous as the rest, and retired because he did not believe they would carry their designs into effect. The rest went into the cabin with Comstock. The captain was asleep in his hammock, when Comstock struck him a blow with an axe which nearly severed his head in two. The stroke was distinctly heard by the man at the helm. After repeating the blow he joined Payne, who was stationed ready to attack the first mate as soon as he should awake, armed with the whaling knife before mentioned. Payne awoke him with a thrust. "O! Payne!" he exclaimed, "O! Comstock! is this—Don't kill me—don't. Have I not always?"—"Yes," cried Comstock, "you have always been a d—d rascal. You'll tell lies of me out of the ship will you? It's a good time to beg now but too late." He accompanied these words with oaths and blasphemies which we do not care to repeat. Mr. Beetle finding all expostulation vain, sprung at him and caught him by the throat. The light was struck out in the scuffle and the axe fell from Comstock's hand. Payne felt for the weapon on the floor, and put it into the hand of the murderer, who managed to free his right arm and struck Mr. Beetle a blow that fractured his skull, and beat him to the floor. By this time Humphries had brought a lamp and by its light Comstock and Oliver mangled the yet groaning mate. In the meanwhile the second and third mates were lying in their respective state rooms, the doors of which had been fastened by the mutineers.

The light was again accidentally extinguished, and Comstock, after posting a guard at the second mate's door, went to the binnacle to light it. His brother, who still remained at the helm, there asked him if he intended to kill Smith, the other boat steerer. The mutineer replied in the affirmative, and asked where Smith was. George answered in tears, that he had not seen him, whereupon Samuel asked why he was weeping. "I am afraid," said George, "that they will hurt me!" "I *will* hurt you," his brother replied, "if you talk so." He then returned to the cabin to complete his bloody work.

He began by firing a musket bullet through the door of one of the state rooms, as nearly as he could judge in the direction of the officers. He then called to know if either was hit. Fisher replied that he was shot in the mouth. The conspirators then opened the door and entered, Comstock foremost. The officers seized him, and Mr. Fisher took the gun out of his hands, and presented the bayonet to his breast. Had he plunged the weapon in his heart, it had been better, but on being assured his life should be spared, if he would submit, he gave it up. Comstock took it, and deliberately ran Mr. Lumbard through the body several times. He then told Mr. Fisher there was no hope for him. "You must die," he said, "remember the scrape you got me into." Finding his case indeed hopeless, Mr. Fisher said he would at least die like a man. Comstock bade him turn his back to him, which he did, and firmly said "I am ready." The mutineer put the muzzle of the gun in contact with his head, and fired.

In the meanwhile Mr. Lumbard, though mortally wounded, was begging for life. Having despatched Mr. Fisher, Comstock said to him, "I am a bloody man; I have a bloody hand, and I will be revenged." With that he gave him another stab. The wounded man begged for water. "I'll give you water," replied the savage, and with one more thrust left him senseless.

The Conspirators then went on deck, and Comstock called for Smith, the other boat steerer. He came forward, resolved either to save his life by supplication, or sell it dearly. On meeting, the murderer threw his bloody arms round his neck, and asked if he would not be one of his crew. Smith replied that he would be obedient in all things. All hands were then called to make sail, and a light was then set for the *Lyra* to tack, while the *Globe* kept on her course, by which means the ships parted company.

The master's body was next shockingly mutilated by the mutineers, and then committed to the deep. This done, Comstock ordered the bodies of the mates to be brought up. Beetle was not quite dead, but they threw him overboard notwithstanding. Fisher was next dragged up by a rope fastened round his neck. Lumbard was drawn up by the feet, and, strange to relate, he had strength enough to lay hold of the plank sheer, as they were putting him into the sea. In this posture he reminded Comstock of his promise to spare his life, but the monster forced him to quit his hold, and he fell into the water. As he appeared able to swim, Comstock ordered a boat out to despatch him, lest he should be picked up by the *Lyra*, but countermanded the order before the crew had time to obey. They then shaped their course for the Mulgrave Islands. While on the passage thither they effaced all the marks of murder, and appointed officers. Comstock was captain, Payne mate, the black, Humphries, was called purser, and George Comstock was appointed steward in his place. Five days after the mutiny, the new steward saw his predecessor loading a pistol in the cabin. On being asked what he was about, the black replied

that he had heard something very strange, and would be ready to meet what was to follow.

George immediately informed his brother what he had seen and heard, and the elder mutineer went to the cabin with Payne and asked the black what he intended to do with the pistol. The negro said he had heard something that had put him in fear for his life. To this Comstock answered that if Humphries had heard anything of the kind, it was his duty to have come to him with a complaint, instead of loading pistols. He then demanded to know what the *soi disant* purser had heard. His replies were vague and unsatisfactory, but the substance of them was that Peter Kidder and Gilbert Smith the boat steerer intended to retake the vessel. Comstock then convened a council of war at which he presided himself, and summoned the accused before him. They utterly denied the intention imputed to them. The next morning Comstock appointed two men to act as a jury, and Humphries was brought before them in chains. Smith and Kidder were summoned as witnesses. The trial began with some questions put to the unfortunate negro by Comstock, which his confusion and terror prevented him from answering distinctly. At this stage of the proceedings, Comstock rose and made a speech. "It appears," said the barbarous and ignorant wretch, "that William Humphries has been accused guilty of a treacherous and base act, in loading a pistol for the purpose of shooting Mr. Payne and myself. Having been tried the jury will now give in their verdict, whether guilty or not guilty. If guilty, he shall be hanged to a studding sail boom rigged out eight feet upon the fore-yard, but if found not guilty Smith and Kidder shall be hung upon the aforementioned gallows."

This morsel of logic left no doubt in the minds of the jury of the guilt of the prisoner, and they found him guilty. That sentence and punishment might be consistent with each other, preparations were instantly made for his death. His watch was taken from him and he was forced forward. Comstock then compelled him to seat himself on the vessel's gunwale; the rope, reeved to the end of the studding-sail boom, was fastened round his neck, and a cap was drawn over his face. The whole crew was ordered to take hold of the rope, while Comstock stood ready to ring the ship's bell as a signal to run him up. He was then told that he had but fourteen seconds to live, and asked if he had any thing to say for himself. He began, "Little did I think I was born to come to this." The bell struck, he was instantly at the yard arm, and died without a struggle. After he had hung a few minutes, the rope was cut to let him fall overboard, but became entangled, and the body was towed some distance alongside. A weight was then attached to it, and it sunk. Thus died one of the mutineers while the blood of his murdered officers was scarcely dry upon his hands.

Two days after the session of this notable court of justice, the Globe passed the King's Mill Islands, near Marshall's Island. A boat

was despatched to the shore, but did not land, as the natives appeared hostile. Some of them came off toward the boat in a canoe, but taking a sudden fright, paddled back again. Just as they turned, the boat's crew fired a volley, and killed or wounded several. The white savages then gave chase to a canoe in which were two of the islanders, on whom they fired as soon as they came within gunshot. On approaching more nearly, it was seen that one of the natives was wounded. In an agony of fear they held up their garments, and some beads, giving their inhuman pursuers to understand by signs, that they would give all for their lives. The boat returned on board without doing them any further injury.

Three days after this wanton and unnecessary act of cruelty, the vessel made the Mulgrave Islands. Comstock sent a boat on shore, which returned with some of the native women, some cocoa nuts and fish. The next day the mutineers looked about for some spot fit for cultivation, and at last came to a low, narrow island, where they determined to anchor the ship. On the 15th of February, four days after their arrival, all hands were set to work to construct a raft of the spare spars, on which the provisions, etc. might be conveyed on shore. Comstock's statistic talents now produced a penal code, by which the conduct of his subjects should be regulated. The penalty for one offence was as follows.

If any one saw a sail in the offing and did not report it instantly, he was to be bound hand and foot, put into the ship's caldron, and boiled in oil.

Every man was obliged to sign and seal the instrument of which this was a part. The mutineers sealed with black seals, and the rest with blue and white ones.

The raft being completed, it was anchored with one end resting on the rocks, while the other was kept seaward by an anchor. A good part of the provisions were sent on shore, as well as most of the ship's sails. While this was going on, Comstock was on shore, while Payne, the second in command, remained on board, to attend to discharging the lading. Comstock, it seems, was much elated at the acquisition of so much property, for he gave the natives the officers' clothing and other articles. Payne took umbrage at this, and sent him word that if he did not change his conduct, he would do no more, but would leave the ship. Comstock was much irritated at this message, and sent for him. An altercation ensued, and Comstock said, "I helped to take the ship, and have navigated her to this place. I have done all I could to get the sails and rigging on shore, and now you may do what you please with her. But if any one wants any thing of me, I'll take a musket with him." "That," replied Payne, "is what I want. I am ready." This reply cooled Comstock's courage, and he ended the debate by saying he would go on board the vessel once more, and after that Payne might do as he pleased with her. Accordingly he went on board, abused the crew, and challenged them to fight with

him. He destroyed the paper on which he had recorded his laws, and possessed himself of a sword, which he said he would keep by him as long as he lived. Then, as he left the ship, he bade those on board look to themselves, as he was going to leave them.

He then left his companions, and joined a party of the natives whom he endeavored to persuade to destroy Payne and the rest. Before dark he passed their tents with fifty of the savages, which made Payne believe he meditated some mischief. Payne, therefore, posted sentinels, with orders to shoot any one who should attempt to pass without giving the countersign. However, the night passed without any disturbance.

In the morning Comstock was seen coming towards the tents, and Payne proposed to Smith to shoot him. As he, and those who had not been concerned in the mutiny, refused to take any part in the business, Payne and the other mutineers loaded their muskets, and stood in front of the tents to await his arrival. He advanced with a drawn sword in his hand, in a menacing fashion, but when he saw their muskets levelled, he cried to them not to shoot him for he would not hurt them. Nevertheless they fired and killed him on the spot. Two balls struck him, one in the breast, and the other in the head. Fearing that he would rise again, Payne ran to him with an axe, and almost severed his head from his body. So died, by the hands of his own instruments, the wretch who conceived and carried into effect the most abominable mutiny that has come to our knowledge. His former followers buried him as well as they were able. They sewed his body in a shroud of canvass, and dug a grave in the sand, in which they put with his body every article that had belonged to him, excepting his watch. The funeral ceremonies concluded with reading a chapter in the bible, and firing a musket over him.

In the afternoon Payne sent Smith on board with six men, to take care of the ship. This man had plotted to carry her off, and this order afforded him a fair opportunity. In the evening, he furnished his men with weapons to keep the mutineers off, in case they should attempt to board, and cleared the running rigging. A handsaw was greased, and laid by the windlass to saw of the cable, and a hatchet was placed by the mizzen mast to cut the stern fast. Smith then took one man with him upon the fore-top-sail-yard, loosed the sail and shook out the reefs, while two others were loosing the main and main-top-sails. This they did with the greatest possible celerity, fearing that the mutineers would come off and put them all to death. When the sails were all ready, Smith descended, took the handsaw and sawed off the cable. The ship's head fell away from the land, and a favorable breeze filled the canvass. The stern fast was then cut, and the Globe departed from the Mulgrave Islands forever. We will follow her for a while before we return to those, left on shore.

After a long and stormy voyage she reached Valparaiso, where the American consul took possession of her and sent her scanty crew on

board a French frigate, in irons. They were shortly after examined and gave the same account of the mutiny and subsequent proceeding that we have related above. They all agreed that Joseph Thomas, who had come with them to Valparaiso, was privy to the mutiny. The ship was then new rigged, and sailed under the command of a Mr. King, who brought her safe to Nantucket, where Thomas was committed to jail to await his trial.

We will now return to the Mulgrave Islands. While Smith was preparing for escape, Payne set a watch to guard against the natives, and the crew lay down and slept. Suddenly they were awakened by the cry, "The ship has gone! The ship has gone!" They hastened to the beach and found that the news was true. When morning came, nothing was to be seen of her. Payne vented his rage in execrations, but finally recovered his temper, and set about building a boat. He told the natives, indeed, that the wind had forced the ship to sea, and that she would never return, but in reality he feared she would reach some port, whence his own punishment would soon come.

The natives were about them in great numbers eyeing their proceedings with no little curiosity. Up to this time their deportment had been friendly; they gave the whites bread fruit, fish, coconuts; in short, every thing they had, and received in return, tools, pieces of iron, and such other articles as could conveniently be spared.

The small islands which compose the Mulgrave group, are in many instances separated from each other by reefs of coral, extending from the extreme point of one to another. These reefs are nearly dry at low water, and the inhabitants pass from one island to another on foot. This fact was discovered on the 20th of the month by a party of the whites, who crossed over to the next island. After following the tracks of the savages seven miles, they came to a village where they were hospitably received. The natives presented them with bread fruit and cocoanut milk; and the wonder of those who had not yet seen a white man, was excessive. The women and children expressed their astonishment by uncouth grimaces and boisterous laughter, dancing and shouting for joy. What surprised them most was the color of the skins of their visitors. At last the whites left them and returned to their tents.

The next day another party went to the village, carrying with them firearms, the use of which they demonstrated. The natives were struck dumb with wonder at the reports of the guns, and the effect of the bullets. Yet though thus convinced of the power of the whites they continued to visit the tents on the most amicable terms. The mariners, too, lived without fear; placing the utmost confidence in them.

Payne and Oliver took one of the boats and set out to explore the group. The next day they returned, bringing with them two young women, whom they took to wife. These females at first showed no dissatisfaction. The mutineers now abandoned all distrust, and no

longer posted a guard, and perhaps had matters rested there, there would have been no need of any. But one morning Payne's wife was missing, at which he was greatly enraged. He, Oliver and Lilliston, set out in search of her, armed with muskets. They reached the village in the night, and hid themselves, in hopes of seeing the absentee in the morning. When day broke, they saw that one of the huts was thronged with the natives, and the woman they sought was among them. One of the whites fired a blank cartridge, and they all showed themselves at once. The natives were frightened and fled, but Payne followed till he came up with the one he sought, and laid hands on her. He took her back with him to his tent, where he first gave her a severe whipping and then put her in irons. This treatment he repeated several times, till the savages became irritated, and retaliated by theft and other petty vexations.

One morning it was found that the tool chest had been broken open in the night, and that some of the tools had been taken away. This put Payne in an outrageous passion, and he vowed vengeance on the thieves. He informed several of the natives of his loss, and made them comprehend that something terrible would happen if the articles were not restored. The savages were about the tent all day, expressing their concern, and at night one of them brought back the half of a chisel that had been broken. Instead of thanking him for his pains, Payne put him in irons, and told him that he must go with him to the village in the morning, to point out where the rest of the articles might be found, as well as the person who had stolen them. In the morning he armed four men, and gave them powder and small shot. He refused them balls, because, as he said, the mere report of their guns would be enough to frighten the savages into submission. He put the prisoner into their hands, and ordered them to bring the things lost, and the thief or thieves.

They succeeded in getting a hatchet, but as they were about to return, the natives attacked them in a body, with stones. They retreated, and the savages overtaking the hindmost, named Jones, killed him on the spot. They threw their missiles with great accuracy, and the three survivors reached the tents with great difficulty, bruised and bleeding. They were followed by the enemy, prepared for war. No time was lost in arming, and the motions of the whites were none the more tardy, that they saw the islanders collecting from all quarters. The enemy stopped a short distance before the tents, and appeared to hold a council. After some deliberation, they began to tear to pieces the boat Payne had been building, than which nothing could have grieved the mutineer more. To stay their proceedings he ventured to go among them, and after a long conference, he returned to communicate the conditions he had been able to procure. These were as follows :

The islanders were to have all the property of the whites, even their tents, and the latter were to go with the savages to their villages, and live among them, governed by their customs. These terms were en-

forced by menacing gestures, and the brandishing of clubs and spears.

After this treaty, the islanders began the pillage, and pulled the tents down. This done, they fell upon their prisoners with the utmost fury. Two only escaped with life; William Lay, and Cyrus Hussey. The former had been withdrawn from the tents before the fray, by an old man and his wife, who now covered his body with their own, to protect him from the rest. Hussey was saved in nearly the same manner.

These two men remained among the Mulgrave Islands some months, living with the natives, wearing their dress and speaking their language. After the first ebullition of their rage had subsided, the natives treated them well, though they were always suspicious of some injury to be done by them. At last, on the 23d of December, 1825, a vessel hove in sight, to the alarm and confusion of the islanders. After mature deliberation, they agreed to swim on board, one by one, and when two hundred should have gained the deck, to assail and massacre the crew. But the sight of the cannon and the arguments of their prisoners induced them to forego their design. The vessel proved to be the United States' schooner *Dolphin*, which had been sent in quest of the mutineers. Lay and Hussey were soon released, and the *Dolphin* left the Mulgraves.

An account of these islands, and of the adventures of the prisoners would no doubt be interesting, but as these matters do not fall within the scope of our plan, we refer our reader to a little book written by Lay and Hussey.

We have no means to ascertain what became of Joseph Thomas, the only surviving mutineer of the *Globe*. Our impression is, that he was tried and acquitted for want of evidence.

These unhappy adventures have been commemorated by an American poet, whose name we do not remember. We believe, however, he may frequently be seen in Washington street. The last four lines of his poem must conclude our article.

“ Let this example a warning be
To all young men as follow the sea ;
Let your correction be ever so severe,
Stick to your duty, and don't mutineer.”

JAMES PORTER,

ROBBER,

Was an Irishman, and a weaver by trade. He had been a robber in his own country. 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 sentenced to imprisonment. He had also 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 was a native of Baltimore, and Wilson also was an American. They became acquainted in the penitentiary, and were jointly concerned in the attempt to break out, in which the life of the keeper was endangered. Such were James Porter and his associates.

Porter and Poteet became tired of stealing *we 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 20th of November, 1829, and broke into the shop of Mr. Watt, a gunsmith. They took thence five pistols and two powder flasks. After this the three companions repeatedly practised with their pistols to ascertain their qualities.

On the 6th of December, the mail stage started from Philadelphia, at two in the morning, driven by one Samuel M'Crea. There were nine passengers inside, and another on the box with the driver. The night was dark and cloudy. When the stage had got two miles from the city, and was nearly opposite Turner's lane, Porter started from the road side, took the off leading horse by the head, and turned him round. At the same time Wilson and Poteet came up, one on each side of the coach, with presented pistols, bidding the driver stop, "or they would blow his d——d guts 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 with it. The robbers then rifled the passenger and bound the driver. Poteet 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." While these matters were going on, Poteet and Wilson held their pistols in their hands, but Porter, more collected, thrust his into his bosom.

This done, Porter and Poteet went to the doors, while Wilson watched the two bondmen. 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."

The thieves next compelled the true men to alight, one by one. Porter searched them, and tied their hands with their kerchiefs. As fast as he tied them he turned them over to Poteet, who kept them quiet with his pistol. One of the passengers being tied, asked the robbers for a quid of tobacco, which was readily put into his mouth 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 recognise 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, and 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 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 despatched 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 16th of December, Wilson carried one of the watches they had taken, to Crosswel 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 21st, Porter carried another watch (a golden 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 anywhere. On this occasion 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 our rogues 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 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 lookout for Porter and Poteet. On the 9th 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 his 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 him 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 con-

sented that Potet 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, Wilson 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 him 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.

Potet was also arrested, and consented to save his 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 26th of April, 1830, 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.

The law touching this offence is, "That if any person shall rob any carrier of the mail of the United States, or other person entrusted therewith, of such mail, or of part thereof, such offender or offenders shall, on conviction, be imprisoned not less than five or exceeding ten years; and if convicted a second time for a like offence, he or they shall suffer death; or if in effecting such robbery of the mail the first time, the offender shall wound the person having custody thereof, or put his life in jeopardy by the use of dangerous weapons, such offender or offenders shall suffer death. And if any person shall attempt to rob the mail of the United States, by assaulting the person having custody thereof, shooting at him, or his horse, or mule, or threatening him with dangerous weapons, and the robbery is not effected, every such offender, on conviction thereof, shall be punished by imprisonment not less than two nor exceeding ten years."

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. After sentence Porter showed contrition, but suffered with the same hardihood he had exhibited throughout. We can accord him no pity. He was the master spirit, the ringleader, the captain 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.

Wilson was pardoned by President Jackson, for what reason we cannot pretend to divine. The pardon set forth that certain disclosures were expected from him, but we never heard that he made any. A great many of the citizens of Philadelphia were much irritated at this partiality, and expressed their resentment in a rather ludicrous manner. A tavern keeper in the city had lately adorned his sign post with an effigy of the reforming president, and the mob assembled to destroy it. The publican begged them to pause, and consider that the sign had cost him thirty-five dollars, but the angry citizens were resolved that this should be no objection. They collected the amount on the spot by subscription, tore down the portrait, and made a bonfire of its fragments.

We know not that we can close our article better than by copying some remarks of Mr. Dallas, the district attorney, on the importance of the mail.

"The mail, as every one knows, is the medium by which the benefits and charms of social intercourse are maintained; and in a trading community like ours, the commerce, the wealth, the comfort, the security of almost every individual depend upon the mail. "The mail" carries through this vast continent every day, property to an immense amount. It holds communion with, and draws together distant friends. It apprises far-off merchants of the success or the hazard of their speculations. It produces a sympathy of feeling, an identity of interest, and a fellowship of knowledge, between those separated by an almost frightful space. Like the veins and arteries of the human system, it cannot be assailed without injury; to rob a single channel of its accustomed succour, is to draw the very life's blood from the social and trading intercourse of mankind. Severe penalties are therefore imposed in order to protect it. These penalties are justified by other considerations. In this country the facilities for plunder are so great, that if connived at, or unpunished when detected, no man can estimate the wide-spread and fatal consequences.

"In the United States there are not less than nine thousand different post-offices, and the length of road over which the mails traverse, embraces an extent of not less than twelve thousand miles in a continued line! These mails are carried in coaches, on horseback, in steamboats, and by other conveyances, travelling, within the most moderate computation, the enormous space of *fourteen millions* of miles in the course of a single year!

"How fearfully and constantly exposed then is this instrument of intercourse in trade, civilization, and feeling! How necessary to protect it—not as you would an almost valueless piece of personal property—a hat, a spoon, an umbrella—which administers to a momentary comfort, but as you would that which is the very life and soul of all that contributes to comfort, security, and happiness.

"In no country on the globe, perhaps, is the mail exposed to greater danger than in this. This danger arises from the nature of our country, its vast extent, and the comparative spareness of its population. We are but on the threshold of a boundless and unexplored continent. Some of our mails travel through dark and dismal forests and deserts, over mighty rivers, through gloomy swamps, and on untenanted mountains, continually incurring all kinds of danger, and that danger hopeless, unless the powerful arm of the law, and the still more powerful arm of Providence be lifted for its protection.

"The voice of our citizens imperatively demands the protection of the mails: and this demand is made, because *every man* feels that he has a right to do with his property what he pleases; he has a right to move about himself and to transfer his worldly substance when, and as often as he pleases."

JOHN FRANCIS KNAPP, AND JOSEPH JENKINS KNAPP,

FOR THE MURDER OF MR. WHITE.

ON the evening of the 6th of April, 1830, Mr. Joseph White, a respectable and very rich citizen of Salem, Essex county, Massachusetts, retired to his bed at nine o'clock, his usual hour. The only inmates of his house beside himself, were Benjamin White and Lydia Kimball, his servants, and Mrs. Beckford, his niece, who officiated as his house-keeper. This night Mrs. Beckford was absent, on a visit to her family at Wenham. In the morning Mr. White was found dead in his bed. His skull had been fractured by a violent blow, and he had received several stabs with a dagger in his breast and left side. Either the fracture in his skull or the stabs were sufficient to have caused his death.

This barbarous murder done in the watches of the night, 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. We let this letter speak for itself.

“*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 put off any longer than you receive this. Then sit down and enclose me the money with as much despatch as possible, for your own interest. This, sir, is my advice, and if you do not comply with it, the short period between now and November will convince you that you have denied a request, the granting of which will never injure you, the refusal of which will ruin you. Are you surprised at this assertion—rest assured that I make it, reserving to myself the 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 2nd 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 22nd 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 the month J. J. Knapp, Jr. informed one Allen that his father had received an anonymous letter “from a fellow down east,” which contained a great deal of trash and had given it to the Committee of Vigilance at his request. He then gave Allen two, one superscribed to the Hon. Mr. Barstow and the other to Mr. Stephen White, and desired him to put them in the post-office, in order, he said, “that this silly affair might be nipped in the bud.” Allen did as he was desired. That to Mr. Barstow was directed inside to the Committee of Vigilance, and ran as follows.

“*May 13, 1830.*

“Gentlemen of the Committee of Vigilance—Hearing that you have taken up four young men on suspicion of being concerned in the murder of Mr. White, I think it time to inform you that Stephen White came to me one night and told me if I would remove the old gentleman, he would give me five thousand dollars; he said he was afraid he would alter his will if he lived any longer. I told him I would do it, but I was afeared 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.”

The letter sent Mr. Stephen White was in these terms.

“*Lym, 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. CLAKTON, 4th.”

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 despatched 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 acknow-

ledged the excessive wickedness of his character in general terms, but made no direct avowal of his participation in the slaughter of Mr. White.

The reverend 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, he 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. That 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 accessories, 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 has 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 Jenkins Knapp and George Crowninshield as accessories 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 out-

side 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 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 don't 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 28th of May he went to John F. Knapp's cell with his brother Phippin 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 Phippin 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 thought 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 alleged 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 2d 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 who 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 hands 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 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. He died many times before his death, and it was necessary to support him at the place of execution.

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.

The prevailing opinion respecting this dark transaction, is wonder that New-England should contain four persons base enough to have engaged in it.

JOHN VAN ALSTINE,

FOR THE MURDER OF WILLIAM HUDDLESTON.

VAN ALSTINE was born at Canajoharie, Montgomery county, New-York, in the year 1779. He was the only son of his father, 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 the management of his farm, and the chief control of his affairs to him. His education was such as is usually given to the sons of husbandmen; he could read and write, and knew something of figures. In 1795, 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 swapper of 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 when 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 1818 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 Huddleston, the sheriff. On the present occasion the sale was appointed to take place on the 19th 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 persons 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. Huddleston 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. Huddleston said it was time enough, and asked if Van Alstine had any money for him. He replied, "No, and I do'nt want any." The others then rode off leaving Van Alstine and the sheriff together.

Mr. Huddleston 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. Huddleston 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. Huddleston answered 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 for which Van Alstine held receipts. These words put the miserable man in an outrageous passion, and without the least hesitation he struck Huddleston 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 Huddleston 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 Huddleston's 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 sheriff's 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 clomb. A little before sunset he went and loosened the horse which ran 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 Huddleston 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 16th 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 Huddleston, 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 Huddleston's horse in what he thought a safe place in the woods, and returned home. He went to bed without any intention of escaping.

He woke about midnight and his wife observed 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 Huddleston's 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. There was a passenger on board named Slocum, who compared Van Alstine's person with the description in the governor's proclamation, 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 16th of November he was arraigned, and pleaded not guilty. It was proved that the spectacle case of Huddleston 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 Huddleston'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 rendered.

The suggestions of avarice and passion had not been able to eradicate the good principles in which the unhappy man had been educated. His penitence was as signal as his guilt. It is to be hoped that by referring his burden of sin to him most able to bear it, he made an acceptable atonement.

He was executed pursuant to his sentence.

EDWARD TINKER.

THIS man belonged to Newbern, 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 1810, 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 2d 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 7th 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 8th 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 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, and said he would leave the country, 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 most foul and 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 recognised, 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 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 posse 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 recognised, 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, 1811.

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 alleged, 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.

ROBERT H. STERLING,

FOR THE MURDER OF GENERAL F. MORGAN.

THIS person was a lawyer of fair repute in Monroe, Ouachita, Louisiana. We give the following account of his trial for a cold-blooded and inhuman murder, because it serves to show in what esteem human life is held in Louisiana, and to what fatal results party zeal may lead. It may be proper to state, by way of preliminary, that General Ferdinand Morgan, the man slain by Sterling, was elected a Senator of Louisiana in the summer of 1830. Colonel Morhouse, Sterling's brother-in-law, was the rival candidate. In the course of the contest General Morgan gave some offence, the precise nature of which is unknown to us, to a Captain Hemkin, who thereupon sent him a challenge by Morhouse, on the 6th of September. General Morgan refused to receive it, and what ensued may best be learned from the following report of Sterling's trial which took place in December.

The facts of the case as stated by Dr. Savary Lewis, an eye witness, who was on the opposite side of the street at the time, were, substantially, that on the 7th September, 1830, General Morgan was passing the door of Colonel Morhouse's office, in company with Mr. Alexander, when Col. Morhouse came out of his office, and presented a note or communication to Morgan, which he refused to receive. Morhouse spoke mildly and politely, but Morgan was loud and angry. The witness did not hear what was said while they were together. Morgan and Mr. Alexander proceeded down the street, the way they were walking when accosted by Morhouse. When they had gone about forty feet, Morhouse, who had moved up at the same time a few steps above the door of his office, said to him, "I believe you to be a d—d coward." Morgan instantly turned round and started back. The doctor then looked and saw that Morhouse was standing with his side to General Morgan, his right arm extended, and a pistol in his hand presented at Morgan, who continued to advance with his cane in one hand, which he thought was his left, raised about level with his breast. When he came within about eight feet, Morhouse snapped the pistol at Morgan, who still advanced and struck a blow over his right shoulder. Some blows then passed, without much apparent effect, and they became separated. Morhouse then threw his pistol at Morgan, and hit him on the head; being at that time too far from him to hit without throwing the pistol. Morgan staggered back about three paces, recovered himself, and was advancing towards Morhouse, when *Sterling* shot him in the back from the office door. About the time Morgan was making the first step, after being stunned by the blow of

the pistol, Dr. Lewis observed Sterling in the door of the office. At the time he shot, only his arm was seen, and the muzzle of the pistol was three or four feet from Morgan's back when he fired. Morgan made one step forward and put his left hand on the spot where he was shot. The Doctor did not see the sword-cane drawn; he saw only the wooden part until after the first blow was given. When the cane fell it was unsheathed. He saw the cane in his hand, from the time he turned till he fell, and was positive he saw no blade till he was falling. Morgan could not have seen Sterling when he fired.

Dr. McGuire, who examined the wound, stated that the ball entered near the back bone, between the ninth and tenth ribs, and that he found it lodged under the skin, near the left pap, a little above, and cut it out. The ball was exhibited in court, and was not flattened or bruised. He stated it as his opinion that Morgan must have been half bent when he was shot, from the direction which the ball took. The floor of the office where Sterling stood, was eighteen inches above the street.

Wm. Robinson proved that General Morgan had dislocated his right wrist some months before his death, and that he continued to carry his right hand in a sling. The day before his death he tried to lift a hammer with his right hand, in which he failed, and was obliged to use his left hand to drive a nail. About the middle of August the same wrist was hurt again by his horse, which took fright.

Dr. Mason stated that he had attended him as surgeon and set his wrist; that the ligaments were much lacerated: that a few days before his death, he could not shut his right hand; the muscle had become rigid, and he used a pen with much difficulty with his thumb and fore finger. He had habitually carried it in a sling in public. Three or four days before his death, he knew, from a particular examination, that the joint was enlarged, and the ligaments, though not so rigid as they had been, did not enable him to close his hand. It was the Doctor's opinion, that at the time of his death, General Morgan could not use a sword-cane with any effect, and that he was neither left handed nor ambidexter.

Dr. Holmes and Mr. Filhiol, who were standing together a little up street, were also eye witnesses of the affair. Dr. Holmes heard the epithet *coward* uttered by Morhouse, at the time he thought he was going into his office; at which, Morgan turned and advanced towards Morhouse, who was thirty or forty feet off. Morgan appeared to have his sword-cane in both hands. As Morgan was in the act of advancing, Morhouse drew a pistol and presented it at him; he held it towards Morgan some time. When Morgan arrived (as it appeared to him, who was nearly in a line with the parties) within three or four feet, the pistol flashed; Morgan still advanced, and Morhouse either threw the pistol at General Morgan, or struck him with it without throwing. At that instant a pistol was fired from the neighborhood of the office, General Morgan fell in a short time, and the spear or blade

fell from his hand. When Morgan turned, as the word coward was uttered, it appeared to the witness that he was either placing himself in an attitude of striking or of drawing the blade. Colonel Morhouse held his pistol at Morgan sometime before he flashed it. General Morgan evinced a great deal of courage in advancing on a presented pistol in that way. Dr. Holmes was confident he did not see the cane drawn; yet he might be mistaken. He saw the blade for the first time when it fell from Morgan's hand. The whole was done very quickly and produced considerable confusion.

Mr. Filhiol, who was examined for the prisoner, stated nearly as others did, the interview at the door of Morhouse's office. He said that when Morgan and Alexander had got about ten or twelve paces from the office, and Colonel Morhouse made two or three paces toward where he and Dr. Holmes were standing, he heard the word *coward* uttered by Morhouse. At that moment, General Morgan wheeled and started toward Morhouse. He thought that Morgan had made one or two steps, before Morhouse discovered that he was coming toward him; he might have advanced three or four yards, before this witness discovered that Morhouse was presenting a pistol; after Morgan came pretty near, he heard the pistol snap. At that moment Gen. Morgan rushed at Morhouse, and gave him a blow; from Filhiol's position he could not see how. Morgan then made a pass at Morhouse; he saw Morhouse give a blow with his pistol; he could not say whether on the head or shoulder; it appeared that the blow made Morgan retreat about two paces; it appeared to him that Morgan was rushing again on Morhouse; at that moment he heard the pistol from the door of Morhouse's office. When Morgan wheeled he held the cane in both hands; he could not see whether it was drawn or not: he was much confused by the occurrence. On his cross-examination, he stated that he did not see the blade of the sword-cane, and that he could not see in which hand Morgan held the cane.

David Powell, who was standing near Dr. Holmes and Mr. Filhiol, stated that as Morgan wheeled, he drew the sword from the scabbard; that Morhouse turned round and drew a pistol, and while Morgan was advancing, snapped it; that Morgan advanced with the spear in his right hand, braced against his own body, and the scabbard part in his left hand uplifted; that Morhouse struck as if to ward off a thrust from his breast; that the pistol did not escape from his hand: that Morgan raised the scabbard with his left hand, as if to ward off the blow, and knocked off his own hat, which fell with the scabbard. He saw Morgan give no blow, but as soon as Morhouse had struck, to ward off the thrust, he threw the pistol at Morgan, which hit his head. At this time Powell said he was running up to prevent mischief, and ran from five to fifteen steps, when he heard the report of a pistol, cast his eye on Morgan and see that he was hurt. He saw the spear in Morgan's right hand, and at the time Morgan was shot, he had the blade part of the cane in that hand. He was farther from the

combatants than Dr. Holmes or Mr. Filhiol, and was nearly in a line with the combatants. He stated that the throwing of the pistol by Morhouse, and the report of the other, were at the same instant. He stated, on his cross-examination that he was rather near sighted.

Three or four witnesses were introduced to discredit Powell, who swore positively, that from a general knowledge of his character, they did not think him worthy of belief, on oath.

Colonel Morhouse, who was engaged as principal in the rencontre, and who was indicted at the same term, for an assault on General Morgan, with intent to kill, was examined as a witness. He stated that when General Morgan and Alexander were passing his office door, he presented him with a communication from Captain Hemkin, and told him it was the same which he had presented him the day before, and which he had refused to receive. General Morgan wheeled round very abruptly and stepped forward, staring him full in the face, and nearly treading on his toes. The witness stepped back, and presented him the note which he held in his hand. General Morgan observed that he would receive no communication from him, when he told him it was a communication from Captain Hemkin. He replied, the Colonel thought, with an oath, that "he would be d—d if he would receive any communication from either of them." He was asked if he objected to Hemkin, or the bearer. He said, to both, but also said, "send your principal—I will see him." He declined saying who he meant by the principal. The witness then told General Morgan he should expect him to assign his reasons for not receiving the communication. Morgan made some equivocal reply, not recollected, as that he would give them in due form, or when he pleased. Morhouse repeated that he should expect it, and Morgan said, "You do, hey," and, thereupon, passed on down the street. When he had proceeded between eight and twelve paces, he (Morhouse) turned, with his back towards Morgan, and made two or three steps up the street, remarking, "The only reason you can have, (or he can have,) for not receiving it, is that you are a coward." His voice was not high, and he thought his back was towards Morgan when he said it. The expression was used, to be heard by the bystanders, and he did not think his voice had reached General Morgan. Turning to go into his office, he saw that Morgan had turned, or was in the act of turning, and when he first observed him, thought he had the blade in his right hand, and the scabbard in the left. He continued to advance rapidly, with the cane in that position, as he thought. Morhouse said he then drew a small pistol from his pocket and presented it at Morgan, aiming to show the general that he was armed. He thought Morgan advanced from twenty-five to thirty feet, after the pistol was presented. He had no expectation he would continue to advance, but when he had approached within about six feet, perhaps a little more, his pistol snapped or flashed. At that instant Morgan rushed on, with the blade in the right hand, held crosswise, and the scabbard in the left. He made

a side thrust with the spear, which passed within eighteen inches or three feet of Morhouse; and their shoulders came in contact. The witness raised the pistol, the same way he held it when it snapped, and struck Morgan over the head. As he struck, Morgan threw up the sheath and either the sheath or the pistol knocked off Morgan's hat. During this conflict their bodies were not more than a foot apart. On receiving the blow, Morgan retrograded two short steps, and he (Morhouse) stepped back about the same distance, to get out of the range of the sword-cane; as Morgan was in the act of advancing with the spear, and Morhouse finding he could not reach him, turned the pistol in his hand, threw it, and hit Morgan on the head; as he was about to throw, Morgan bent down and threw up his left hand to ward off the blow. After he was hit on the head Morgan recovered his position, and as he threw himself up, braced his body back one step; then advanced a little, bending forward, (about two paces) with the spear presented, and pointed at Morhouse. He was in that position when the pistol was fired from the door of the office. When shot, the point of the spear was within eighteen inches or three feet of Morhouse's breast.

One witness, Duval, who was on the opposite side of the street, stated that the parties had separated, and he thought the fight over, when the pistol was fired from the office. He did not see the blade of the sword-cane, but thought that Morgan was trying to draw it during the conflict. Dr. Angel testified that a person stepping in with a chair might have separated the combatants. When he saw the blade in Morgan's hand, he was neither in the act of lunging or stabbing; he was not in a position to do so; he did not think either in danger from the other. After the flash of the pistol he saw the sword-cane in Morgan's hand in the awkward position mentioned.

Mr. Alexander, who was in company with General Morgan, stated positively that he did not draw his sword-cane; that the scabbard flew off in striking the first blow, which was struck with the left hand, over Colonel Morhouse's right shoulder; and he could not say whether it hit him or not. When Colonel Morhouse threw the pistol, Morgan stooped, half bent, to avoid the pistol. While he was in that posture, Sterling shot from the door of the office; the muzzle of the pistol was within from three to six feet from General Morgan's back, when it was discharged; and Morgan could not have seen who shot him.

The sling was on his neck when he was killed, and he was buried with the bandage on his wrist. Such was the substance of the evidence. The charge of Judge Overton, who presided, was very positive. He told the jury, that a third person interfering in a sudden quarrel or affray, without giving notice of his intention, and taking sides with one of the parties, and killing the other, without an absolute necessity to save life, was guilty of either murder or manslaughter, according as circumstances show malice or otherwise.

The jury retired, and in about two hours returned with a verdict of **NOT GUILTY.**

This murder seems to us to have been clearly proved. Morhouse engaged in a personal rencounter with General Morgan in the highway, near his own office. Sterling, seeing the affray, but without having received any personal provocation, gave Morgan a deadly wound from a place of ambush. He could not plead that the life or limbs of his relative were in any such danger as to require his interference. Supposing his interposition to have been necessary, he was by no means justifiable in killing Morgan. If this trial be an example of the way in which justice is administered in Louisiana, we desire to be thankful that we do not reside there.

LIFE OF JOHN DAHMEN.

I WAS born in Cologne, on the river Rhine, on the 24th September, 1791, of respectable parents ; whose names I shall never disclose ; lest my unhappy fate should reach their ears, and bring down their gray hairs with sorrow to the grave. John Dahmen is the name by which I have ever passed, since I left my native country. My parents were members of the Roman Catholic Church ; in which religion I was taught, from my childhood implicitly to believe. My father was a wine merchant and distiller, till the year 1812, when he was appointed Commissary under the Prussian government. I had every attention paid to my education that the fostering care of indulgent parents could bestow ; but neither the force of precept or example could eradicate the natural perverseness of my disposition. To want I was a stranger ; yet, being governed by a natural propensity to infringe upon and violate the rights of others, I commenced when quite young to pilfer small trifles from my playmates ; such as our common playthings, penknives, handkerchiefs, &c. From trifles I proceeded to things of more value, till at length it became my ruling passion. I stole from my father eight guineas at one time, which being missed, was charged on me. I laid it to my cousin, on account of which we had a severe quarrel, and he threatened to kill me, which I never forgot.

When at the age of little more than twelve years, I joined a gang of twenty-nine, of whom I was the youngest, for the purpose of stealing, robbing, &c. I only met with them in the night time, after my parents had retired to rest. We made a place of deposit at the house of one Elizabeth Wirts, who lived in an obscure part of the town, and who bought of us our booty. Each of us had a key by which we could enter her house at any time we chose. We first commenced our career by tearing the lead from the gutters of houses ; but this we soon abandoned, it being laborious and of little profit. We then appointed one Walter our chieftain, on account of his superior skill in the art.

A plan was laid for robbing the Roman Catholic Church ; for which purpose ten of us, with necessary arms and utensils, attended evening meeting, and concealed ourselves in the confession boxes ; the rest remained without to await our signal. Service was ended—the people retired and we were not discovered. We then took from the church all its gold and silver plate, and furniture to the amount of twenty-five thousand dollars, which we sold to Elizabeth for three thousand in money. The next Sunday, myself and some others went to church to hear what the minister would say. After bewailing the loss and imprecating curses on the heads of the sacreligious perpetra-

tors, he softening his tone a little, said if there was any person present who had any concern in it, they ought to confess it ; if they would he would keep it a secret, and forgive them and pardon their sins. We thought we had better keep our own secrets, not having much faith in his power to remit sins. The next day the minister called on my father who was a member of his church and his particular friend ; and in my presence conjured Heaven to send down curses on the heads of the villains who had robbed his church. I thought it would be well for him to look to his confession money, for we would give that a trial next. A few days after, myself and nine of my companions repaired to his house in the night time, which was enclosed with a high wall. We had prepared ourselves with a ladder made of leather ; on the end of which were iron hooks, which, by throwing over would fasten on the other side. When we came there we found to our disappointment that our ladder would not reach the top of the wall ; we then retired to a remote part of the town, killed a cow, skinned her, and with straps we took from the hide, lengthened our ladder. By this means we passed the wall. In attempting to force the window, we awoke an old woman, who served in the capacity of kitchen maid ; she came to the door and asked who was there ? Without answering a word, we seized her, stopped her mouth, and threw her into a vault in the yard, which led into the Rhine and fled. In consequence of the narrowness of the passage near the bottom, the old lady stuck fast. Her cries being heard in the morning, she was liberated from her loathsome situation. Not long after this, the minister visited my father again, and related what had happened ; but he had no suspicion of me. He solicited my father to let me live with him awhile, for the purpose of learning the Catechise, and other religious instruction. My father who was ignorant of my conduct, at this time, readily consented ; and I was pleased with the opportunity. I remained with him eight days, attending to instruction only one hour in each day. I did every thing I could to please him, by which I had access to every part of his house. I discovered where his trunk, service plate, &c. were, and also the secret avenues to his house, and then returned to my father's. Two or three weeks after, we again repaired to the minister's house, which we entered by crawling through a drain which communicated with the cellar ; from thence we passed on till we reached his sleeping room. We found him in a profound sleep ; and under his bed his trunk which contained his money. Myself and one other drew our pistols, cocked them, and stood ready to shoot him if he awoke ; while two others took and conveyed away the trunk, and the rest went into the other apartments for the plate. Fortunately he did not awake, and we bore away our booty to Elizabeth's, our place of deposit. Inasmuch as we had plenty of money at this time, we gave the plate to Elizabeth.

After continuing in this way about eighteen months, robbing and plundering whenever an opportunity offered, by night, and dissipating

the rest of the time ; we found that Elizabeth had become rich, but we were poor. We were in want of more money. Myself and three others went, in the day time, to a jeweller's shop—took a quantity of jewelry which hung at the door, and made off undiscovered—as we were opposite Elizabeth's, seeing us and elated with her supposed prize, she cried out, “come over boys, get all you can.” She was overheard, and suspicion excited. We, Elizabeth and six others (associates) were arrested and tried. Three were sentenced to the penitentiary (at hard labor) for six months, and the rest were acquitted. Through the influence of my father I was among the number acquitted.

My father then kept me for some time, closely at home ; of which confinement, I soon became tired. While I was thus constrained by the commands of my father and the solicitations of my mother, whom I tenderly loved, to stay at home ; I had almost resolved to relinquish my vicious habits, and abandon my wicked companions forever. While in this train of contemplation, an uncle called and reprimanded me in the most severe terms for my conduct, in the affair of the jewelry. At the very mention of which, my indignation was raised, and I was determined on revenge. I had then been steadily at home about three months. One night, soon after, I entered his house through a door which was not fastened. I passed into a small reading chamber, and opened the door of a closet, in which he kept his money, in a trunk. I opened the trunk by means of a key, (an assortment of which I kept by me,) from which I took \$800 in money. From a box which I found in the same cupboard, I took several pair of silver shoe-buckles ; and returned home by ten o'clock. My mother asked me where I had been—I told her at the neighbors, which she believed. I concealed the money near my father's house, and from time to time spent it in gambling ; a habit to which I was very much addicted.

The next day my uncle came and told my father of how much he had been robbed the night before : and, weeping, said, “Oh my God, forgive them.” I, pleased with his distress, told him it was very natural for us to call on God after having been robbed ; but this was the first time I had ever heard him call on God in this way. He seemed somewhat piqued, and soon went home.

In a few days he returned, having some suspicions of me, and asked me if I did not know something about it. I firmly and angrily told him he ought to be ashamed of himself to ask me such a question. He laughingly replied, well, they were poor thieves at any rate, John, as they left a watch and some jewelry which they might as well have taken also. Nothing more passed between us, but I thought he had not better boast as it might not be too late yet. A week or ten days after I visited the house of my good old uncle again. I found the door where I had entered before barred ; with difficulty I got round to the back door, which I found unfastened. I entered the house and went to a room in the second story, where I expected these things were. I

found the door locked, but I soon found a key with which I opened it. While searching for the property in the dark, I upset a chair, which my uncle overheard, and soon came into the room with a lighted candle. He did not know me as I was masked. I presented my pistol, which so frightened him that he dropped his candle and ran out of the room crying for help. I then jumped out of the window with my pistol cocked in my hand; in doing which it was discharged. I instantly reloaded and ascended the wall—as I came to the top, my uncle rushed into the yard, and demanded who was there? I replied, “none of your business—clear out, or I will blow you through.” As he did not move, I fired and shot him through the arm, and leaped from the wall leaving uncle hallowing help! help! Before I jumped from the wall I told him if he knew how to secure his property as well as he did to hoard it up, he would not be crying help! help! now. This excited his suspicions. I did not go home that night, but went to a bawdy house. The next day he had me arrested, brought before a justice, but unable to make any proof, he discharged me—but I found it was only with a view of watching me, in the hope that they might make some discovery; for in a few hours I was again arraigned and brought before the same justice. I was examined much more closely than before. He asked me where I was the night before—I told him at a certain bawdy house. Four of its tenants were brought into court; they swore I was with them all night. However I was committed to prison for twenty-one days. In a few days I was taken out and examined again; finding out nothing, I was re-committed, and two others (pretended robbers) were put in the same room with me. After having been in a short time, they said to me, “well messmate, what are you in here for.” I suspected the plan, and told them if they wanted to know, they must ask the justice, for I knew not what it was for unless it was for telling the truth. They called in wine and tried to get me drunk, by drinking freely and urging me to do the same. I took my glass about with them, but instead of drinking it all, I turned it into my bosom. Despairing of getting any thing out of me, they were taken out, and I removed to another room, where I fared very well.

At the expiration of the time, I was taken before the Mayor of the town, who sent for my father, and told him he must take me home and keep me there. He took me home, confined me to the house and ordered that I should have three severe whippings each day; which was promptly attended to. I remained in this situation about two weeks, when I found means of escape, and went to an uncle who lived in a little town about fifteen miles distant. He had some suspicions of me, and asked me why I came there; I told him to see him. The ninth Regiment of Dragoons was quartered in different places about the town; one of them in my uncle's house. Hearing the conversation between my uncle and me, he spoke to me in French, which my uncle did not understand, and said you have been a bad boy as

well as myself. We soon became acquainted, and I found his ideas and mine corresponded very well. We took a passage together in the stage; when at about one hundred miles distant from my uncle's, we came across an old associate of mine, who had books to sell—we stopped with him at a tavern; there was a rich superstitious old farmer present, who asked the book-seller if he had any books which would tell him how to drive the Devil out of his house, as he said his house was haunted; and every night about eleven or twelve o'clock the devil appeared in his cellar. We told him we could drive him out. The farmer, pleased with the idea of getting rid of his unwelcome guest, invited us home with him. After we had eat supper, and drank pretty freely of wine, we prepared for our undertaking. We prepared ourselves with wax candles which would burn about one hour; at the bottom of which we placed a sort of volatile spirits, which would explode as soon as the fire came in contact with it; these we put in the cellar—we directed the rest of the family to remain above stairs, and to keep constantly at prayer, and took the old man into the cellar—placed him upon his knees in the centre, and charged him to think of nothing but his prayers. We then commenced reading aloud in the bible and some other books. We read and prayed alternately—we had continued but a short time in this way, before the old man cries out violently, "there, don't you see the devil! how he flashes, and how strong he smells of brimstone!" We doubled our vehemence, and continued reading and praying till at last the candles burned down, and the spirits exploded; when one of us, named George Flack, knocked down the old man, who believing it to be the devil, lay motionless with fear on the bottom of the cellar. I went immediately up to the family; the old woman asked what was the noise in the cellar. I told her it was the devil, and I was afraid she had not been constant at prayer. I then led her into the cellar half petrified with fear. As soon as she saw her husband, who yet lay motionless, she shrieked and cried so piteously, that my heart almost misgave me for intruding so far on their credulity—however, with the aid of some camphorated spirits, which they had in the house, we soon roused up the old man, and raised him on his feet; he looked round with a wild and vacant stare, and cried, "Where is he! is he gone?" We told him we had not succeeded in consequence of his want of faith—that he had not been fervent in his prayers. He acknowledged his head had been filled with other things than prayer. We tarried with him till morning, when the old man wished us to call and try again; we told him it would cost much more to make the necessary preparations for driving him out the second time than the first; as he, being a cunning old fellow, would now be on his guard against our operations. He asked what the cost would be; we told him we thought we could do it for five hundred dollars, but it would take some time to make the preparations. He paid us the money and we left him, as

glad to get where we could indulge ourselves in laughter, as he would have been to have had the devil driven out of his cellar.

Having divided our money, and spent it in gambling and dissipation of every kind, we were soon in want of more. We went on from there to Alsace, a distance of about fifty miles—we entered the village in the dusk of the evening—we heard a noise and carousing in a house in the suburbs of the village, which we learned was in consequence of the death of the master of the house. We repaired thither, and found the corpse in a coffin in one room, with a lamp suspended over it, and in another people were drinking and frolicking. I entered the room where the corpse lay through a window; unlocked a cupboard and took from it some plate and money, which I handed out at the window to my comrade. I then took the corpse from the coffin, braced it up against the door, blew out the lamp and withdrew. We went away and concealed our plunder, and returned to see how they came on at the wake. They had discovered that the lamp was out, and as they opened the door to re-light it, the corpse fell in upon them, which so frightened them, that they left the house crying and shrieking. At this time we came up and asked what was the matter. They told us what had happened, and believed a spirit had done it. No one dared to touch the dead body; we endeavored to allay their fears, and told them we would assist them in replacing the corpse in the coffin; which being done, they expressed much gratitude, gave us something to drink, and we left them and went to our lodgings, which we had previously bespoke. In the morning the plate and money was missed from the cupboard. The two persons at the house the night before, were suspected of course; but none of them could describe us.

We purchased horses and proceeded to Mentz, where we remained till we had spent our money, and were obliged to sell our horses to raise enough to bear our expenses away. At this time there was a suit in court relative to the estate of a deceased woman who was very rich; the question was, who was the legal heir to the estate? I attended the trial—it was decided in favor of the claimant, who lived some distance in the country. We discovered his lodgings and watched him. He purchased a quantity of goods; in loading them in a wagon, I discovered he put a basket, in which was a bag containing his money, in the centre of his load. We concerted our plan; after he had been gone a short time, my companion followed after him, and I soon after followed him. He overtook the wagoner, and entered into conversation with him, who being on one of his hind horses, invited him to ride the other. In this situation I came up, and climbed into the hind end of the wagon, and while he was diverting the owner with his anecdotes, I took the bag from the basket; it was very heavy, but I eased it down with a rope, sunk it in a pond of water near the road, and retired into a neighboring field. After passing on some distance, my comrade told the wagoner he must stop a few min-

utes but would overtake him shortly. When the wagoner was out of sight he came back to me—we took the bag of money into a neighboring rye field, and took from it as much as we could conveniently carry, and returned to town by another road. We went to a merchant and bought one thousand five hundred dollars worth of silk lace and other fine goods; obtained license from government, and a pass from the police; bought us horses—went back to the field, divided our money, and started for Utrecht, about one hundred and sixty miles from Mentz.

Here we found our old book-seller. The old farmer hearing of us, applied to us again to drive the devil out of his cellar. We complied with his wishes, and went through with the same ceremonies as before, with the same effect. This we did out of mere sport. We tarried with him till morning, and then went to Aylon, about six or eight miles distant. Two days after, the farmer, suspecting we had played a trick upon him, had us arrested and brought before a magistrate. We told the court the old man requested us to assist him in driving the devil out of his cellar, and that we were willing to humor him in his whim, but had not been able either to effect that, or cure him of his folly. This answer connected with the weakness, credulity, and superstition of the old man, occasioned a loud and long continued burst of laughter throughout the whole court. We were acquitted, and the devil-haunted farmer had to pay the costs.

One of my old associates, (Cornelius Conrad,) who lived at this time twenty-four miles from Utrecht, happening to be present at the trial, came to me, was very glad to see me, and invited me home with him. He illuminated his house and we had a great frolic. His wife left the house on account of our conduct. The next day I left them, and fell in company with George Flack. We then went direct to Brussels, where we became acquainted with a man by the name of Bormantz, a polisher of diamonds. We stole from him a box containing all the unwrought diamonds he had; being pursued, we covered it lightly with earth and left it. It was uncovered by the rooting of swine and the next day found; a strong guard was placed over it, for the purpose of detecting the thieves. In returning for it the next night, we were pursued by the guard, and Flack was taken; but I, although closely pursued and fired upon, made my escape. I took our horses and went to Lamien about forty miles; put them in livery, and returned to see how it fared with Flack. I found him in custody. In about six weeks he had his trial, and was sentenced to twenty years hard labor. I then formed an acquaintance with an elderly lady, who had a son in the same prison. She was suffered to visit her son occasionally. I contrived to send him a letter by her, but he sent me back word that it was impossible to accomplish what I had proposed. I proposed to the old lady to visit the prison with her, and pass with the keeper as her nephew. In this I succeeded, but did not speak with Flack at first. I talked with my new cousin sometime, till he under-

stood my errand, and acted his part well. I then talked with others, and last of all with Flack. He told me if I would wait in town, he would feign himself sick, by which means he should get removed to the hospital, when I could see and converse with him, as every one was allowed to visit and assist the sick. He did so, and was removed to the hospital. But when I visited him I found him so chained to his bedstead and wall, that he could not move more than three or four steps. I saw the only chance for him to escape was through the passage by turning the key, which was frequently left in the door, and despatching the porter if he should resist. This I communicated to him and he agreed to make the attempt. I went to a gun-smith's and stole a file, (I did not buy one for fear of suspicion.) which, with a knife, I concealed in my bosom and conveyed them into his room and placed them under his bed; with which he freed himself of his irons and unlocked the door—the porter happened to be near—he seized him and gave the alarm. Flack plunged his knife into his breast—he let go his hold and fell dead on the floor. Flack was taken by the patrolle and re-committed to prison. He had thrown the file into the vault of the necessary. They asked him how he had got his irons off, he told them with his knife, but did not tell them how he came by it. He was again tried, condemned and guillotined.

As soon as Flack was condemned, I went to Lameur, sold our horses, and returned to Cologne. I did not call on my father, but put up at a boarding house, in an obscure part of the town—(I was then fifteen years old.) I had been there five or six weeks, when my father hearing of me, called to see me and took me home. He asked me where I had been and what about. I told him I had been a waiting boy in the army.

He then put me out to learn the cooper's trade. I worked three or four weeks, and my father was well pleased, as I learned very fast; but I soon became tired of work. While I was at my trade I learned that my cousin, who had formerly threatened to kill me, and who now lived in the country, was coming into town on a certain day to receive a sum of money from his father. I thought this a good time to be avenged on him. I concealed myself in a cleft of rocks beside the road, and on his return I shot him, and he fell from his horse—I sallied forth, dragged him from the road and cut his throat. I then caught his horse, led him into the woods out of sight, and fastened him. I then returned to my cousin and took from him two hundred and twenty-five guineas and his watch. I then dragged him to a deep pond, some distance from the road, in which I sunk him. I then led his horse to the same pond, shot him, and returned home. At night I procured a strong rope, went back to the pond, and by tying one end of the rope to the horse's neck, the other to a large rock, which was pending over the pond, and rolling it down, thus all went to the bottom together; I then went home. Nothing was ever heard of my cousin, and he was supposed to have run away.

I then formed an acquaintance with some of the guards of the custom house, where was deposited all confiscated British goods. Five of us entered an apartment where was deposited a large quantity of coffee, which was at that time very dear. There was a brewer with us in whose cellar we concealed our coffee. We had been busy the principal part of five nights, in carrying coffee from the store-room to the cellar, when we were discovered and brought before a magistrate, and the brewer confessed the whole plot. On trial, the other four were sentenced to the penitentiary for twenty years, and I till I was twenty-one years of age—I was then in my sixteenth year. The chief justice wrote to the overseer to keep a good watch over me, as I was a bad fellow. I was put into a work room with two others, one Prencker and Isaac Aplau, but in the night we had separate cells. We were compelled to work till late at night, before we were taken to our cells. Our work was picking cotton. We hit upon many expedients to try to effect our escape, but abandoned them all as hopeless, till at last we decided on the following: we made a ladder of ropes, of which there were a plenty of pieces lying about our room; when the guard or overseer came round we covered it with cotton. Having completed our ladder, we fixed on a night to effect our escape. Isaac took the ladder into his room—one of the overseers came round and locked all our doors; afterwards, as was the common custom, the superior officer came round and each one had to answer to his name. He then retired and all was quiet. We waited till the dead hour of night, when Isaac, who had with him an instrument prepared for that purpose, opened his door and came into the hall or passage, opened the door of our cells, and we came out. The doors were all locked after us. Through each story there was a hall or passage, running the whole length of the building; in each of these halls there was a trap door beside the wall, which opened into the one below. We got a pole which was used to hang yarn on; it would not reach to the floor of the next story. We set it up against the wall, and I climbed to the top of it, and they shoved me up higher and higher till I reached the door and entered the passage; I then let down the ladder which I took up with me, and they ascended. In this way we ascended to the fourth story; but here we found more difficulty than all we had encountered before. It was how to get unto the eaves of the house; but it was now neck or nothing. We set the pole up in the door of the passage, the other end reached to the eaves; they braced the bottom with their feet, and held it higher up with their hands—I then climbed the pole till I got hold of the eave gutter with my hands and drew myself into it. I was then in a situation perfectly safe—I let down the ladder and they came up in safety. The next thing was to get on the top of the house. Our pole would not reach. We laid it on the roof with the bottom resting in the gutter: I then climbed up and with my hands hold of the top, lay upon it; one of them then shoved it up as high as he could reach, and then lay upon

the roof, the foot of the pole resting on his shoulders ; the other clambered up beside him, and standing with his feet on his shoulders shoved me up to the top—I then let down the ladder to them. Having reached the top of the house, we eased ourselves down into the eave gutter on the other side without much difficulty. The wall which surrounded the prison on this side was but eight or ten feet from the house, and was five or six feet higher than the gutter. We laid our pole across, and got on the top of the wall. We then fastened a hook which we had brought up with us, into the top of the wall ; and having fastened our ladder to one end of the pole, we placed the other on the hook—both together reached down sixty-five or seventy feet. I went down first ; when I came to the end of the pole, I had about twenty-five feet to drop. Not knowing on what I might fall, I let go my hold with my hands upon the wall. The skin was nearly all scraped from them. The others dropped down in the same way without injury, other than Isaac sprained his ankle a little. We had now nothing to fear except the passing of a sentinel, who was stationed at a bridge over which we were obliged to pass ; but it being a rainy night, he had gone into his box, and was probably asleep. We passed him without being discovered. We then laid our course for Budan, in Holland. The next morning we heard the report of cannon, as a signal that some of the prisoners had escaped.

When we arrived at Budan Isaac obtained some money from an acquaintance, which he divided liberally between us, and we raised some small sums by gambling. After having been there three or four weeks we found means to get into the office of a pawnbroker, with whom we had become acquainted. We took from him several watches, and pipes, silver capped, which we sold to a jew in town, and made off.

They went to Amsterdam, and I never saw them again. I dare not go home, but went to Nameur and joined a regiment of dragoons which was stationed at that place, on recruiting service. My principal object in joining the army, was to perfect myself in horsemanship and learn the sword exercise. I there found Anthony Turwell, who was one of my old associates in Cologne—(I was now about seventeen years of age.) He had been in the habit of visiting the market and other public places for the purpose of stealing and picking pockets. He invited me to join him, which I accordingly did. We pursued it for some time, and were tolerably successful. I called with Anthony one day at a gold-smith's shop, to get an old watch repaired ; he told him it would cost more to repair it than it would be worth when it was done. Anthony wanted to see some of his low priced watches ; while they were looking at the watches and bantering each other, I was looking about the room. I saw an elegant gold repeating watch hanging near me, and others of less value, so high that they were not to be reached without stepping upon a shelf. I told him that I wished to see those watches ; while he was taking them down, I slipped the repeater into my pocket. We did not exactly agree about the price of

the watches—I told him I would call and look at them again, and bade him good-by. I sold the watch to a French colonel for two hundred and fifty dollars.

While lounging through the market one day, I saw an old farmer from the country receive one hundred and fifty dollars for his produce. He sent his boy on with his waggon, and called at a grocery to get something to eat and drink; Anthony and I called in and joined him in his repast. When we were through, we asked him which way he was going? He told us. We told him we were going the same way. He said he was very glad to have company. We went on together a short distance, and called at another grocery, and drank freely of brandy—the old man got quite merry. We filled our bottle and went on; after going a little way we took another dram, and he became quite intoxicated, so much so, that we were obliged to bear him up by the arms, one on each side. We soon became tired and sat down. The old man fell asleep, and we took his money and went back to the tavern. We were absent at roll call, for which we were put in the guard-house and kept over night, and then liberated.

We tarried here about two years, during which time nothing interesting in my life occurred, other than what is common among soldiers, drinking, carousing and gambling, and occasionally some little petty thefts, and being frequently absent at roll call; for which we were generally punished by imprisonment. We were kept under very close discipline, as the object of our officers was to perfect us in the sword exercise. They did not discourage, or rather winked at, any little encounters we might have with our swords. During this period I had several personal encounters of that kind; in one of which I got slightly wounded in my breast, but in all, being very expert with the sword, I vanquished my antagonists, and although I severely wounded several, never took the life of any. Our regiment was ordered to Paris to join the army, where we remained about three months, when we were ordered to Hanover.

On our way there we stopped at a town called Danderstandt where we lay a short time, and quartered among the inhabitants. I obtained leave of the colonel to quarter with my mess at a farmer's house, about one and a half miles from town. When we arrived there, we asked the owner of the house if he had any thing to eat or drink? He told us he had not. We then examined the house and out-houses—we found a smoke-house full of bacon, and made them cook some for us. When we had satisfied our hunger, we demanded of him something to drink. We threatened to shoot him through if he did not tell us the truth. He declared he had nothing. We searched his cellar and found none. We demanded of him where we could find some. He told us a Roman Catholic priest near by had some wine. We took his oxen, cart and a barrel, and drove to his house. The good woman came to the door, and wondered what we could want there, as the *Social Savior* lived there. We told her we did not care who the

devil lived there ; to tell him to come to the door. He came, and I thought he looked more like the devil than a Social Savior. We asked him if he had any wine ? He said he had only a little which he used while reading mass. We told him he must let us have it, and use water while reading mass. He said he could not. I pricked his side with my sword, and demanded his wine, or I would run him through. He then gave us the key, and went into the cellar with us. We found a hogshead of good red wine, out of which we filled our barrel. I told him we must have some white wine too. He shewed us a hogshead ; we took one of his tubs and filled it, and then drove off to the farmer's. Before we reached his house we spilled the greater part of our white wine. As we approached the farmer's, he, his wife and two daughters left the house and fled to the woods. We drank freely of the wine, and boiled our hams in it while we stayed. I discovered the farmer before he took to the woods, looking under his barn. I went and examined, and found a trunk full of fine goods, and three hundred dollars in money. We took some of the dimity to make us pantaloons, and destroyed the rest. We then went to the woods and made them return to the house. They cooked us some supper, and though loth, we made them all sit down and eat with us. Our object was to get rid of the farmer and his wife, and keep the daughters with us. We upbraided him very roughly for lying, by telling us he had nothing to eat. They, terrified, started again for the woods—we caught the daughters and made them stay and cook for us. We also compelled them to prostitute their bodies to gratify our impure desires.

In six days we were ordered back to the regiment, and moved on for Hanover. From this time till the overthrow of Bonaparte, and the return of Louis the eighteenth to the throne of France, we were too busily engaged to admit of any individual enterprise.

I was fifteen months in Spain, and saw a great deal of hard fighting. We then returned, and I was attached to the army through the whole of the Russian campaign—was personally engaged in all the important battles fought—in that of Smolensko and Borodino. I was also at Moscow soon after its conflagration. And on our retreat back to France, I was at the great battle of Liepsick ; where I had two horses shot from under me, and received a slight wound in the left leg, but not sufficient to disable me. When Louis ascended the throne, our regiment, to a man, refused to take the oath of allegiance, and were consequently discharged.

I returned to my father in Cologne, who was now a commissary under the Prussian government. He employed me as his clerk ; in which capacity I officiated, and was tolerably contented till Bonaparte made his escape from Elba. A draft was immediately made. I had a younger brother who was drafted. He never having seen any service, and I preferring it to any other life, it was agreed that I should take his place.

We immediately marched to Waterloo, where we joined the army

under General Blucher. The event of that battle is well known. When the army was disbanded, I returned again to my father's, where I remained some time; but being out of business, and having some dissensions with my brother and sister, I determined on leaving home. I went to Amsterdam with a view of getting employment as a distiller; but not succeeding to my wishes, I for the first time, conceived the idea of going to America.

There is one occurrence which I had forgotten to mention. On our retreat from Moscow, myself and three others loitered a little behind, for the purpose of getting something to eat. Major C—— came up, and finding us behind the rest, caned us all. I was determined to take his life for it. I watched every opportunity. We were sent up a creek one evening to find a convenient place to ford it; the Major was along with us, and fortunately but one soldier who had not been caned by him. When we had gone two or three hundred yards from the main body, I knocked him down with the breach of a musket, which I received from one of my comrades, and run the bayonet several times through him. I then took from him a gold watch, nineteen guineas, and thirteen dollars in silver. He was not missed till the next day, and was supposed to have deserted, or to have been taken a prisoner. We swore this soldier, who had not been caned, not to disclose the transaction at the risk of his life. He promised he would not, but would take none of the booty. The next day I saw him in conversation with an ensign, and suspected he was about to disclose it. I called to him, and diverted his attention from the ensign, and kept with him through the day, that he might not have another opportunity with him. I was resolved he should die that night. We had now proceeded about one hundred and fifty miles from Moscow. It was a dark and stormy night, and about twelve o'clock when we halted our march and encamped. One of our mess was sergeant of the guard; from him I obtained the countersign, and passed some distance without the encampment. Soon after the others, with the devoted soldier, having the pass word also, came out. They knew about where I was concealed. When they came opposite me, they separated from him, and I rose and knocked him down; he cried murder! but the others immediately stopped his mouth, while I ran him through several times with my sword, and left him dead, as the reward of his treachery.

In Amsterdam, I became intimately acquainted with three of my countrymen. We agreed to take passage in an American vessel, which then lay in port, and was to sail in a few days for America. We had several times attended the Roman Catholic meeting. When we concluded on going to America, we formed a design of robbing the church of its gold Jesus and cross. We visited the house, and took the pattern of the key in putty, by which we made a pewter key, which we hardened by melting it over a number of times. With this key we opened the door of the church, and took the Jesus and cross. We had provided ourselves with some varnish, for the purpose of making

it black ; but it only turned it of a reddish color, indeed, it looked like a little Indian boy. We carried them to the water's edge, and concealed them near where the vessel was lying. How to get the Jesus and cross aboard, undiscovered, we did not know ; our trunks we had taken on board when we first engaged our passage. At length we hit on this method, in which we succeeded ; the night before we were to sail, we took a skiff, tied to them a line one hundred feet long, passed by the stern of the vessel, came along side, passed our line through the main chains, made fast to the Dolphin and went on board. The vessel got under sail a little before day-light, on the morning of the 24th of November, 1817. As they were preparing to get off and in a bustle, I pulled up my line, hauled in my charge, and put it into my trunk, which was prepared for the purpose, undiscovered. We then set sail with a fair wind. After we had been out twenty days, I stole from a fellow passenger fifty guineas, in which I was detected and brought up, tied to the main-mast, and most unmercifully whipped. I was several days confined to my bed, extremely ill, in consequence of this whipping ; deserted by every one, except a young German female, whom I had never seen till I came on board. She seemed, as it were, from the impulse of nature, to sympathise with me, and rendered me every assistance that her situation would admit of—by her kind attention, and anxious solicitude for my welfare, she won my heart. It was then, that I first felt the tender passion of disinterested love, it was then that I first vowed to make her my wife, as soon as I was restored to health and liberty. After having been to sea about ten weeks, we were compelled by head winds, to put in at Annapolis—Baltimore was our destined port. Soon after we landed, my friends, as I supposed them to be, whose names I shall not mention, as I suppose they are now living in the United States, took from my trunk the Jesus, cross and all the money, leaving me without one dollar to pay my passage—and I have never seen them since. I was then sold to a Mr. Moore, for two years to pay my passage. I then started with my master, for Washington. At Baltimore, I met with the female for whom I had contracted such a fondness ; her name was Mary Luraix. I could not think of being separated from her ; and prevailed on Mr. Moore to buy her. We then went to Washington, where our services were transferred, by Mr. Moore, to Col. Fletcher, a gentleman, then a member of Congress, from the state of Kentucky. We went on with him to his plantation, and he proved to be a very good master. Mary and I were there married, and lived happily together.

When I had lived with Col. Fletcher nearly one year and a half, the Colonel having occasion to leave home a short time, and his overseer being absent, directed me to take charge of the plantation. The negroes thinking me to be a slave, as well themselves, were very saucy—this I put up with. But they, one day, while I was in the house, picked a quarrel with a young countryman of mine—my wife being out at the door, took his part ; upon which they called her a Dutch

bitch, and threw her down upon the ground. This I could not bear. I rushed out, seized a large stone, and threw it at the head of the foremost negro, and fractured his skull. The rest now assailed me with axes and hoes, with a view, as I supposed, to kill me. I flew into the house, caught my rifle, and threatened to shoot the first one down, who should move forward one inch; upon which they left the yard. When Col. Fletcher came home, we left his service, fearing the negroes would kill us.

We went to Augusta, on the Ohio river; eighteen miles below Maysville; where we lived one year, and I followed the barbaring business—by which, together with gambling a little occasionally, I supported my family tolerably well. I then moved, with my family, (at this time we had two children,) seven miles back of Augusta, where I leased a piece of ground, built a cabin on it, and made some little improvement. I had lived on this about one year, when the landlord sold it, and I was obliged to seek another place to live.

A short time before I left there, I went into town, where I fell in company with a Frenchman, who had lately come down the river. As I could talk French, we soon became acquainted. We stayed there and frolicked together three days—I then invited him to go home with me—it was in the night. When we had arrived within about one mile of home, we sat down on a log, beside the road to rest. I drew my pistol, and shot him through the head. He struggled a little, and died. I took from him a silver watch and three hundred dollars in money; then dragged him down under a bank, and covered him with leaves, earth and brush. I then arranged my little concerns, and started in a boat, with my family, down the river. We landed at Brinley's, about sixteen miles below the falls, in Indiana, for the purpose of getting some provisions. My wife was very tired of being on the water, and begged of me to go no further. The people joined in with her, and offered me every encouragement if I would settle with them. As it was a good country of land, and the inhabitants appeared so very hospitable, I concluded to go no further. I leased a piece of land, on which was a cabin, and went to work. I had been several times to Shippingport, (at the falls,) on business, and had crossed the river and seen Nolte, who was my countryman, and came over in the same vessel.

The day previous to the fatal night, on which I murdered Nolte, I fell in company with him on the Kentucky side of the River—we were very glad to see each other, and he invited me to go home with him and stay over night; which invitation I very willingly accepted. We spent the evening in relating anecdotes of our lives, and he, frequently singing and playing on his flute. He told me he was doing very good business—he said he owed no person, but had considerable due him, and eighty dollars in specie by him, which he shewed me. We chatted together till it was late, when I went to bed in a small adjoining room, where Nolte was accustomed to sleep; and he, after pre-

paring a batch of bread, to bake early in the morning, lay down upon a buffalo robe, on a bench in his back room and fell asleep. As soon as I knew by his snoring that he was sound asleep, the Devil I believe it was, put it into my head to kill him and get his money and other property. I raised up in bed, and something seemed to pull me back, and tell me not to do it. I was again prompted to go and kill him, and again was restrained by something, I knew not what. I was now vexed, and accused myself with cowardice. I then sprang up and felt no restraint. There was a light in the shop—I took his shop axe, and after aiming deliberately, I felled a blow which sunk the edge of the axe deep into his forehead. He rolled from the bench without a groan. I then pulled up one of the planks of the floor, and with his own razor, cut his throat from ear to ear. He bled amazingly; I thought I never saw a man bleed half as much in my life. I then cut a hole in his bed sack and put him in—placed him on my shoulder and started for the river. As I passed the house of General Paxon, I was beset by his dogs most furiously. When I had gone about one third of the way to the river, I was obliged, from his weight and the trouble of the dogs, to throw him down. I went back to the shop and got a rope which I had seen hanging there. When I returned, it was with the utmost difficulty I could get to the body for the dogs. It seemed as though they would tear me in pieces. I was at one time on the point of abandoning it; but this I dare not do. At last I succeeded, and tied the rope around his legs, and drew him to the river; the dogs followed me all the way. I put him into a skiff, then put some stones in the sack, rowed into the middle of the river, and tumbled him overboard—in doing which, I came very near upsetting the skiff, and being drowned myself. I then rowed to the shore, fastened the skiff, and went back to the shop; the dogs following me quite to the door, and barking all the way. I cleaned the blood from the floor as much as I could, and scattered flour and ashes over it—locked the door, put the key in my pocket, and crossed the river.

This was on Thursday night, May 25th, 1820. My clothes were bloody—when I had crossed the river, in Portland, I wallowed in the mud, till every place which was bloody, was covered. As soon as it was light, I called at a house where I had had washing done before—changed my clothes, and got a young woman to wash them. She asked me what made my clothes so muddy? I told her, I had had a scuffle with some boatmen, and had been thrown in the mud. I then went to Shippingport, and spent a part of the day among my countrymen, with whom I was acquainted. In the course of the day, I crossed over to New-Albany, went into Nolte's shop, and saw that all was well. I then went home.

Sunday morning I started up the river in a large skiff, for the purpose of bringing down his shop furniture, &c. I landed that night at Portland, and went up to Shippingport. The next day I went over, with two of my friends, and one of them an old German, by the name

of *John Jenzer*, who had agreed to go home with me. I found every thing safe, and no suspicion of *Nolte's* fate. I took the goods all out of the shop, cut down his sign and sold it, together with several cords of wood. I was asked what had become of *Nolte*. I told them that he had gone down the river—that he was owing me a sum of money, and had turned out his shop furniture to pay me. This seemed to satisfy them. I hired the goods carried down to the river, put them in my skiff, and started for the other side of the river. We had gone but a little way, before I saw a skiff, full manned, coming after us. My feelings, at that time, can be better felt than described—I thought all was gone! The skiff came up; there was a constable on board—he told me he had a landlord's warrant against those goods for rent; I asked how much it was? he told me. I paid it cheerfully, and they returned.—We landed at the opposite shore for a few minutes, and then rowed down the river.

The old man, *Jenzer*, had with him a trunk of watches and some notes; one, signed by a man in *Marietta, Ohio*, for three hundred dollars. I was determined to have them. After we had proceeded down a few miles, I proposed that we should go ashore, and take a little hunt. My object was delay, that night might overtake us before we got home. When we returned to our boat, it was nearly dark. I told *Jenzer* we could not get home that night, and we might as well encamp there. This was agreed upon. We then collected fuel, and struck up a little fire. I told *Jenzer* if he would attend to the fire, I would go to a house on the bank of the river, and get some tobacco, to smoke after supper. It was now quite dark. When I had gone a little distance, I turned round, found he was busy at the fire, with his back towards me; I leveled my gun and shot him through the head. I then took the axe, and beat him several times on the head. I fastened him to the stern of my skiff with a rope, and proceeded down the river. I intended to have towed him home before I cut the rope; but after having gone down a few miles, I saw some men a little ahead, fishing. Fearing I could not get by them without suspicion, I cut the rope and let him go. I then went on with my booty. It was late when I got home. I took *Nolte's* furniture into my house, and buried the trunk of watches in a cabin, which I occupied as a stable.

Nolte's body having been found and recognized, suspicion rested on me. On the 7th day of June, I was taken, at my own house, by a party of gentlemen from *New-Albany*. *Nolte's* goods were found with me; and I, bound, was conducted to that place, where I was examined before three magistrates, and committed to jail. I was soon joined by one *Williams*, who was committed for horse stealing; and about the middle of July, by one *Linthecomb*, who was committed for the same crime. *Linthecomb's* wife was in the daily habit of visiting the jail, and sometimes in the night, though she was never allowed to come within. Soon after he was confined, his wife came to the jail, and he was taken out to see and talk with her. She then hand-

ed him a file, which he kept concealed about him. Soon after, she came in the night; it was dark and rainy. She came to the window, undiscovered by the guard, and handed in an auger, which I concealed about my bed. From that moment I considered our escape certain. We commenced our boring immediately, and continued it whenever we had an opportunity. We only bored in the day time, when the guard were absent. They would frequently be gone an hour or two, and at other times we would send them after water. We then improved our time in boring, keeping one on the watch. Whenever they returned, or any other person came, the place was covered with a blanket, on which I lay, stretched at full length, pretending to be sick; and I really was quite unwell. In this manner we continued for twenty-eight days, till at length our work was done. We had a block from one of the logs, which constituted the floor, so that we could take it out at any time we chose. With the file I had so nearly disengaged the irons from my feet, sometime before, that I could take them off at any time. I had obtained some umber from Dr. Young, for the avowed object of destroying the vermin, of which we had plenty. With this, I so filled up the marks of the file on my irons, that they were several times examined without discovery. On the night of the 21st of August, there were several men at the jail, with the guard. They brought with them whiskey, and frolicked till it was very late. They appeared to be very drunk—at length all was still. We waited till about two o'clock in the morning; when I disengaged my irons from my feet, and slipped off one of my hand-cuffs; my other hand was so swollen, I could not get it off. I then removed the block and crawled out—Williams followed me. We started for the river, and left Linthecomb in the act of getting out. We never saw him more. We came to the river near the ship-yard; here we found the yawl of the steam-boat Post-Boy, which was at that time lying a little below, on the rocks. There was no oars in her—we procured some pieces of boards to paddle with, and set off. It was with difficulty we could manage her; Williams having irons on both hands, could do little more than steer; and I, before I could do much at paddling with my board, had to tie my hand-cuff, which hung loose, to my arm with a piece of an old handkerchief which I had about me. After floating down as far as Fontaine's ferry, we landed. We then took up the river road to Portland, and from there on the turnpike, leading to Louisville. About half a mile from Louisville, we left the road, and passed by the burying-ground, leaving the town to the left. We stopped about sunrise in a field of corn, about five miles beyond Louisville; where we stayed till night, and hammered off our irons with stones. At night we started again, in the direction of Lexington. We were very hungry, as we had eat nothing since the night before we left the jail, except a little green corn. After having travelled about two miles, we stopped at a spring house, where we found a small quantity of milk, and some fresh meat; we drank the milk, and took the meat along

with us. In about three miles, as I should judge, we came to a clearing, where there was fire. Here we stopped and roasted our meat; we also got some corn, which we roasted, and made a very good meal. We travelled on till morning, when we went into the woods, about one fourth of a mile from the road, and lay concealed in a large hollow log, till night. Williams had become so sore from travelling, that it was now with difficulty he could walk. He proposed stealing a horse—I told him no; it would increase our danger of being taken. He said he must do it, for he could not walk. I then bid him good bye, and left him. What become of him I know not.

I proceeded on in this way, travelling in the night, and lying by in the day time, till I reached the house of a friend about two miles from Lexington. Where, being sick, I remained three weeks, undiscovered by any person except the family, till some time in the third week. I passed with their little child, as her uncle. One of the neighboring women came in one day, and the little chattering innocent opened the door to my room, and said to her, "don't you want to see my uncle? he is sick." She enquired who I was? My friend's wife told her I was a cousin of her husband's who lived in Virginia; that I had come there the night before, and being fatigued with my journey, had lain down to take a little rest.

My friend having furnished me with a good suit of clothes throughout, shirts excepted, I left there the next day, and went to Georgetown and called on an acquaintance, with whom I stayed three days. He owed me thirty dollars. I got from him three shirts, a pair of small pistols, some powder and bullets, and twenty dollars in money; and started for Maysville. Five or six miles from Washington I was overtaken at the dusk of the evening, by a man on horse-back, genteely dressed—I suspected he had money. He slackened his horse, and enquired how far it was to Washington—I told him. He complained of being very tired. We travelled together some distance. I had a flask of brandy with me. We turned a little from the road to a stream of water, where he dismounted and we took a drink together. As he was mounting his horse, I shot him through the head with one of my pistols. He fell and struggled very much, but soon died. He had only fourteen dollars in money. I put him under the bank of the creek, and covered him with stones. I then mounted his horse and rode to Maysville. The next morning I sold my horse, saddle and bridle for sixty dollars, crossed the river,—and steered my course for Canada.

I went that day no farther than West Union; twelve or fourteen miles. Started the next morning, and went by the way of Chillicothe and Columbus. About two miles before I reached the latter place, I fell in company with a Scotch pedlar, who had a large wallet of goods upon his shoulders. We travelled together through the day, and put up together at night. The next day we pursued our journey. He lived in the neighborhood of Detroit. We travelled on till some time

after noon, when we left the road and went to a spring some distance off, to take a drink of grog, and a bite of something to eat. As he was laying down to drink, I gave him several blows across the back part of his head with my walking cane. Notwithstanding which, being a very large man, he arose and grappled in with me. I had like to have been overpowered. He held me so close I could not get my pistols—I however got out a jack-knife, which I had in my pocket, and plunged it into him. He struggled with me some time; I repeated the thrust, and he fell to the ground. I then sprang upon him and cut his throat. My knife was very dull, and I made mangling work of it; but I did it effectually. I then looked round for a place to conceal his body. Some distance off I found a sink hole, about five feet deep. I dragged him there, and tumbled him in. I then covered him with stones, which lay in abundance around the borders of the sink hole. I then thought him safe. I took from his pocket-book sixty-nine dollars; returned to the spring, put his wallet on my shoulders, and went on.

The load was very heavy, and I soon commenced peddling; I was unacquainted with the real value of the goods. The first place at which I offered them for sale, I was suspected of having stolen them, on account of offering them so cheap. I told them that I had bought them in Columbus at auction, when drunk; and although I had bought them at a reduced price, I had paid out all my money; that my business required that I should be at Detroit as soon as possible, and that to pay me for my folly in getting drunk, I must do the best I could to raise money to bear my expenses.

But I profited by this lesson; thereafter I was sure to put on a good price, and then to fall to what they were willing to give. When I arrived at the next town, the name I do not recollect, I sold them to a merchant in this way: he chose one man and I another, and if they could not agree, they were to choose a third, and we to abide by their decision.

They were valued at one hundred and fifty-seven dollars, and thirty-seven and a half cents. I then pursued my journey for Canada. While passing through the Black Swamp I was overtaken by a gentleman on horse-back; it being a considerable distance to a house, and it becoming dark, we concluded to camp out. Accordingly we struck up a fire and cooked a little meat, which, together with some bread I had in my pack, made a meal. After eating our supper, drinking a little whiskey, and cracking a few jokes, on what he called the novelty of our situation, we lay down and went to sleep. He had a pair of horseman's pistols, which on lying down, he put under his head.

Sometime in the night we were awakened by the howling of wolves near by us; I was really frightened. We sprung up, brightened our fire, and he handing me one of his pistols, we fired them off, and loaded and fired several times. It had the desired effect—the wolves retired.

We loaded the pistols and lay down, I keeping one of them. We had not lain long before they commenced howling again; I woke him—he was very sleepy and said he did not think there was any danger. I told him I dare not go to sleep. He said if I would stay up and watch awhile, when I was tired, if I would wake him he would take his watch—to this I agreed. He soon fell into a sound sleep. I then put the pistol close to his ear and fired it off, which killed him dead. So close was the pistol to the side of his head, that it burnt his hair considerably. I took from him a watch and about fifty dollars, and dragged him some distance from the road, and left him a prey to the wolves. To hear the fighting, the snapping and the growling of the wolves, as they seized upon the dead body, made my hair stand erect. I hurried back to the horse, mounted him, and rode on as fast as the darkness of the night would permit. I rode into Detroit where I sold the horse, saddle and bridle, for ninety dollars, and passed over into Canada. I took his portmanteau, which contained a few articles of wearing apparel, and his pistols into Canada with me. I then passed down on the borders of the lake, till I arrived at a place called the New Settlement, in Colchester township, about eighteen miles below Malden. I passed, ever after I left jail, by the name of Joseph Winter. In this place I got employment in a distillery, with a German by the name of Hoffman; they were very fine people and treated me with a great deal of kindness. I was fifty-one days on my journey from the jail in New Albany, to this place. I now considered myself perfectly safe, believing my retreat would not be known; and if it was, that they could not take me from here without a permit from the governor, who lived at Kingston, a distance I was told of more than three hundred miles, which I believed would give me an opportunity to elude their vigilance. My whole anxiety now was to get my family here. How to get intelligence to them without danger of discovery I did not know; but my anxiety to see, and be with them was so great, I determined to run the risk. After I had been here about eighteen or twenty days, I saw a man who was going into Indiana. I wrote a letter to my wife in German, and enclosed it in another to Mr. Brinley, who lived near neighbor to her, which I gave to this gentleman, with directions to put it into some post-office in Indiana. I directed it to Mr. Brinley, because he had been very kind to us; and from what I knew of him, I believed he would hand it directly to her, also knowing he could not read German.

Receiving no answer, I became impatient, and wrote another letter, which I had mailed at Detroit and sent directly on, written in English. I have since learned that it was a long time before my first letter reached Mr. Brinley; and when it did, he, not being able to read it, gave it to another man to read; this man had some suspicions. The letter was sent to New Albany, where my wife then lived, and handed to a German, who translated it. With this information they repaired to Corydon, where they found my other in the post office; this gave

them my place of residence, and every thing necessary to guide them in their pursuit, which was immediately undertaken by Mr. Besse, Sheriff, and John Eastburn. While I was waiting with great anxiety to hear from my family, I received a letter from a man I did not know, stating that the bearer (who was Mr. Eastburn) had brought my wife and children to his house, and wished me to come over for them. I was on fire to see them, and yet I had some suspicions. I questioned him, and he gave such answers as removed my fears principally; however, I had no idea of going into the States. When we came to the Lake, within one mile of Malden, I told the stranger I did not like to go over; that I had deserted from that side; but if he would go over and bring my family, as soon as he returned, he should have his price for bringing them, which was fifty dollars. He agreed, and leaving his horse with me, went over in a skiff with a Frenchman. I went to bed full with the idea of seeing my family soon. About one o'clock in the morning, the stranger came into my chamber—awoke me, and told me I must go down and see my family. I got up, and while putting on my clothes, in came Mr. Besse with a guard and seized me as his prisoner. My God! how sudden was the transition! Instead of my friend with my family, it was my *betrayed* with my *executioner*! Death, ignominious death, then stared me full in the face; I felt as though I should sink under it.

Mr. Besse told me I must put on my clothes and go with him. As soon as I recollected myself a little, I told him he had no power to arrest me in Canada; he said they had taken Canada. I then cried murder! with the hope of raising assistance—this they soon stopped by seizing me by the throat and choking me—I was forced to submit and go with them. The only gleam of hope I then had, was that I possibly might make my escape. I was then taken over to Detroit, and put into prison, where I remained three days; during which time they put an iron collar round my neck, with a chain running down each arm, fastened to a ring above my elbows; and another one across my back, connected with each of these, which they could shorten or lengthen at their pleasure. Accoutred in this way we started for Cincinnati, they on horseback, and I on foot. I had a hard time of it; particularly in travelling through the Black Swamp, in which we travelled the most of one night. It was a cold, damp, dark night, in a road lately cut out through a thicket of saplings; the stumps were mostly left sharp and several inches high, and I with deer-skin mockasins on my feet.

What I suffered that night, was almost beyond human endurance. In the bitterness of my anguish, I several times cursed my Maker, and every thing, and every body else. But I believe my guides suffered nearly as much as I did, except my trouble of mind. When we arrived at Cincinnati, they bought a flat-boat, in which we descended the river.

I was in the habit of shaving my comrades, (for so I called them)

on our passage. I several times thought while shaving, of killing them; but I knew if I cut the throat of one, the other who always stood by, would be sure to kill me—and I still had some little hope, that after I got to New Albany, I might again escape. We arrived at New Albany on the 29th of March, 1821. Here I find myself so strongly ironed, and my prison so closely guarded, that I give up all idea of escape. I know I shall die, but I do not intend to be hanged. I'll cheat the people of New Albany out of the pleasure of seeing me hanged yet.

Oh! my poor *wife* and *children*! if it was not for *them*, I would not care—for I have got to die, and I would as soon die now as any time. Had it not been for my family, I should not have been here now. My love for them will break my neck! Oh! that cursed letter!

A SUMMARY OF THE TRIAL AND EXECUTION OF THIS EXTRAORDINARY MAN.

ON the 14th of May, 1821, he was brought into court, to plead to an indictment which had been found by the body of grand inquest, for the county of Floyd, against him, for the murder of *Frederick Nolte*. The Hon. DAVID FLOYD, presiding judge, and CLEMENT NANTS and SETH WOODRUFF Esqrs. associates.

To this indictment he plead not guilty, and placed himself upon God and his country for trial. Reuben Kidder, John N. Dunbar, and William P. Thommasson, Esqrs. were counsel for the prisoner, and Mason C. Fitch, Esq. prosecuting attorney for the government. His trial was long and tedious. The case did not go to the jury till late on Friday evening, the 18th. During the whole trial, the court manifested that patience, and a disposition to grant every indulgence to the prisoner which the nature of the case would admit of, that does honor to our judiciary—and the prisoner, as much apparent indifference, as though he had been a disinterested spectator. The counsel for the prisoner availed themselves of every legal advantage the case could present. A motion was made for a continuance, on affidavit filed, of the absence of material witnesses.—(The object of the witnesses was stated to be, to prove an *Alibi*.) The motion was overruled by the court. The prisoner being a foreigner, a motion was then made for a jury "*de mediatate linguæ*:" which was granted. Much time was occupied, and much altercation took place between the counsel, relative to the mode of challenge; and it was not till forty

jurors, set aside for cause, and twenty-four by peremptory challenge, that the pannel was completed.

The examination of witnesses was then entered into; which occupied the principal part of two days. The evidence consisted principally of his own confessions, strongly and clearly corroborated by circumstances. The prisoner had been seen with Nolte in his shop, late the night before he was missing—he had afterwards been seen to remove all his goods; to cut down and sell his sign and wood, and to take the goods down the river. The body of Nolte had been found and recognized, with the print of an axe sunk in his forehead, and his throat cut from ear to ear—a large quantity of blood was found under the floor of his shop. The body of Jenzer, who went down the the river with him, had been found floating down the river barbarously mangled. Nolte's goods were found in the house of Dahmen, and the buffaloe robe, on which he lay at the time he was murdered, bloody—even his purse of small change was found with him. Jenzer's trunk of watches was found buried under his stable; in which was found the note for \$300. All this connected with a full confession, when on examination before the magistrates, was such convincing, damning proof, as could not fail to remove all doubts from the mind of every reasonable man. The case was ably and ingeniously argued to the jury on Friday evening. It was contended by the counsel for the prisoner, that his confession could be taken for nothing, having been made when he was in *duress* of imprisonment—and also that he was in a state of derangement when he made it.

About nine or ten o'clock, the case was given by the court, to the jury, and they retired to their room. In the morning they returned into court, with a verdict of GUILTY! The counsel for the prisoner then moved the court for new trial; alleging, by affidavit, that they believed if time was allowed them to procure absent witnesses, they could clearly prove an alibi. The prisoner was remanded to prison, and the case laid over till afternoon, to be argued. The motion was finally ruled, and the court adjourned till eight o'clock in the evening. At which time, the prisoner having been brought into court, was addressed by the presiding judge in these words: "John Dahmen, what have you to say why the sentence of the law should not be awarded against you, according to the verdict?" He stood awhile, and seemed almost suffocated with passion, and then said, "I have nothing more to say, which the court will hear—you would not allow me time to get my witnesses—I have been deprived of a fair hearing, and treated like a barbarian." Both the court and spectators were much affected to see a fellow creature, who was about to receive that awful sentence of the law, which was to set bounds to his forfeited life, raging and raving with the passion of a madman—and drew tears of regret, for the depravity of the human heart, from almost every one within the sound of his voice. The court, in a feeling and impressive manner, reminded

him of the awfulness of his situation—that he ought to be making his peace with his God—that he had forfeited his life by a crime of the most aggravated nature, which had been most clearly proven against him. “Yes,” interrupted he, “by a pack of damned lies!” The court then proceeded:—“It is considered by the court, that you, John Dahmen, be taken to the jail of the county from whence you came, and from thence to the place of execution, on the 6th day of July, 1821, between the hours of twelve and four o’clock of said day; and there be hanged by the neck until you be dead, dead, dead; ‘and go to hell, and be damned too,’ rejoined the prisoner. May God have mercy on your soul;” “and the Devil too,” said he.

He was then re-conducted to prison, cursing and execrating the court and witnesses all the way. An instance of such hardened and Heaven daring depravity of mind, under like circumstances, was never before witnessed in civilized society. During the whole period of his confinement thereafter, he manifested a stoic apathy and indifference about his approaching fate, that astonished every one who had any communication with him. Whenever the clergy or any pious person conversed with him, relative to his situation, he treated them with a becoming respect, and was willing to hear their prayer: but as soon as they were gone, he would turn the subject into ridicule, and cursing and swearing most blasphemously, would say, he “wished they would keep away from him with their Methodist Salvation; that he wanted to go to hell, and he was determined he would go there.”

Each morning he would say to the guard, “well, John has so many more days to live, when the people of New-Albany will have a frolick in seeing me hanged; but I will cheat them out of their fun yet.” In this manner he continued till the morning of his execution. On the 4th of July, two days before his execution, it rained. He seemed gratified, and said to the guard, “they have a wet day for their celebration, but I will have a clear day for mine.” The night before his execution, he was taken from the jail to the sheriff’s office, and closely confined, lest he should in some way put a period to his own existence; which he had ever declared he would do. The morning was cloudy and wet, but before noon it cleared away, and the weather became fine and pleasant. Curiosity to see so extraordinary a man, brought people from a great distance in the country; and before twelve o’clock, the town was filled with from four to five thousand people, who had collected to witness the awful spectacle. As they thronged around the house in which he was confined, and the military began to parade, he looked out of the window, and smiling, said, “they make a great fuss about it; but I am as glad to see them as they are me!” He was attended by several clergymen, but evinced no material change in his mind or conduct. He told one of them, a Catholic, who conversed with him in the French language, that his punishment was just, and that it was right he should die; but that he should make no public

confession—that he should make but one, and that would be of all his crimes to his God.

The sight of his coffin and the knocking off of his irons, seemed not to affect him at all ; but when his clothes were presented, he seemed a little disconcerted, and requested that he might wear his hat and coat, but when told by the sheriff that he could not, he made no further objection. The procession was formed precisely at one o'clock. When he came out and ascended the cart, his countenance was pale and wan, and strongly bespoke the inward commotions of his mind. The dead march was then played, and the procession moved with slow and solemn pace to the place of execution. The cart halted under the gallows, when, in a voice low and indistinct, he said that he had told many stories, some of them true and some of them false ; that there was a book of his *adventures* published, but that they must not believe it ; it was not true, and was done for speculation—and that there had been stories in circulation of improper conduct in the guard, which were not true. He then shook hands with, and took his leave of those nearest to him, and ascended the scaffold, with a firmness which astonished the beholders. He was then prayed with by a number of Reverend gentlemen, and instructed one of them to tell the people that he had nothing more to say—that he left the world in peace with all mankind, and he wished them to forgive him. The cap was then pulled over his face, when the sheriff asked him if he had any thing more to say ? He replied, no. The cart was then removed, and he launched into eternity.

JESSE STRANG,

FOR THE MURDER OF MR. WHIPPLE.

WHAT we have to relate concerning the celebrated murder of Mr. Whipple, is founded on the 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, 1826, 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, 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 to induce him to think that she reciprocated his feelings.

Strang went by the 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 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 seriesly considred on it as you requested of me yesterday and I have concluded two compose a few lines two You and I thought 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 intenshun It is my wish for you two let me now it fore it is a thing that I skorn two make a disturbance 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 to you as we ar pirfict strangers two each outhar, but I hop that thoes few lines may find free exceptan 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 expect an answer from you If that is your motive, sow I remain your 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, elicited by the first sight of his beautiful eyes. Since that moment she had enjoyed neither happiness nor comfort. 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 existenee, 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 should have 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 villainy. Impatient of delay, his paramour entreated him to assassinate her husband; thus proving that a woman makes more rapid strides in the path that 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

that 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 potion, 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 unbarmed.

Despairing of being able to work Strang to the pitch of wickedness she desired, and desperately determined on murder, Mrs. Whipple wrote, in the 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, further 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 further 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. Whip-

ple entered and asked Strang what the people said to look about the house 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 had 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 husband. 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 he would 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 clomb 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 ap-

parel, 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 symptom of guilt in turning pale at the sight of it, as was afterwards specified on his 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 was 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. Oakly 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 feeling towards 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 confession, could be found against Mrs. Whipple, and though there was and is no doubt of her full participation in the guilt of her ignorant and miserable paramour, she was acquitted. She has since married again.

Such are the fruits of adultery.

GEORGE SWEARINGEN,

FOR THE MURDER OF HIS WIFE.

He was born in the year 1800, in Berryville or Bettletown, Frederick County, Virginia. His father, besides being a wealthy man, belonged to one of the best families in the state. After attending to the twelfth year of his life, young Swearingen was sent to the Academy at Bettletown, where he comporting 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 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 1821 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, and boarding in his uncle's house; gaining daily in 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 1823 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 rela-

tions 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, and 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 1825 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 anything, 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 absent 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, 1827, 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 surcharged 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 Cunning-

ham 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 confidence 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 anything 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 cannot rove ;
Believe his vows—thou ne'er shalt sigh,
Nor tears fall from thine angel eye."

Rachel, I love but thee alone ;
I cannot 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 cannot 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 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 country, 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 recusant. 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 to his own, and kept her there five days for fear she should be torn in 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 sometime. 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 a while, 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, 1828, 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 his 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 8th 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 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, 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 recognised by a man he had known in Hagerstown. This person asked him if his name was 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 to 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 recognised 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 recognised 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 school-master, 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 boatmen replied, "they are looking for a man named 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 steam boat, 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 ruffainly 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 6th of April he was conveyed on board the brig *Artic*, bound for 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.

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 1st 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 truble 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 family the was part of the money you left me taken from me Franklin treated me scandeleous 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 reconciled 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 my coming there to see more I have caused my friends Anough troubel with-out my coming in there stere to it Afresh Among them I would rath-

er go three thousand of miles further the other way I stand in need of nothing at this time I have plenty of evrything I have sufered A great cal on the account of little James I have thought a thousand times I would go in there at the risk of evrything 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 About you evry body knows all About it at Johns my dear I neer can forget you know I have seen hard times with you you still writes 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 you all the luck this world can Afford I am glad I did not hear from you sooner for 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 8th of September, 1828, and received sentence of death on the same day of the month, 1829. After his condemnation, the clergy visited him and offered him the pardon of our blessed Saviour, and a peace the world cannot 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 the 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 bethought 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 salm 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 all 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 power-

ful than the verdict of a legal tribunal, and so excited the popular indignation that a second inquest was held. When the skilful 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 maulauder, the bloody assassin read this, and remember, that while they fancy themselves most secure, the all-seeing eye overlooks all, notes their doings, while his arm is uplifted to strike.

We know not what became of Rachel Cunningham.

SETH HUDSON AND JOSHUA HOWE.

COMMUNICATED BY JOSHUA COFFIN, ESQ.

THESE men were brothers-in-law. Hudson was a man of good education, and a physician by profession. They came to Boston from New-York, in the year 1760—and began business in partnership. Nothing is known of their previous history.

Being unsuccessful in their undertakings, they resolved to obtain money enough to enable them to establish themselves in business elsewhere, by undue means. Accordingly, they forged an order on the treasury for a considerable sum, presented it, received the cash, and absconded. They were pursued and apprehended, however, within the limits of Massachusetts, and were indicted for forgery, tried, convicted, and condemned; the one to a public whipping and the other to exposure in the pillory.

The sentence was executed in State Street, in the presence of the multitude. While Howe was having his back stripped, Doctor Hudson delivered the following address to the spectators.

“ What means this rout, this noise, this roar?
Did ye ne'er see a rogue before?
Are villains, then, a sight so rare
Ye needs must press and gape and stare?
Come forward ye, who look so fine,
With gains as illy got as mine;
Step up—you'll soon reverse the show—
The crowd above—the few below!

“ Well, for my knavery here I stand
A spectacle to all the land,
High elevated on the stage,
The greatest rascal of this age;
And for the mischief I have done
Must put this wooden neckcloth on.

“ There Howe his brawny back is stripping,
Quite callous grown by frequent whipping—
In vain you wear your whipcord out,
You'll ne'er reform a rogue so stout;
To make him honest, take my word
You must apply a bigger cord.

“ Now all that see this shameful sight,
That ye may get some profit by it,

Keep constantly in mind, I pray,
The few words that I have to say :
Follow my steps, and you may be
In time, perhaps, advanced like me ;
Or, like my fellow laborer Howe,
May get, perhaps, a Post below."

After the execution of the sentence the culprits were discharged,
and what became of them afterwards is unknown.

ALPHEUS LIVERMORE AND SAMUEL ANGIER :

FOR THE MURDER OF NICHOLAS CREVAY, AN INDIAN.

THESE cruel and wicked men were workmen in a nail factory in Stoneham. The unfortunate man they murdered was an Indian of the Penobscot tribe. He had for some time dwelt at St. Francis, in Canada, where he married, but at the outbreaking of the last war, returned to this state with his wife. He was known to, and had dealings with several American citizens; yet fearing to be considered as hostile to his country and tribe, he obtained a passport from a militia officer of rank in New-Hampshire, and came to reside with his wife on the borders of Spot Pond in Stoneham. This happened a few days before he was slain. He erected a small cabin and lived after the manner of the descendants of the once lords of the soil; that is, by fishing, fowling, making brooms and other small wares, which he sold to the whites. Being like most vagrant Indians addicted to intemperance, he rendered himself obnoxious to his neighbors by abusive language, &c. The day preceding the night he was murdered, he was insolent to certain citizens of Malden, and was severely beaten by them. At the close of the day he returned to his hut.

At about ten o'clock, as he and his wife were lying on their lowly bed of hemlock boughs, several guns were fired into the hut, and a scene took place, scarcely surpassed by the barbarities of Crevay's unbaptized ancestors. The poor Indian was shockingly mangled by a charge of large nails, five of which entered his body and limbs. His wife was shot through the body by one or more muskét balls. The muzzle of the gun from which they were discharged must have been placed in close contact with her person, as her clothes and skin were burnt and blackened by the explosion. Yet the miserable and mangled wretches escaped in this agonized condition into the woods, where they remained till morning. They were then traced by their cries and groans, and carried to the house of a physician, where everything in the power of humanity was done for their relief. The woman was saved, but the man died of his hurts, after enduring the most excruciating tortures for six days.

The morning after this most shocking massacre, several charges of nails, bullets and small shot were found to have passed through the hut, and lodged in various parts of it. The boughs on which the sufferers had slept were wet with blood, and fragments of cartridges were found about the cabin. This abominable transaction took place on the night of the 23d of November, 1813.

The perpetrators of the crime were four in number, namely, the two whose names stand at the head of this article, John Winch, and

Mark Packard. On the 23d of November, they had manifested an intention, to use their own language, "to rout the Indians," who were guiltless of all offence as far as they were concerned. In the evening they were, with several of their fellow workmen, at a grocery, where they drank freely. After this they returned to the factory, where they remained an hour, during which they avowed to their companions their intention of attacking their victims. Livermore loaded a musket which he kept in the factory, saying he should go armed. Angier procured ammunition and arranged his gun so that as he said, "it would go completely." The cartridges procured by Angier were made of a paper corresponding exactly with the pieces found in the hut the next morning. Their preparations being completed, they avowed their object, and invited their fellows to accompany them, and on being refused, Angier reproached one of them with cowardice. Winch, too, said to Livermore, that he should fire "nothing lighter than lead."

They then set out for the hut of the Indians, which was two miles distant. About the time they might conveniently have arrived, guns were heard; and Crevay was slain in the moment of slumber, harmless and inoffensive, in a way at which humanity shudders. The ruffian assailants left the victims weltering in their blood, and fled. Packard escaped, but the others were taken. They were brought to the bar of the Supreme Court at Cambridge on the 3d of December following. They could not be arraigned because there were not three judges present, but they were informed of the nature of their indictment, in order that they might have time to prepare for defence.

On the 15th the court convened, and an indictment for murder in the first degree was brought against the prisoners, as well as Packard, who had absconded. They pleaded not guilty, and were then asked if they would join in their challenges. They replied that they would, provided the wife of Winch might be permitted to testify to a fact not in any way relating to her husband. The Solicitor General refused to consent to this, and Winch was therefore remanded. The trial proceeded against Livermore and Angier, who had agreed to join in their challenges.

The fact of the murder was proved beyond a doubt, and the only point was to fix the guilt upon the prisoners. It appeared that Crevay declared before he died, he believed Joe Hill had shot him. He had a fire in his cabin at the time he was shot. Suddenly some persons came in and told him they were going to kill him. They suited the action to the word, as has already been seen.

James Hill, who lived about sixty yards from the hut, testified that about fifteen minutes before ten, he heard the reports of three guns in succession. The sounds were in the direction of the hut. He looked out and saw a light there, but not so bright a one as was usual. Afterwards three more guns were heard. Elizabeth Hill, the sister of James, bore witness to the same facts.

Enoch Huntress, one of the workmen in the nail factory, swore that Livermore returned to the factory on the night of the murder, before eleven o'clock, and went to bed as usual, without mentioning the outrage he had been engaged in.

Mrs. Winch testified that Angier boarded at her house, and that he came home and went to bed ten minutes before ten the night the Indians were shot. She was positive with regard to the time, from the circumstance of having looked at a watch. Winch's house was near the factory.

The rest of the testimony went to establish the facts already given.

Besides the usual remarks touching the fallacy of presumptive evidence, the prisoners' counsel laid much stress on the testimony of Mrs. Winch, which, if believed, would prove an alibi in the case of Angier. He argued also, that admitting the testimony of Huntress to be true, it was scarcely possible that Livermore could have been one of the actors in the tragedy. He closed the defence by insisting strongly on the fact that neither of the prisoners had been seen going toward the wigwam, or returning from it.

The chain of evidence was too strong to leave the prisoners any hope of escape, and the jury, after a deliberation of one hour, returned a verdict of guilty. When the prisoners were asked why sentence of death should not be pronounced against them, their counsel moved for an arrest of judgment, on the ground that the name of Hall was first drawn from the jury box of the town of Medford, returned into the box by the selectmen, and that the name of Nathan Bryant was drawn out instead; that Bryant was returned as one of the traverse jury, and was one of the twelve who tried the prisoners. The counsel contended that the selectmen had no right to return the name of a juror to the box, and draw out another, save in cases particularly mentioned in the statute, of which this was not one.

The Solicitor General objected to any inquiry touching the selection and return of the jurors prior to the *venire facias*. The court were unanimous that judgment should not be arrested.

The prisoners' counsel then submitted a motion for a new trial, on the ground that the jury had been misdirected respecting a rule of evidence, viz: that if any witness for the government had testified unwillingly, or been guilty of suppressing the truth, his whole testimony should be rejected. This motion, too, was over-ruled, and sentence of death was pronounced.

Winch was tried and acquitted for want of sufficient evidence, though there was no moral doubt of his guilt.

The sentence of Livermore and Angier was commuted for perpetual incarceration in the State Prison.

MOSES ADAMS,

FOR THE MURDER OF HIS WIFE MARY.

On the 12th of May, 1815, Mrs. Mary Adams, wife of High Sheriff Moses Adams, was found to have been barbarously murdered in her own house, in Ellsworth, Maine. The fact was first discovered by her own daughter, a little girl, who immediately gave the alarm. On entering, the neighbors found the deceased lying on her right side on the kitchen floor. An axe was lying near her, which had evidently been the instrument of slaughter. There was a mortal wound on the back part of the head, another on the neck, whence it appeared pieces had been cut entirely out by repeated blows, and the shoulder was broken. The jugular vein was divided, and some joints of the vertebra were cut wholly away. Mrs. Adams had been in her life a remarkably mild, amiable and discreet lady, and this horrible butchery created a great excitement, as may easily be believed. Circumstances concurred to direct suspicion toward her husband, and he was immediately taken into custody. On the 15th of June, he was arraigned before the Supreme Court and pleaded not guilty.

Sevell E. Tuttle swore that at eight in the morning of the day Mrs. Adams was killed, her husband walked in the yard before the house, entered, went out again and walked about as before. Between twelve and one he came home to dinner, and sat by the window to cool himself. He appeared very warm. After dinner Tuttle was cutting wood, when Doctor Adams came to him and bade him go for meal to a mill about two miles off. While he was getting the bags ready he saw the doctor pass from the house to the barn. Then, going in, he saw Mrs. Adams sitting at table in the kitchen. Doctor Adams had on at this time his coat of office, a kind of uniform. When Tuttle got back, after four in the afternoon, he found twenty or thirty people assembled in the house.

Elizabeth Rice passed by Mr. Adams' house at two post meridian, and saw Mrs. Adams sitting at the window. She spoke to Mrs. Adams and passed on. When she returned she heard Mrs. Adams was dead, and saw a crowd about the house. She entered and saw the Doctor sitting on the side of the bed. He asked her if it were not a dreadful house. Being requested by one of the family to put the moveables in some safe place, she set about it, but found the tea spoons missing. As she was afterwards going home, she found a newspaper near the road side, but threw it away again. It rained that night, and the next morning Mrs. Rice informed a Mr. Nourse where the newspaper lay. He got and dried it. At the request of Doctor Adams, she assisted to wash his family linen, among which was a shirt with

one of the sleeves stained, whether with perspiration or otherwise she could not tell.

William R. Ginn saw Dr. Adams on board a sloop at a wharf at a quarter past twelve. While Ginn was at dinner he saw the Doctor pass toward his own house. After dinner he knocked at Ginn's door and asked for a cigar. After that, a little before four, a woman came and said that Mrs. Adams was dead. Ginn immediately went to the house, and saw the corpse, in the condition before mentioned.

Seeing Doctor Adams coming toward the house, Ginn went forth to meet him, and told him that a horrid accident had happened. The doctor dismounted from his horse, and as he entered stepped in the blood. A bystander advised him not to step in the blood, to which he replied, "Why not? It cannot hurt her now." He stepped over the body, put his hand on it, and then went to the bed-room door. An open desk was within. He put his hand into his pocket and exclaimed, "My pocket-book is gone!" Then he lifted the axe, looked at its edge, and cried, "O murderer! murderer!" As he stooped to raise the body Ginn prevented him. "Why not?" said he, "there are witnesses enough who have seen her." The body was then raised and placed on a bed.

Benjamin Jourdan, on the day of the murder, was at work in a field near Doctor Adams' house, when he was informed by the prisoner's child that Mrs. Adams was dead. He went immediately to let Doctor Adams know the fact, and he was much agitated at hearing it.

Between two and three o'clock *Maria Moore* saw Doctor Adams going toward the house (Mr. Langdon's) where Benjamin Jourdan found him. He walked very fast; faster than she had ever seen him before, and as he went he turned and looked several times toward his own house.

Susan Oakes kept a school near Doctor Adams' house. Between two and three o'clock she saw the prisoner pass the school, walking very fast. After the school was dismissed, as she was in the field hard by, she heard little Mary Adams scream, and say her mother was dead. She hastened to the house and found Mrs. Adams dead, but not yet quite cold. A few minutes after Doctor Adams came in, and exclaimed, "O horrid murder!" He was much agitated, took his little daughter on his knees, and bade her imitate the good example of her mother.

It will be observed that where the evidence of more than one witness proved the same fact, we do not repeat, but only give as much as goes to establish or elucidate separate facts.

Alfred Langdon testified that at about half past two, he, from his house, saw Doctor Adams pass. In about ten minutes he returned, and entered the kitchen door. He had so much color in his face, and perspired so freely that Langdon noticed it, and asked him where he had been. He answered that he was right from home, and that it was a very warm day. After some commonplace discourse, Adams looked

at the clock and observed that it was three, but Langdon remarked that it wanted ten minutes of that time. Adams then took up an old newspaper, and by the time he had looked over it, the mail arrived, about a quarter past four o'clock. Adams assisted Mr. Langdon to open the mail, and while they were thus occupied, Jourdan arrived with the news of Mrs. Adams' death.

Mr. Daniel Adams, on hearing of the murder, went straightway to Doctor Adams' house, and found him sitting by the corpse on the bed side. The Doctor shook hands with him, saying, "I hope you are my friend," to which the witness replied, "Whatever I may have been heretofore, I am now." The Doctor then asked if they were going to let the wretch who did the deed escape, and added that it was toward night, and the murderer could not be far off. The witness told the prisoner that he had heard he had been robbed, to which he assented, and it appeared from the conversation, that fifteen dollars and a number of silver tea spoons were missing. The next day on examining the prisoner's clothes, the witness found a blood spot on a button of the coat, and an appearance of blood on the lining.

The Reverend Mr. Nourse testified that he went to Doctor Adams' house on hearing of the murder, and found the Doctor in great agitation and distress. Among other things Doctor Adams said, "Only think—for the paltry sum of two hundred dollars!" This the witness afterwards understood to refer to the robbery said to have been committed. The prisoner also said, "This cannot have been done more than three hours; and is nothing to be done to apprehend the murderer? I can do nothing." He likewise repeated several times that it was an awful deed to have been done in a christian land. He told Mr. Nourse at first that he had lost sixty or seventy dollars, which had been wrapped up in a newspaper, but found upon calculation that he had expended all but fifteen. The witness afterwards found the paper, as before stated by Mrs. Rice, and showed it to the prisoner, who said he had no doubt it was the same that had contained his money. When Mr. Nourse found it, there was on it the impression of a dollar, that had apparently been wrapped in it.

On this occasion, Mr. Nourse did not see Doctor Adams shed tears. He heard him say to his daughter that she never saw him shed tears before. On another occasion, after Doctor Adams was suspected, but before he was examined by a magistrate, the witness saw him weep.

Sewell Tuttle did see the prisoner weep, and also stated that he usually perspired very freely.

It was likewise proved that a little before the murder of his wife, Doctor Adams had practised plebotomy on Pelatiah Jourdan. On this occasion he wore his sheriff's coat, and turned up the sleeves.

No evidence was adduced to show whether the prisoner had lived on good terms with his wife or not.

The amount of fact proved seems to be as follows. Between one and two o'clock, Doctor Adams sent his hired man, Sewell Tuttle, to

the mill for meal. When Tuttle departed Mrs. Adams was alive and well. At two o'clock she was alive. Between two and three o'clock Doctor Adams was seen walking from his own house toward Mr. Langdon's, very fast, and occasionally looking behind him. At this time the prisoner's daughter and a girl who lived in his house, were both in school. These two girls went home after the school was dismissed and found Mrs. Adams dead. On his way from his house to Mr. Langdon's Doctor Adams passed several persons, to some of whom he spoke, to others not. At half past two Adams passed Mr. Langdon's house, to which he returned and entered ten minutes after.

He was much heated, and remarked that it was three o'clock, though it wanted ten minutes of that hour. After he was informed of the murder, he stated that a sum in specie which had been wrapped in an old newspaper had been taken from his house. On his way from his own house to Mr. Langdon's he passed through a certain field. In this field was found the next day a newspaper, having the impression of a coin on it. On seeing it, he was confident it was the same that had contained the missing money. Stains of blood were found on the coat he that day wore, which might, however, have been occasioned by his coming in contact with the body of his wife, or by his professional practice. All the evidence respecting time, was founded merely on the opinions of the witnesses, who differed in their estimates. Mr. Langdon's alone was founded on the regularity of a clock, which might have been wrong. All the circumstances together did not amount to indubitable proof of guilt, and the jury returned a verdict of not guilty.

**TRIAL OF ISRAEL THAYER, ISAAC THAYER, AND
NELSON THAYER.**

THE PEOPLE, }
 ^{vs.} } **Indictment for the murder of John Love.**
ISRAEL THAYER, }
ISAAC THAYER, }

This cause came on to be tried at the Oyer and Terminer, held at Buffalo, in the county of Erie, on the 21st April, 1825, before the Honorable REUBEN H. WALWORTH, Judge 4th Circuit.

E. WALDEN, }
SAMUEL RUSSEL, } *Esquires, Judges of*
JOHN G. CAMP, } *Erie Common Pleas.*
CHRIST. DOUGLASS, }

Counsel for the People—H. B. POTTER, *District Attorney*, SHELTON SMITH, and HENRY BROWN, Esqrs.

Counsel for the Prisoners—THOS. C. LOVE, E. GRIFFIN, and E. B. ALLEN, Esqrs.

The prisoners had been previously arraigned on an indictment consisting of four counts, and plead not guilty.

First Count.—That “Israel Thayer, junior, late of the town of Boston, in the county of Erie, laborer, and Isaac Thayer, late of the said town of Boston, in said county, laborer, not having the fear of God before their eyes, but being moved and seduced by the instigation of the devil, on the fifteenth day of December, in the year of our Lord one thousand eight hundred and twenty-four, with force and arms, at the said town of Boston, in the county aforesaid, in and upon one John Love, in the peace of God and of the said people, then and there being feloniously, wilfully, and of their malice aforethought, did make an assault, and that they, the said Israel Thayer, jun. and Isaac Thayer, a certain gun called a rifle, of the value of ten dollars, then and there loaded and charged with gunpowder and one leaden bullet, which said gun, they, the said Israel Thayer, jun. and Isaac Thayer, in both their hands then and there had and held, then and there feloniously, wilfully, and of their malice aforethought, did shoot off and discharge, at, against, and upon the said John Love, and that they, the said Israel Thayer, jun. and Isaac Thayer, with the leaden bullet aforesaid, out of the gun aforesaid, then and there by force of the gunpowder aforesaid, by the said Israel Thayer, jun. and Isaac Thayer, discharged, shot off, and sent forth as aforesaid, then and there feloni-

ously, wilfully and of their malice aforethought, did strike, penetrate and wound the said John Love, near the outer angle of the right eye, of him the said John Love, then and there with the leaden bullet aforesaid, shot, discharged and sent forth, out of the gun aforesaid, by them the said Israel Thayer, jun. and Isaac Thayer, in manner aforesaid, one mortal wound, penetrating through the head of him the said John Love, of which said mortal wound, the said John Love then and there instantly died. And so the jurors aforesaid, upon their oaths aforesaid, do say, that the said Israel Thayer, jun. and Isaac Thayer, him the said John Love, in the manner and by the means aforesaid, feloniously, wilfully, and of their malice aforethought, did kill and murder, in contempt of the people of the state of New-York and their laws, to the evil and pernicious example of all others in like case offending, and against the peace of the people of the state of New-York and their dignity. And that one Israel Thayer, late of the town of Boston, in the county aforesaid, laborer, otherwise called Israel Thayer, senior, late of the said town, in the county aforesaid, laborer, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, before the felony and murder aforesaid, by the aforesaid Israel Thayer, jun. and Isaac Thayer, in manner and form aforesaid, was done and committed: that is to say, on the said fifteenth day of December, in the year aforesaid, with force and arms, at the said town of Boston, in the county aforesaid, did, maliciously, feloniously, voluntarily and of his malice aforethought, incite, stir up, move, procure, aid, abet, counsel and command the said Israel Thayer, jun. and Isaac Thayer, to do and commit the felony and murder aforesaid, in manner and form aforesaid, against the peace of the people of the state of New-York, and their dignity."

Second Count.—"And the jurors aforesaid, upon their oaths aforesaid, do further present, that the said Israel Thayer, junior and Isaac Thayer, not having the fear of God before their eyes, but being moved and seduced by the instigation of the devil, on the fifteenth day of December, in the year of our Lord one thousand eight hundred and twenty-four, with force and arms at the said town of Boston, in the county aforesaid, in and upon one John Love, in the peace of God and of the said people then and there being, feloniously, wilfully and of their malice aforethought did make an assault; and that the said Isaac Thayer, a certain gun of the value of ten dollars, then and there loaded and charged with gunpowder and one leaden bullet, which said gun, he the said Isaac, in both his hands then and there had and held, then and there feloniously, wilfully and of his malice aforethought, did shoot off and discharge at, against and upon the said John Love; and that he the said Isaac Thayer, with the leaden bullet aforesaid, out of the gun aforesaid, then and there by force of the gunpowder aforesaid, by the said Isaac Thayer discharged, shot off and sent forth as aforesaid, then and there feloniously, and wilfully and of his malice aforethought, did strike, penetrate and wound the said John Love, in and

upon the right side of the head of him the said John Love, near the angle of the right eye, giving to him the said John Love, then and there with the leaden bullet aforesaid, shot, discharged and sent forth out of the gun aforesaid, by him the said Isaac Thayer, in manner aforesaid, in and upon the right side of the head of the said John Love, near the outer angle of the right eye, one mortal wound of the depth of five inches, and of the breadth of one inch ; and that the said Isaac Thayer, also with a certain axe, made of iron and steel, of the value of one dollar, which said axe the said Isaac Thayer, in both his hands then and there had and held, him the said John Love, in and upon the neck, throat, face, right jaw, hinder part of the head, and near the left ear, of him, the said John Love, then and there feloniously, wilfully and of his malice aforethought, divers times did strike, cut, fracture, beat and bruise, giving to him the said John Love, then and there, by the striking, cutting, fracturing, beating, bruising of him the said John Love with the said axe in the manner aforesaid, several mortal strokes, cuts, fractures, wounds and bruises, to wit : one mortal wound in and upon the neck of him the said John Love, of the length of four inches, and of the depth of two inches, which the neck of him the said John Love, then and there broke and dislocated ; one mortal fracture in and upon the hinder part of the head, of him the said John Love, of the length of four inches, and of the depth of half an inch, and one mortal wound in and upon the said jaw and face of him the said John Love, of the length of four inches, and of the depth of one inch, as well of which said mortal wound in and upon the right side of the head, of him the said John Love, near the outer angle of the right eye, with the leaden bullet aforesaid, shot, discharged and sent forth, out of the gun aforesaid, by the said Isaac Thayer, in manner aforesaid, as also of the said striking, cutting, fracturing, beating and bruising, of him the said John Love, in and upon the neck, throat, face, right jaw, hinder part of the head and under the left ear, of him the said John Love with the axe aforesaid, by the said Isaac Thayer, in manner aforesaid, he the said John Love, then and there instantly died. And that the said Israel Thayer, junior, then and there feloniously, wilfully, and of his malice aforethought, was present, aiding, helping, abetting, comforting, assisting and maintaining the said Isaac Thayer, in the felony and murder aforesaid, in manner and form aforesaid, to do, commit and perpetrate. And so the jurors aforesaid, upon their oaths aforesaid, do say, that the said Israel Thayer, junior and Isaac Thayer, him the said John Love, in the manner and by the means last aforesaid, feloniously, wilfully and of their malice aforethought, did kill and murder, in contempt of the people of the state of New-York, and their laws, to the evil and pernicious example of all others in like case offending, and against the peace of the people of the said state, and their dignity. And the jurors aforesaid, upon their oaths aforesaid, do further present that Israel Thayer, late of the said town of Boston, in the said county, laborer, otherwise called Israel Thayer, senior, late of the

town and county aforesaid, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, before the felony and murder aforesaid, by the aforesaid Israel Thayer, jun. and Isaac Thayer, in manner and form aforesaid, was done and committed, that is to say, on the said fifteenth day of December, in the year last aforesaid, with force and arms, at the said town of Boston, in the county aforesaid, did maliciously, feloniously, voluntarily, and of his malice aforethought, incite, stir up, move, procure, aid, abet, counsel and command the said Isaac Thayer, to do and commit the felony and murder aforesaid, in manner and form aforesaid, against the peace of the people of the state of New-York and their dignity."

The court asked prisoners' counsel, whether they objected to the two persons being tried together? Their consent being given, the clerk proceeded to call the Jury.

Barto was first called, when defendants' counsel put the following question. Have you made up an opinion as to the guilt or innocence of either of the prisoners at the bar?

By the Court. That question is improper. Have you formed and expressed an opinion as to their guilt or innocence?

Prisoners' Counsel. We object to any juror who has formed an opinion, whether he has expressed it or not; and think we can show that to be the proper question; and cited 2 Chitty C. P. 443 and 371.

Court. The juror must have expressed an opinion, as well as formed it, if this is intended as a principal challenge, and not a challenge to favor?

P. C. Except to the decision—and insist upon the right to put the question, whether the juror had *made up* an opinion: and if he had, to exclude him. "If his opinion be made up, it is of little consequence to the prisoner whether it has been expressed or not." Reference was made to Selfridge's trial, 1 Johns. R. 350. 6 C. H. Recorder 71.—6 Johns. R. 347.—1 C. H. Recorder 24.—1 Cowen's Repts. And it was contended that none of the authorities decide that the having formed an opinion *was not* sufficient to exclude a juror, and that the reason for it was as strong, where an opinion had been formed, as where it had been expressed, if not stronger.

Court. A juror having *expressed* an opinion, it is to be presumed that he will be more biassed, and apt to adhere to it, than if he had not expressed it. And so the question was settled.

The juror was then peremptorily challenged.

The following jurors were sworn:

James Clark,	O. Mansfield,
Thomas Durkee,	L. Evans,
Reuben Rogers,	M. Dunn,
Geo. Blackman,	E. Knight,
J. P. Morey,	R. D. Crego,
S. Slade,	J. Brown.

Before the last juror was called, the prisoners' counsel having made

twenty peremptory challenges, insisted on the right to challenge twenty others, as there were two prisoners on trial, each of whom had a right to his separate challenges. Court decided that if tried together, there could be but twenty peremptory challenges.

The District Attorney opened the cause to the court and jury in substance as follows :

GENTLEMEN : The cause now to be submitted to you is the most important that can occur in human jurisprudence, a cause which requires the exercise of all your candor and intelligence. It has fallen to your lot to sit in judgment upon the lives of two of your fellow men. The prisoners stand indicted for the murder of John Love, have pleaded "not guilty," and have put themselves upon their country, which country you are. The crime charged is one of the deepest die, the most abhorrent and revolting to our nature, it equally shocks the feelings of the civilized man and the savage. We find in every human breast the same horror of the crime, the same dread and detestation of the perpetrators. The crime has been known from the beginning, it is to be heard of in our first records, we are not to look for its history in our statute books alone. It is to be found in every page of the history of man. But for its punishment we look to the laws of the land, the laws of nature, and the laws of God. It equally contravenes them all, and all equally denounce the crime and declare the penalty. "Thou shalt not kill" is a law announced by the great law-giver of the universe, to which nature and human reason, and the wisdom of ages have responded assent.

An essential ingredient of the crime of murder is malice, or the intention of killing. Malice is either express or implied ; with the latter we have little to do, or with the implication of law in particular cases of homicide. Every killing of a human being is not to be accounted a murder. Malice aforethought, or a determination to kill, is essential to constitute a crime. Judge Blackstone defines murder to be "the unlawful killing of any reasonable creature in the king's peace with malice aforethought, by a person of sound memory." Express malice is now the grand criterion which distinguishes murder from other killing. It is defined to be a sedate, deliberate determination of the mind, and a formed design to do the injury, which formed design is evidenced by external circumstances, as lying in wait, previous menaces, former grudges and concerted schemes.

From these definitions, I apprehend no difficulty as to the evidence of express malice in the case before you. As to John Love's death, it will be shown to have been most awfully and too successfully premeditated. We are next to make out by whom the crime was perpetrated, or rather that it was done by the prisoners, or that they were instrumental in it. For if more than one person be engaged it is no matter which gave the fatal blow, or discharged the fatal bullet ; so as the others were present, aiding, abetting, or assisting in the act. The

law in such a case makes them all principals. This inquiry will involve an examination of a long and tedious train of circumstances. And to this investigation I must invite your particular attention and solicit the fullest exercise of your patience.

When crimes so flagrant and so universally abhorrent as the one charged, are committed, witnesses to the fact are not often called upon. The murderer hides his head from humanity and the light. The deed is done in darkness, and in private. The intention is to evade discovery, and resort is had to solitudes, where there is no human ear to hear, nor eye to detect, nor human arm to stay the fatal blow. Such was the case of the murderers of John Love. There was no suicide, as will clearly appear from the testimony. But whether murdered in the day time or night, the foul deed is enveloped in midnight darkness. It will not of course be expected of me to produce positive evidence of the infliction of the blow, or the discharge of the bullet that launched him into eternity. From the nature of the case ; that evidence does not exist for the public prosecutor. But I expect to prove such a train of circumstances, such a connected chain of facts, perfect in every link, as to remove from your minds every reasonable doubt ; and possibly, every vestige of scepticism that the prisoners are the murderers.

If you find satisfactory evidence of the prisoners' guilt, you are bound to act, and I trust will act independently, and decide them to be guilty.

As the evidence will be of the kind called presumptive, I will read an authority as to the nature of such proof. Mr. P. here read from 1 Philip's Evidence 117, Dunlap's edition, as follows ;

"The proof is positive, when a witness speaks directly to a fact from his own immediate knowledge ; and presumptive, when the fact itself is not proved by direct testimony, but it is to be inferred from circumstances which either necessarily or usually attended such facts. It is obvious therefore, that a presumption is more or less liable to be true, according as it is more or less probable that the circumstances would not have existed unless the fact, which is inferred from them, had also existed ; and that a presumption can only be relied on, until the contrary is actually proved. In order to raise a presumption, it cannot be necessary to confine the evidence to such circumstances alone, as could not have happened, unless they had also been attended by the alleged fact—for that in effect would be to require in all cases evidence amounting to positive proof ; but it will be sufficient to prove those circumstances, which usually attend the fact. If the circumstantial evidence be such, as may afford a fair and reasonable presumption of the facts to be tried, it is to be received and left to the consideration of the jury, to whom alone it belongs to determine upon the precise force and effect of the circumstances proved, and whether they are sufficiently satisfactory and convincing to warrant them to find the fact in issue. However, for the purpose of trying the weight and ef-

fect of such presumptive proofs it will often be of the utmost consequence to consider whether any other fact happened which might have been attended with the same circumstances, and with which of the facts they are more consistent.

“It has been very justly observed, that when the proofs are dependent on each other, or when all the proofs are dependent upon one, the number of proofs neither increase or diminish the probability of the fact; for the force of the whole is not greater than the force of that on which they depend; and if this fails they all fall to the ground. But when the proofs are distinct and independent of each other, the probability of the fact increases in proportion to the number of the proofs; for the falsehood of one, does not diminish the veracity of another.”

Mr. P. observed—That positive proof, if unimpeached, precludes all possibility of error. Circumstantial, leaves a possibility of mistake. But the latter is often more satisfactory and convincing than the former. A single witness may swear false. A number of unconnected and distinct circumstances, each depending on itself, and proved by different witnesses, all bearing upon the same point, and tending to the same result, must together speak the language of truth. If circumstances are shown which the prisoners might rebut, but neglect or decline it, they must be taken strongly if not conclusively against them; and the conduct and efforts of the prisoners in such case, being assisted by able counsel, will materially affect the force and influence on your minds of the circumstances which I am about to produce. Mr. Potter here observed that he would not go into a detailed statement of the facts, as he expected to prove them. The facts would present a horrible picture of human depravity, and the terrible effects of human passions, when urged on by vengeance or cupidity, and must necessarily rouse every breast to indignation. But he wished to give no occasion for the complaint, that the jury had, in the outset of the trial, been prejudiced by the statements of counsel. He said the jury ought to be cautious and diligent in the investigation, in proportion to the heinousness of the crime. The cause was an important one. The life and death of the prisoners were in their hands, and for the sake of justice and the peace of their own consciences, the jurors should discharge their duty with caution and fidelity. Try them on the law and evidence, not on the rumors or stories that are afloat. They had doubtless been tried over and over again in this county, and particularly in the circles in their neighborhood, and perhaps generally pronounced guilty. But this was the first time they had been arraigned for a legal trial. This is the first time you heard of them or their offence; if they are guilty, you must so find them. If so, they are unfit for human society. It will be urged to you that there exists great excitement in the public mind against the prisoners. There is excitement, undoubtedly. But that there is, or has been undue excitement on this occasion, I deny. On the announcement of so flagrant a mur-

der as appears here to have been perpetrated, is it strange that excitement should prevail? The whole community ought at once to arm and turn out for the discovery of the felons. The alacrity and vigilance of the people of Boston, is an evidence that their moral sense still exists, and that virtue still prevails among them. With such a people, your life and property may be considered safe. But prejudice or excitement, cannot alter guilt or innocence. Truth is, and will be the same.

Mr. Potter here closed. But upon an intimation from the Court, that an outline of the evidence, as expected to be given, would assist both Court and Jury in their apprehension of the facts, he proceeded and gave a succinct statement, of which the testimony was but little more than a repetition. It is not, therefore, thought worth while to insert it.

TESTIMONY ON THE PART OF THE PEOPLE.

Daniel Ingalls—Physician, first sworn on the part of the people. He says he was called, on the 24th Feb. 1825, to hold an inquest, as Coroner, on a body found in Boston, near Israel Thayer, junior's. The body was at the school house, in Boston—was said to be the body of John Love. On examination there appeared to be a ball hole entirely through the head. Ball appeared to have passed in at the right side of the head and out at the other. The hole was above the cheek bone near the outer angle of the eye—passed the probe through the head, and met no obstruction but the fragments, &c. The ball passed near, but below the brain apparently. Thinks it would not produce instant death. He might have lived a few hours, perhaps days. If the brain had been injured, instant death would not necessarily ensue, but it might—but most likely it would. The hole was the smallest on the right side, and we concluded that the ball entered on the left side. There was another wound on the crown or vortex—fractured the skull bone, the wound was up and down the head, and appeared to be done with the head of an axe. The bone could be pressed inwardly, and on removing the pressure, would regain its place by the elasticity of the brain. The skin was also broken, and the flesh apparently much bruised. Fracture of bone was about two inches long, and one or one half inch wide. The effect of this wound would be to induce stupor, and probably would terminate in death. It probably effected the brain. From its situation it would probably compress the brain. There was another bruise behind the left ear, on the thick part of the temporal bone, I believed it to have been given with the same instrument as the other, most probably the head of an axe. The skin was broken and flesh bruised. The bone was fractured here. It would require a hard blow to produce death in that place. It might produce concussion if hard enough. Could not tell decisively the effect of this blow. There was another wound across the face or cheek

extending down to the windpipe. Do not know on which side it was. Cannot say whether it was cut or torn off. Part of the cheek was cut down to the bone—not cut off. The flesh on the upper and lower jaws was partly cut off, so as to leave the bone bare on both jaws. The neck appeared to be broken. The two bones forming the bridge of the nose were broken down; flatted down entirely. I cannot say where the neck was broken. The vertebra, or ligaments appeared to be separated. The body appeared to have been partly frozen, especially the feet and fingers. I was satisfied that the neck was broken, but cannot say where, whether near the head or lower down. The effect of the dislocation of the neck would be instant death, or not, according to the manner of it. There are in the books, instances where death did not instantly ensue upon a dislocation; it depends upon the injury done to the spinal marrow. It would probably produce instant death. It would produce a paralysis of all the lower parts, inevitably. The wound on the face extended down under the chin, into and across the windpipe. It appeared there to have been cut by a sharp instrument, like an axe. I do not know whether one or two blows produced the wound. An axe might do it with one blow I think, if the stroke was a glancing one.

Cross-examined by P. Counsel.—Witness says he cannot determine whether the ball was from a pistol, a musket, or rifle. Formed no precise idea of the instrument that gave the wound on the back of the head. Thought it an iron instrument, most likely an axe. Did not observe the cheek bone was fractured. A glancing stroke of an axe might have given the wound on the face and neck. If given with a sword, or such kind of instrument, the blow must have been powerful. I cannot say from the angles of that wound that it was probably made by a sword, or any other springing instrument. It was across the face and chin, and the jaw bone was apparently dislocated, or the integuments had given way and were injured. Whether the blow of an axe would carry off part of the cheek bone, would depend upon the direction of the blow. This apparently was a glancing blow.

On the examination by Prosecutor.—He says the body at the school-house must have been dead some considerable time. Putrefaction had commenced, and proceeded so far that the body was very disagreeable. The winter has been quite open, and rather warm; though there had been some snow. Can form no judgment as to the time body had been dead. Whether four, or eight, or ten weeks. That depends materially upon circumstances connected with his life, habits, manner of death and burial. I discovered no other wounds on the body.

Emmons S. Gould.—Says he is a physician, and examined this same body with Dr. Ingalls, on the 23d or 24th of February. The wound through the head appeared to be made by a ball which entered on the right side below the angle of the eye, and came out close to the outer angle of the left eye. Some part of the right eye was left in the head. The left eye was so injured that it had almost wholly

decayed. The ball passed so near as almost to cut the angle of the eye. The hole was forward of, and under the brain. The size of the ball hole depends on the distance, perhaps. And the state of the body at the time of the examination might essentially alter the appearance of the wound. I judged the ball entered the right side, because the integuments were carried in from that side. On the other side they appeared to be protruded. A rifle ball in its whirling course must make a larger wound than that of a musket. The wound on the face was on the right cheek, nearly from the nose to the ear. The centre of the wound was the highest, on the cheek bone nearly up to the eye. And the extremities were about equal in height. The flesh on the cheek, part of the upper, and part of the under lip, were laid down, and the muscles had contracted so as to alter the appearance of the size of the wound. In passing down, the instrument appeared to have injured the bone, which appeared to be fractured; and the under jaw was dislocated, I am confident, or so injured by the blow, that the integuments had given way. The wound extended under the chin into the neck, and the windpipe was nearly separated. It extended so far down as necessarily to separate some of the arteries, but the whole wound might not occasion instant death. On the back of the head, or nearly on the back, the wound was about two inches or two and a half in length, and half an inch in width. The integuments were gone, the skull bone was bare, and fractured the whole size of the wound. It was shivered into five or six pieces. The effect might have been death without immediate relief. This however would depend on the degree of concussion and the energy of the system to restore action. Cannot decide whether without aid he would recover. The wound under the left ear was upon the hard bone. The skin was broken and flesh bruised, but could not discover that the bone was broken. It would require a hard blow to fracture that bone. These wounds must altogether produce instant death. The neck was dislocated at the first vertebra. I cannot say whether instant death would ensue. The cartilage connecting the joint appeared to be partly separated. I apprehend that none of the blows before spoken of would dislocate the neck in the manner it was.—And I judged there must have been two blows, one on and down the cheek, and another blow on the neck, which might dislocate it.

F. T. Jones.—I found the body the day before the coroner's inquest was held, in a field on Israel Thayer, jr's. land, about thirty rods from his house, near the foot path from Israel's to Irish's. The grave was directly in the old path-way. It had been an old road before the land was cleared. When the wood was chopped some trees fell across the path at this spot, and the path had turned round the trees and directly came in again. The body lay in the old path near a large log. I think the grave *might* be seen from the new path; especially in the winter. That morning while I was summoning the people to make search for the body, Mr. Britton gave me some information that

induced me to search this field of Israel's particularly. One of my company soon discovered the grave. The body lay as close to the log as a grave could be dug. The grave was short and narrow. The dirt had been drawn back from the log and then thrown back to its place and made level and smooth, and old chunks and pieces of wood thrown on the top. The ground was frozen over the body. We dug down about the middle of the body and found the great coat which I had known Love wear. On opening the grave further we discovered the foot of the body. I then left the grave and went to arrest Israel, jun. and his father at Nelson Thayer's, whom I arrested and come to Esq. Rector's. On my return to the grave the company had removed all the earth from around the body, leaving it in the position as it was found. The body was then laid on a board and carried to the school house where the coroner's inquest was held. I have no doubt it was the body of John Love. I have known him about two years, and I recognized his body beyond any doubt. Also, the great coat that was found on the body. Before the body was found, I requested Israel Thayer, jun. to help me in the search. He declined, but gave no reason for not going; he was then at the bridge about fifty rods from the body.

John Stafford.—I was the person who found the body first, but was not there when he was uncovered, nor did I see his face until he was taken to the school house. I there examined it and have no doubt it was the body of Love. I also knew his clothes. There was a scar on Love's forehead which I also perceived on this body—know no other mark upon him, his hair was darkish—not really inclined to be sandy. I was intimate with him and had no doubt it was his body.

Cross examined.—On my arriving near the place of the grave, I discovered that some things had been stirred—an appearance that some old chunks had been moved. I got on to the large log and perceived that the dirt had been moved, and called out to the company that I had found him. Perhaps I could have discovered the dirt a few feet off, without getting on the log—but the place was surrounded by brush, logs, &c. I at first thought that wood might have been drawn from the place, but perceiving that a team could not get out from there, I was led to examine more closely, when I discovered the grave.

Jones, called by Prisoner.—I now recollect that when I requested Israel Thayer, jun. to assist me in the search, as I before stated, he said he was going after a load of hay, and I think he did that day get a load of hay.

Reuben Irish.—Witness lives one mile from Nelson Thayer's, and rather more from Israel's. He saw Love on the 15th December last about sun down, at Nelson Thayer's door, holding his colt by the bridle. Mr. Washburn was also there, and Nelson was chopping wood at his door. Love had on an old grey coat or sort of roundabout. A cap on his head. Does not know that he had any family, but he had made it his home at several places in Boston. Love and

Nelson left there together and went toward Israel's. Believes these prisoners went along first. Israel went first, then Isaac, and Nelson and Love followed; Love on horseback, but being detained in mounting his horse, Nelson left him rather behind—he however soon overtook him. Has not seen Love since; nor does he know as he has since been heard of. Never heard of his being in the neighborhood; but after that he was gone away. Has since seen the very same great coat, he fully believes, at Pierce's, and which is said to have been found in the grave.

Cross examined.—To go from Nelson's to Israel's you pass the saw-mill, which is about fifty rods from Nelson's. When I saw them it was nearly dark, and they had not reached the saw-mill. Witness thinks that Isaac did not go to Washburn's, as he went home with him and did not see him there; and he thinks he has not at any time told a different story. He has a strong impression that these prisoners left Nelson's together, but is not positive. He recollects that day to have been the 15th December, because he that evening settled with Washburn and passed receipts, which bear that date. A circumstance with Mr. Twining reminds him that it was on Wednesday, the 15th.

Salmon Washburn.—Witness knew Love well, saw him last on the 15th day of December, according to a settlement made that day with last witness. He was at Nelson's about sun down, as also these prisoners. They all four left there and went toward Israel's. Nelson got before Love while he was mounting his colt. Witness knows the coat spoken of, and had often seen Love wear it. It was the same that he saw at the inquest at the school house.

Cross examined.—He believes the three Thayers went away together, leaving Love getting on his colt. Cannot recollect that Israel went away first, nor in any different direction, nor his having a plate or crock.

William Thompson.—Saw Isaac on the 15th December at Nelson's. He believes it to have been the 15th. Saw Love after sun down pass the mill with Nelson, and cross the bridge towards Israel's; and he saw one of these prisoners just ahead. Love was on his colt. The saw-mill is about three-fourths of a mile from Israel's. He cannot say positively that he saw Isaac there, but Israel was ahead, and crossed the bridge first, before Nelson and Love.

Sally Thayer, the wife of Nelson. She knew Love well. She saw him last at her house, but does not recollect the day, it was towards evening. Isaac was there in the morning, went away to Obed Gwynns, and returned in the afternoon, and was there she expects when Israel come. Love came there soon after. Israel asked Nelson to go and help him cut up his hogs, which he declined till morning, and said the pork would not spoil until morning. He then asked Love to go home and stay with him all night, which Love also declined, and said he would stay at Nelson's. But Nelson concluded to go and help Israel, Isaac also consented to accompany them on Israel's

request, and Love being again requested, said he did not care if he went if Nelson did. They then all left the house nearly together. It was then about sun down, and she saw no more of them that night, except Love was detained in getting on his colt. She saw no rifle with him that day, nor has she seen Love since that time. Isaac came back next morning early, before I was up. He did not live with us, he made it his home at Washburn's, he did not breakfast with me, and I think he said he had breakfasted at Washburn's. There was a person come with him that morning, and but one person. It was between daylight and sunrise when they came. Isaac staid but a few minutes. Washburn's is near by my house, and in going from Israel's to Washburn's the road passes my house.

The Judge proposed to put some questions to this witness, the answers to which might possibly have a bearing upon a subsequent trial, and if counsel wished it, those jurors not sworn on this trial would retire from the room. The P. C. making no reply, those jurors retired.

In answer to the Judge. Witness said she had children, the oldest about five years of age. And that no person except her children and a girl thirteen years of age, named Laura Wilson, staid with her on that night. Laura lived at Washburn's, and came to stay with me. She had lived with me, and often came home. I did not send for her that evening. She was there in the morning when Isaac came there. Nelson, the husband, was absent till morning, but Laura did not sleep with witness. Nelson was frequently absent during the night, has frequently staid at the nearest neighbors nearly all night.

Washburn again called by P. C.—He says he does not recollect that Isaac was at his house, at his settlement that evening with Irish, nor that he ate supper there, nor whether he dined there that day—In our settlement we jumped our accounts. Isaac brought a plate for Mrs. Washburn, but I cannot say it was that day, nor whether he had been gone that day; he and Mrs. Sally Thayer had had some difficulty and he wished my wife to cook his board for him, which she agreed to do if he would procure her a plate which cost six shillings. He lodged in the same room where we slept. But at this time, I was generally out at my coal pit nights. Previously to his coming there to board, he had lodged at Nelson's, I believe.

Irish again called by P. C.—He does not recollect of seeing Isaac there at the settlement. It appeared to witness that some one came in, and that he informed him how the settlement was made, but cannot say who it was, nor did he hear any thing about a plate. He wrought at the coal pit that night, with Washburn's apprentice and old Mr. Thayer. Thayer was not there at first but after he came he assisted at the coal pit. We occasionally went into the old part of the house during the night, and the apprentice slept there some part of the time; saw no one else there that night. Witness did not go into the room where the family slept during the night.

It being half past one o'clock, the Court took a recess of one hour.

Two Constables being sworn to take charge of the Jury, the jurors were charged to refrain from all conversation on the subject of this Trial among themselves or with others, and to take their refreshments together.

Pardon Pierce.—Says he lives one mile from Israel Thayer's, nearly north. About the 15th December last, he heard the report of a gun in the night, at late bed time, say at nine or ten o'clock, but nearer eleven than nine, in a direction a little east of south, very nearly in the direction of Israel Thayer's. At the time I thought it at Irish's, but did not think of Thayer's. Irish lives, say fifty rods from Israel's. This was before the 18th December. I recollect from the following circumstances. I finished clapboarding my house on Saturday the 18th December. My wife was absent when I heard the gun, and being out door when I heard the report, I recollect that the ends of my new house were clapboarded, but the sides were not, and the gun was fired the same week of the Saturday on which I finished. On hearing the report, it first struck me that there might be shooting at candles as was sometimes the case at Nelson's. But the report was not in that direction, but more directly from Israel's.

Cross-examined.—The direction of the report was not far from either Irish's or Israel's. I lately ranged by some trees and found it to bring me between their houses. The Thayers have been in the practice of shooting at candles in the evening ever since I knew them. I think I can distinguish between the reports of rifles and muskets. Muskets give a longer report, and which can be heard further. It was my opinion at the time that this was the report of a rifle. It is true that at the time I thought of the shooting of rifles only, and only of the direction to Irish's; but from my present recollection I fully believe it was a rifle.

Betsy Rector.—Says she lives about half a mile nearly west from Israel's, with her father. Heard a report of a gun on the evening of the 15th December, as she believes. It was on Wednesday, the week before Christmas, which was the second Sunday after, at ten or eleven o'clock in the evening. It appeared to be in the direction of Irish's, probably about ten o'clock. The distance from there to Irish's and to Israel's is about the same. It was not a light night. There was no moon. I thought Irish preparing early for Christmas.

Cross-examined.—She does not recollect whether it was cloudy, but thinks there was a little snow on the ground. Heard no other gun in the evening last fall. On the Monday previous, Love had requested me to make some clothes for him, and said he would fetch them there the next Saturday, on which I heard he was gone. I heard suspicions of his murder before any of the prisoners were taken up. On the evening the gun was fired, Mrs. Andrews came to visit us. My mother enquired why she did not bring Israel's wife with her? She replied they were killing hogs when she came along. But I thought of no connexion between the report of the gun and the killing of Isra-

el's hogs. I was at home only three weeks, and this was during the second week that Love wished his clothes made, on Monday, and on Wednesday I heard the gun. I was in the door at the time, and all the family were in bed. They might have heard it as well as myself. Mrs. Andrews went away about sun down. I was once examined before a magistrate on this subject.

Abigail Andrews.—Says that she visited at Mr. Rector's on the 15th of December last. And when she past Israel's house, he was killing hogs.

Cross-examined.—I recollect it to have been the 15th, from the fact of some particular conversation there had with the company. Mr. Andrews killed hogs on the Saturday after this Wednesday, and the week before Christmas. I live about forty rods south of Israel's. I went to bed about eleven o'clock that evening, and do not recollect of hearing any gun. Was at home all the evening. I do not recollect of hearing a gun on any other night. On one night Mr. Andrews came in, and asked me who could be shooting at so late an hour, but I do not recollect whether it was on that night or not, it was then about eleven o'clock.

Benjamin Sprague.—Says he lives about half a mile from Israel Thayer's, nearly north east. Heard a report of a gun on the fourth day of the week, the 15th December, my wife and I thought it nearly eleven o'clock in the evening. The report of the gun seemed to be about Israel's house. After Love was found, I began to reflect on the time I heard the gun. My wife first recollected it. She brought to my mind our conversation at that time—of where I had been that day. I had been to A. Kester's, about two and a half miles, and bought me a hog. The next was our Sabbath day. On Wednesday I asked Kester whether he was going to meeting the next day, and if he was, whether he would bring my hog along for me. I gave my note to Kester for the hog; he read the note to me and I signed it, and have not since read it. That evening I said, as I had to go for the hog early, I would not sit up late, but I was up later than I thought for. She reminded me of my going to bed early, and as I went out of the door the gun was fired, then had my mind on the subject of going for my hog. When I went in she asked me what the firing of a gun so late meant. I thought probably an owl might have gotten among some neighbor's hens. A. Kester is a Quaker, but I was never at his house more than two or three times. On that day I asked him if he thought he would get his hogs killed in time to bring mine along as he went to meeting, as I had rather pay him for it than to go myself for it. He was fearful he would not. I went after the hog on the 16th December. The note, as he read it to me, was dated one month back, the 11th instead of the 12th month; but I know it was the 16th December when I gave it. I bore the time of its falling due in my mind. It was the 16th of the 11th month, and the name of the month is not in the note. The note was here produced and identified. It was in

Kester's hand writing, and dated 11th month, 16th—and witness signed it. He wrote a first note and made a mistake. I informed him of it, and he then wrote this one. The first was payable the 1st of 12th month *next*. His wife observed that that would be a year, as the 1st of the 12th month alluded to, and meant, was just past—and so it was altered to this note. I was, by my contract, to pay within a year. The course from me to Irish's and to Israel's is nearly the same.

Arnold Kester.—Says he sold the hog to Sprague last fall, and it appears it must have been on the 16th December. He thinks there is a mistake in the date of this note of a month—but does not know whether he killed hogs in the middle of Nov. or middle of Dec. Benjamin Kester butchered for him.

Cross-examined.—Says he had no idea of the mistake in the note till this affair came up. Last week Mr. Torrey made inquiries of me concerning it—and on examination I was fully satisfied of the error. From my own knowledge I cannot say it is a mistake. I am a Quaker by birthright—I generally call the months by name—and am as familiar with the months by numbers as by name. I do not know as I ever made a mistake like this before. I did write a first note that was wrong, being made payable the 1st of 12th month *next*—this was the mistake. My wife knew it was designed to be due the 1st January, 1825. Whereas, it would, as written, fall due the 1st December, 1825. I intended to give the credit to 1st January, 1826. I also perceive from our conversation, that had it been given on the 16th November last, it would have fallen due on the 1st of December last. I think I killed hogs on meeting day, and that Sprague asked me to carry his hog home. I had doubts whether I should get through in season to carry it, as I went to meeting. The meeting was on Wednesday, the 16th. On an appeal to the almanac of 1824, it appeared to the Court that the 10th November, Wednesday, would be the Friends' Sabbath; whereas, the 16th of Nov. would fall on Tuesday. The prisoners' counsel then insisted that the note is dated the 10th, but the witness is confident that his figures on the note mean the 16th.

Rufus Andrews.—Says he lives fifty rods north of Israel's. His wife went to Rector's on a visit, but does not recollect the day. He heard the report of a gun on the same evening, a little before eleven o'clock. He was out door at the time, and went in and informed his wife. Believed the sound came from a south east direction. It was late to hear a gun, and on looking at the clock, it was fifteen or twenty minutes before eleven. The report was not in the direction of any house, precisely. There is a hill between witness' house and Israel's, and the report appeared to be round the point of the hill. In going to Israel's, you first rise the hill, then descend into a hollow, and then rise up another hill to Israel's, in all about fifty rods. His house cannot be seen from witness' door. Nor can he say that his house stands upon higher ground than the intervening hill. He does not recollect at what time the gun was fired, nor did he at the time locate the re-

port at any house, but supposed some neighbor might have shot an owl. He believes the report was nearly in the direction of Skinner's house, which is nearly south east, about one and a half miles—Israel's house nearly south. Rector's, also, nearly south. He recollects seeing Sprague bring home the hog from Kester's, the next day after his wife visited at Rector's.

Daniel A. Pierce.—Says he is eleven years old—can read some, but cannot write. *Question by the Court.*—He says he must not, when on oath, tell a lie—but must tell all he knows on the subject. Allowed to be sworn. I lived at Israel's when he killed hogs, and that evening Israel told me I might go home and stay that night. He gave me a hog's pluck to carry to my mother. I staid all night, and in the morning at day light started to go back to Israel's. I met Isaac and Nelson going towards Nelson's, just by E. Sprague's, before they got to the saw-mill, about day-light. I did not ask Israel whether I might go home—he told me to carry home the pluck, and to stay all night if I pleased. I started about the sun two hours high, at night; but cannot tell the time very near. I had once or twice before that asked Israel if I might go home to stay all night—he let me go. He had not refused me two or three days before, that I recollect. My father and mother were up, when I left there in the morning—it was very early. I got my breakfast at Israel's. Israel's wife said they had breakfasted two or three hours before I got there. After that time Israel sometimes asked me to go with him to the barn in the evening, to feed the horses; which I did several times. Once he called me out of bed to go with him, and I helped him feed the horses—I put out the hay, and he put it in the rack. He could have gotten the hay without me. The prisoners' counsel wished to know the object of this inquiry—they could see no bearing it had upon the case, unless it went to show that Israel was conscience stricken, and afraid to be alone in the night. The prosecutor replied that such was the object: and observed, that almost any person who had committed so foul a murder, would recoil at being alone in the night. The witness allowed to proceed. He says he was not always taken to the barn after the hogs were killed. I lived with Israel till he was taken up on this affair. Love has staid there all night—had his colt in the barn and slept with me. This was a few days, say five or six, before we killed hogs. I saw his colt in Israel's barn two or three days after we killed hogs. Israel told me it was his own colt. It was kept there till Isaac took it away; and while there Israel took care of it, I believe. He said he was going out to do it, and that it was his colt, in answer to my inquiry of whose it was. I have heard the Thayers say they did not believe Love was dead; and that they would have him brought back to this country again. I heard this about the time Israel came to Buffalo with pearl ashes. I know of Love's staying but one night at Israel's. They then came together, and brought his colt. I have never seen him since that time. He used to wear a fur cap, but I have not seen his

cap since. His clothes are at my father's—were left there when he was found. Israel has a wife, and a child of a few weeks old, and no other family, but a person named Mattison, lived there and chopped wood a while. He has two beds—he and his wife occupy one, and the other was for me. Soon after the hogs were killed, there were some old floor boards taken up in the house—they were split, and new ones laid down.

Cross-examined.—There were three new boards laid down—they ran about half way across the house. The old boards were set out doors by the side of the house. It was between the fire-place and the side of the house in the corner. The splits in the boards were old splits—were so when I went there. I made a hole in the board near the fire-place, to put my top handle in. It was the same hole that has since been talked of as a ball hole made when Love was shot; but I made it myself.*

Barney Herrington.—About the 20th December last, or just before Christmas, I heard Isaac say he had a note against me for wheat, which I had given to John Love. We were then at P. Atwell's, but he did not exhibit the note. He had also told Atwell he had a note against him, which he had given to Love. He told me that Love had cleared out—had gone away. I had heard such reports before, but only as coming from the Thayers. He said it was d——d strange that Love should find out the people were after him before others did. He demanded payment of the note, but did not say how he came by it.

Cross examined.—I do not know as he stated any reason for Love's going away, at that time. I had previously heard of Love's having run away for the crime of forgery, committed in Pennsylvania—had heard of it several times within the year, and supposed Isaac alluded to that. I delivered the wheat on my note, at Ensign's mill, where it was payable, and gave Isaac an order to get it, and he gave me my note. I took my name off the note and wrote the order on the back of it. Atwell told him he would want wheat for Christmas, and asked whether he would want wheat on his note? He agreed he would. I live about half a mile from Nelson's. Love was frequently in that neighborhood. He was a short man, not five feet ten inches high, and would weigh about one hundred and thirty pounds; and was from twenty to thirty years of age. I do not know as he was a very singular or odd man, never saw him quarrel, he was a temperate, sober man. For two winters he had been there trading and trafficking. In the spring he would go up the lakes, and return again in the fall. I know of no stated home or residence of his there. He was perhaps singular in his deal—a close man, and made good bargains. People knew but little of his business except from day to day. He often went off without people's knowing where. I never saw him have much

* The intelligence of this young witness, and the correctness of his story, were remarked by the whole Bar and audience.

money—have heard of his loaning money in small sums. The largest was sixty dollars, to Nelson; generally his loans were small, and for a month, week, &c. I saw the body after it was taken up, and believe it to be his. The shape, size and make were like his. I know of no mark about him. I had frequently seen him wear the trousers that were on him when he was taken out of the grave. I gave him my note for five bushels of wheat, at a year, for four bushels received of him.

Wendell Morton.—I had heard that Love had run away; and about the Sunday before Christmas, I asked Isaac where Love was. He stated that he had cleared out, gone—but did not say where. I told I understood he had a clue on Love's property; he replied, he guessed likely enough he had. I told him if he had, and did not shave him as hard as he used to shave others, that I would flog him—"Shave" was a mighty word with Love—he answered, "damn him, I guess he is where he will not trouble me.

Cross examined.—I had understood that Love cleared out on account of having forged a note, somewhere up the lake. I understood Isaac's last reply as alluding only to his absconding for the forgery.

Borden Thomas.—Love had a note against me last fall for six and a quarter bushels of wheat. Isaac received the wheat of me and gave up the note. When he asked me for the wheat, he told me Love was gone off. I do not recollect the time, but it was in December.

Cross examined.—My note was due the first January last. Isaac called on me twice before the note was due. The last time was about the 20th December. This note was given for five bushels of wheat, had by me before last harvest, I think. I do not know of any business he was in except collecting his debts. He was here and there around the country.

Sylvester Irish.—In January, I think, I heard Isaac Thayer say Love was gone. I asked him how he had secured Love for the property he had gotten of his; he said he had secured him in no way. I told him I expected Love had all his articles of land; he replied that he could convince me to the contrary, for he then had part of them in his pocket book, and produced an article of a lot on chesnut ridge, that formerly was Nelson's. It appeared to have been assigned to Rector, and by him to Isaac. At another time Isaac came to my house after I was in bed; I had understood that a reward of one thousand dollars had been offered for Love, and I asked Isaac where he was. He in turn asked my reason for inquiry. I told him I wanted to know, and repeated my question, and he replied he did not know. I informed him, that we all thought he did know, and that he always saw him when he went to Buffalo, or else when at a distance. I asked him if he would show Love to me for my oxen, or if I would add my rifle also. He answered, no by G—, I would not for two hundred dollars. He had before this, intimated that he saw Love when he went away, as he often did. I was at home the night that

Israel killed his hogs, and no gun was fired at my house. Isaac was there a part of the evening, when it was said they were killed. I heard of the circumstance that evening, and that Nelson was then with Israel cutting them up. I got home about sunset, or very near night, my family then consisted of my wife and three children, of whom the oldest was seven years. Isaac came there early in the evening and staid perhaps an hour. Israel and his wife came in during his stay. He appeared to have come to bring his child, and returned immediately, leaving his wife behind. In the evening Mrs. Thayer sent Isaac home to get a diaper for her child. He was gone nearly an hour, I should say, and returned with it, and as I recollect he then staid but a short time. Mrs. Thayer staid until late. When she sent Isaac home my wife offered to lend her something for her purpose, and requested her not to send him. She gave her something for her purpose, but I do not know whether she used it. Isaac, however, went and brought three, four, or five diapers. Her husband came down after her, and he then staid the best part of an hour. I laid down several times in the course of the evening on the floor, but I did not sleep nor doze, I think. I saw no gun that evening. One morning before we were up, Isaac came in with his rifle, but I cannot say whether it was before or after the hogs were killed. He wanted it cleaned and cut deeper.

Cross examined.—I understood that Israel went back to cut up his meat after bringing his wife. He came after her as late as nine o'clock, and staid some time. I saw Isaac first, about dark; he then staid about an hour. My wife offered Mrs. Thayer a towel for her child's use, and Mrs. Thayer refused to use it. When Israel came for his wife, we had some talk about cutting up his pork. He appeared in no hurry to go home; he went away between nine and eleven o'clock. This has been my impression before to-day. I went to bed within half an hour after they left—also my wife. When Isaac brought his rifle in to be repaired, he sat it down and said—If you are going to cut my rifle, by G—d I want to know it. I told him I could not do it; but he left it and went away. Love's colt was some days at Israel's. I saw Isaac take him from Nelson's stable, and start for Buffalo. When he returned, I asked him what he had done with it—and I inferred that he had given it to Love. He told me how hard he had rode, and how the colt hung his ears before he got to his journey's end. I supposed he had rode hard. When he was going away at or near the stable door, I heard Nelson tell him, perhaps you had better take the colt along, as you may find the short fellow—meaning Love—and if you do, deliver him up and let him do as he pleases with him. He led the colt and rode another horse. At this time they must have known that I heard Nelson's direction to Isaac. I never heard Love say he would trust Isaac with his property as soon as any other man. Before this question was answered the court decided the declarations of Love were not to be received in evidence.

Mrs. Melinda Washburn.—When Isaac was under arrest for this affair, I asked him why he did not tell where Love was, he replied that he was so damned contrary that they could get nothing out of him; he represented that he knew where he was, and that he was some distance off. On the 17th Dec. Isaac staid at my house a part of the night. His father called him up, say about 12 o'clock or after, and went away; he did not return that night. It was the night but one after Israel's hogs were killed. He had been away all night, two nights before, and said he had staid at Israel's. He came next morning about sunrise and eat breakfast, told me he come to Nelson's, whose wife was not up, and so he came and breakfasted at my house. The night he was called up he slept in the new part of the house, his father came in and asked where he was, went in, and woke him and they came out together, he went away instantly, but Isaac dressed and soon followed. All I heard the father say was, Isaac it is time to get up. He had slept at our house three or four nights. The day the hogs were killed he came home before tea, and said he eat dinner at Israel's, he went away again, and on his return next moruing he said he had supped at Israel's but still he could eat all I had for him to eat. His father then boarded at Nelson's. Isaac came to our house to live on Monday morning, a week and one day before this. After that I do not know of his staying with his brothers but one night. He brought the new plate home to me on the 17th or 18th Dec. after the hogs were killed. The father tended the saw-mill, and often all night—never called before to my knowledge, for help to roll logs on. The saw-mill is in sight of my house, and within call. It was not going at the time he called up Isaac. I think I saw Love on the 15th Dec. ride toward Nelson's on Nelson's mare. I heard no gun on the 15th Dec. We live three-fourths of a mile from Nelson's. A few nights before or after, there were, I presume, ten guns fired at Nelson's, and if I had heard a gun on that night, I should not have thought it strange.

Benjamin Fowler.—On the 23d or 24th of December, I purchased a colt of Isaac, in this village—a light, yellow, three year old colt, and paid him forty dollars. He mentioned that he was going on the next day, Christmas to a shooting match. He led the colt and rode a bay mare. He was round the day before endeavoring to sell the colt, and said if he could not sell him to his mind he should go to Batavia with him. He told me he lived in Boston, and that the colt was the same one that Thayer had down here in the fall; that he had him of his brother. Nelson, I knew, and he had a colt here in the fall.

Judah Simons. On the 20th Dec. Israel met me on the eighteen-mile creek, about one mile from Nelson's. He was on Love's colt—a yellowish colt. He offered to sell the colt to me. He stated he had not bought the colt, but was authorised to sell it by Isaac, who had all Love's business to transact. I know both the prisoners well. It was Israel who had the colt, and offered to sell.

Sally Thayer, wife of Nelson.—Isaac came to our house on the

17th of December, in the fore part of the evening. The father was there at the time he was, and wished him and Nelson to help him at the mill in getting on a large log. They said they would not go then, but would get up before day and assist him. Isaac went away to Washburn's, where he then slept. The father went to bed. Between midnight and day light he got up and called Nelson to put on the log. He then went away; after Isaac and soon came back with him. Isaac then asked Nelson if he was not going to get up; and he then went away. The father came back in a few minutes, and said it was so dark that he would not then put on the log; and he lay down on the floor. Nelson and Isaac returned just before day light. I paid no attention whether the saw-mill went that night. They took no lantern nor light with them; we had no lantern.

William Thompson.—I tended the saw-mill on the 15th December, but was not there on the 17th. I left some logs on the way; do not recollect of any very large ones. The father is rising of fifty years old, and not a rugged man. He was not in the habit of sawing, unless some one was with him.

Rufus Andrews.—I saw Israel on the morning of the 16th or 17th December. He came to borrow flour. I had none—he turned to go away, but then turned back, and asked if I had seen Love? I answered no. He replied that he did not know but I might have seen him come along down.

E. Walden, Esq.—Isaac was brought before me on a hab. corp. soon after he was committed. The object appeared to be to fix a time for them to produce Love, or proof of his being then living to satisfy me. This was on Wednesday, and the following Saturday was assigned as the time. I asked Isaac, where Love was, he said he was in Canada, along the river between the Bertie Ferry and Queenston, he could not tell me the exact place. But before Saturday the body was found. Torrey had been proposed to go after Love or see him, as I told them some responsible man must be sent to see him. Isaac said he could easily produce Love by Saturday, and wanted no longer time.

N. D. Rector, Esq.—Isaac was before me on the 17th December, to answer for Love in a suit where was plaintiff, he told me that Love requested him to appear and answer, as he was going on to the east ridge (the east side of Eighteen Mile Creek.) This suit was on a note which was in my possession. I had other demands of Love's. I had his demand against Isaac, amounting to two hundred and seventy-five dollars, for which he had confessed judgments on oath, and the executions were issued. The judgments were entered on the 4th December, and the executions were then given to Love; I have never seen them since. I had also judgments against Israel. I had other demands of Love's—two notes against Hilliker, about five dollars and twenty-five cents. Isaac called on me to get Love's money in the case against Smith. I issued an execution against Israel for Love, of

from seven to nine dollars, which was paid up into about one dollar. Jones the constable called on Israel for it, Isaac said he had Love's power to settle it, and directed Jones to endorse it satisfied. Love told me in presence of Isaac that he had executions against Nelson, on which he wanted to sell, to avoid some subsequent executions against him. Isaac was to bid in the property of Nelson, and take the judgment of Love against Nelson, and the property was to be then instantly levied on as Isaac's, by those executions issued by me. It is understood that Love wanted to give Nelson more time, but if he let his executions run out, that were then levied, those other executions would attach upon the property.

The District Attorney produced a power of attorney, purporting to be executed by John Love, empowering Isaac to collect, receive, settle and compound all demands due Love in Erie county, and to defend all suits against him: bearing date the 8th of January, 1825. The witness says the signature is not Love's hand writing. The name is not spelt right. The *o* in John, is omitted. The first time I saw that power, the name of Nelson was not on it as a witness. Isaac presented it to me twice. When he demanded Hilliker's note, he said he had only a verbal authority. This was about the last of December. I told him to procure a power of attorney, and refused until he did to deliver the note, or pay over money. He called in January for the note, or the money on it, and produced this power, then not witnessed; but I refused to pay until it was acknowledged. He said that Mr. Austin told him it was sufficient without even being witnessed. The next time he produced it, was about the 20th Jan. Nelson's name was then on it, as it now appears. I refused, however, to pay the money, until it was acknowledged. He then said he was informed that it was not necessary, and mentioned something about obliging me to pay.

Cross-examined.—I am considerably acquainted with Love's hand writing, but am not much skilled in detecting forged hands. Love's writing is rather heavy—an old fashioned hand. Five papers purporting to be Love's hand writing were exhibited to witness—he thinks two are Love's; one not his, and is doubtful as to the genuineness of the others. Prisoners' counsel then stated to the court, that one of those pronounced to be Love's, was just then written, by one of the counsel.

S. G. Austin.—Says, Isaac called on me to draw this power, and it is my writing. I presume it bears date on the day it was written. They stated to me that they wanted a general power to transact all Love's business. That he was in some difficulty—was apprehensive of being arrested, and was secreted not far off, and had sent them to obtain the power, which would be taken to him for his signature. I told them it was unnecessary for Love to come to see me. I advised them not to have a witness, as law-suits might follow—to obtain that witness might be difficult, and if not witnessed, he might prove the

power himself. This, I think, was in the evening of the 8th, and they represented they could obtain his signature the next day. I have seen Love write twice, and have his signatures in my office, which I have lately examined. The signature to this power does not resemble them much—I should not think it his. Several papers were submitted by prisoners' counsel; but witness cannot decide clearly whether the writing is Love's or not.

J. H. Adams, a constable.—Produces three executions received by Love, and signed in his presence. They were all against Nelson—which were examined and compared with the signature to the power.

E. Walden.—Says two strangers came to him to acknowledge this same power, and he wrote the words "signed and delivered" upon it.

Esquire Rector.—Says he thinks the two papers now submitted to him, are in Love's hand; but no further proof was added as to them.

Amos Smith, Esq.—Love left a note with me for collection against Caleb Pierce. Isaac presented the power and demanded the money collected. I refused to pay over because I thought the power incomplete, it not being witnessed. He afterwards presented it signed with Nelson's name as a witness to it. I then refused because I thought it a forgery of Love's name. Love was a tolerable writer; he used often to be in my office writing on pieces of paper. He read well. The first time the power was presented to me I thought the signature was Nelson's writing—he sometimes writes well, sometimes not. The letters in his signature are longer than Love's generally, and more erect. I never heard it reported that Nelson wrote it until I gave an opinion that it was his. An issue was joined before Esquire Swain, between me and Isaac, as Love's attorney, when he presented the same power, and judgment was rendered against me and paid. At the court I heard either Isaac or Nelson say, he had seen Love within a few days. This was the 15th of February. I first saw this power on Monday, the 10th January. I told Isaac that if Love was afraid of being arrested, he might call on me in the night and I would pay him. I wanted his own receipt; he must be in the neighborhood, as the power was dated on the 8th, and this was only the 10th. He replied, my God, Love cannot do it; he is a damned sight farther off than people here have any idea of.

Benj. Dole.—Saw Isaac the Saturday after Love was reported to be missing. He then had considerable money, a considerable roll of bills. I do not know the value, but there might have been fifteen or twenty bills. He had been owing me for a year before this, and always complaining that he could not get money,—he owed me about twenty dollars. I have lately collected it on an execution, I have also collected five or six or seven dollars on an execution against Israel, which in December last I postponed until in January. I should not call the signature to the power Love's writing. Isaac was owing me at the time I saw him have the bills. I received my money of Esquire Swain.

U. Torrey, Constable—I had an execution for Dole against Isaac, after he was put in jail, T. C. Love, Esq. sent the money to pay it up, as I understood. It was paid. I have examined the signature to the power, and believe it not to be Love's writing. In the early part of January I told Isaac at my house, that it was Love's object to add to his security, and that if he owed him he had better pay. He replied, give yourself no uneasiness, I have those executions in my pocket. He has told me that he had the sole control of Love's property. I arrested Isaac on this charge, on the 19th of February, and at that time I had Dole's execution, I first got him to secure that, and then asked him to step aside with me. I then told him that people supposed he had murdered Love, and that he had better find and produce him if he could. He said he could produce him, but if he could he would be damned if he would do it. I then arrested him. He had paid me the taxes for his father, Israel and Nelson, in a town order of twelve dollars or twelve dollars and a half, payable to Aaron Benson. Love had told me that he had bought the order of Benson. I understood Love received it in part payment of Benson's debt to him, on which I had the execution. Isaac told me he had Esquire Cary's note to Love, on which was due twenty bushels of wheat. There were twenty-six or thirty dollars due on Owen's execution, which was assigned to Love, which Isaac received. There were notes to a considerable amount given to Love by Merriman, for some land. Isaac said he had these notes, and I understood he intended to enforce the collection. On the examination of his father, on the 19th or 20th of February, Isaac said on oath that he had seen Love and transacted business with him within two weeks. He said he left Buffalo and went about twelve or fifteen miles east, but he did not know the name of the town. Love came to him in the road. Once he had seen him at Black Rock. He stated that on the morning of the 16th December, he parted with Love at the school house in Boston. He further stated that he gave a paper to Love, and described a schedule of notes and demands, and that he had at different times paid Love more than one hundred dollars on the demands mentioned therein, that when he paid him money, he informed him on which he made the payment, and Love then crossed out the same on the schedule. The execution of Dole against Israel was in my hands before he was arrested. I think the Thayers were less embarrassed after the middle of December, by executions, than before that time, but I have since levied on property of theirs, not being able to get money. When I conversed with Isaac about Love's execution, I did not know the amount, but supposed it to be about two hundred dollars. The amount of Israel's tax which Isaac paid, was about two dollars. I do not recollect the understanding or arrangement by which Isaac was to pay it.

B. Dole.—When I saw the roll of bills in Israel's possession, I saw Love's pocket-book, and think I sold it to him. I do not recollect of seeing any papers in it. I frequently saw him have it.

James Ives.—Isaac had considerable money on the 10th January; he paid me two executions against Israel and Nelson, in all about seventeen dollars. He said he had money left—enough to pay all the debts they could bring against him and his brothers. I am a merchant, and live six or seven miles from them.

Cross-examined.—The judgment against Israel was, say eight dollars—it was the smaller of the two.

Orin Treat.—I had an execution against Israel, which was issued on the 8th of November, of ten dollars, in favor of James Ives, which I could not collect, but returned unsatisfied. I examined, but found no visible property. I saw him in January, after I had returned the execution. He then said Ives had waited a good while, and should have his money. That the constables of that town had rode him all summer—though he was not through yet, he could get through.

Cross-examined.—During the time I had the execution, I did not see him at all. I made search for him, but expect he kept out of my way.

N. Smith.—Was at Ives' when his executions were paid up. Isaac told Ives he should pay up those executions, but if he trusted him any more, he might get his pay as he could.

John Twining.—Saw Love last on the 14th December, I believe. He came to me in my lot, about eighty rods from Nelson's. In reply to his question, I told him I was going to Buffalo next day. I came down on the 15th of December, and brought Love's order, dated the 14th, on Esquire Austin, for the money or an execution on his judgment against Bennett.

I called on Austin and got the execution and returned home on the 16th. When I got near home, I met a man who I understood to be the same Mr. Bennett. He asked if I knew where Love was? I answered I did not, but supposed he was at Nelson's. He said he was not there. On the 17th December I handed it to Isaac, on his presenting me Love's order for it. Perhaps I mentioned my having the execution, at the blacksmith's or at Washburn's. The order was now produced in court and identified. I had given Love two notes, one for thirty dollars, and the other for thirty bushels of wheat. After my return from Buffalo, Isaac called on me in the evening of the 16th near sun down, and we had a conversation respecting the Bennett execution. He then, or the next morning, clapped his hand on his pocket, and said he had John Twining there *twice*. I then thought of these two notes. I told him that night that I had Bennett's execution, and not in the morning. The order was read, dated the 17th December, 1824, to deliver the Bennett executions to Isaac. The order was brought early in the morning of the 17th, before we were all up. I was at Washburn's on the 17th, when the father came to call up Isaac. It was a dark and rather a windy night.

Cross examined.—On my examination first, I thought it was on the 14th, and not the 17th, but I now say it was on the 17th. I at first

supposed I assisted at the coal-pit before I came that time to Buffalo. I now find it was after my return from Buffalo, where I know I went on the 15th. The executions I got of Austin were dated the 15th, and so is Austin's docket, and an order made there by the Surrogate, is charged to me on the 15th.

George B. Green.—I came to Buffalo the night the body was found—went to the jail and told Isaac of it. I first asked Isaac where Love was, he said in Canada, he said he saw him last on Saturday, the 12th of February—saw him down the Niagara river below Black Rock—that Nelson then went over the river and brought Love across, he said he then paid Love seventeen dollars. That this was not the first time he had seen him since he went away; he said he saw him first on the Big Tree road, about twenty miles from my house, in December last. He was not in any house, but was in a shed—that he was riding along and saw Love under a shed. Saw him again five or six miles beyond Williamsville or Eleven mile creek, as he was riding he saw Love on the fence, that he then had business with him and paid him money. The next time he saw him was below Black Rock; on the 12th February that Love lent Nelson some money to pay him a debt which he received that day, I think he said he saw him in the evening of that day. No one went for Love but Nelson. I then told him the body was found, and where; he asked if I was there. I told him I was not, but that Smith had told me it was found. He said it was not so, for Love was in Canada; that he was alive, and he had seen him down the river. I told him the body was found between two logs in the woods or swamp; he asked, in the woods between two hemlock logs? and repeated it five or six times, and still doubted my word. This was on Wednesday, he said he saw Love on Saturday but one before.

At 10 o'clock in the evening two constables were sworn to attend the jury, to keep them together until eight o'clock next morning, and the jurors again charged to avoid all conversation on the subject of the cause before them, and the Court adjourned to eight o'clock next morning.

At half past eight A. M. on the 22d the Court and jury came in, and the District Attorney resumed his evidence.

Reuben Irish.—Says that on the night of the 15th December I went to Washburn's coal-pit, and at no other time. On my way down I heard a gun fired—was going eastwardly to the coal-pit. Israel's was then east or north east from me. The report was apparently behind me, and cannot tell the time of night. The coal-pit was, say ten or twelve rods from the house.

Cross examined.—There was a man there with me with whom I had a conversation about two weeks ago concerning it. He and I agreed as to the time and place. His name was Congleton—Washburn's apprentice. The first time I went out to the coal-pit was a little after dark. Washburn was with me. We returned to his house,

and before I went out again he went to bed, but his wife was up. I heard the gun when about half way to the pit—I think it was the fore part of the night, but cannot tell near the time.

F. Jones.—I had several executions against Israel in the fall, and spoke to him about them. I had a little property levied on by virtue of B. Dole's execution at one time. They are all now paid up. He handed me a writing from Dole to stay his execution till January. I did not obey the order; I thought it would not be doing right by Dole nor myself, for if he lost that lien on the goods, the other executions would attach upon it and take a preference. He proposed to Isaac to pay it, who bid the property off, and afterwards sent me the money, by two boys. I had an execution of about one dollar against Israel, in favor of Love. He said Isaac would fix that. Isaac said Love ordered him to endorse it satisfied; and Nelson said Love directed Isaac to do so. After the prisoners were arrested I found a pocket book at Nelson's, in a chest in the bed room, containing three hundred dollars or thereabouts, of Love's demands. This book was found by me on the night of the examination of Israel and his father, the same day the body was found. The amount of the demands was about three hundred and fifteen dollars. One note was payable in wheat; and some payable to Love, and some to bearer. I overheard Nelson telling about Love's going away—it was soon after Love was missing, while going up to Esq. Rector's to attend Smith's suit. He said that Love had cleared out—that there was a man came there, and said he was owing Love. That Love saw him and said he owed him nothing; and that if he did he would sue him at once. Isaac then cautioned Nelson as to what he was telling. Nelson said the man enquired for Love, and wished to pay him; but after seeing him, he said he was afraid he was after him for the forgery, and cleared out—avowing that that man owed him nothing. I knew Love well—he was a close man, and careful of his interest.

Cross examined.—I had an execution against Israel just before or after he was imprisoned. Mr. Fulsom paid the money and took the property; he said T. C. Love, Esq. sent the money. It was a ninety day execution—appeared to have stood a good while. I cannot tell whether it had been renewed. It appears to me it had been renewed, and not a great while before it was paid. I have had something like six executions against Israel within the last three months, but do not recollect the dates nor amounts.

Aaron Le Clear.—I was at Nelson's on the 16th January. Nelson and Isaac went up stairs to look for my note to Love. Could not find it, but Nelson said he had got it. That Love had gone away, and left his pocket-book and notes at his father's, and that Isaac went and got them and handed them over as people called for them. I then agreed to pay to them my note, by delivering the wheat to a third person, to be delivered to them on the production of my note. My note not being produced in the time, I took away my wheat. On the 10th Feb.

ruary, Isaac and Israel came to me and demanded the wheat; and upon my refusing to pay it, Isaac said there would be a law suit—that he should send me to Buffalo. On the 14th February, I received a letter from Esq. Campbell, of Buffalo, dated the 12th, stating that my note to Love was left with him for collection; and if paid by a certain day, it would save costs. I paid no attention, however, to the letter, and have heard nothing of it since. I have known Love for about five years. He has lived with me. On New-Year's day, I spoke to Isaac about my note; he said he had it, or believed he had. I heard of Love's having run away for forgery, from Nelson, about the 15th January. I had previously heard of his absence.

Cross examined.—Israel and Isaac came with a team to my house for wheat. Israel said it was indifferent to him whether they got the wheat or not; but it was Isaac's just and honest due from Love. That I must pay the wheat to him, and settle with Love about the dishonesty of the note, of which I complained at the time. This was on the 10th of February—Isaac then had my note and showed it to me.

Sylvester Irish.—The night Israel's wife visited us, I think I laid down on the floor, before and after Isaac went after the things for Mrs. Thayer. Do not recollect whether I took off my boots and stockings—think I was up when Israel came for his wife. I have no recollection when the rifle was taken away from my house, nor whether taken away on the evening of killing hogs. Do not know whether it was there after killing hogs. I think the colt was at Israel's after that, but am not positive. The foot path where the body was found, was not so much travelled as another one higher up the ravine. Isaac said that in all the shooting matches he had to be purser—foot the bills. I took it he meant the bills of the three brothers. This was after Love was missing. I do not recollect ever having heard him say any thing of the kind before.

Cross examined.—After the time of the visit at my house, I went a hunting with my brother. We expected Isaac would have gone with us, but he did not. I had been a hunting with Isaac twice before that. I recollect being with Isaac and Nelson near a hay stack, but my brother was not with us. The counsel had requested to know what conversation was had there; but appeared to think it unimportant, as witness' brother was not with them. Witness does not know whether Isaac left the rifle at his house before or after the visit.

H. M. Campbell, Esq.—I this winter received a demand to collect against Le Clear, and wrote the letter now produced. Am not confident whether Isaac left it. The note was in favor of Love, payable in wheat. I do not know Isaac. It is my impression that it was left by neither of these prisoners.

Adam Rector.—I saw Israel on the day the body was found, he was thirteen or fifteen rods from the grave and coming in a direction from it. The body was found two and a half hours after this—he was going toward the saw-mill and passed by S. Irish's—he was in an open

field on his own land, not in any path. The place where the body was found was pretty much surrounded by sumac, briars and bushes, the sumac was only on one side. I was then looking for the body.

Charles Howard.—Saw all four of the Thayers on Christmas at Arnold's at a shooting match. Isaac had several bank bills. They came quite early, and shot a few times first, and Israel or Nelson told Isaac to give me a three dollar bill and let me keep my own account till they had shot out the money. He gave me a two dollar bill, and said he had money enough and was not afraid of his sixpences. I think he added that he had enough and that they cost him nothing. I never saw Isaac play cards at such places.

Catharine Britton.—I lived at Israel's a short time in November last, left there the latter part of that month, I then staid at Nelson's two or three days and then went home, which was about one and a half miles. I was at Israel's on the 6th of January and saw him there. I left there for Washburn's about the sun two hours high at night. I went from Israel's to R. Andrews', then across to Irish's, as it was nearest. There is a path running near where the body was found. Israel asked me to come back and stay that night, which I declined. He asked me which way I should go if I did not come back, I told him the path below the house—he replied that that path was bad, and said I had better return by way of the house. There were two paths and which he meant I do not know. I did not know then of the path leading by the grave. In going from Andrews' to Irish's, I might go by the grave by one path and not near it by the other. If I went back by Israel's to go to Irish's the path would not lead me by the grave but around it.

Daniel Swain, Esq.—I examined Isaac and Nelson on the 19th and 21st. There was no inducements held out to Isaac on the examination, he was reluctant a first, but there was no threats nor promises used. Here the examination of Isaac was read as follows :

The People,

vs.

Isaac Thayer.

EXAMINATION, *February, 19, 1825.*

Prisoner charged with murdering John Love, pleads not guilty, and saith, the last time prisoner saw John Love in Boston, was near the lower school house in Boston. Prisoner, Nelson and Love together, none others present, Love talked of his forj'ing and other embarrassments, for which he expected to be pursued.—Love then and there gave over all his obligations that were then due, to prisoner, and called Nelson Thayer to witness the contract. Love then departed in haste; it was about sunrise in December last, but can't tell the day of the month—prisoner saw no other person, nor heard of any approaching or near them. Prisoner had never seen Love but twice since, the first was some weeks thereafter, the last time was four or five weeks past, nor less than four weeks—at both times prisoner saw Love in a field, nobody present or near, had never seen Love in any house since he

left Boston, nor with any person; and further saith, he, prisoner, was gone two nights each time that he saw Love, that he went alone and returned alone both times.

The District attorney now offered to show what Isaac said on the examination of Israel, senior, the father, on the 21st, upon which Isaac was sworn. The prisoners' Counsel object to the giving in evidence Isaac's testimony, as he was then under arrest and upon his own examination. But the witness stating that he came forward voluntarily to testify, the court decided what he then said might be admitted. On an objection as to parol evidence of his testimony, the court laid down the rule, that if the examination of the prisoner be reduced to writing, it will be evidence, and nothing, not in writing, can be heard; if not reduced to writing parol evidence of it may be given. This being the testimony of Isaac, given on the examination of another person, does not come within the rule that makes an examination evidence, and therefore parol evidence only can be received, as to what he swore to or stated. The witness was then allowed to read over his return of the evidence given by Isaac on the examination of Israel, senior, to refresh his memory, and he testified to it as follows:

"Isaac Thayer, on oath, saith, the last time he saw John Love in Boston, was from four to ten days after he parted with him at the school house, as related on witness' examination on the 19th instant, was with Love on the West Hill, in witness' father's house, in the evening, and had seen him twice since and no more; and further saith, when he parted with him at the school house, it was about sunrise, and Love handed him all his notes and demands, and departed in haste as a man was approaching that Love heard was in pursuit of him—he did not have Love's pocket book, but had the papers; and further saith, the other two times when he saw Love was in the day time—in a field both times. Had never seen him in a house, since he saw him at his father's, nor in company with any person. He went from home alone and returned alone, both times, and was gone two nights both times, that he went to see him. The last time he saw Love was three or four weeks past, and knows he had not seen him within three weeks."

Washburn.—Says he was present when Nelson's property was sold. Isaac bid the whole of it off—presumed it was bid in for Nelson—it went very low. Do not know the amount of the execution; think it was less than ten dollars. I do not know of the value the property sold. It consisted of one good sleigh with steel shoes, one or two hundred feet of siding, and four bushels of corn. Am well acquainted with Israel. He is illiterate—never saw him write. A paper was handed to witness. He thinks it not Love's hand writing—cannot be positive.

Esq. Swain.—Says the affidavit presented is signed by Isaac. Affidavit read.

I swear by the everliving God, that I, Isaac Thayer, the undersign-

er, am John Love's lawful attorney, having received full power from said Love.

ISAAC THAYER.

Sworn and subscribed to, this 10th day of January, 1825, before me.

D. SWAIN, J. P.

The examination of Isaac on the 19th and 21st, were not very different. On the 21st, Isaac said while they were near the school house, Love saw a person on horseback, and said he must be off, thinking he was pursued.

Mrs. Sally Thayer.—Recollects of Isaac's leaving a red pocket book at her house, and presumes he bought it. He at least had a red pocket book there. Saw him have it frequently, but it was after Love was missing. A pocket book was found in the chest at her house, but not in Isaac's chest. Does not recollect of seeing it there till they were arrested; but saw it there often after that, before the officer took it away. She never heard any conversation between Isaac and Love about his managing Love's business. The book taken from the chest resembles the one here presented. Love had a large red, and a black pocket book; this one taken from the chest is not either of them.

B. Dole.—I think this pocket book is the one Isaac bought of me, or like it. I sold him one of that size and description.

Laura Wilson.—Recollects staying several nights at Nelson's last Dec. Nelson was gone a good many nights, but she recollects nothing about any particular night.

Mr. Rector.—I saw the body at the school house, and have no doubt it was Love's. I knew him well, and knew the great coat. The person found had a scar on his forehead, which I did not know of on Love. I knew the color of Love's eyes; his hair was dark; his teeth were all double, round teeth. The body answered this description. I examined the teeth.

N. Smith.—I knew Love when living—saw the body and great coat in the grave. No doubt it was Love and his coat. I knew the scar on his forehead—it was one or one and a half inches in length. He had said it was done with an Indian tomakawk. I discovered the same scar on the body. I could also identify it by a scar on the foot. I observed his teeth as Mr. Rector has testified. There was some talk after he was interred, of taking him up to examine for the mark of an anchor on the arm.

Stafford.—I knew Love well, was the first who found the grave. I knew the scar on the forehead, the pantaloons and great coat.

Thomas West.—I knew Love—saw the body at the school house. Have no doubt it was him, though I knew of no marks on him. I perfectly knew the coat, and think I knew the handkerchief that was found round his neck, and have no doubt but this one (produced by Daniel Pierce) was his, or just such an one as Love wore on the 13th Dec. All his clothes were on the body, except stockings and shoes. I heard the report of a gun in the direction of Israel's just before Christmas. I was then at Mr. Rector's. We thought Irish was cleaning

his gun for Christmas. It must have been heard between ten and eleven o'clock in the evening. We spoke of its being late.

Daniel Pierce.—Says this handkerchief is the same one that was taken off the neck of the deceased.

Mr. West, cross examined.—When we heard the gun I thought it in the direction of Israel's. Mr. Rector was at the door and said he thought it was at Irish's or more down the road. Irish's would be a little east of where I thought it was fired. A line from Rector's to the grave would run between Israel's and Irish's, rather nearer Israel's.

B. Williams.—I knew Love, but remember no marks on him, observed his teeth to be round except his two front ones, they were flat. I noticed the same teeth in the body found. I knew his coat and pantaloons, the latter were faced with leather, the same were found on the body. I knew the body to be Love's. He once had the tooth ache at my house, and I had occasion to notice his teeth. I saw all four of the Thayers on the 11th of Jan. at Wilson's in Boston, at a shooting match. Isaac had then a number of bills, I should say fifteen or twenty. He paid the bill in the evening. I saw his pocket book, it was about the size of this, (the one in court). I saw them all there in the morning. The father paid the bill in the morning.

Mr. West.—At the time I spoke of I resided at Mr. Rector's. The Curtisses live nearly north of Rector's, ninety or a hundred rods. There are two families. They are about sixty rods from Israel's, nearly a south east course. B. Curtiss keeps a gun.

Aaron Benson.—I knew Love. Saw him last on the 12th of December. I think he was going south. He had previously a judgment against me of twenty-seven dollars—I paid all but four or five dollars. I gave him Job Whipple's note, and a town order of twelve dollars, payable to me. This was between the 1st and 10th of December.

Cross-examined.—Before Love was missing I had heard reports of his forging in Pennsylvania. On the Monday after Nelson was arrested, I conversed with Nelson and Isaac, and advised them to produce Love, if he was to be found. I could get no satisfaction from them on the subject, nor could I have but little conversation. Nelson said it would be impossible for any one to get him—he would fear such a person as U. Torrey. I offered to go myself, at my own expense, even if it were three hundred miles; but they seemed to treat my advice and my offer lightly and with contempt or disdain, and I left them. They were my brothers-in-law. The note of Job Whipple's was for forty-eight or forty-nine bushels of corn.

Dr. Ingalls.—Israel was examined before me as a coroner. He was then under arrest for the murder. By the inquisition the whole four were found to be murderers. After an objection by the prisoners' counsel, Dr. Ingalls was permitted to state what he swore to on that examination as it was an inquiry as to who the murderer was, not particularly as to his guilt. Dr. Ingalls also stated, that before he testified he was told that he need not say any thing that could criminate

ate himself. Israel testified then that he saw Love last on the 16th day of December, the day after he killed hogs, saw him at Nelson's barn. That on the evening he cut up his hogs Love came up to his house with him. That he had previously a good many notes and supposed he had considerable money. That when he saw him last he had no great coat on.

B. Curtiss, Jr..—I live south of Israel's, on the west side of the road, and was probably at or about home about the middle of December. I had a gun, but there was no other about there. I have no recollection of its being fired by any one. It was not by me. About the 10th of Jan. Isaac had about \$20 paid to him by Twining. Mr. Torrey called to collect the taxes. Isaac asked him how much the taxes of all the Thayers were. I then left them. Israel was previously embarrassed pecuniarily. I knew little of Isaac, he had not however, much money.

Cross-examined.—I understood Isaac went to the east last summer to get money. I am a carpenter and joiner. In my shop I sometimes wrought late, and sometimes went to bed early. Saw Daniel Pierce carrying home the hog's pluck, and I think I was at the house that night, but do not know whether I were or not.

S. G. Austin.—Says he delivered Love's executions vs. Bennett, to Mr. Twining on the 15th December on the order of Love.

B. Dole.—I saw Love last in the fore part of December; he then had considerable money. I borrowed five dollars of him for a few hours, and paid him by a ten dollar bill, which he put into one side of his pocket-book, with some, more than two, other ten dollar bills, and took a five dollar out of the other side and paid me. He had several fives—a number.

Samuel Hambleton.—In the fore part of February, Isaac had some money at my house. He was about purchasing a harness and was to pay for it in grain. I saw a two dollar bill, and he said he had a five—he said he could pay me for the harness in cash. He told me he had bought a rifle, and that a few days before he had paid twenty-five dollars for it.

Wilder Rice.—Saw Isaac have some money the day after Christmas, does not know how much, but he exhibited a bundle of bills, he said he had just sold the colt at Buffalo. Saw him have money at no other time.

N. D. Rector.—Israel was somewhat embarrassed previous to December. He came to me and enquired what articles were exempt from execution, and stated he had executions against him. I was at his house and observed some things were missing that I had seen there before, I believe he intended to secrete what was not exempt.

A. C. Fox, Esq.—Testifies to the schedule of the demands found in the red pocket-book found in the chest at Nelson's. The officer and District Attorney identifying the book and papers. The statement was as follows :

1 note Abel Merriman,	6,000	feet boards to bearer.
1 do. do.	7,000	do. do.
1 do. do.	7,000	do. do.
1 do. do.	6,000	do. do.
1 do. do.	7,000	do. do.
1 do. do.	3,800	do. whitewood scantling to J. Love.
1 do. do.	7,000	do. boards to bearer.

7 Notes Total 43,800 Feet.

1 note John Stafford, 4,500 feet boards to bearer.

8 Notes for Lumber, 48,300

1 note John Stafford,	\$5,00
1 do. do.	2,00
1 do. do.	25,00
1 do. do.	4,50
1 do. do.	10,00
1 do. do.	15,73
1 do. do.	9,00

7 Notes for money, \$71,23

One note for 100 bushels wheat, signed Asa Carey, endorsed 80 bushels—Balance 20 bushels.

U. Torrey.—Isaac told me that he had the Merriman notes. (See Fox's schedule.)

George B. Green.—In the fore part of January last, I had a warrant against Isaac, in favor of White, or White & Swift. When I arrested him, he said they were mistaken in the man—that he had bags of money enough to buy out White & Swift, or the whole of them. He told T. T. White that he was now sued for the first time, and that he had one hundred and fifty or one hundred and sixty dollars in cash; and he showed some ten dollar bills. He afterwards paid out a ten dollar bill to George White, and I saw he had two more left.

Cross-examined.—I thought it was bragging at the time.

Samuel Bennett.—Love had an execution against my son. I went to Boston on Business—saw old Mr. Thayer and Isaac at the saw-mill. The old man told me he did not know where Love was, but he saw him the evening before going across the bridge. The conversation was in presence of Isaac. He did not know but Love might be at his house. He said he was a strange man, and he could not tell where he went to. I went to his house, about four miles—Love was not there; came back and met the old man and Isaac about half way. Old man then said he thought Love had gone to Batavia. They were going towards the old man's house. I think there were two other men with them, strangers to me, but I think I saw the same men with

them at the mill. Some one of them said Love was not at Esq. Reesor's, as they had just come from there. It was also said that he had boarded at the chesnut ridge, and had a law suit and might be there. When at the saw-mill old Mr. Thayer said that Love the night before started to go to his house, but he did not think he was there then. I told them that I had some money to pay him, he replied I might leave it with him or them; or Love would probably be over in a few days and see me. This was the same day that I saw Mr. Twining.

Cross-examined.—I had seen Isaac before, but did not know Israel or Nelson. Had seen the father, he had paid me a military fine. I cannot say that they all heard our conversation, but they all stood round near together.

The Court at half past one o'clock took a recess of one hour, in the same form as on the first day.

THOMAS C. LOVE, Esq. opened the defence for the prisoners.

GENTLEMEN OF THE JURY :

The embarrassments under which I rise to address you, on the subject of this defence, is beyond the power of language to express.

On the one hand is a rigorous prosecution for the most *dampning* of all offences, conducted by an able, industrious and persevering prosecuting attorney, assisted by two associate counsel of distinguished ability, and great professional skill; and on the other hand, the lives of two fellow beings, in some measure committed to my charge, and staked upon the result of the issue, I am called upon to defend.

May I not with propriety express myself in the language of inspiration, and ask, "who is sufficient for these things?"

I have not unfrequently addressed a jury of my country from this place, on subjects involving the pecuniary interest, character, and in some instances, the personal liberty of an anxious and confiding client; but it is the first time, it has ever occurred in the course of my professional pursuits, that the LIFE of my client depended upon the verdict to be taken.

In aid of this prosecution, the honest prejudices and prepossessions of the whole community, in which the crime charged against the prisoners at the bar was perpetrated, have been strongly enlisted; and each individual in order has been called upon the stand, with his recollection scourged and his memory quickened by the ingenuity of counsel, until he has been enabled to detail in the minutest manner, every suspicious act and thoughtless expression, that have escaped these unfortunate men during the whole course of their eventful lives; and in each word, thought and deed these witnesses are made, clearly to discover, an index, as legible as the hand writing upon the wall, pointing to the prisoners as the murderers of John Love.

That so bloody a deed, as the one portrayed by the learned counsel for the prosecution, at the commencement of this trial, and which, it

will not be denied, his proof has fully established, should create sympathy and produce excitement, is creditable to the moral feelings of the citizens of Boston. God forbid that my lot should ever be cast upon a community so dead to the feelings of humanity, or so accustomed to the scenes of human butchery, as could remain passive and unmoved, amid such slaughter as has been disclosed in the evidence. No, gentlemen, the possession of our property, the preservation of our character, the enjoyment of our liberty, and even life itself, must always depend, in a greater or less degree, upon the notions and opinions, which the community in which we are located entertain of personal rights; and in proportion to the correctness of their estimate, will the honest indignation of that community pursue the hardened villain who attempts their violation.

That John Love was most brutally mangled, butchered and murdered, at or about Boston, in this county, some time during the course of the last winter, through human agency, we shall not attempt a denial; the proof already adduced, fully establishes that fact, as also that the body found on the 23d of February last, was the body of the deceased.

[Mr. L. here recapitulated the evidence of Love's sudden disappearance, the time he was missing, manner in which he was found, the marks of violence that appeared, and the identity of the person, &c. &c.] and then observed:

But, gentlemen, while we freely indulge the most laudable feelings of our nature, which the mangled and lacerated body of the unfortunate Love is well calculated to inspire, let me caution you against substituting that sympathy, in the place of proof, for the purpose of fixing that murder upon the prisoners at the bar

Does their case find no sympathy in your benevolent bosoms? Was a more solemn and interesting occurrence ever before presented to the consideration of a Jury? A father and three sons, including a whole family, put upon their trial for the most aggravated of all offences, and if convicted, the consequences of that conviction, is to obliterate the recollection of their existence, leaving not even a name behind. But with this, you have no more to do, as jurors, than with the cut and mangled remains of John Love; the question submitted to your consideration, and which you are called upon to determine, is, whether the prisoners at the bar were, or were not the perpetrators of that horrid deed.

This fact you are to decide and determine, upon the legal evidence to be produced on this trial; and not upon the conjectures and suspicions of witnesses, that have been called before you to testify, nor upon any opinions you may have formed by hearing the fatal story a thousand times repeated, before you took your oaths and your seats, as jurors in this cause.

A correct definition of the crime charged in this indictment, has been given by the prosecutor, in his opening remarks; and the differ-

ent species of homicide, has been by him correctly stated and defined—and as was premised by him, no question will arise, in the progress of this trial, whether the *killing* charged is *murder* or *manslaughter*. It is conceded by the prisoners' counsel, that if the killing, in this case, is fixed by the proof upon the prisoners at the bar, it is *murder*. I shall therefore pass to the nature of the testimony upon which this prosecution is attempted to be sustained, and read to you from the books something on the subject of circumstantial testimony and the rules by which it is to be applied.

[Mr. L. here read copious extracts from Phillips' treatise on the nature and application of circumstantial evidence.]

He then observed—If, gentlemen, it is better that ten guilty men should escape, than that one innocent man should suffer, agreeable to the long established and well settled maxim, in the history of criminal jurisprudence; it will not be denied that in a case where three or four persons are suspected of an offence, in which all are not necessarily inculpated, and from the nature of the testimony, a difficulty should arise in fixing with legal certainty, the offence upon the actual offender, it is better that all should be acquitted, than that the innocent should suffer with the guilty. This just, humane and benevolent doctrine, is sufficiently illustrated in the cases that have been read to you.

Again, gentlemen—I shall assume another position in sustaining this defence, and if I succeed in satisfying you of its correctness, I trust you will hear and apply the evidence in this cause, agreeably to the doctrine it inculcates.

The position is this—It is better that a guilty man escape the punishment due to his crimes, than that he should be convicted of an offence upon incompetent proof. The end does not always justify the means—in a system of laws for the regulation of society, where every offence is clearly delineated, and its punishment distinctly known, the rules of evidence and mode of proof in determining upon the guilt or innocence of the accused; forms the most important part of those laws, and is to be as strictly regarded by all Courts and Juries, as the law that defines the offence, and prescribes the punishment. And it is more dangerous to the rights of individuals, to vary the well known and long established rules of evidence, with a view to meet a particular case, than it would be to suspend the operation of a statute, to favor or oppress a particular citizen. And as it regards the security of society, it matters not whether the suspension or variation of the known rule is to convict the midnight assassin, or oppress the unoffending child of misfortune, wretchedness and want. For let it be remembered, that if Courts and Jurors should quietly suffer the salutary rules of evidence to be violated, in their mistaken zeal to punish a supposed offender, the only legal refuge of conscious and unsuspecting innocence is invaded, and the lives and liberties of our citizens become subject to the whim and caprice of a corrupt and profligate judge. This doctrine, gentlemen, if correct, I desire you should bear in mind;

while the testimony is unfolding before you, as well as in your final deliberations upon the fate of the prisoners.

The testimony on the part of the accused, will not detain you a great while; it was impossible for the prisoners, or their counsel, to anticipate one of the thousand circumstances that has been given in evidence on this trial, to establish their guilt: They are necessarily unprepared to give the explanation in many cases, where it might have been very easy for them to do so. I will barely mention one circumstance on which I discover much stress is laid by the prosecution, to implicate Israel Thayer, jr. in this business, and where he must necessarily be taken by surprise, and wholly unable to explain the circumstance, although an explanation the most satisfactory, might have been given; had he been advised that such an occurrence would have been urged as an evidence of his guilt. It is this—It was proved by Mr. Ives that Isaac paid him a judgment he had against Israel, jr. of about \$8. This is adduced to show that Israel, jr. shared in the spoils of which Love was rifled; first presuming that the money paid, was money obtained by the murder of John Love. Now although this prisoner, Israel Thayer, jr. might have sold his last cow to obtain this money, and have sent the proceeds of that sale by his brother Isaac, to satisfy the claims of this honest creditor, how, I ask, is the prisoner to prove that fact, without the least knowledge that it could become material; and tried as he is, at a distance of at least twenty miles from where the transaction happened, and where the purchaser of his cow at this moment resides. I give this one instance, gentlemen, of the difficulty attending a satisfactory explanation being given by the prisoners at the bar, of every circumstance that has been detailed in the evidence, even in simple cases, and where they are susceptible of explanation the most satisfactory, and hope you will judge leniently, and in no case construe so simple an occurrence into a presumption of guilt, merely because no explanatory proof has been given, where your own reflection can easily account for the absence of such proof.

I shall now close these remarks, gentlemen, by charging you upon the solemnity of the oath you have taken, so to divest yourselves of prejudices and conjectures, which the often repeated story of murder and barbarity necessarily engenders, as that when you shall meet the prisoners at the bar on the confines of eternity, and in the assembly of a congregated world; where neither mystery, suspicion or doubt can exist in relation to the transactions of mortals, that there in the awful presence of *your* God, and of *their* God, yours will be the felicity of knowing that you heard the testimony in this case with an impartial ear, and found your verdict upon the evidence given on the trial.

TESTIMONY ON THE PART OF THE PRISONERS.

Drs. J. Trowbridge and H. Rutgers Stagg.—Called on part of the prisoners, testified that the time of the decomposition of human

bodies, and the decay of animal matter, depended most essentially upon the attendant circumstances, that there was no rule by which to determine from the state of decay or putrefaction, how long the body had been deprived of life. That a man in good health, dying without loss of blood, would decay sooner than a person out of health and emaciated. That some degree of heat and moisture was requisite to facilitate the operation of decomposition, that the time must always depend on circumstances, the state of health at the time of death, habits of body, time and place of burial, the state of the atmosphere if the grave was so shallow as to allow that to affect the subject. In the case of Love it would appear that some of the principal arteries were separated, and consequently, almost all his blood must have been lost; and he was so slightly buried that probably the frost penetrated the body, both of which circumstances must have delayed the decay and decomposition of the body.

It was admitted by the District Attorney, that Nelson Thayer and Israel Thayer, sen. now stand indicted for this murder.

Sylvester Irish.—I do not know as Israel was the owner of the gun last December, have sometimes known of his having a gun, and sometimes he borrowed. He told me last summer that he lent Isaac four dollars to go to the east with. On an objection made by the District Attorney, this last answer was held to be admissible evidence, as the declaration was made before the accusation of the murder. Israel and his wife came to make the visit spoken of about dark, and he went very soon back again. I should say he came after her as late as nine o'clock, he then staid some time, the best part of an hour. During the time he staid we had our ordinary common conversation, he spoke of his hogs and their weight. I cannot tell whether Isaac was there when he and his wife came or not, nor before. On being reminded of his former testimony, he still insists his last answer is correct according to his recollection. He never meant to say positively that Isaac was there at the time, nor does he now know. They all came there early in the evening, he did not go away himself at all, that evening.

Sally Thayer.—When Isaac and Nelson came home from Christmas shooting, Isaac told me that Nelson had been obliged to sell him his clothes to pay him for his shooting. The court intimated that this evidence was irrelevant as to these prisoners, but might avail Nelson something.

The P. C. say their object is to shew that the money had by Isaac was not common property among them, and to rebut such a presumption which must arise from the fact previously proven that Isaac paid all their bills at the shooting match.

W. S. Littlefield.—I had some acquaintance with Love, saw him last in December, at Nelson's. Q.—Did he tell you he was afraid of being arrested for forgery? In reply to an objection from the opposite party, the counsel say, that as there has been an attempt to show

that the prisoners originated such a report, they wish to rebut all such presumption, by showing Love's confession long before he was missing. By the Court. This evidence cannot be received. It is proved that such a report was in circulation before Love was missing. We have not admitted such testimony on the other side.

William Thompson.—I was at the mill when Bennett came and enquired for Love. I do not recollect that either of the boys were there. The old man and some other persons were present. The old man said he believed Love went the evening before to his house. He then enquired the direction to it and left us. I think the old man went away from the mill that day.

Z. Skinner, called by the D. Atty.—I saw Isaac give his notes, two notes for a rifle to Ogden, of whom he bought it. He had a rifle of his own before that, for, say a year. I did not know or hear of his having any other.

West.—The grave was about fourteen or sixteen inches deep, and a little rising of four feet long. The dirt on the body was about six or eight inches deep.

Sprague.—Love's body lay bent down in the middle, and at that point the dirt was about twelve inches deep; the feet and head up a little, the feet pressed against the foot of the grave. The dirt had been frozen down to the body. It was close to the log on the south east side. I think the bushes shaded the grave some.

West.—The ground all over and around the grave was level—old wood was broken up and laid on. We got an axe and broke them up—the ground was frozen—the water had leaked in through the dirt, and the body had been so long wet and soaked, that some part of the skin came off with the clothes.

Jones.—If Israel had a gun I think I should have seen it in searching in his house for property to levy upon.

Daniel Pierce.—Israel had no gun, he once brought one from his father's, but I do not recollect the time. He set it up by the side of the house, but I do not recollect whether it was before or after we killed hogs.

N. Smith.—I saw Love's colt at B. Fowler's grocery in Buffalo, a few days after it was sold to him. Fowler told me he had just bought it. It was the same colt that Love owned.

The testimony being closed by both parties, Ebenezer Griffin, Esq. addressed the jury on behalf of the prisoners, in an able speech of one hour and a half; he was followed by Ethan B. Allen, Esq., who closed the defence in a lucid speech of nearly the same length.

Both these gentlemen left town immediately after the trial, and as our reporter took but hasty sketches of these speeches, we have not been able to obtain the necessary corrections in season to give their arguments in the proper place.

ARGUMENT OF SHELDON SMITH.

MAY IT PLEASE THE COURT—*Gentlemen of the Jury.*—I rise to address you on this occasion, under a peculiar sense of inability, to do justice to a cause of such magnitude. After an incessant and laborious investigation of two days, I find myself too far exhausted to enter upon the discussion of a cause embracing such a vast variety of circumstances, and involving interests so deep and vital. I feel conscious that in attempting to perform the part, which falls to my lot in this matter, I must fall far short of what the public have a right to expect, and what my duty seems to require. But relying on your candour and your indulgence, I shall proceed to reply to the able and eloquent arguments which have been offered on the part of the prisoners, and to which I must acknowledge I have listened with equal pleasure and respect. And while I attempt to lay before you the nature and merits of this prosecution on the part of the people, and to illustrate those principles of law and rules of evidence, which I consider as applicable to this case, and which are usually made to govern such a state of facts as are before you, may I be permitted to hope that I shall be able in some measure to facilitate your enquiries, that my efforts feeble as they may be, will afford you some little aid in performing the arduous, painful, and solemn duty, that devolves upon you. The station which you occupy to-day, is the most exalted and awfully responsible of any in which you ever have been, or can be placed. The duty you have to perform is thrown upon you by your relative situation as members of society; and although it be laborious and painful, yet the consolation you will derive from a faithful discharge of that duty, will, I trust, yield you an ample reward. Such has hitherto been the state of society in this highly favored country, that our courts have rarely had to sit in judgment upon crimes of so foul a nature as the one detailed before you; and it is to be hoped that the day is distant, when another transaction like this, shall occur to disturb the public peace, to agitate and shock the public feeling. But it is to be feared that the age in which we live, is becoming more and more corrupt; that the perpetration of crimes is becoming more and more frequent. If this be so, it adds much to responsibility of those, who are entrusted with the administration of public justice, and the preservation of public peace. Every thing that we possess, or consider as worth possessing, in this life, depends essentially upon the purity, vigilance and firmness of our courts and juries. They are the guardians of society. It is to them that we look for protection against all those overwhelming evils, that flow from human depravity; and without their protection our very lives are insecure. You cannot therefore, fail of being deeply penetrated with a sense of the importance of the trust confided to you, and I will not doubt but that trust will be, by you, faithfully and conscientiously executed.

If, unfortunately, you had imbibed prepossessions, respecting this transaction, it will be your duty to discard them so far, at least, as the frailty of human nature will admit. The remarks of the counsel for the prisoners on this point, are highly worthy of your consideration. And do not, I entreat you, gentlemen, consider this caution as a censure upon you; for prejudice is incident to all human nature. No man can boast an exemption from it. And the little experience I have had in courts of justice, has taught me that prejudice, particularly on the minds of a jury, is a most formidable foe to the administration of public justice. It exerts an insidious and powerful influence; and the mind the most under its bias, is often the least conscious of its power. We wish you to try this cause, gentlemen, upon the naked facts that have been laid before you, since you entered that box; and if these facts, alone and independent of all other considerations, are not sufficient to convince you beyond a rational doubt, of the prisoners' guilt, we entreat you to acquit them. But if these facts are sufficient to satisfy you beyond a reasonable doubt, that they did commit the crime with which they are charged, it will be your imperious duty to pronounce them guilty.

The prisoners at the bar, as you have already heard, together with two others, are indicted for the murder of John Love. With the charges against Israel Thayer, sen. and Nelson Thayer, you have nothing to do. Your inquiries are to be confined to Isaac Thayer, and Israel Thayer, jr. and them only; and the grand question for your consideration will be, were they, in any manner engaged or concerned in the murder of John Love? for it is perfectly immaterial who gave the fatal blow; whether they, or any other person, known or unknown, provided they were actually present, aiding and assisting when the blow was given; for in that case the law makes the blow of one the blow of all; and all who were present aiding and assisting when a murder is committed, are equally guilty. [Here the counsel read the law from *Russel's Criminal Law*, &c. He then proceeded.

The fact that there has been a murder committed, and which is necessarily made the foundation of all prosecutions of this sort, is established by the most unequivocal testimony, and is in fact, conceded by the counsel for the prisoners. It will therefore be unnecessary for me to read you the law defining the crime, or showing the distinctions between murder and the other kinds of homicide.

The murder of John Love being established, to fix the crime upon the prisoners at the bar, we have recourse to a train of circumstances disclosed in the testimony. But here we are met by the counsel for the prisoners with an objection to this species of testimony.

The learned counsel have strenuously contended against relying on presumptive evidence in capital cases; and to show you the danger of resting a conviction on circumstantial testimony, they have read several cases from the Appendix to Phillip's *Treatise on evidence*. But, gentlemen, before you yield too far to their persuasions in this particu-

lar, I trust you will pause and reflect, for a moment, on the *danger of rejecting this species of testimony*. The essay on circumstantial evidence, contained in the Appendix to Phillips' Evidence, from which the counsel for the accused have read several extracts, is not the law of the land. It has never been adopted by this or any other country; and to show that it is scouted by the courts of this state, I will read you a case from one of our own reports. [Here the counsel read from the 2nd Wheeler's Criminal cases. The People vs. Howe, and then proceeded.] The principles of presumptive evidence, as recognised by the courts of this country, is not a novel doctrine. It is a doctrine coeval with civil society. It has been matured by the wisdom and experience of ages; by men of the greatest learning and acquirements; by judges whose lives were an ornament to the age and country where they lived, and whose names will be remembered so long as time shall last, or virtue and wisdom be considered praiseworthy among mankind. This doctrine, thus matured and perfected, has been incorporated into, and become a part of the law of this country. It is too salutary, and too firmly established, to be assailed with success at this day. It cannot be overthrown, and it is well that it cannot. To explode it, would be to prostrate the barriers of personal security, and uproot the very foundations of civil society. High crimes are generally perpetrated with secrecy and caution, usually in the dead of night, as in this case, when the world is wrapped in silence and sleep, when darkness covers the wretch and his deeds from every mortal eye. To require the testimony of eye witnesses to convict in such cases, would be to give all felons full license to extend their ravages at will, to prowl upon community, undetected and unrestrained.

Let us for a moment attend to the inducements which the prisoners had to the perpetration of this crime. Men do not act without a motive, says one of the learned counsel for the accused. Let us see if they had a motive in this case. It appears that Isaac Thayer, one of the prisoners, had confessed judgments to John Love, the deceased, to the amount of two hundred and seventy-five dollars. This debt had been contracted by the three brothers, whose property had been shifted into Isaac's hands, for the very purpose of securing that debt. Executions had been taken out, and the property of the three brothers was liable to be sold, whenever Love should direct; and as they had no means of discharging that debt, they had no way to save their property from being sacrificed, but to make way with John Love. It is known, too, that Love had about him considerable money, and other property.

In approaching the evidence in this case, the first prominent fact that strikes our attention, is the circumstance of Love being seen in company with the accused, on the evening of the 15th Dec. (which was the last time he was seen living;) and starting with the accused from the house of Nelson Thayer, to go to the house of Israel Thayer, jr. for the avowed purpose of staying all night. This fact is

established by the testimony of four witnesses. Isaac Thayer, in his examination before the magistrate, admits that Love was at the house of Israel, on that night; and this is the last that is ever heard of Love, until his mangled body is taken from a shallow grave, not thirty rods from that fatal spot. This single fact, unexplained as it is, raises a violent presumption of guilt against the accused. The next remarkable circumstance is, the report of a gun, heard on the same evening of the 15th Dec. at or near the house of Israel Thayer. This fact is proved by a great number of witnesses; and although they do not agree as to the time of night, which was, indeed, not to be expected, yet there can be no doubt of the fact. It may be well here to attend to some evidence of preconcert, by which it will appear most obvious, that this murder was the result of arrangement and premeditation. Sylvester Irish says that about the 15th Dec., does not exactly remember the day, Isaac brought a rifle to witness' house, under a pretence of getting it cut over: and although he was told that the rifle could not be cut, he still left it standing behind the door. This house is only forty rods from Israel Thayer's. In the afternoon of the 15th Dec. the day preceding the murder, the boy living at Israel's is sent home to his father's to stay all night; and in the evening, the wife of Israel is conducted over to Irish's for an evening's visit. On her arriving at Irish's she finds Isaac there.—Her husband immediately goes back, and soon after Isaac goes out, and does not return for some time. These seem to have been the arrangements; and this particular time chosen, because Israel had been killing hogs that day, and blood would necessarily be scattered about the house.—These facts appear to be too plain to be misunderstood. The bringing Israel's wife to the house of Irish, seems to have been the signal for Isaac, who was there, waiting, to seize the rifle, previously concealed at the same house, and repair to the house of Israel, and commence the horrid work; which he undoubtedly did by shooting in at the window, whilst the other two brothers were in the house with Love, ready to give the finishing blow.

This conclusion is rendered the more probable, from the appearance of the body of the deceased when found. The body was found with a ball hole through the head; the skull fractured on the back part; one side of the face cleft off, apparently with an axe; and a deadly wound across the throat, severing the breath pipe: from which it is evident that two or three persons must have taken each a part in the horrid transaction. Here, gentlemen, I might rest this cause; satisfied that these facts would be sufficient to warrant you in pronouncing the prisoners guilty. But there are other circumstances which must not be omitted; one of the most remarkable of which is, the transfer of Love's property, from his possession to that of the Thayers. No sooner is Love missing, than the prisoners become suddenly and unaccountably in possession of Love's property, even the very horse on which he rode to the place of his death, is found on the same spot, in the stable of Israel Thayer, who claims it as his own. Nor is the

means by which they got possession of some of this property unworthy of your consideration. They forged orders and a general power of attorney, authorising Isaac Thayer to collect all John Love's debts. This power of attorney they produced in courts of justice, and proved it genuine by *their own oaths*, when necessary. One of these forged orders from John Love bears date on the 16th Dec. the very day after he was murdered. So that the body of the deceased was hardly cold beneath the turf, before they were ransacking the neighborhood, in search of his property; and eagerly grasping their blood-stained fingers on all they could find.

From a state of poverty and distress, harrassed by constables, and unable to satisfy their importunities, the prisoners became suddenly clear of debt and flush with money; and even those very executions, which Love had a few days before taken out against them, are found in their own pockets. [Here the counsel took a view of the testimony showing the amount of property belonging to John Love which they had obtained, and recapitulated the various inconsistent statements which they had made, respecting the absence of Love; and then proceeded.] These, gentlemen, are the facts on which we rely to establish the prisoners' guilt. These are the facts, which one of the learned counsel says, are "trifles light as air;" but which we say "are proofs as strong as holy writ." With such an uninterrupted concatenation of circumstances—such a train of guilt-proclaiming facts before us, all tending to the same point, all conspiring to establish the same awful truth, who will take it upon him to decry the power of circumstantial testimony, or say that it is not equal to positive proof?

The murder of John Love was one of peculiar atrocity. The corruptest ages of the world hardly furnish its parallel. It was committed under the most aggravating circumstances, and without excuse or palliation. Love was the friend of his murderers. He had lent them money and shown them many favors; and on that fatal night which proved his last, they decoy him to one of their houses, as a friend and a guest; and there butcher him, in cold blood, as they had done their swine the day before! They then rifle his pockets, and proceeded to purloin all his effects, to be found in the neighborhood; adding robbery and theft to the crime of murder. Nor does their career of iniquity end here. Ascertaining that he had money in the hands of other persons, they proceed to collect those monies by means of forged papers, and protect themselves by swearing in the name and presence of that God whose laws they thus had violated, that those papers were genuine. What a dismal catalogue of crimes do we here behold! Murder, robbery, theft, forgery, and finally perjury; all committed within a few days, by the same persons, and to attain the same object; namely, the acquisition of a few hundred dollars in money and property. If there be any part of this transaction more strange and unnatural than the rest, it is the hardness of heart, the blindness of mind, and the perverseness of soul, which characterized these men, in their

mad, unhallowed career. It is rare that the perpetrators of high crimes, appear so perfectly steeled against all the compunctions of conscience. The murderer is usually supported, until he has actually done the fatal deed. But when he has given the deadly blow, and sees the victim of his malice fall and gasp beneath his feet, his courage fails him and he relents. He begins to reflect on the enormity of his crime ; and guilt and remorse with all their soul-tormenting horror, seize upon him ; thrill through every nerve, and pierce his heart with insupportable anguish. He flees from society, and shuns the face of man. He hears, or thinks he hears from frowning heaven, the awful reproof, "What is this that thou hast done ? Thé voice of thy brother's blood, cries to me from the ground !" But the murderers of Love seem to have been beyond the reach of those feelings. They seem to have stifled every emotion of the heart, calculated to arrest them in their wild and fatal career. Without stopping to hear the friendly admonitions of that monitor within the breast, they rushed heedlessly on, from crime to crime, until they had reached a most awful, and appalling climax of guilt.

Gentlemen, as I am to be followed by other counsel, I am not disposed to detain you longer. I have endeavored to discharge my duty in this matter, in such a manner as to satisfy my conscience. And if I have evinced more zeal than may be thought compatible with the accusing side of this prosecution, I earnestly ask, that it may be ascribed to a habit of speaking, and a sense of duty, rather than any improper motive, or want of feeling towards the accused. For had I been at liberty to indulge my sympathies, towards the accused, I could have wept over their misfortune and fate. But I was not at liberty to do so. The public good is, and ought to be, an object paramount to every other consideration.

When we see the very neighborhood in which we live, infested with crimes, at which humanity recoils, we ought to feel alarmed ; and every citizen, who participates in the benefits of the social compact, ought to see the offenders brought to justice ; and to perform such part as the laws of his country may assign him, with firmness and fidelity. Should such offences escape detection and punishment, the most alarming consequences might well be apprehended. Encouraged by the imbecility and imperfection of human laws, the felon would crawl from his hiding place, and extend his depredations far and wide. A few dollars about the person of the citizen, would only expose him to the rude and blood-stained hands of the assassin and the cut-throat. Society would lose all its endearments, and become a prey to fear, alarm, distrust and crime.

ARGUMENT OF HENRY RROWN.

GENTLEMEN OF THE JURY :

You will not, I hope, doubt my sincerity, when I assure you that I approach the argument of this case with trembling steps : that I ex-

perience, on this occasion, feelings to which I have hitherto been a stranger; arising, however, I hope, from no other consideration, than from the fact, that this is the first time in my life in which I have acted as counsel, where human life has been put in jeopardy. After two days spent in laborious investigation, I owe, perhaps, to the court and to you, an apology for attempting to obtrude any further remarks upon your attention. It is the importance of the subject only, gentlemen, that induces me so to do; and though your patience may well nigh be exhausted I hope you will listen to me for a moment, while I attempt a partial review of the case now under consideration.

This, gentlemen, is a solemn and interesting scene—two fellow mortals, one of them a husband and a father, whose prospects of long life and of happiness, were, a short time since, as promising, perhaps, as ours, are now arraigned at your bar, and await with trembling anxiety for a verdict that shall restore them to their families and their friends, or send them, with all their sins upon them, in the presence of their God.

The prisoners are indicted for the crime of murder. Murder consists in the unlawful taking of human life, with malice aforethought. It is one of the greatest crimes that can be committed in any community; and in proportion to its magnitude, ought to excite your candid and serious deliberation.

In ordinary cases, when a culprit is arraigned for crime, the complainant himself is the most prominent witness; but in the case which you are now called upon to try, the probability of such testimony is altogether excluded. John Love, for whose murder the prisoners at your bar stand indicted, is beyond the reach of a process subpoena, and we hope is now reposing in the bosom of his God.

You cannot, gentlemen, expect that we shall furnish you with evidence of facts which occurred before the commission of the offence—for what offender, in his senses, announces his intention to commit a crime? You cannot expect that we shall furnish you with evidence of facts which occurred at the dismal time; for who that intends to commit a murder, calls his neighbor to witness the stroke. Had we furnished you with either, you would have felt disposed to acquit the accused, on account of insanity, rather than convict them of the crime for which they stand indicted.

It is therefore, gentlemen, upon circumstances which subsequently occurred, and upon the foolish, inconsistent, and depraved conduct of the accused, that we must rely in order to convict. I should, gentlemen, desire your attention for a moment, while I explain the nature of circumstantial evidence, but it has been so fully considered by the counsel who have gone before me, that I deem it wholly unnecessary.

Much has been said on the subject of public excitement. It would have been strange indeed had that excitement been less; there was a time when the wrongs of a single individual rocked the battlements of Troy, and made the throne of Priam tremble to its base. Is hu-

man nature so far debased as to permit such an outrageous murder as the one before us with impunity? The sensibility manifested on this occasion, does credit to the community in which we live. It ought not, however, to influence your deliberations. You have been selected in a mode best calculated to insure the impartial administration of justice. You have entered upon this trial, I hope, with minds unbiased, and dispositions to acquit, rather than convict. Still the enormity of the offence cannot, and ought not to pass unheeded by.

The first fact presented for your consideration, is the death of John Love. Upon this point, the testimony of the coroner, of Dr. Gould, and others who examined the body, is sufficiently conclusive, and renders the comments of counsel unnecessary. Dr. Ingalls and Dr. Gould both testify that there was a hole through the head, which must have been made by a rifle or musket ball. That there was a contusion on the back side of the head, a wound in the face apparently made by an axe; that the throat was cut and the neck broken, which must inevitably have produced his death. The conclusion, then, that he was murdered, is placed beyond the possibility of doubt. The fact that the body exhibited the appearance of having lain for some time, and that putrefaction had commenced, is conclusive evidence that he must have been murdered anterior to the time in what the accused pretend that they had seen him alive. The body, it appears, was slightly buried in the prisoners' field, about thirty rods from the house of Israel, near a large hemlock tree blown down, and among the bushes. The identity of the person is proved, not only by the clothes, but by marks which were on the body of the deceased.

If, then, he was murdered, the next question presented for consideration is, who were the murderers? It appears from the testimony of Reuben Irish and Salmon Washburn, that on the 15th of December last, the deceased went from the house of Nelson Thayer, in the town of Boston, about sun-down, in company with Nelson Thayer and the prisoners, towards the house of Israel Thayer, jr. That the deceased was on a colt, which was afterward found in possession of the accused who pretended to exercise rights of ownership over it, and one of whom, a few days thereafter, made sale of it to Benjamin Fowler, in the village of Buffalo, and received the avails. That he wore the very same identical great coat which was found spread over him in his grave. Thompson, who was at the saw-mill, saw them as they passed. Sally Thayer, the wife of Nelson Thayer, testifies that John Love was at their house on the evening of the 15th of December, that Israel Thayer, jr. came there about sun-down, and invited Love to go and stay with him; that Isaac Thayer and her husband were present. That Israel desired Nelson to go and help him cut up his pork—that he asked Isaac to go along—that thereupon the deceased, the prisoners and her husband went off together—that she never saw the deceased afterwards. There cannot, therefore, be any doubt of the fact,

the deceased, the accused, and Nelson Thayer, on that evening, went to the house of Israel Thayer, jr. together.

The next prominent fact, to which I beg liberty to call your attention, is the report of the gun. Pardon Pierce, Betsey Rector, Benjamin Sprague, Rufus Andrews, Thomas West and others, all of whom live in the neighborhood of Thayer, and in different directions, say they heard the report of a gun, between ten and eleven o'clock at night; and from the circumstances which they state, and the wonderful coincidence of facts which appears from their testimony, but little doubt can be entertained of the firing of a gun at the house of Israel Thayer, jr. on the night of the 15th of December last.

It appears, also, from the testimony of Daniel A. Pierce, a lad of eleven years old, who at that time lived at the house of Israel Thayer, jr., that in the afternoon of the 15th of December, Israel told him that he might go home that night, and need not return till morning; a thing which he had never done before, unless solicited by the witness—that on his return very early in the morning, he met Isaac and Nelson near Sprague's coming from Israel's—that he went to the house, and on asking for his breakfast, was told that they had breakfasted three hours before—that he had no recollection of going to the barn on that day, but did on the following one, where he saw Love's colt, and heard Isaac say that it belonged to him. That after the killing of the hogs, which was on the 15th, Israel always asked him to go to the barn and for water with him, when he had occasions to go in the evening, a thing which he had never done before—that he sometimes called him up for that purpose, after he had gone to bed, and once asked William Rector to go with him. I don't know that much consequence is to be attached to this testimony, but it does appear to me that it speaks volumes.

Permit me, gentlemen, in the next place to call your attention to the declarations of the prisoners, in relation to what become of Love.

Israel testified, upon the coroner's inquest, that he never saw him after the 16th Dec. That then he was at Nelson's barn—that he had no great coat on—that he knew of Love's having a good many notes and supposed that he had considerable money. Isaac pretends that he saw him repeatedly; once on the Big Tree Road, about twenty miles from Boston, under a shed. At another time near the eighteen mile creek, on the fence—at another time this side of the Niagara River, and each time he paid him money—that his brother Nelson had been over after him. In his examination before Judge Walden, he pretended that he was in Canada, near Queenston—that he could produce him in a short time.

At another time he pretended that he had run away for forgery, and that he saw him at a school house when he delivered him all his notes and papers. At another time he said he was where he would not trou-

ble him.—To Mrs. Washburn he said, that he (Love) was so d——d contrary that he could get nothing out of him. To Torrey he said he could produce Love in twelve hours—but if he could he would be damned if he would; and that if people were dissatisfied they might help themselves. To another he said that Love was a damn sight further off than any body thought of. To Benson, his brother-in-law, who offered to go for Love if it was three hundred miles, at his own expense, he made no reply. To a number of others he made the same or other assertions equally false, which cannot fail of rendering strong suspicion of his guilt.

It is amply proved that the prisoners previous to the death of Love were embarrassed, and continually troubled and harrassed by executions, but after that period some small demands against Israel were paid by Isaac—that Isaac had considerable money for which no account is given—that two executions in favor of Love and against himself, he declared were in his pocket—that Love's colt and all his notes were in possession of Isaac, who pretended to claim the right to collect and recover money thereon, and for that purpose produced a forged power of Attorney bearing date on the 8th day of January, which has been proved to be a forgery; that on a certain occasion he swore it was genuine; that he produced other papers purporting to have been executed by Love after the 15th Dec. which must have been forgeries; all of which goes to establish the prisoners' guilt not only of the crime for which they stand indicted, but of theft, of forgery, and of perjury.

It further appears that Israel refused to go in search of the body, but that about two hours before it was found he was seen coming from that direction and at about fifteen rods distance. It is also stated by a young woman who had formerly lived with Israel, that on the 6th of January she was at his house, and on going to Mr. Andrew's she was advised by Israel not to travel a certain path because it was muddy, when in fact it was not so. This path would have led her near the grave of the deceased.

When, therefore, you come to view the facts and circumstances presented by this case, and consider that Love was murdered—that he was seen for the last time going to the house of one of the prisoners—that he had on the same great coat in which he was afterwards found—that the other prisoner was along—that the report of a gun was heard at the house of one of them—that he had sent away the little boy and told him not to return till morning—that his wife was also gone—that the body was afterwards found buried in his field—that that they were both poor and afterwards rich without any adequate cause—that the property of Love was found in their hands—that they frequently lied, and one of them committed forgery and perjury in order to screen himself from suspicion and obtain the property which he sought—together with the other circumstances which it is needless at present, to repeat; it appears to me that a mass of evidence is presented which it is impossible to resist.

An attempt, Gentlemen, is made to excite your sympathy; and for that purpose the venerable father of the accused, who, it is said, bears on his head the frost of sixty winters, and stands on the very verge of eternity, is summoned to their aid—with considerations like these you have, gentlemen, nothing to do, this august tribunal, representing that portion of human justice allotted to mortals here below, cannot listen to consequences because a wretched father or a distracted mother claim your pity.

The prisoners, like all others under similar circumstances must be tried by the laws of God and their country, and if you are satisfied that there is not a reasonable possibility of their innocence you are bound by your consciences and your oaths to say so in your verdict. Though the portals of justice may, by your decision, be closed forever, there is still a hope that the accused may yet obtain an audience at the bar of divine mercy, and that when the transactions of that eventful night shall ascend to Heaven's chancery for review, the "recording angel when he shall have noted them down will drop a tear on his record and blot them out forever."

[The Jury retired about 11 o'clock in the evening, under an elaborate and solemn charge from his honor Judge Walworth, and in about half an hour returned a verdict of Guilty against both prisoners.]

[On Saturday morning at 8 o'clock, commenced the trial of Nelson Thayer on a separate indictment, for the same murder. The evidence in this trial, was substantially the same as that against Isaac and Israel. This cause was summed up on the part of the prisoners, by T. C. LOVE, and E. GRIFFIN, Esqrs. and on the part of the people by H. B. POTTER, Esq. The Jury retired about 11 o'clock in the evening, after receiving a full and impressive charge from the Court, and in a few minutes returned a verdict of GUILTY.]

On Monday, the 25th of April, at 10 o'clock, A. M. the prisoners were brought to the bar to receive the sentence of the law.

S E N T E N C E .

NELSON THAYER, ISRAEL THAYER, Jr. and ISAAC THAYER—You have been indicted by the Grand Jury of this county for the murder of JOHN LOVE, at the town of Boston, on the 15th of December last. You have respectively had fair and impartial trials, in which you have been aided by faithful and intelligent counsel. After a deliberate and patient investigation of your several cases, by petit juries, they have been constrained and compelled by their consciences and their oaths, to pronounce each and all of you guilty of a most foul and aggravated murder. Have you or either of you any

thing to say why the sentence of the law should not be pronounced against you, in pursuance of your conviction for this offence ?

The feelings and emotions with which I enter upon the discharge of the solemn and important duty which devolves upon the court, and which I am now about to perform, are too painful to be expressed. To pronounce the dreadful sentence which is to cut a fellow mortal off from society; to deprive him of existence, and send him to the bar of his Creator and his God, where his everlasting destiny must be fixed for eternity, is at all times and under any circumstances, most painful to the court. But to be compelled at one and the same time, to consign to the gallows three young men who have just arrived at manhood, standing in relation to each other, and connected with society in the tender relations of children, brothers, husbands and fathers, presses upon my feelings with a weight which I can neither resist or express.

If in the discharge of this most painful duty that can ever devolve on any court, I should in portraying the horrid circumstances of this case, make use of strong language to express the enormity of your guilt, and the deep depravity which it indicates, I wish you to rest assured it is not with any intention of wounding the feelings of your relatives, or for the purpose of adding one pang to your own afflictions, while the righteous hand of an offended God is pressing so heavily upon you. But it will be for the purpose, if possible, to awaken you to a proper sense of your awful situation, and to prepare you to meet the certain and ignominious death which shortly awaits you. It is to endeavor if possible to soften your hearts and to produce a reformation in your feelings; that by contrition and repentance you may be enabled to shun a punishment infinitely more dreadful than any that can be inflicted by human laws—the eternal and irretrievable ruin of your guilty souls.

From the testimony which was given on the trials of your several cases, there is no room to doubt the certainty of your guilt, or the aggravated circumstances attending the perpetration of the bloody deed. The man whom you have murdered was your companion and friend. He had loaned you money to relieve your necessities, and to support your families. He was the lenient creditor, renewing and exchanging his judgments and his executions from time to time to prevent the sacrifice of your property. He was the lodger of your father and frequently enjoying the hospitalities of your own roofs. In the unsuspecting hour of private confidence, you decoyed him to the retired dwelling of Israel Thayer, Jr. and there while he was enjoying the hospitality of the social fire-side, you stole upon him unperceived—you aimed the deadly rifle at his head, and with the fatal axe you mangled and murdered your victim, mingling his blood with that of your butchered swine. But your guilt and depravity did not stop here. Scarcely had you committed his lifeless corpse to its shallow grave before you began to collect and riot upon the spoils of his property. To the

crime of murder you added those of theft, robbery and forgery, and repeatedly imprecated the vengeance of Heaven upon your perjured souls.

The punishment of death has been denounced against the crime of murder, not only by the laws of all civilized nations, but also by that law which was written by the pen of inspiration, under the dictation of the unerring wisdom of the Most High. And as God himself has prescribed the righteous penalty for this offence, so there is strong reason to believe very few murders are committed which are not ultimately discovered, and the wicked perpetrators thereof brought to merited punishment.

Wretched and deluded men ! In vain was the foul deed perpetrated under cover of the darkness of the night ; in vain was the mangled body of your murdered companion committed to the earth, and the lonely grave concealed by rubbish ; in vain was the little boy sent home to his mother, and the unsuspecting wife removed from her house, that no human eye should be near to witness the foul and unnatural murder ; in vain did you expect the snows of winter to conceal the grave, until the body of your victim could be no longer known and recognized. You forgot that the eye of your God was fixed upon you. The eye of that God who suffers not even a sparrow to fall without his notice. You forgot that you was in the presence of Him to whom the light of day and darkness of midnight are the same ; that he witnessed all your movements ; that he could withhold the accustomed snows from falling on the earth, or his breath could melt them when fallen, leaving the grave uncovered and thus exposing you to detection and condemnation. His vengeance has at length overtaken you. The sword of human justice trembles over you, and is about to fall on your guilty heads ; you are about to take your final leave of this world, and to enter upon the untried retributions of a never ending eternity. And I beg of you not to delude yourselves with vain hopes of pardon, which never can be realized. Your destiny for this world is fixed, and your fate is inevitable. Let me, therefore, entreat you, individually and collectively, by every motive temporal and eternal, to reflect upon your present situation, and the certain death which shortly awaits you. There is but one who can pardon your offences ; there is a Saviour whose blood is sufficient to wash from your souls the guilty stains, even of a thousand murders. Let me, therefore, entreat you to fly to him for that mercy and that pardon which you must not expect from mortals.

When you shall have returned to the solitude of your prison, where you will be permitted to remain for a few short weeks, let me entreat you by all that is still dear to you in time—by all that is dreadful in the retributions of eternity, that you seriously reflect upon your present situation, and upon the conduct of your past lives. Bring to your minds all the aggravated horrors of that dreadful night, when the soul of the murdered Love was sent unprepared into the presence of

its God, where you must shortly meet it as an accusing spirit against you. Bring to your recollections the mortal struggles and dying groans of your murdered friend. Recollect the horror which seized you, while you dragged the mangled remains to the place of concealment. Think of the situation of your aged father, to whom you are indebted for your existence. Think of the grief of your distracted and disconsolate mother, who has nursed you in the lap of affection, and watched over the tender years of your infancy; who must now go down to the grave sorrowing over the ruins of her family. Think of the dreadful agonies, think of the unnatural and desolate widowhood to which you have reduced the unfortunate partners of your beds and of your bosoms. Think upon the situation of your poor orphan children, on whom you have entailed everlasting disgrace and infamy, and who are now to be left fatherless and unprotected to the mercy of the world. And when by such reflections as these your hard and obdurate hearts shall become softened, let me again entreat you, before your blood-stained hands are raised before the judgment seat of Christ, that you fly for mercy to the arms of a Savior and endeavor to seize upon the salvation of his cross.

Listen now to the dreadful sentence of the law; and then farewell for ever, until the court and you, with all this assembled audience, shall meet together in the general resurrection.

You and each of you are to be taken from hence to the prison from whence you came, and from thence to the place of execution, and there, on the 17th day of June next, between the hours of 12 at noon and 2 o'clock in the afternoon, you are to be hanged by the neck until you are dead.

And may that God whose laws you have broken, and before whose dread tribunal you must then appear, have mercy on your souls.

C O N F E S S I O N .

Upon the conviction of Nelson Thayer, he was removed to the jail, where soon afterwards the three brothers made a full confession of the murder of John Love, to U. Torrey, Esq. the under sheriff, in presence of witnesses. The circumstances related by them were as follows:

They had contemplated the murder of John Love for four or five weeks; and it was concluded, at length, that the deed should be perpetrated on the 15th of Dec. That the boy, D. Pierce, on that night should be sent home, and the wife of Israel induced to make her visit, as is testified to. The rifle was loaded by Israel, and left by a log near the house, of which he apprised Isaac, who was to make use of it, in the first instance. They had doubts whether they should be able to decoy Love to Israel's on that evening, but in case they did,

it was arranged that Isaac should shoot him through the window, while Nelson and Israel were engaged in cutting up the pork in the same room, and they were to despatch him in case the rifle failed to take complete effect. That about 7 o'clock or half past, and not later, for on this point the witnesses must have been in an error, while Nelson and Isaac were in the room, and Love was sitting before the fire with his boots and stockings and great coat off, in conversation with Nelson, his face partly turned towards Nelson and from the fire, Isaac came to the window as concerted, and shot him through the head, and immediately walked away to Irish's. Love did not fall but convulsively drew up his feet and shoulders, and sat erect in the chair. Nelson then with the meat-axe gave him the blow behind the ear, as described by the witnesses, which sallied him over a little, he then gave the second blow upon the back of the head, which brought him to the floor; he then inflicted the wound upon the face and neck as he lay upon the floor. Nelson does not recollect of giving but one blow, as described on the face and neck; and doubtless the peculiarity of that wound and the appearance it presented of being the effect of two or more blows, resulted from the position in which he lay upon the floor. The body was then drawn out of the house by the two, and secreted near the end of the house; they finished cutting up the pork. Isaac then returned and exclaimed, you have been butchering here it seems; to which Nelson replied that there had been butchering done. Isaac then said, well, I have done my part and will do no more, and again went away. The blood on the floor was then washed up, but there being some still upon the chair in which Love sat, that was partly dried and difficult for them to wash off, a few peices of bloody meat were put into the chair, which was by Israel's wife on her return laid away and the chair washed clean.

After the second departure of Isaac, the other two brothers took up the body and carried it to the brook, in the ravine, near the place of the grave, with the intention of burying it in the bottom of the brook; but after digging a few inches they were prevented from going farther by rock. They then buried it where it was ultimately discovered. They then returned to the house, and from there went to Irish's; and all three of the brothers were there together, and staid some time, and returned to Israel's, together with the wife. The Father was perfectly innocent and ignorant of the murder.

Isaac states that when he first brought down the rifle to fire upon Love, his nerves failed him, and his aim was unsteady; but endeavoring to rally himself and reflecting upon some abuse Love had once used towards his aged mother, he regained his firmness, and fired with fatal effect.

Nelson says that when living, he could carry Love upon his shoulders easily. But in his and Israel's attempt to raise him, and carry him from the corner of the house to the grave, such were the feelings, and the dread, that then for the first time fell upon them, that they found

it almost impossible for them both to lift and carry him. That for the whole distance to the grave, they actually staggered under their burthen. The brothers say, that since Love's death, they have felt neither peace nor security; but have been in a constant state of alarm and apprehension. That they have felt an awful, but indefinable dread of being alone in the dark—which feeling they have constantly endeavored by every means in their power, to shake off, but without effect. They all attest to the justice of their sentence, and manifest no hope of receiving a pardon.

The indifference to their fate, and the hardihood they manifested on their arrest and even down to the time of the fatal verdict of **GUILTY**, seems to have forsaken them. Their feelings appear to be softened down and chastened; and it is understood that they are all, most sedulously and ardently engaged in reading the gospel of mercy and peace, and preparing themselves to appear at that bar, before which neither **repentance** nor confession is required.

TRIAL OF THE SPANISH PIRATES.

UNITED STATES CIRCUIT COURT.

His Honor JOSEPH STORY, L. L. D. } *Presiding.*
“ “ JOHN DAVIS, L. L. D. }

Counsel for the Government,
ANDREW DUNLAP, Esq., *District Attorney.*

Counsel for the Prisoners,
DAVID LEE CHILD, Esq.
GEORGE S. HILLARD, Esq.

His Excellency Don Antonio G. Vega, *Spanish Consul.*
Stephen Badlam, Esq., *Sworn Interpreter.*
William H. Payton, Esq., Joseph Tavers, Esq., *Interpreters of the Spanish and Portuguese Languages.*
Jonas L. Sibley, Esq., *Marshal.*
Horatio Bass, Esq., *Deputy Marshal.*

Boston, Tuesday, Nov. 11, 1834, at nine o'clock A. M., the prisoners, consisting of Don Pedro Gibert, and his mate Bernardo De Soto, with ten of his crew chained together in pairs, were placed at the bar.

The Clerk then read the indictment in English, and Mr. Badlam read it to the prisoners in Spanish.

Indictment.

“ At a Circuit Court of the United States of America for the first Circuit, begun and holden at Boston, within and for the District of Massachusetts, on the fifteenth day of October, in the year of our Lord one thousand eight hundred and thirty-four, the jurors for the said United States, within and for the said District of Massachusetts, upon their oaths present that Pedro Gibert, late of Boston, in said District, Master mariner, Bernardo de Soto, Francisco Ruiz, Nicola Costa, Antonio Ferrer, Manuel Boyga, Domingo de Guzman, Juan Antonio Portana, Manuel Castillo, Angel Garcia, Jose Velazquez, late of Boston in said District, mariners, and Juan Montenegro, late of Boston in said District, mariner, otherwise called Jose Basilio de Castro, late of Boston in said District, mariner, on the twentieth day of September, in the year of our Lord one thousand eight hundred and thirty-two, upon the high sea within the admiralty and maritime jurisdiction of the United States, and out of the jurisdiction of any particular state, with force and arms did feloniously and piratically set

upon, board, break and enter a certain merchant brig of the United States, called the Mexican, then and there belonging and appertaining to Joseph Peabody, then being a citizen of the United States, and then and there piratically and feloniously did assault John Groves Butman, then and there being in and on board said brig, and then and there being the master of said brig, and then and there being a citizen of the United States, and then and there being in the peace of God and the said United States, and did then and there in and on board said brig upon the high sea, within the admiralty and maritime jurisdiction of the United States, and out of the jurisdiction of any particular state, put the said John Groves Butman in great bodily fear, and danger of his life; and ten boxes, each containing two thousand dollars of the value of two thousand dollars, and all of the value of twenty thousand dollars; of the goods, chattels, monies, and property of the said Joseph Peabody, then and there being in and laden on board the said brig upon the high sea within the admiralty and maritime jurisdiction of the United States, and out of the jurisdiction of any particular state, and then and there being under the care, custody and in the possession of the said John Groves Butman, with force and arms from the care, custody and possession of the said John Groves Butman, they the said Pedro Gibert, Bernardo de Soto, Francisco Ruiz, Nicola Costa, Antonio Ferrer, Manuel Boyga, Domingo de Guzman, Juan Antonio Portana, Manuel Castillo, Angel Garcia, Jose Velazquez, Juan Montenegro, otherwise called Jose Basilio de Castro, then and there in the said brig upon the high sea within the admiralty and maritime jurisdiction of the United States, and out of the jurisdiction of any particular state, piratically, feloniously, violently and against the will of the said John Groves Butman, did steal, rob, take and carry away in the presence of the said John Groves Butman, against the peace and dignity of the said United States, and contrary to the form of the Statutes of the said United States in such case made and provided."

To this indictment the prisoners one and all plead *Not Guilty*.

The clerk then proceeded to empanel the Jury for the trial; and the following jurors, after *eighteen* were peremptorily challenged by Don Pedro Gibert, and *twenty* by Bernardo de Soto, were sworn.

Jury.

Charles Lawrence, *Foreman*.
 Jeremiah Washburn,
 Charles Hudson,
 Leavitt Covett,
 Joseph Kelley,
 Anthony Kelley,

Isaac K. Wise,
 Thacher R. Raymond,
 William Knight,
 Peter Brigham,
 Jacob H. Bates,
 John Beal.

The *District Attorney* now opened the cause on the part of the government in substance as follows :

May it please your Honors and Gentlemen of the Jury,

On this solemn occasion twelve men of a foreign nation, unacquainted with our language, are placed at the bar of this tribunal to answer for the crime of piracy, or robbery, and depredation on the high seas. This is an offence against the universal law of society; a pirate being, according to Sir Edward Coke, *hostis humani generis*. As therefore he has renounced all the benefits of society and government, and has reduced himself afresh to the savage state of nature, by declaring war against all mankind, all mankind must declare war against him; so that every community hath a right, by the rule of self defence, to inflict that punishment upon him which every individual would in a state of nature have been otherwise entitled to do, for any invasion of his person or personal property. Piracy is every where pursued and punished with death. It is of no importance, for the purpose of giving jurisdiction in cases of piracy, on whom or where a piratical offence is committed. A pirate who is one by the law of nations may be tried and punished in any country where he may be found, for he is reputed to be out of the protection of all laws. Thus if the prisoners were convicted of the crime for which they are now indicted in their own country, the punishment would be the same as in this, and all civilized nations, which is death.

By the act of Congress, April 30, 1790, if any person, upon the high seas, or in any river, haven, or bay, out of the jurisdiction of any particular state, commit murder or robbery, on board a vessel, he shall be deemed a pirate and a felon, and shall suffer death. Since then two additional acts have been passed, both of which make the punishment of this offence capital.

A piratical vessel may sail under pretence of being engaged in commerce, having lawful papers; or with a commission from some nation for a specific purpose; and when so engaged commit the crime of piracy. The celebrated Captain Kidd sailed under a commission to take pirates in the Indian Seas, and when so engaged he captured and robbed a Mahometan ship, for which offence he was taken and sent to England, tried and hung in chains at Execution Dock.

After defining the statutes and quoting the precedents applicable to the present case to be found in the books, he gave a brief and pertinent detail of the robbery and piracy on board the Mexican; which he expected to prove in the case. Also the capture of the prisoners by an English Brig of War; and their subsequent conveyance to this country. He concluded by extolling in high terms, the nice sense of justice entertained by the British Government, and its scrupulous regard for the rights of nations.

Joseph Peabody, Esq., sworn.—Is owner of the brig Mexican. Shipped ten boxes of specie, containing two thousand dollars each. The boxes were marked P. The brig sailed the 28th August, 1832. She arrived back in forty-two days, being robbed of the specie. |

have been engaged in the West India trade for *forty years*. I formerly sailed myself to and from the Havana. Passages vary from ten to thirty days. Vessels bound from Cuba to Africa do not steer a straight course across the Atlantic, but follow the Gulf Stream until they get as far north as Lat. 30 or 34. A fast sailing vessel leaving the Havana on the 20th, and a dull sailing vessel leaving Salem on the 29th of the month would be likely to meet in the spot where the Mexican was robbed. The Bill of Lading, and Register produced in Court are the genuine ones.

Capt. John Groves Butman, sworn.—I commanded the Brig Mexican. I sailed on the 29th Aug., 1832, and had twenty thousand dollars in specie on board, stowed down in the run. On the 20th Sept., lat. 30, lon. 34, 30, fell in with a schooner, she passed across our bow at 4 A. M., she was a Baltimore clipper, low, straight and long, at day-break, she was on our weather quarter standing from us, after daylight she tacked and stood towards us, between nine and ten she was on our weather bow. The wind then shifted a little, we tacked ship because we did not like the appearance of the strange sail. We now perceived a man stationed in her foretop on the look-out, shortly after the schooner squared her sails and stood directly down upon us. When within gunshot she fired a gun to leeward, I now hove to, when a little to windward of us she hailed me. Her distance from us was thirty or forty yards. I now saw two guns on deck and a large number of men, he asked where we were from, where bound, and what our cargo was on board, I answered our cargo was saltpetre and tea. I was now ordered on board, I took four of my men and went in the boat to her, when we got to her gang-way, they ordered me to come on board at the fore chains, when we got to the chains five of the schooner's crew jumped into our boat and ordered us back to the brig, none of my crew went on board the schooner. When we got back to the brig, they all rushed on deck, and ordered me down into the cabin, I went down and they followed me. As soon as I turned round two of them drew their knives on me and stabbed them at my throat, exclaiming, *Money, Money*, in broken English. I was now very much alarmed, and called the mate and crew to come down and get the money out from the run under the cabin floor.

They beat my crew with their knives to make them work quick. After the money was got up they insisted I had more, and pulled over all the boxes, chests, and berths, and told me if they found any they would cut my throat, I was now left alone in the cabin. Soon after as I attempted to go on deck, one of them drove me back and struck me with the speaking trumpet. Saw the boat going to the Panda, and return with twelve or fifteen men. Heard them jump on board and close the hatchways, soon after this heard a great noise as if the mainsail had fallen, soon after a spar was thrown on deck. We were now all fastened below, and half suffocated with smoke coming down from the camboose. From the cabin window we saw them return to the

Panda. They carried one of our spars on board and sunk my boat, they now made sail. We now got on deck through the cabin skylight, and found everything in confusion. All the standing and running rigging was cut away, the mainsail cut into ribbands and hanging over the camboose, the camboose burnt half up, in it was a tub of rope yarn on fire, and other combustibles. In a few moments the fire would have reached the mainsail and set the masts on fire, all the sails were out up badly. I cannot swear to the identity of any of the prisoners at the bar. I can swear that there was a man chained to one of the prisoners in Salem who drew his knife on me.

Cross-examined.—I should say the schooner was 150 tons burden, the guns appeared to be twelve pounders. There was fifty or sixty men on board, could not swear there was a gun amid-ships.

Stephen Badlam.—I saw Manuel Delgado, the man identified by Capt. Butman. He cut his throat in the jail, with a bit of glass, I saw him after death.

Benjamin Brown Reed.—I was first mate of the Mexican. In the morning when I came on deck to stand watch, about four o'clock, the second mate told me a vessel had passed astern of us about an hour before. Asked him to pass up the glass, took it and went on the forecastle. Saw her standing for us, went down and told the captain I thought the vessel wanted to hail us. They were on the starboard tack, she appeared full of men, and manœvered in a suspicious manner. The captain now called me, and we consulted where the money should be put, I told him it was no use to do any thing with it as every one on board knew where it was, as they saw it taken on board in Salem harbor, and if we denied having it, and they should find it, we would only fare harder. While we were talking, the second mate came down and said they were chasing us, and had fired a gun. Ran on deck and saw the smoke of her gun. The captain ordered our brig to be hove to, and we hoisted American colors. The schooner now hailed us, there was a man on the foretop gallant yard, he was there from our first seeing the pirate in the morning, till we lost sight of her in the afternoon. I reached the manropes to them and saw the knives in their sleeves. We were now all called into the cabin. The Spaniards came up and threatened to cut our throats with their knives, they made us go down one at a time, and beat us to make us get the money out quick, they made such a flustration that it was sometime before we could do any thing. Two men got into the run to get the money out, but could not work for want of room, at last after great confusion the steward lifted up the boxes and we passed them on deck. They hailed the Panda, and said there was plenty of money on board. The boatswain kicked me forward, and then kicked me down the forecastle, called me up, sent me down again, and placed a man over me as guard. I begged hard for my life, he asked me what o'clock it was, and before I could get it out, he snatched it from me, he demanded my money, sent a man to get it from the wood pile on

deck where it had been hid before they boarded us. They asked for our chronometer, and struck the captain so hard with the speaking-trumpet as to bend it all up, they drove us all down the hatchway and made all the hatches fast; we kept quiet till the pirate got to a great distance; when we got up through the cabin skylight, the camboose was all on fire. The mainsail soon would have caught, and the masts would soon have gone by the board, and we should all have been burnt up. Two of the men are now present who boarded the Mexican. *The witness now went and put his hand on Francisco Ruiz, and said, "this is the man that was stationed at the forecabin to keep me down." Manuel Boyga was the other. These two men now rose and with the fiercest gesticulations denied what the witness had asserted. I saw another person at Salem who boarded us, he cut his throat in jail.*

Cross-examined.—The captain at first thought the men on board the Panda were the dead eyes of the lower rigging. We thought she was a pirate and tried to avoid her. The boatswain had a bunch on his nose, some of the pirates shifted their clothes on board, putting on ours and leaving theirs. One of the pirates had on cowhide shoes. The long knives were about a foot in length.

Benjamin Larkum.—I shipped as boy on board the Mexican, I can recognize two of the prisoners at the bar. *The witness went and put his hand on Ruiz the piratical carpenter, "I saw that man with the first boats' crew that came on board."* I went in the boat with Captain Butman on board the pirate. When we got back I staid in the boat and bailed her out, I heard a great noise on board, was frightened and crept into the head. I thought they were murdering our crew, I was not frightened when the schooner first hailed us, but when I saw their knives in their sleeves when they boarded us, I was scared.

Cross-examined.—I should think the pirate about one hundred and fifty tons, I could see the figure head from the place where I concealed myself.

John Battis.—I am eighteen years old, I was with the Mexican. I can swear to the identity of two of the prisoners. *He went up and put his hand on Ruiz and Boyga. They rose with great indignation and exclaimed in the most savage manner, "you lie, you say you saw us."* I first recognized these men on board the Savage in Salem harbor.

Thomas Fuller.—Was a seaman on board the Mexican. I think there is one person here whom I recognize to be one of the pirates that robbed us. *Fuller went up to identify Ruiz, and struck him a terrible blow, and then retreated back very suddenly. The prisoners all resented this with great indignation.*

The court reprimanded the witness for his uncourteous recognition. "I am not certain he is one, I think he is, I saw him beat the steward with an oak baton in the forecabin."

Cross-examined.—Had no more enmity for him than the rest. Mr.

Dunlap now said to Fuller, "if you had struck *lighter* your evidence would have been *harder*."

Benjamin Daniells.—I can identify one person who boarded us, it is Ruiz the carpenter. *He put his hand on him in a gentle manner.* I am positive he was one who boarded us, he drove us around the vessel, I was much alarmed when they drew their knives on us.

Thomas C. Ridgely, black Cook.—When the pirates came on board the Mexican, I had a good chance to see them come in the gangway. I was lying my body over the camboose, had my feet on some spars. I saw *Antonio Ferrer*, the black man, on the foretop sail yard of the Panda, saw the scars on his face. The vessel sometimes came within a few feet of us, and then yawed off. *Antonio now rose and said, "you must have fine eyes to see that distance."*

John Lewis, black Steward.—This is the man that beat me down in the half deck with an oaken baton, *putting his hand on Ruiz.* He beat me because I would not tell him where the money was.

Cross-examined.—He broke the baton into three pieces in striking me. I lifted the money out of the run. *Mr. Child to Lewis.* What have you and the cook been talking about since you have been confined in the same room? We have been talking about nothing. (*A Laugh.*)

Joseph Perez, one of the Panda's crew taken for United States' Evidence.

Mr. Dunlap requested Mr. Badlam, the interpreter, to say to Perez, "You are now put to the bar as a witness; and if you tell the truth, the whole truth, and nothing but the truth, you will not be prosecuted."

Judge Story instructed Mr. Badlam to repeat Mr. Dunlap's proposition to Perez, by one sentence at a time, and to add, "If you do not tell the truth, the whole truth, and nothing but the truth, you will be liable to be prosecuted as much as any other of the pirates"—and to add the distinct question to him—"Are you willing to testify upon these conditions?"

The question being answered in the affirmative, a Bible, certified by the Bishop to be such, was produced, and with his left hand on the New Testament portion of the Scriptures, and the right one raised, he was sworn according to the most solemn form known.

Judge Story then asked, through the interpreter—"Do you believe God will punish you, if you testify falsely?"

Perez answered affirmatively, and the examination proceeded; he testified as follows, with the exception of such omissions as are not deemed essential:—

Joseph Perez.—I was born in the island of Margueritta, in Colombia; am about twenty-two years old. I was taken to Havana in a vessel, a prisoner, and staid there four months. Afterwards, about two years and four months ago, I joined the Panda at Havana; Pedro Gibert, now present, was her commander; Bernardo de Soto, present,

was her mate; Francisco Ruiz, present, was her carpenter; *all* of the prisoners were of the crew, but all the crew are not here. When we sailed from Havana, there were thirty in all, including the officers. When we sailed from the mouth of the harbor, in passing Moro Castle we were hailed—"where bound?" We answered, to St. Thomas and Principi, on the coast of Africa, and our captain's name given "Pedro Gibert." We sailed at eight in the morning, somewhere about the 20th or 26th of August. We first spoke a corvette on the 20th of September, at four in the morning. I first saw the American brig, heading south; the captain was asleep; it was the second mate's watch; the captain got up and ordered the schooner to be put about; we tacked ship and stood for the brig. When it began to be more light, the brig altered her course to west, with all sails set; our schooner then set all her sails. I was stationed in the foretop; at half past six I sung out, "a sail!" it was to windward of the American brig; I should call it a schooner brig. About eight, the Mexican altered her course and sailed south; the Panda loosened her sails and stood for the brig; a sailor on board went forward to the bows and fired a musket; the Mexican hove to, and hoisted an American flag; the Panda hoisted a Colombian flag. A sailor, who spoke English, hailed the brig, "Where do you come from?" "From Boston," was the answer.

A boat from the brig, with four men and an officer, rowed to our schooner—came on the larboard side.

The third mate, boatswain, carpenter and one sailor got into the brig's boat, and went to the brig—that is, *four* men of the Spanish schooner embarked in the boat for the American brig. There the carpenter sits [here arose a brief, but most ferocious gabbling between the witness and Ruiz, who appeared ready to fly at each other's throats]—the third mate ran away at Nazareth—the boatswain died at Fernando Po, a prisoner—Delgado was the name of the sailor, and he died in Boston Jail. The people of the brig went below in the forecabin—the third mate took the speaking-trumpet and sung out to the captain of our schooner: "There is on board what you wish; what are you looking for? she carries *twenty thousand dollars*, as put down in the papers of the vessel; the money is in ten boxes, containing two thousand dollars each." The boatswain held up a handful of dollars and showed them to the captain, and afterwards threw them into the sea. The captain sung out, "Very well, very well; let her be well scorched, and let it all come on board."

The twenty thousand dollars were brought on board; it was money; I saw it with my own eyes from the top; the schooner's launch towed the American boat to the schooner. * * * I looked so intently at what was going on in the brig, that the captain scolded me, and sent another man up to look out; four men then went on board the brig; they were Garcia, Montenegro, Castillo, and Ruiz, [all in court]. I was in the tops; told the captain there was a sail in sight; "Where

away?" said he. "Astern of the American brig." "How close?" "So nigh, I can see her three masts." At this time, one of my comrades in the American brig was standing guard over the fore-castle, with a handspike; the captain sang out to take them (brig's crew) out of the fore-castle, and shut them up in the cabin; the third mate, with a sword, and a sailor with a knife, then chased them aft from the fore-castle to the cabin; the people were shut below with a padlock. After they were all shut up below, saw smoke; they all then started for the schooner, bringing a keg of butter and one of lard; when about half way to the schooner, third mate and boatswain got out of the American boat and knocked her bottom out with something heavy; when our launch was hoisted, we turned a gun towards the brig, and made a round turn across her bows. * * *

The Panda first made Cape Monte, on the coast of Africa, then Port Bazaar, staid there some days, took in water, &c., one morning saw a frigate running down with all sails set—our captain then ordered all the knives to be taken away from the crew—the frigate saw us, and sailed on the other tack—our captain ordered us to weigh anchor, and with a light wind and oars we got out from Grand Bazaar—went to Cape Lopez—thence to the river Nazareth, in November, and left me ashore there to look after the slaves, the schooner sailed to the Isle of Principi, in January. When they came back from Principi, they came running away, and they ran the schooner ashore, on the beach of Cape Lopez—the captain came ashore at Nazereth—I was his servant, and while setting the table I heard him tell the boatswain that he had to fly from Principi, because the news of the American brig robbery had reached there—he had bought two hundred and fifty dollars' worth of provision, which he was obliged to leave, the schooner remained at Nazareth about four months—when the English hove in sight with their boats, the carpenter went into the cabin, took up the after scuttle, and put a brimstone match to a bag or keg of powder—the rest of the crew had all gone ashore—the carpenter then left in a canoe. Before he left he took the papers of the schooner, and brought them with him. The captain and men all went to the negro barracks, and remained there till the English vessel went to sea.

The British brig took the schooner off to sea, but both came back again, and came to an anchor; the English commander came on shore, and demanded the captain, mate, and carpenter; captain hid himself in a negro hut; the commander demanded them of the black king; he refused to deliver them up; the captain of the brig began to fire on the town from the pivot gun of the schooner Panda—a twelve or sixteen pounder, till she caught fire during the bombardment. After the English went away, the money was hid in a barrel, on the beach, on the right side of the river; the captain that day gave orders to move back into the woods, as the English boats were coming down upon us; we took the money to Cape Lopez, and buried it there; I went after it there again by the captain's orders, with Boyga, Castillo,

Ruiz, and Velazquez ; while Castillo and I were digging up the money, the others began to count it : I said there were too many musquitoes here to throw away time in counting the money ; one of them replied, that it was the captain's orders to count it, and leave *five thousand dollars* there for him. After his five thousand dollars were left, there were about six thousand dollars which we took to the negro barracks. We divided this money between us. * * * We were sitting in a dark room ; the carpenter and captain up stairs talking ; the carpenter came down and said, " The captain is going to divide the money, and if *all* did not go and get their share, there would be the devil to pay." They all then went and got their share. * * *

I delivered myself up at Fernando Po—myself, Castillo, Montenegro and Garcia, and Delgado, went there together in a boat—was taken in an English transport to Ascension, Sierra Leon, back again to Fernando Po, then to Principi, back to Ascension, where I found the rest of the prisoners in custody. We five were taken to Plymouth, in England, in the merchant schooner Hope, and then put on board a seventy-four—while on board of the seventy-four, the other prisoners were also brought in by the British man-of-war brig Curlew and put on board of the seventy-four with us, and we were all brought to this country in the ten gun brig Savage.

Joseph Perez, cross-examined.—The cargo of our schooner consisted of sixty pipes new rum—bales of clothing, thirty bundles, all sizes—some dry goods—pieces of cloth—two hundred and fifty muskets—powder—flints—boxes of swords and cutlasses—one barrel knives—two boxes axes—beads, necklaces—I shipped for twenty dollars per month—able seamen had twenty-five dollars. * * * It is customary in all vessels going and returning from the coast of Africa to have a man in the tops—the Panda was painted black with a white streak—billet head—before she left Nazareth, the billet head was taken off, and an awkward piece of wood put on—we made her a two top-sail schooner—she left Havana a foretopsail schooner—three or four days after the robbery she put up her maintopsail—we saw an hermaphrodite brig while we were robbing the Mexican—then a ship, which we ran away from—some of the sailors said she was a man-of-war—don't know whether she chased us or not, but she came nearer—saw the captain take a pistol, which came from the American brig, out of the third mate's hand, and throw it overboard—Captain Gibert said he did not want any such thing on board—wanted nothing but money. * * * The third mate had a sword—the sailors had knives ground sharp at the point, like daggers—it is customary to give the men jackknives, but the men themselves bring long knives in their bags. * * *

That day the captain said to the men—"Boys, take off your hats and put on your caps, and change about." Those that were obedient took their hats off, and those that were not kept theirs on. * * *

I cannot read Spanish, much less English—all the letters of the alphabet which I know is, P, D, O and U, [witness then explained that he meant *written* or Italian characters—he succeeded in making out nearly all the letters in print, and read a number of words correctly in the Spanish translation of the indictment.] I want to tell how I got two hundred and fifty dollars—the boatswain five hundred—Delgado three hundred—Montenegro two hundred and fifty, and the mate two thousand four hundred dollars—he confessed his guilt in Sierra Leon, [at this point the witness spoke so fast that it was impossible to interpret, or take down his testimony—he was therefore repeatedly interrupted, till losing all patience, he exclaimed in English—“I will say, and by G—d I will”—and when checked again, misunderstood a remark, and drew the inference that he was rendering himself liable to the same punishment as the other prisoners, by what he was testifying. He in consequence became excited, and was made quite frantic by Captain Gibert’s remarking to him, that he took him on board of his schooner out of charity. The interpreters were requested to take him out and tranquilize him, by an explanation. When they returned, Judge Story requested the interpreters to assure him, if laboring under any delusion of danger, of his perfect safety. Mr. Child objected to any such intimation being given, but Mr. Dunlap moved that he be assured that the faith and honor of the government pledged to him by its legal officers, should be faithfully kept. Mr. Child replied, with great vehemence, to this motion, and concluding by saying—“I believe the unhappy men at this bar are totally innocent of the crime they are charged with—I believe them to be the victims of one of the foulest plots that was ever contrived.” The assurance, however, was given, and the confidence of the witness being restored he proceeded.]

* * * There was nothing said about dividing the money till the English had taken the schooner. The captain had four thousand dollars of the money in his trunk when he ran her ashore. The captain brought a watch, valued at four hundred dollars, and a shaving machine, worth four hundred dollars, from Prince Isle—knew they were bought with the stolen money, because the vessel had not a quarter of a cent when she left Havana—was captain’s steward.

* * * The negro interpreter took the money the captain had at the time the English came to Nazareth, and hid it in his own yard—we buried eleven thousand dollars at Cape Lopez—don’t recollect the day we dug it up again—left five thousand dollars for the captain—does’nt recollect the day, because he was so afraid of being made a prisoner—had never been in such a dirty scrape before—we five that went to Fernando Po threw our money overboard, because the boatswain said it would be our own condemnation—when the captain called me to receive my share of the money, it was laying by his side on the floor—two hundred and fifty dollars—he said, “You may want a little money to buy clothes, and you may go, as you have been wanting to go this long time.” The captain had a knife in his bosom—I

believe his intention was to kill any one who refused to take his share of the money—the boatswain had five hundred dollars—Garcia, four hundred—Castillo two hundred and fifty—Montenegro two hundred and fifty—Delgardo three hundred—the mate, De Soto, two thousand four hundred—the third mate ran away at Lopez, and the captain sent him one thousand dollars by the carpenter—there was no rule agreed upon for dividing the money—the captain was the sole owner, and did as he had a mind to with it—he had one lot of four thousand dollars, and another of five thousand dollars—don't know what become of the rest.

* * * * * When the carpenter failed to blow up the schooner on the beach, captain asked why he did not spread powder on the deck, tie a string to the lock of the gun, and as he rowed ashore give it a slant, and thus fire it off among the powder on the deck, and so set fire to her—had purchased sixty slaves—the schooner was to carry four hundred and fifty slaves. * * * * *

At Fernando Po, I denied that I belonged to the Panda at first, but when put under oath, I confessed that I did belong to her—by advice of boatswain, we agreed to say we belonged to the Spanish brig Little Negro, which was cast away—the boatswain continued to say so, till confronted by a Portuguese, who had seen him on board of the Panda, when he owned it, when examined there I was put into a room by myself—Delgardo also confessed—the governor made him sign a paper—they never offered me any thing—it was my own fear that made me declare—they said if I lied, and it turned out that I belonged to the Panda, I should be hung—my heart failed me, and I told the whole story. They had a newspaper containing an account of the robbery of the Mexican. When I spoke of the twenty thousand dollars, one of the clerks took up the paper, and said “True,” and threw it down on the table.

I did not come here bribed. I did not say when I saw the boatswain dead at Fernando Po, “God forgive me for bearing false witness against him.” * * * * * On board the Victoria, seventy-four, at Plymouth, the captain and mate told me to say I knew no English, and to deny every thing. Captain conversed with all the prisoners. I told the cook, Ferrer, that the captain wanted all of them to deny everything, so that he himself might turn king's evidence, and that the captain had offered to—the captain and mate have tried several times to get me to deny every thing. * * * * * Perico was the name of the sailor who hailed the Mexican in English—they say he died when the schooner went to Principi. * * * * * I was on board of a Spanish schooner when Morillo commanded the Spanish forces, but I don't know how old I was. [This answer was given to a question that was propounded to him, in a variety of forms, and he broke out—“I don't want to be bothered with these questions in this way—I know they come from the prisoners.] I was taken into Havana, in the brig Eagle, a prisoner—I was cabin boy of her—

we were taken because we had slaves on board. Costa was on board the *Eagle*. Costa was cabin boy on board the *Panda*—heard Costa say that Ferrer was a slave. I did not know when I shipped that there was any intention of robbery—all vessels bound to the coast of Africa have to report their crew to the general of marine, but our crew was not inspected by him—I don't know the reason why our crew did not go to his office—I did not know the captain then; if I had, I should sooner have stopped ashore, and ate dirt, than have gone with him—saw the carpenter give the captain the schooner's papers, in the barracoon, [negro barracks,] but don't know what became of them after—the schooner sailed from Havana under a Spanish flag. Before we robbed the Mexican we robbed an English vessel; hailed the English corvette, and asked if they could sell us a topmast, as our main topmast was not up; then asked the captain to come on board, but the English answered that his boat leaked. The third mate, boat-swain, &c. went on board of the English vessel; the third mate hailed the schooner, and said that there was *not* on board *what* he wanted; they took some leather; lemons, cordials, rigging, a spyglass, cabin curtains, and monkey jackets.

The crew obeyed every command of the captain, and after the robbery of the Mexican, the captain was still *greater* and *greater*. We had been out about eight days.

We did not commit any other robbery after robbing the Mexican; but at Sestro the captain wanted to sink a Spanish schooner laying there—he got the gun all ready, and fixed the tackle to the anchor to weigh it, but the sea was too heavy and he gave it up.

In answer to the question—“Have you ever received any money since you were taken?” Perez replied; you are trying to do with me what the Spanish Consul tried to do in England; trying to make me confess that I was bribed.

Mr. Child.—Have you ever confessed that you were drunk when you gave your declaration at Fernando Po?

Perez.—The scoundrel that says so is a liar.

In answer to Mr. Dunlap,—the papers brought ashore from the schooner by the carpenter and given to the captain, were put in a tin box, all wet. In the negro barracks, when the English brig was in sight, I heard De Soto say to the third mate, that he had been up all night making up a false log-book, so as to make it appear that the schooner came a different way than she did come. I went to school eight months; they tried to make me read printed letters; I can read print a little, but can neither write nor read writing. The third mate, who I saw at the negro hut after he left, gave as a reason for running away that news of the robbery of the Mexican had reached Principi.

Anastasio Silvera.—I was born at St Catharine, in the Brazils; am twenty-three years old; I belonged to the *Panda*; I joined her at Princes Island, on the 9th of February, 1833; Don Pedro Gibert was captain, and De Soto was mate [witness identifies all the prisoners as

belonging to the crew of the Panda ;] I went on board at nine in the morning, and the schooner sailed in half an hour after ; went to Cape Lopez, and thence to the river Nazareth ; the river is four or six leagues from Lopez ; she ran ashore at Lopez, and the carpenter said he was going to set her on fire ; the captain sent me and the other Portuguese taken on board at Princes Island ashore ; they got her off again ; I did not go up the river with her ; the captain sent me on board after she got up the river ; at Nazareth the captain and mate lived ashore in a barracoon—eight or nine of the crew lived on board ; the rest lived on shore ; the cargo we were going to take were slaves ; when the English boats came into the river on the fourth of June, the carpenter told us to jump into the boat and go ashore, as he was going to set fire to the schooner ; but the carpenter came on shore without setting her on fire, whether through fear because the English boats were so near, or not, I do not know ; the carpenter was the last man on board, he came on shore in a canoe after the crew left in the boat ; I went to the barracoon where the captain was, at Nazareth town ; I staid there one day, when the captain turned me and the rest of the Portuguese away, and said it was because he had nothing to support us with ; I went to a negro house and staid nine or ten days ; the Panda went out of the river, but came back in ten or fifteen days ; there was a Portuguese schooner laying there ; I asked the captain of her if he would give me a passage to Princes Island, and he said he would. The English captain was on board of the Portuguese schooner, at this time, and pressed me, and I was taken on board of the Panda, a prisoner ; the next day the English commenced firing on the town from the Panda, and upon firing the second gun she blew up ; they put me and the rest of the Portuguese on board of a little Portuguese sloop that lay there, from which I was taken on board the Curlew ; Domingo and I, when we first left the Panda, went back in the country together, but on the same day he left me and said he was going back to the Panda, but I do'nt know whether he did go on board of her or not, as I did not see him after.

Cross-examined.—Before I joined the Panda, I had been at Princes Island a month and a half, on board of a Brazilian brig—the brig had been there, I think, over fifteen days—I did not see her till two or three days after she had been there—it was in the month of January, but what day I do'nt know—the captain of the Panda was to give me one hundred and twenty dollars for the voyage round to Nazareth and back to Havana—one of the others shipped for the same wages—she was a two-topsail schooner, had a bray pivot-gun, and two carronades—the head was neither a fiddle-head nor a billet-head—it was long and slim, and turned up at the end—the main topsail yards were smaller than the fore-yards—had twelve men on board when I first went on board—afterwards I saw seven more at the barracoon [see testimony of Perez]—the custom-house boat was along side, when I went on board, but I do not know that the custom-house officers over-

hauled her—I think Ferrara, the governor of the Island, was the consignee of the Panda's cargo—I heard that the mate was sick at the governor's house—I heard no report of the piracy of the Mexican at Princes Island—I never saw any money on board—we were not chased while going to Lopez—saw no vessel while going from Princes Island to Lopez.

When we were going to leeward of the Cape Lopez, the schooner touched, or dragged on the bottom; we passed one gun forward, and got her off into deep water and anchored—remained two days; the captain then said she was unseaworthy, and not fit to make the voyage to Havana, and must be run ashore, and set fire to—and he gave that as a reason for weighing anchor, and going up the river so quick; when she got to Nazareth the mate said there was four feet of water in her; saw no money taken out of her at the time she was anchored off Cape Lopez—muskets, pistols, swords, beef, bottles of gin, &c. were taken out. She lay about a gun shot to the leeward of Cape Lopez—I am certain that she ran ashore; I was on board and ran a line ashore; at Nazareth I was kept ashore to take care of the slaves; lead them to bathe, and give them water and victuals; the third mate went away in an English hermaphrodite brig, in February or March—the day the third mate went ashore, he and the boatswain had a quarrel, in which the boatswain received a small wound—I do not know where—I do not know that the third mate went away because he had wounded the boatswain; I do not know what trade the English brig was engaged in—nor where she went.

The prisoners all told me that they abandoned their cargo to trade in slaves—[the witness describes the attack on the Panda, and escape of her crew, precisely as other witnesses]—one or two muskets were fired from the English boats. [Mr. Child here contradicts Mr. Peyton's interpretation, but Mr. Tavers, the native Portuguese, confirms Mr. Peyton]—I can only swear that they fired one, two, or three—they were very near when we first saw them—the schooner lay at anchor in a bite or cove—the English did not open a fire as soon as they got round the point, but pulled directly for the schooner, with an English flag—as soon as they got on board of the schooner they fired a gun, and another in the evening, but I do not know what for—I do not know of any money having been buried by any of the crew of the Panda—[interpretation challenged by Mr. Child, and Mr. Peyton was sustained by Mr. Tavers, in his interpretation]—I do not know whether the English searched for money or not—I do not know where the captain of the Panda was taken prisoner—sailed from river Bonney to Fernando Po, where the captain of the Curlew heard that there were five of the Panda's crew there—I went ashore there—remained thirty-four or thirty-five days; I never went on board of the Curlew again—I went, with Montenegro, Garcia, and Castillo, now here, and Perez and Delgado not here, to Ascension, in an English transport.

It was in August I left Fernando Po in the transport—arrived there

about thirty days before the *Curlew*—at Ascension I was put on board of an English man-of-war *Flora*, and went to Sierra Leon with the other five—went from there to Fernando Po—thence to the river Camarone; thence to Princes Island; then transferred to another English brig *Trinado*, and went back to Ascension, and found the *Curlew* there; then put on board of the *Esperanza*, and went to England; don't recollect the length of the voyage; touched at St. Michael's; stopped two days; thinks the voyage lasted sixty days; I did not see the other prisoners at Ascension; only the five; I was always a prisoner; I was always the first they put in irons, when we were ironed; we were all called up and put to work in the day time; to wash deck, sheet home, or set the sails, or clew them up; on board of the *Curlew*, we were two or three days in irons; when first taken into the other vessel, slept the first night in irons; when we got to sea the irons were taken off; at Ascension we were kept four days in jail ashore, in irons; at Sierra Leon, we were kept ashore two days, taking *declarations*, (i. e. depositions;) at St. Michael's we slept in the fore-castle with a sentry over us; when we arrived in England, we were not put in chains.

I never heard Perez [United States' evidence, already examined,] say any thing about the testimony he had given or was to give in this case—never heard any one talk to Perez about it—whenever I saw Perez talking, I always cleared out—I did not like his conversation—he always spoke blackguard about my father and mother—*mocha palsa*—the whole of them would blackguard one another about each other's fathers and mothers. [Mr. Peyton here explains that among Spaniards, when they get angry with each other, they always abuse each other's parents.] I heard Perez say, in the presence of some of these prisoners, that they had robbed the American brig—and they at that time owned it; Perez also said that the declarations he had made at Fernando Po he would always stick to.

Perez said he confessed because it was the truth, and the other prisoners said it was true; they said so more than twenty times on board of the *Esperanza*, on her way to England; the first time I heard of the robbery of the Mexican was on board of the *Panda*, after she was captured; I learnt it from one of the Portuguese who shipped with me; he said the carpenter told him; at Fernando Po, they all five wanted to confess, but made such a noise that they would not let them; a great many things that Perez would say, they would say was true, and at other things he would say, they would cry out it was a lie; they would get mad with each other during the examination, and call each other rascals; no promises made to them to induce them to confess; would not even give me a shirt; if it had not been for the goodness of the English sailors, I should not have had any thing to cover my flesh; no threats were made; no musket ever pointed at the black man, to my knowledge; at Fernando Po, in the governor's house, he asked the whole of the five if they had robbed the Mexican;

they said they had ; the English captain was present ; the first day they denied it.

When the English captain came on shore at the river Nazareth, I saw the Captain and crew of the Panda go back into the forest which borders on the town—the captain went one way and the crew another ; I never knew Captain Trotter to give wine or rum to Perez ; I never heard Perez say that what he had confessed [told] about the piracy was all a lie ; I never heard Perez say to the prisoners, “ *I would rather take your lot than mine.* ” We Portuguese all told Capt. Trotter that we shipped in Princes Island, in reply to him, when he asked us if we came from Havana in the Panda. I don't know why the Esperanza was captured ; her boatswain, cook, and a negro were taken to England. The English talked about sending them to this country, but the Portuguese consul interfered and prevented it ; I don't know what became of them ; I was present when the boatswain of the Panda died at Fernando Po ; I never heard Perez say any thing about him after his death ; I have not conversed with any one about this matter since I came to America ; I do not know that several of the prisoners have had offers of liberty if they would testify against the rest of the crew ; I don't know that any of them have had offers of clothing and a conveyance to their own country if they would testify ; I feel quite certain that I have had no conversation about these matters with other persons than the prisoners, either here or in England, except with the Spanish Consul in this city ; he asked me something about the death of the boatswain.

George H. Quentin.—I am an officer in the British navy, I am a master's assistant [i. e. midshipman]—came to Salem in the ten gun brig *Savage*, on the 27th of August, direct from Portsmouth, England—the prisoners were received on board at Spithead. I was attached to the brig *Curlew*, commanded by Henry Dundas Trotter ; I belonged to her about three years and a half ; had been at Cape of Good Hope ; arrived on the coast of Africa in January, 1833 ; touched at Princes Isle in March ; in May, at Princes Isle, we received information that a piracy had been committed on the Mexican, and that a vessel, answering the description, contained in the Salem Gazette, of the pirate schooner, was laying in the river Nazareth.

We then sailed for the river Nazareth, and arrived there on the 4th of June ; three of our boats, armed, went up the river with about forty men ; Captain Trotter himself commanded the boats ; I was in one of them : just after daylight, we observed the schooner laying at anchor ; we pulled up, but kept out of sight as much as possible ; when we got within a mile of her, we hoisted a “ union jack ; ” we were at that moment behind a point of land. As soon as we were in sight of the schooner, her whole crew left her, except one man, and we soon saw him go off in a canoe. Captain Trotter then chased the canoe, but could not come up with her, and returned to the schooner. I was the first who boarded the schooner ; there was not a soul on

board ; saw nothing but smoke issuing from the cabin ; one man went down, and found a slow match, made of brimstone and cotton, burning in the magazine, where there were fourteen or sixteen quarter casks of powder ; it was hauled from the cabin burning ; the fire was immediately put out with water ; the hatch was off the magazine. The captain gave orders to look for the schooner's papers and log-book and all other papers ; one of the men found a few notes in the cabin ; I searched, but found no papers ; none were found ; the notes were taken possession of by Captain Trotter. We bent the sails of the schooner, and went down the river with her ; had her in our possession ten or eleven days. She was a long, two-top^{sail} schooner, figure-head cut off ; raking masts, sharp like a Baltimore clipper, no name on her stern, had a slave deck, grated hatchway.

On the sixth day we went to Lopez ; three days after the schooner blew up, killing two officers and two men ; we supposed a spark from the gun fell into the magazine ; we went to Lopez in search of the pirate crew ; we obtained Simon Domingo, a Portuguese, before we came down the river ; the natives brought him off in a canoe, the same day ; four other Portuguese were taken from the schooner *Esperanza*, but I don't know at what time : Silvera, the Portuguese, was picked up at Lopez. Captain Trotter sent a boat to demand the pirate captain and crew, and the king promised to give them up. The next morning I was sent ashore for them, and the king's son came down and said, " The men would be brought down as soon as the sun had gone to dinner," meaning at twelve o'clock ; they were not brought down.

In August we went to Fernando Po, and found five of the pirate's crew there ; saw Perez there ; again to Lopez ; I went in the *Esperanza*, a schooner we had taken ; we obtained there Don Pedro, the captain, Ferrer, the black cook, Costa, the boy, and Joseph Velasquez ; an English bark trading there, who had some of our men on board, captured them. At St. Thomas' Island, we took De Soto, the mate, Ruiz, the capenter, Boyga, and another ; all were first put on board the *Curlew*, but five went to England in the *Esperanza*, and the rest in the *Curlew* ; all taken to Plymouth first, thence to Portsmouth, and thence to America.

Cross-examined.—The *Esperanza* taken because she was suspected of aiding and abetting the *Panda*, by giving a passage to her crew and their money. I found on board of the *Panda*, a United States ensign and pennant—two Spanish ensigns, one French ensign, and a Danish or Portuguese—she had a great quantity of round shot on board, besides cannister and chain shot—there was also double-headed shot, and grape, I never saw chain shot or grape shot on board of a trader on the coast of Africa before. There was a musket or two fired at the canoe with the carpenter in it, when leaving the schooner—the fire was not returned—I do not know that the crew of the *Panda* ever carried on hostilities against the English—there was some

firing on shore among the black fellows, but I do not know that any of our men were there, we never fired among the negro canoes—I am sure the pivot gun was not fired among them—none of our men were ever flogged for firing at the canoes, three or four days after the capture some of them were flogged for drunkenness and insolence to the commander—there were nine casks of rum in the hold of the Panda, and they broached one and got drunk—when the Panda blew up I was a mile and a half from her, going to the brig; a small trading Portuguese schooner rendered assistance; I do not know that any of the Panda's crew assisted in saving the lives of any of our people that were blown into the river. I am *sure—certain*, that the Panda's figure-head was cut off; I went to the bows to see; it was cut off smooth like the stern of a boat, I think there was a Spanish consul at Plymouth; a gentleman came on board there, who was said to be the consul; only saw him about five minutes; Captain Trotter was sick with a fever several times on the homeward voyage; I have no knowledge that Captain Gibert ever gave Captain Trotter a protest; the letters B. S. and some other initials were on the diamond ring taken from the mate; I do not know that the other letters stood for his wife's name; there was hair in it; I was not present when Captain Trotter took the mate's watch from him; our orders were to cruise on the coast of Africa till further orders; we were retarded in waiting for orders; as soon as they were received, I did not perceive but what Captain Trotter availed himself of every wind and circumstance to reach England.

Simon Domingo, one of the Panda's crew, who joined her on the coast of Africa.—I was on the coast of Africa between two and three years ago—went from Brazil to Princes Island in the Portuguese schooner Harriet—while at Princes Island, I shipped in a Portuguese brig, and went to Bahia—I returned to Princes Island in another brig—I left her in Princes Island, and Captain Pedro Gibert asked me if I would ship on board of his schooner Panda—Don Pedro Gibert was her commander—Bernardo de Soto was mate, Ruiz was carpenter—Antonio Ferrer was cook, all the rest of the prisoners here belonged to her crew then—it was on the 9th of February, 1833, we went to the river Nazareth, there dropped two anchors and moored her—bent the sails and sent down the maintopsail yard, she lay there four months—the Captain and officers went ashore, were engaged in buying slaves—I was taken prisoner, because I had said the Panda had robbed an American brig; four English boats came on board of the Panda; the carpenter set her on fire, and all the crew jumped into a boat and went ashore; I don't know how he set her on fire; I saw him run to the galley with a bag of powder, and I was scared, and got into the boat; the same day I went on board the Panda again; the English had possession of her, I heard from all the prisoners here that the Panda came from Havana.

Cross-examined.—I was born on the Cape de Verds; I heard some

of the crew confess to the captain of the English brig that they had robbed the Mexican ; they had a Portuguese for an interpreter ; they were the first five that were captured ; Domingo Guzman confessed ; he is a South American Indian, and as I knew some Indian, I interpreted for him ; at Fernando Po, before a justice, Montenegro, Garcia, Castillo, Perez, Delgado, and the boatswain confessed ; they did not have the same names then that they have now ; they were all sworn.

Mr. Childs.—During the four months you were laying in the river Nazareth before the capture of the Panda, did you ever hear the crew of the Panda say any thing about the robbery of the Mexican ?

Mr. Dunlap.—I object to this question ; it is an improper one ; it is dangerous to the prisoners ; for if answered in the negative it amounts to nothing, but if answered in the affirmative, it must be fatal to them.

Mr. Childs.—I am not afraid of the answer.

Mr. Dunlap then withdrew his objection, and the witness proceeded.

I never heard them say any thing about it then ; the English captain sent me with an officer and Velasquez and the cook to look for the money, they took us to the place where the money had been buried, but it was gone ; we then went into the forest to look for it ; we did not look in the town for it. When the Spanish captain was taken at Cape Lopez, the English captain obtained some of the money, but I don't know how much it was ; it was in a small bag. I never received any of that money from the English captain ; I never received any money from him but one dollar for bread money, as I had been on short allowance.

Mr. Childs.—Did not the English captain call all the crew up on deck, one by one, and give them some of the money taken from the captain of the Panda ; and did you get some then ?

Domingo.—No, he did not. Before Gibert's money came on board the captain said that to those who did not take any bread, he would at the end of the month, give the value of the bread in money. * * * When captain Trotter went to demand the pirate crew, they went back into the woods, and the negroes formed on the beach armed ; the negroes were not excited against the English, but only informed them that the pirates had gone back into the country. They did not keep the captain in irons, but when they came to a port to take in provisions, they put him in irons. After the first day I was taken out of irons to wait on the others who were in irons. * * * There were no presents offered to the five who confessed, nor were there any threats used to make them confess. * * * Bernardo de Soto went from the river Nazareth to St. Thomas, in the Esperanza, to purchase another vessel ; and that was the reason she was captured.

George Budd, Esq., a captain in the United States Navy.—I have been in the navy twenty-nine years. Have commanded vessels in the West India station—have been to the Havana—vessels bound

from Havana to Africa come as far north 31 or 35 deg. lat. A Baltimore clipper leaving Havana on the 20th and a merchant vessel leaving Salem on the 29th, would be likely to meet about the time and spot on which the Mexican was robbed. The route is the common thoroughfare to Africa. I have crossed the Atlantic in a clipper in twelve days. These kind of vessels are not so common as they were eighteen years ago. They are used chiefly for illicit purposes. They carry very little cargo, and sail at a great expense, so they are unprofitable to owners unless engaged in a contraband trade. Our ships of war generally sail ten knots at most an hour.

Captain Joseph V. Bacon.—I have been acquainted with nautical affairs thirty years, I have generally been engaged in the trade between Boston and Havana, Mantanzas, &c. The winds that prevail in the Atlantic Ocean in the months of August and September, are generally from the west and south-west. A vessel from the Havana usually gets through the Bahama channel in four or five days.

Zachariah Jellison.—I have made ten passages to the West Indies. I went as passenger—I am acquainted with the navigation of those seas; I have made the passage from Salem to the Havana. There is a great probability of two vessels of the description of the Mexican and Panda meeting in the latitude and longitude marked out.

William H. Peyton, (interpreter sworn as a witness,)—I was once mate of a Spanish brig four years; her tonnage in Spanish measure was *ninety-five* tons; but when she was measured in Charleston, she was declared to be *one hundred and twenty* tons; I have been three voyages to Africa from Havana; on the first voyage I was quarter-master, on the second, second mate, and on the third, I was mate; have been in service since 1819—I think it is likely that vessels sailing in the latter part of August from Salem and Havana would fall in with each other in latitude 32 N. and longitude 37 W., if they fell in at all—I mean about that latitude and longitude; that is, they would be in the same region of the ocean. [Mr. Childs, after this answer was given, objected to the question which drew it out, and said he did “not want Mr. Dunlap to play the part of cloud-compelling Jupiter, but wished to have the *clouds* of testimony gather naturally.”] The farthest North we ever went was latitude 32—the ordinary passage is eight days, to get out from the Bahamas—I should shape my course to the eastward, to keep clear of the trade winds, and get into the variable winds, to bring up my *northing*.

[Mr. Peyton was subjected to a long cross-examination respecting the length of various voyages, and parts of voyages, to different ports in Africa; but as it related almost entirely to a portion of the ocean which the Panda could only have traversed in her last voyage, subsequent to the robbery of the Mexican, we cannot perceive that it can have much, if any, bearing on the case at bar. Mr. Peyton stated that the natives of several ports in Africa will take dollars in payment of articles, but they are not current among themselves, and they only

use them in making purchases of traders to their ports.] I was five months a prisoner on the Island of Ascension. I was in Havana from June last till December—I saw the Panda there, anchored in the man-of-war grounds—she laid a mile from the town from which I saw her—she was rigged as a two top-sail schooner then, Baltimore clipper built, masts raked off about fifteen or twenty degrees, very low, appeared to be very deeply laden.—It was in August that I saw her—the cargo of any African trader from Havana, so far as I know, is rum, tobacco, dry goods, muskets, pistols, powder, flints, cutlasses, Spanish dollars, &c.

When a captain of a merchantman is fitting out a vessel in the Havana, he obtains a number of sailors to work on board of her for a dollar a day and found; the day before she clears, the boatswain generally picks out the smartest for the crew; the next day they sign the papers; they then go to the office of the general of marine, and are reviewed, and their licenses are examined; Spanish sailors are obliged to serve three years on board of a man-of-war, and when that term is out they receive a license to go where they please for the following three years. Their licenses are always examined before they can clear, to see if their term of liberty has expired; if it has expired, or is about expiring, they are sent on board of a man-of-war; if it has not expired they are permitted to sail in the merchantman. The first voyage I went, the sailors' wages were from thirty to thirty-five dollars per month; on my second voyage, from forty to forty-five dollars, but on my last only twenty to twenty-five dollars. It is usual for all African traders to take out money. I never knew but one vessel to go out without money, but she was overhauled and brought back, and the boxes marked money were found to contain nothing but brick-bats. * * * I never heard Perez threaten the prisoners when he came into court. When he was raving, the prisoners jumped up, and said to him, "You'll be fixed yet," and shaking their fingers at him; he replied, "you'll be fixed." That is the only time he said any thing like a threat.

Mr. Badlam then commenced reading the ship's papers; the first was a "royal passport," dated 29th of April, 1831, permitting Capt. Pedro Gibert to take a cargo of *lawful* merchandise direct to St. Thomas and Princes Island, the owners of the ship "to be made manifest to Captain Gibert, and all other vassals of mine," signed "I, the King." The captain is expressly notified, in a note attached to this passport, that the vessel must not be employed to trade in *new* negroes, otherwise called *raw* negroes—that is negroes not taught.

Paper 2. Moro Passport, dated Havana, August 18, granting a passport to make this particular voyage, in which the captain is called a Catalonian, and the mate a Corsican, and the whole crew, to the number of thirty, enumerated. This pass winds up with a long chapter of wholesome marine morality. On the back of it is written, of the Panda, "she carries solely for the defence of the vessel, one brass

pivot gun, of sixteen; two gunnades of twelve, in her battery, twenty-four muskets, thirty-two swords, four pairs of pistols, and corresponding munitions."

Paper 3. Bill of sale of the Panda, of ninety-eight Spanish tons, dated August 7, 1832, to Bernardo de Soto, for fifty-four thousand dollars, signed by Joseph Benedict Pardo, the former owner.

Paper 4.—Invoice of Cargo, a very full and choice one, precisely suited for the African trade.

Paper 6.—Contract between the captain and owners; the captain's wages to be one hundred dollars per month, and ten per cent. on the cargo, and three dollars a head for every slave he brings.

Paper 7.—Instructions to Captain Gibert, to act according to his discretion, after consulting with his mate Bernardo de Soto, and to use due diligence, upon reaching his port of destination, to procure a return cargo; and to see that "*meekness and tenderness be observed on board,*" and to "*avoid all suspicious looking vessels.*" On his return, he is instructed "to enter Matanzas at night in silence, and, if hailed, say that you are from St. Thomas, *in ballast,*" and that there are certain officers there, who are advised of their wishes, and will instruct him what is proper for him to do.

When the reading of these papers was concluded, Mr. Dunlap announced to the court, that the testimony in behalf of the Government had all been introduced. The examination of witnesses for the defence was then commenced, by calling to the stand *Juan B. Aranza*, captain of the Spanish merchantman *Conda de Villaneuva*, laying in this port; he was examined at great length, by Mr. Childs, upon routes, of voyages, rates of sailing, and distances of ports, and the general usages of the African trade. He confirmed, in the main, the government witnesses respecting the route from Havana to the coast of Africa, making no other variance than what might be naturally occasioned by the prevalence of different winds.

This witness testified that Captain Gibert bore a high character in Havana. Mr. Dunlap then asked the witness what he himself traded in, when on the African coast, and he replied "*sometimes in black ivory,*" but being more closely pressed to explain what he meant by "*black ivory,*" he admitted, that when he could not get a cargo of real ivory, he took one of slaves.

Santiago Elonzo.—I have been an officer three years; have made voyages to Africa from Cadiz and Havana, have sailed in a clipper—clippers sail faster than other vessels, for they are built for nothing else but sailing, and not to carry cargoes—I can get *eleven and a half knots* out of a clipper with the same wind that I can only get *six* with, in my present brig.

Judge Story.—Suppose a vessel sailed from Salem for Rio Janeiro on the 29th of August, and the schooner Panda sailed from Havana for Africa on the 20th, would they be likely to meet, or not?

Witness.—I think it hardly possible for them to meet, as the schoo-

er must get ahead of the brig; for I once knew a clipper to reach the Cape de Verds in thirty days. A brig from Salem, for Rio Janeiro, would cross the Equator from 21 to 28 West, and the schooner would be in 12, at the same time. [The witness has been in the slave trade; and was a custom house officer in Havana four years.] I was acquainted with Captain Gibert, and he bears a very good character in the best mercantile houses in Havana. When I was clerk in the custom house, in Havana, in 1827, I know that Captain Gibert was a member of a mercantile house—he used to enter goods consigned to the house—the merchandise in their store was worth ten thousand dollars—I am not much acquainted with Bernardo de Soto—but have always heard merchants, concerned in the African trade, speak highly of him, he owned a schooner—afterwards purchased the Panda, and went out in her—the Panda once arrived at Havana with four hundred and twenty slaves. In reply to a question by Mr. Dunlap, the witness says it was in the slave trade in which Bernardo de Soto gave satisfaction to the merchants.

Joseph Smith.—I have been twenty-five years in the United States Navy, besides being in the merchant service before—was five years a midshipman—fourteen years a lieutenant, and a master commandant ever since. [Having ascertained the rate of sailing of the Mexican, Captain Smith is of opinion, that the Panda would beat her twenty-five per cent.] It is not at all impossible, but only improbable, that the Mexican, sailing from Salem on the 29th, and the Panda from Havana on the 20th, would meet, provided that both vessels improved their time to the best advantage. [Mr. Peyton was here called by Mr. Childs, to say whether a vessel could go to Cape Mount, in Africa, in fourteen days, from lat. 33, long. 34, 30. where the Mexican was robbed; Mr. Peyton was of opinion that she could not go in less than twenty-eight or thirty days. Perez testified that the Panda made Cape Mount in fourteen days after the robbery.] In reply to Mr. Dunlap—If the brig and schooner would meet at all, it would be where the brig was robbed.

Captain Beethold.—A vessel bound to Rio from Salem, and one from Havana to Cape Mount, would probably meet where the brig and schooner met—the distance from Havana being enough greater to make up for the greater speed of the schooner.

In reply to Mr. Dunlap—If the schooner made all possible speed, she might get a little farther to the eastward [than lon. 34]—but if she did not take every advantage in her power, she might not get quite so far east; but my general opinion is, that they would meet about there, as that is the general thoroughfare.

Captain Faucon.—Been to sea twelve years—is master of a vessel, never sailed in a sharp vessel—have understood that the speed of such vessels is about thirty per cent. faster than other vessels. Supposing that the brig and schooner, sailing according to dates stated, took ad-

vantage of every thing, it would be *improbable*, but not *impossible* for them to meet.

Samuel Austin Turner.—Have been six years in the United States Navy—is acquainted with the brig Mexican, the schooner would sail nine knots with the same winds that would carry the Mexican only six, but in a *fresh* breeze, in which the Mexican would go *eight* knots, the schooner would exceed her only about *one* knot. From some calculations which I have made, the Mexican and Panda, under given data, would not approach each other nearer than one hundred miles—that is, taking it for granted, that they both avail themselves of every advantage.

W. S. Bruce is somewhat acquainted with *Bernardo de Soto*. Has resided several years in the Havana, and his knowledge of the prisoner commenced in the fall of '31. De Soto was then the captain of the Spanish brig *Leon*, from Philadelphia to Havana. During one of his voyages from Philadelphia to the latter place, he saved and brought in the crew and passengers of the American ship, *Minerva*, which had taken fire. The passengers were thirty or forty in number, (chiefly Irish,) going to New Orleans or Mobile. De Soto's conduct was very highly spoken of at the time in Havana, and he was presented with a piece of plate by the merchants of New Orleans. Don't know that any one has asked him (De Soto) to become a witness against the rest of the prisoners. District Attorney did not request me to go to him. Did not intimate to me his wish or willingness that de Soto should be a witness. Should not have conjectured any thing of the kind from the District Attorney's conversation. Formed my opinion of the District Attorney's wishes from what was told me by a third person. That person was Charles W. Story. I told *de Soto* that he had better become a witness.

Mr. Dunlap. Had you ever conversed with me before you saw de Soto?

Witness. Yes, both before and afterwards.

Mr. D. Recollect yourself.

Witness. You did not say any thing particular the first time.

Mr. D. Did you ever converse with me more than once?

Witness. No.

Mr. D. Did you not upon that occasion state to me what had passed between yourself and de Soto?

Witness.—Yes.

Mr. D.—Then, of course, sir, you never conversed with me before you saw de Soto.

In reply to a question from *Mr. Hillard* as to the state of public opinion in Havana in relation to persons engaged in the slave trade, the witness said that the being so engaged was not considered to disparage any man's character.

Stephen Badlam.—Has had a conversation with *Joseph Perez*, the

government witness. About the 1st of October last was requested by the District Attorney to accompany him to the gaol for the purpose of interpreting between him and the prisoners. Witness and the District Attorney went into a room under the court, and directed the turnkey to bring in *Perez*. This was done, and witness then stated to the prisoner that the gentleman present, Mr. Dunlap, was the Attorney for the District, and had called, as the time of trial was approaching, to have some conversation with him. When I told *Perez* this, continued Mr. Badlam, he declared "that all he had previously said was false; that he had had a good deal of wine given to him, and had been told that if he became a witness he would not be considered in the light of the other prisoners, but be kept as a witness." He by this time appeared much out of humor, and said rapidly, as if in a passion, "I will not be a witness any longer, but will take my chance with the others." I think he also said, "that the English had deceived him, by telling him that he would not be kept a prisoner, while in reality he was now as much a prisoner as the others." I think when he said this he did not refer to any individuals in this country, but to the English. I cannot swear that he mentioned the English, but it is my impression that he did so. I have no doubt myself upon this point. I told Mr. Dunlap what the prisoner had said, and Mr. D. replied, "Very well, he may do as he pleases; if he does not like to be a witness we can do without him." *Perez* then cooled down, did not appear in such a passion as previously, and said that when he went before the judge he would tell the whole truth.

Mr. Dunlap said he should be happy to state any thing within his knowledge in relation to this matter; indeed he considered such a course to be his duty. After having had with *Perez* the conversation just alluded to by Mr. Badlam, and having noticed the state of his [*Perez's*] mind, he did not think it safe to leave the case for the government in its then state. He had therefore caused *Nicola Costa* to be brought in, and after telling him that he was under no obligation to state any thing, and that all he [the District Attorney] could promise him was that nothing he might say should be used against him, asked if he was willing to become a witness for the United States. The prisoner's reply was, "that they were all innocent, and that no robbery had ever been committed by them upon the Mexican." I then, said Mr. Dunlap, called in *Domingo Guzman*, and afterwards *Antonio Ferrer*, [the black cook] but found them both in the same story as *Costa*. As a last resort, I then sent for *Bernardo de Soto*, the mate, but succeeded as ill with him as with the others, I was influenced in sending for *Costa* and *Guzman* by considerations as to their youth; as regarded the black, by compassion for his ignorance and degraded condition; and I selected *de Soto* in consequence of his having performed the act of humanity which has been alluded to [saving the persons on board the *Minerva*.]

Mr. Child said the District Attorney had been influenced in this

affair by the honorable feelings he supposed him to possess, and begged him to accept his (Mr. Childs') sincere thanks for the course pursued.

Mr. Dunlap in reply to Mr. Childs, said that when the offer of becoming a witness was made to de Soto, the latter returned for an answer that he was willing to testify, but could only do so to his own innocence. He (Mr. D.) thought de Soto answered evasively, and therefore immediately ceased conversing with him.

Mr. Hillard arose and addressed the Jury for two hours in the most eloquent manner.

You are called upon to exercise your vocation in a case, a parallel to which we should seek in vain, in the criminal annals of this, and I had almost said in those of any other state or country. It is a serious thing gentlemen, to sit in judgment, for life or death upon a single person. Such a duty requires the most clear state of the understanding, the most careful attention to facts, lest through rashness or prejudice we pass sentence on the innocent, and commit judicial murder. Instead of one, you are now called upon to decide the fate of *twelve* persons. By your verdict, will it be determined whether the individuals who now sit before you in the fullness of life shall continue to exist or taste the bitterness of Death. The extraordinary spectacle is now presented of a number of prisoners tallying exactly with the jury.

Mr. Hillard after arguing upon the improbability of the prisoners being the crew that robbed the Mexican, and giving an interesting account of Bernardo de Soto's act of humanity in relieving the American ship on fire; concluded with an eloquent appeal in behalf of Antonio Ferrer, the black; and the boy Costa.

If, gentlemen, said he, you deem with me that the crew of the *Panda* (supposing her to have robbed the Mexican) were merely servants of the captain, you cannot convict them. But if you do not agree with me, then all that remains for me to do is to address a few words to you in the way of mercy. It does not seem to me that the good of society requires the death of all these men, the sacrifice of such a hecatomb of human victims, or that the sword of the law should fall till it is clogged with massacre. *Antonio Ferrer* is plainly but a servant. He is set down as a free black in the ship's papers, but that is no proof that he is free. Were he a slave he would in all probability be represented as free, and this for obvious reasons. He is in all probability a slave, and a native African, as the tattooing on his face proves beyond a doubt. At any rate he is but a servant. Now will you make misfortune pay the penalty of guilt? Do not, I entreat you, lightly condemn this man to death. Do not throw him in to make up the dozen. The regard for human life is one of the most prominent proofs of a civilized state of society. The Sultan of Turkey may place women in sacks and throw them into the *Bosphorus* without exciting more than an hour's additional conversation at Constantinople. But in our country it is different. You well remember the excitement

produced by the abduction and death of a single individual; the convulsion which ensued, the effect of which will long be felt in our political institutions. You will ever find that the more a nation becomes civilized, the greater becomes the regard for human life. There is in the eye, the form, and heaven directed countenance of man something holy that forbids he should be rudely touched.

The instinct of life is great. The light of the sun even in chains, is pleasant; and life, though supported but by the damp exhalations of a dungeon, is desirable. Often too we cling with added tenacity to life in proportion as we are deprived of all that makes existence to be coveted.

The weariest and most loathed worldly life
That age, ache, penury and imprisonment
Can lay on Nature, is a Paradise
To that we fear of DEATH.

Death is a fearful thing. The mere mention of it sometimes blanches the cheek and sends the fearful blood to the heart. It is a solemn thing to break into the "bloody house of life." Do not, because this man is but an African, imagine that his existence is valueless. He is no drift weed on the ocean of life. There are in his bosom the same social sympathies that animate our own. He has nerve to feel pain, and a heart to throb with human affections, even as you have. His life, to establish the law, or to further the ends of justice, is not required. *Taken*, it is to us of no value; given to him it is above the price of rubies.

And *Costa*, the cabin boy, only fifteen years of age when this crime was committed. Shall he die? Shall the sword fall upon his neck? Some of you are advanced in years. You may have children. Suppose the news had reached you that your son was under trial for his life in a foreign country—(and every cabin boy who leaves this port may be placed in the situation of this prisoner)—suppose you were told that he had been *executed* because his captain and officers had violated the laws of a distant land;—what would be your feelings? I cannot tell, but I believe the feelings of all of you would be the same, and that you would exclaim with the Hebrew, "My son! my son! would to God that I had died for thee." This boy *has* a father; let the form of that father rise up before you and plead in your hearts for his offspring. Perhaps he has a mother, and a home. Think of the lengthened shadow that must have been cast over that home by his absence. Think of his mother, during those hours of wretchedness when she has felt hope darkening into disappointment, next into anxiety, and from anxiety to despair. How often may she have stretched forth her hands in supplication, and asked, even the winds of heaven, to bring her tidings of him who was away? Let the supplications of that mother touch your hearts and shield their object from the law.

Mr. Child closed the defence on the part of the Prisoners in an ingenious and elaborate argument of twelve hours.

He commenced by reading numerous statements showing how extremely difficult it was to identify persons, and what little dependence could be placed on evidence of this sort. He cited many authorities for the defence. He argued at great length upon the statements of the government witness Perez, and animadverted strongly against the manner in which he gave his testimony, and the great degree of hatred and revenge he exhibited on the stand; his utter want of veracity in saying he could not read his alphabet, but after being pressed on that point, read whole sentences fluently; his saying rum had been given him at Fernando Po, and telling since "what he had said was all a lie." He spoke strongly in favor of the crew because there was no rule of division; the Captain and Mate keeping as much of the plunder as they chose. And Captain Trotter had not treated the crew of the Panda as Pirates, having kept them in irons but a short time. The statement of Bernardo De Soto's sitting up all night to make a false log-book should have no weight; if he had it would be produced here. In the printed statement of Captain Butman, the Panda's figure head is said to be very large, with a horn of plenty on it; the witness Silvera, who saw it in the river Nazareth, says there was nothing carved on it. Mr. Quentin says it was off smooth like the stern of a boat. With respect to the capture of the schooner, something explanatory of the conduct of her company may be said. Being unexpectedly and suddenly surrounded with a squadron of hostile boats, they fled for safety;—and if they did attempt to blow her up, there is nothing very blameable. Many a brave spirit, incapable of yielding to defeat, has ascended from the ruins of his gallant vessel.

After arguing and endeavoring to refute and lessen the weight of the government testimony, he concluded by making a powerful appeal in favor of Antonio Ferrer and the boy Costa.

Mr. Dunlap, District Attorney, closed the cause on the part of the government in a most eloquent argument of six hours.

He began by saying that there was no doubt the Mexican was robbed by pirates. The great question was, whether the captain and crew of the Panda were the individuals who committed the robbery. She sailed from Havana about the 20th. The witnesses prove that Captain Gibert and Bernardo de Soto were her chief officers, and the prisoners at the bar were all of her crew. The crew of the Mexican make this probability certain by identifying some of the prisoners who were proved to be of the Panda's crew. This is not circumstantial evidence, it is proof positive. Mr. D. argued that the Panda sailed with the intention of committing piracies: Bernardo de Soto was not the real owner; he stands in their shoes; the real owners are veiled. The instructions are not signed; there is piracy in every line of them. The contract with the captain is in the same hand writing as the unsigned instructions. The cargo of the vessel is worth only ten thou-

sand dollars, and going to Africa to buy four hundred and fifty slaves. The cargo would not pay the wages of the crew for ten months. She was to get the thirty thousand dollars to buy the slaves by robbing vessels, without doubt. With these instructions Captain Gibert is told to sail from St. Thomas in ballast, to enter with great secrecy into the harbor of Matanzas by night, and hold intercourse with certain persons indicated in his instructions. He was allowed to cruize where he pleased. He was left without any control but his own will. The slave trade is the twin-brother of piracy, for all the piracies of our day are committed by slave dealers. By the large share of the money kept by the captain, it proves that it was reserved for the owners. At the time the figure-head was altered, no news had reached Africa of the piracy. He had it altered to elude pursuit when the news did come. It shows the prisoners were conscious of guilt, by throwing the money overboard.

After drawing the attention of the jury to the boy Costa and Antonio Ferrer, he concluded by passing an eloquent eulogium on the conduct of Captain Trotter and the British navy generally.

Judge Story, in a luminous *Charge* of six hours summed up the evidence on both sides of the cause. The papers, charts and documents were given to the jury and they retired to agree upon a verdict.

VERDICT OF THE JURY.

The jury, after an absence of *twenty hours*, returned into court with a verdict of GUILTY against the Captain, Don Pedro Gibert, Don Bernardo de Soto, Francisco Ruiz, Manuel Boyga, Manuel Castillo, Angel Garcia, and Juan Montenegro.

Nicolo Costa, Antonio Ferrer, Domingo de Guzman, Jose Velasquez, and Juan Antonio Portana were pronounced NOT GUILTY.

Don Bernardo de Soto was strongly recommended to the mercy of the government in consideration of his humanity in rescuing the lives of seventy people of the American ship *Minerva*, when on fire on the Bahama Reef.

Those not convicted were immediately discharged from custody; as they left their condemned shipmates, Ruiz and the others broke out into the most violent denunciations and imprecations against the court. The captain kept his usual self-possession, but De Soto was strongly affected.

MURDER OF GASPARD DENEGRÍ.

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 Caermarthan, 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 Leon, where he became the servant of Col. 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, 1816, 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 Phillips' 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 heating 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 loggerhead 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 to be 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 despatched 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.

JOHN WILLIAMS,

PIRATE.

JOHN WILLIAMS was born at Chazee in the state of New-York, in seventeen hundred and eighty-nine. He was sent to school at Montreal, and received a tolerable education. At the age of seventeen he was placed in the office of an attorney, to study law seven years. Being reprimanded by the attorney and chastised by his father, on a suspicion of having kept bad company, he refused to attend further to his studies.

For this contumacy, his father caused him to be thrown into jail, but finding, after three weeks imprisonment, that severity had no effect on him, placed him in a counting house. Here Williams satisfied his principal for six months, and was then again accused of the same, and worse misdemeanors. Irritated at this, he robbed his master of a large amount, and took passage in a brig for Quebec.

He then shipped on board a vessel bound to England, and on his arrival on the British shores was impressed, and forced on board a man-of-war. He deserted, was taken, and again made his escape, and to avoid being once more impressed, assumed the character of a Frenchman, which he was perfectly qualified to sustain, as during his residence at Montreal he had learned to speak the French language fluently.

Going out one evening, and passing St. George's Dock, he was seized by fourteen men, who asked him to what country he belonged. He answered them in French, when, with many threats, they ordered him to speak English. As he still continued to pretend ignorance of the English tongue, they took him to a rendezvous and kept him all night.

In the morning he was taken before two officers who spoke French, and examined. He asserted that he was a native of the Isle of France, on which he was sent to Liverpool and detained five weeks, when he was examined before the Lord Mayor; and still passing for a Frenchman, was discharged.

He next sailed to South America, and at Buenos Ayres shipped on board a Brazillian privateer, but not receiving his wages, entered a vessel bound to Baltimore. Scarcely had the vessel gained the outer harbor, when it was boarded by a boat belonging to a British frigate. The pretence of being a Frenchman did not, this time, avail our hero. The officer took him on board the frigate, in order, as he said, that he might be taught to speak English. In about eight weeks the vessel anchored in Lockerin Bay, in Scotland. Here, being sent on shore, Williams seized the first opportunity to escape. As soon as the boat

touched the land he ran, and the Master's Mate ran after, and overtook him. Williams knocked the man down, stamped on him, and made good his escape.

He then took passage in a small fishing vessel for Liverpool. Off Lancaster the vessel encountered a severe gale, and in endeavoring to beat into Lancaster she ran on the edge of a bank, and stuck fast for half an hour; then drifted off again. She continued to strike and drift for some time, when finding the water gaining fast in the hold, the master let go an anchor, though every sea swept the deck. The cable parted in less than half an hour, but Williams took off the hatch, and dived into the hold, which was more than half full of water. He succeeded in bringing up a grapnel, with which another attempt was made to hold the vessel. The rope broke as before.

The cry "I am drowning," was now heard in the hold. Williams again raised the hatches, plunged in, and brought up an old woman, who, but for his assistance, could not have survived many minutes.

All hope of saving the vessel being over, they took the compass from the binacle and leaped into a two oared boat. The sea ran high, and the land was three miles distant; yet, by the care of a merciful Providence, they all reached the shore in safety.

Having reached Liverpool, Williams shipped on board a merchant vessel bound for Barbadoes. His usual luck attended him: he had been at sea but a fortnight when he was again impressed, and taken on board the frigate *Bucephalus*.

The frigate sailed to Xerexie and came to anchor, while the boats went up the river to take a French cutter. After a battle of more than an hour, the Frenchman hauled down his colors. The prize carried twelve guns, and had a crew of sixty men. After taking possession, Williams and some others went on shore, in violation of their orders, for which they received a dozen lashes each on their return to the *Bucephalus*.

After this the frigate sailed for India, and carried Williams as far as the Cape of Good Hope. He was resolved to desert, and being sent on shore in the captain's gig, availed himself of the opportunity. He fled to the Table Mountain, which he ascended with much difficulty, through bushes and briers, and other obstacles, till he reached the top. There he sat down to gaze on the shipping in the harbor, and regaled himself with bread and grapes. Then, wandering in the thickets, he heard a dreadful howling, and saw a large tiger approaching him. Flight would have availed him nothing, and he therefore lay down to await the beast's pleasure. He was once more preserved; the tiger pursued his way without noticing him.

Williams remained on the mountain three days; when, to his great joy, he saw the *Bucephalus* weigh anchor and leave the harbor. He then went down and shipped for Brazil on board the brig *Rattler*.

On the arrival of the brig at Rio de Janeiro, Williams was sent on shore for water. He had fixed the hose so as to convey the water

from the spring to the boat, when a black slave came with a bucket, for water, and displaced the hose. Not pleased at this, Williams gave him a push. A Portuguese soldier then came up and struck our hero with a cane, and Williams, returning the blow with his fist, knocked the man down. The Portuguese called for the guard, who came up and took the seaman into custody; and the next day he was examined before a magistrate, and sentenced to five weeks imprisonment. This was the most disagreeable of all his adventures, for he was confined in a large room in company with many negroes, and scantily fed on bread and water.

When he was released, he enquired for the Rattler, and learned that she had sailed, with his clothes on board. Thus was he left destitute in a strange land; but he found a compassionate gentleman who harbored him till he shipped again for Buenos Ayres.

A fortnight after his arrival in that city the vessel in which he came was sold, and he went on shore with his effects, which an old stocking sufficed to contain. He passed three weeks in the place without any mischance or adventure of any kind; but his evil genius pursued him, and he could not remain long in peace. As he one day was walking the streets, he happened, accidentally, to jostle an officer and spatter his clothes. The man of the sword instantly began to beat him with his cane, and the more Williams apologized and humbled himself, the harder he struck. Our hero lost patience, tripped up his opponent, took away his cane, and returned the beating with interest. A crowd of soldiers interrupted his recreation, and set him in the stocks, where he remained two hours, enduring the insults of the populace. He was taken before a court, sentenced to five weeks incarceration, and was then thrown into prison, friendless, penniless, and without clothes.

Two seamen who were kept in the same room with Williams sent for a captain of artillery, and offered to enlist in his company. Our hero made the same offer, and the three were released, gaily clothed, and received a sword and twenty-eight dollars in advance, each.

Finding an opportunity to escape on board a vessel just ready to sail, Williams deserted, and in ten weeks arrived at Liverpool.

He then shipped for Barbadoes, where, as soon as he arrived, he was impressed on board the British man-of-war brig *Swagger*, commanded by Sir George Evans. Two months after he heard that war was declared between Great Britain and the United States. He went, with three other impressed Americans, to the quarter deck, and taking upon himself to act as spokesman, informed the commanding officer that they would by no means fight against their country, and begged that they might either be discharged, or detained as prisoners of war. Captain Evans gave them many abusive and profane terms, and ordered them to go forward again. Williams only persisted in his remonstrance, whereupon Sir George Evans lost his temper, and struck the sailor seven or eight blows on the head with his speaking trumpet. Nevertheless, Williams refused to be silent, and the cap-

tain ordered all hands to be piped to witness his punishment. He was fastened to the gangway, and the boatswain bestowed sixty lashes on his naked back with the cat-o'-nine-tails. This done he was ordered to return to his duty.

It seems to be no matter of marvel, that Williams should have become a villain. Misfortune dogged his every step, and he certainly had some reason to doubt the truth of the maxim, that "virtue is its own reward." All his honest and praiseworthy exertions were attended by disgrace and misfortune, and in this last instance, an action for which he should have been honored, was rewarded with stripes and ignominy.

Cruising to windward of Barbadoes, the Swagger fell in with the American schooners Comet and Saucy Jack. As they came within shot, one of them fired a long gun at the Swagger, and both ran up their colors. Williams now accosted Sir George Evans, and informed him that he would not assist to fire one gun at a vessel bearing the flag of his country. With many oaths Sir George ordered him to his quarters, and, as he still refused to obey, caused him to be confined between decks below. The schooners now ranged up within pistol shot and gave the brig a volley of musketry, and five or six great guns, on which the Swagger delivered her broadside. The schooners returned it, and then hauled their main sheets aft, and made off. In less than an hour they were out of shot. In this engagement the Swagger had two men killed and five wounded, her main shrouds were cut away, and a round shot injured her mainmast. She repaired to Barbadoes to refit, and thence sailed to Trinidad.

On the way to Trinidad the Swagger captured a small schooner, which was ordered to Martinico, and Williams was put on board as one of the prize crew. On arriving at Martinico the officers took lodgings on shore, leaving the prize in the care of an old sailor named Thompson.

A part of the vessel's lading was brandy, and Thompson and Williams agreed to purloin it, taking care to leave as much of it as might be wanted. A boat came off to the vessel at night and received the liquor, the rogues taking care to fill the casks with salt water, as fast as they were emptied. They carried on this trade a fortnight, and as they received their pay in ready money, realized an hundred and sixty dollars each. Two days after, Williams found an opportunity to desert, in a vessel bound to St. Thomas.

Williams then made two voyages, the last of which carried him to Quebec. For fear of being impressed he enlisted, to serve on the British vessels on Lake Champlain, with intent to desert and visit his family on the first opportunity. This resolution he carried into effect on his arrival at the Isle aux Noix, and went to his father's house, whence he had been absent eight years.

He soon became weary of idleness, and therefore enlisted in the Saratoga, under Commodore McDonough. He was moved to this by

a desire to revenge on the British fleet the wrongs he had sustained. At the end of two months he had an opportunity to gratify his feelings, by participating in the memorable battle on Lake Champlain, the particulars of which are too well known to need a description here. Four days after he received his discharge.

He made two more voyages, in which nothing of interest occurred, and lastly found himself at Baltimore. He there shipped on board the Schooner Swift, Captain Hackett, for Buenos Ayres, where he arrived in ten weeks. Many quarrels occurred between the Captain and his crew on the passage, and five days previous to entering port, the men agreed to land and not return to the vessel, or, if they did conclude to return with Mr. Hackett, and were no better treated, to throw him overboard.

The day after their arrival at Buenos Ayers, some of the crew quarreled with Mr. Spiers of Baltimore, the mate. Eight of them left the vessel with their baggage, and went to the city, *malgre* all the endeavors of Mr. Spiers to prevent them.

Though the Captain might easily have engaged as many seamen as he wanted, he only shipped three, and sailed with his crew thus reduced in number, for Baltimore. He was a man of irritable temper and violent passions; when excited he did not hesitate to abuse, and even strike his men. On one occasion he called his men soldiers, an epithet esteemed very opprobrious by seamen. Williams replied that he had for many years sailed in ships and schooners, but had never been called soldier before. Hackett then called him a d—d rascal and bade him hold his peace, at the same time threatening to knock out his brains with a handspike. At the same time he struck our hero with a rope. Williams told him that he did not consider himself an apprentice, but as good a man as he, and if he struck again he would resent it. The master then ran to the cabin and returned with a loaded pair of pistols, swearing that he would shoot Williams or any other man who should dare to utter another word. Williams was not daunted by this; he tore open his waistcoat, exclaiming, "Fire, damn you; don't be a coward: but mind—if you miss me, I'll not miss you." This speech appeased Mr. Hackett, who returned to his cabin and the quarrel ended.

The next day the Captain and Williams were reconciled; Mr. Hackett saying that our hero was as good a man as ever belonged to the vessel, and that he esteemed him the more for the spirit he had exhibited. He then gave Williams a glass of spirits to drink his health.

After they arrived at Baltimore, Captain Hackett obtained the command of a fine schooner called the Plattsburg, bound to Smyrna, and asked Williams to engage for the voyage. Our hero at first refused, and reminded Mr. Hackett of his former maltreatment, but, at last, suffered himself to be persuaded, and signed the articles. The vessel sailed on the first of July, 1816, with a cargo of coffee, and forty thousand dollars in specie on board. The first mate was named Fred-

erick Yeizer, the second was Stephen Burnet Onion, and the super-cargo was called Thomas Baynard. The crew were, John Williams, Nathaniel White, Francis Frederick, — Stacy, John Smith, Peter Peterson, Johnson Stromer, and three more fore-mast men. The cook was a Spaniard, and the Steward a negro, Edmund Samberson by name. From the day the Plattsburg sailed, the adventures of these men were interwoven with those of Williams, and before we proceed further in our narrative, we deem it necessary to give a brief history of some of them.

FRANCIS FREDERICK,

Was born in the island of Minorca, and was the youngest of his father's five sons. He never received any education, but was put on board a ship at the age of eight years. The history of his early youth contains nothing worth the trouble of recording. The first of his adventures that may interest the reader took place at Baltimore. He there shipped on board the schooner *Romp*, whose crew consisted of sixteen persons.

Dropping below Fort McHenry, the *Romp* took on board forty men, as well as some guns and ammunition. The captain then piped all hands upon deck, and hoisting the flag of Buenos Ayres, read his orders to them. He told them that the schooner was to be called the *San Ofone*, Gun-boat No. 6, of Buenos Ayres. He said that a Spanish brig was coming out from Philadelphia, laden with specie, and that they must take her. His expectations, however, were not fulfilled, and the cruise proving unsuccessful, the vessel proceeded to Cadiz, meeting, searching and distressing several Spanish and Portuguese vessels on the way, though nothing of great value was taken from any of them.

When the vessel was nigh the harbor of Cadiz, she took a fishing boat, in which first lieutenant Bass and sixteen men went to explore the harbor. Before Bass returned the privateer took a Spanish vessel, from which the compass and five or six thousand dollars in specie were taken. The captain then caused her sails and rigging to be cut in pieces, and left her. The next day the *San Ofone* captured two more Spanish vessels, and after taking a part of their lading, suffered one of them to proceed. The other was manned and sent off on a cruise. After this, the *San Ofone* took a lugger, off the Western Islands, and near Teneriffe a polacca. The captain of the latter vessel was stabbed, and an English passenger was robbed of fifteen thousand dollars. Then, threatening the officers of the polacca with death if they should deviate from their course, the privateer captain let the vessel go.

Soon after, some dissension arising between the officers, the second lieutenant, sailing master and boatswain were degraded from their stations and sent before the mast. Here the sailing master informed the crew that the vessel was cruising without orders, and that they would all be hung as pirates if taken. The crew thereupon agreed to mutiny, and at night assembled on deck. The captain and lieutenant Bass were first secured, and then, with the other officers laid in irons. The next day falling in with an English sloop bound to the West Indies, they put the officers on board, with their effects and share of the prize money, and then steered for Baltimore. The vessel

gained the land at Norfolk, where the crew left her. Frederick went to Baltimore with his prize money, which amounted to five hundred dollars.

He bought a small vessel in partnership with another man, intending to engage in the coasting trade; but hearing that some of the Romp's crew had been apprehended, he became alarmed, and took passage on board the Plattsburg for Gibraltar.

JOHN PETERSON ROG,

PIRATE,

Was born in the year 1789, at Christiansand in Denmark. He was sent early to school, but at the age of twelve went to sea and made two voyages. He then returned home, was bound apprentice to a sail-maker, and worked at the trade five years.

He then sailed to the West Indies, and on the passage was kicked from the fore-top-gallant yard into the sea, but was saved by the boat of an English man-of-war. After this he made several voyages, in one of which he witnessed a singular affair.

The ship being becalmed at sea, the boat of an English vessel came on board, inquiring if they had seen any French vessels. At the same moment a boat boarded the ship on the other side, and a French officer stepped on deck to inquire after English vessels. The English officer proposed to the Frenchman that each should return to his ship, and desired the Dane not to stir till he should have witnessed the battle. It soon took place, and the English ship captured the French one.

Rog was employed in the coasting trade till 1807, when war arose between Denmark and England. He then entered a gun-boat, one of a fleet ordered to the Great Belt. On the way they fell in with an English seventy-four, and the boat in which Rog sailed, received two round shot. He was wounded in the head with a grape shot. The seventy-four was severely damaged, and compelled to sheer off.

After assisting to capture several English vessels, Rog was put on board the Prince Christian seventy-four, and sailed for the Belt.

The day after leaving Elsinour, the Prince Christian engaged a British frigate. During the action two seventy-fours and another frigate bore down on the Danish ship. The Prince Christian maintained the battle with a seventy-four on each side and two frigates astern, till he ran aground. He was then obliged to strike. The captain, three officers, and an hundred and ninety-four private men were killed in the battle, and two hundred were wounded, out of a total number of seven hundred; a carnage scarcely equalled in maritime warfare. After the battle, the Prince Christian, being past repairs, was blown up; the wounded, among whom was Rog, were sent on shore, and the rest were drafted into different vessels.

After this, Rog gained his livelihood as an honest and inoffensive mariner, till he had the misfortune to ship on board the ill-fated schooner Plattsburg.

PETER PETERSON, ALIAS MILES PETERSON,
OTHERWISE MILES PETERSON FOGELGREN,

P I R A T E .

THIS unhappy youth was born at Gottenburg in Sweden, in the year 1799. He was kept at school till the ninth year of his life, when he sailed with his uncle to Narva in the Gulf of Finland. After this voyage he entered another vessel as cabin boy, but being very ill-treated by the captain, left it at Liverpool and bound himself apprentice to a merchant, who in six months became a bankrupt.

He made two more voyages, previous to the late war between Great Britain and the United States. When war was declared he shipped at Salem, on board the American privateer *Grand Turk*, and assisted in the capture of two letters-of-marque. The action lasted about thirty minutes, and the *Grand Turk* had two killed and one wounded. After having had the prizes in tow two days, an English ship approached the privateer, taking her for a British vessel, but struck her colors on discovering her mistake. The *Grand Turk* finished her cruise by being chased into Portland by an English frigate.

Peterson's next voyage was to Antigua. Returning from that place the vessel's provisions gave out, so that the crew were obliged to subsist on one repast of flour and water per diem.

He then shipped on board a Swedish vessel, which was brought to by the British line of battle ship *La Houge*, the day after she sailed. Peterson was taken on board the seventy-four and questioned. He was told that he was a British subject and required to enlist, and, on his refusal, was confined twenty-four hours without drink or food. He was then again asked to enlist, and threatened with stripes for refusing. Finally, he was released, and allowed to return to Boston, with other prisoners, in a fishing boat.

He next entered the *David Porter*, another privateer, which, after taking an English ship, had a narrow escape from a British frigate. Then, falling in with an English ship, the *David Porter* fought her half an hour, till all the ammunition was expended, and at last carried her by boarding.

Peterson made several more short voyages, without any adventure worthy of note. Being on board the schooner *Chippewa*, at St. Jago, the crew were ordered one Sunday to scrub the deck, by the mate. They all refused, and the mate wrote to the master, who was on shore at the time, to complain of their disobedience. The master immediately came on board, attended by six other masters of vessels, all armed with cutlasses, and the men were all put in irons and not released till

the vessel sailed. Arrived at Baltimore, Peterson shipped on board the Plattsburg for Naples, and, on her return, entered the same vessel again for Smyrna.

The Plattsburg, it will be remembered, sailed from Baltimore on the 1st of July, 1816. The following account of the subsequent transactions on board, is a synopsis of the stories of Onion, their second mate, and others.

After the schooner had dropped down from Baltimore to Purchase Creek, the crew refused to raise the anchor unless the captain would give them their protections. They received the protections and the vessel sailed. On the fourth of the month the Plattsburg was off Cape Henry.

Here Smith, being commanded by the chief mate to sweep the deck, returned an insolent answer, and they came to blows. The mate was thrown down, and would probably have fared worse, had not Captain Hackett come upon deck with a handspike, and threatened to strike any one who should do violence to an officer.

After this matters went on tranquilly enough till the 21st of the month, when the schooner was near St. Mary's. This day the crew were divided into two watches, the first, under the chief mate, being on duty from eight in the evening to twelve. The night was very dark, with a drizzling rain, and the Plattsburg went through the water at the rate of five or six knots an hour. At twelve o'clock Onion was called on deck by Mr. Yeizer, and as he came up, heard Williams cry, "Sail, ho!" Stopping in to the waist, Onion asked Francis Frederick where the sail was, and Frederick told him to go forward and he would show him. Then, while Yeizer and Onion were looking over the bow together, they were both struck at the same instant. Onion fell on deck, but instantly shuffled to windward. Williams straightway seized him, and while they were struggling Onion heard Yeizer cry "murder!" At the same time, Williams cried for others to help him kill "one of the d—d rascals," as he called Onion. Seeing a man aiming a blow at him, Onion parried it with his arm, which was thereby so injured that he could not use it for a fortnight. The stroke brought him to the deck.

At this moment Captain Hackett came on deck, and asked what was the matter, whereupon those who were about Onion sprang toward him. Passing a man with an axe on his shoulder, Onion then gained the cabin with all speed, and got into a locker.

The supercargo, Mr. Baynard, had just risen, and the black, Samberson, was lying in his berth. The first thing Onion heard after concealing himself was a voice summoning Mr. Baynard on deck, where, it said, the Captain wanted him. The next sound was that of a scuffle.

In about ten minutes some of the crew came below, and Williams inquired for Onion. Some one replied that he was overboard, but Frederick denied this, and said he was in the locker. Being ordered,

Onion came forth, and began to beg for mercy. The men held a consultation touching the propriety of throwing him overboard. Peterson was on the affirmative side of the question, but Frederick said that he should live, and take a share of the money. Williams, too, said that they had shed blood enough, and that he should be suffered to live. They gave him a glass of whiskey and made him swear not to inform against them, and to take a share of the money on board.

About four o'clock in the morning White and Stromer came into the cabin. White asked Stromer whither he intended to take the vessel, and Stromer replied, to Norway. White said it would be better to run for South America, but Stromer persisted in his opinion, saying he knew the coast of Norway, having traded there before. He said he would run the schooner among the rocks, and smuggle the cargo ashore without being suspected.

After this they went on deck, and at nine Onion was called. The crew then brought the money on deck and divided it into fourteen shares at first measuring it in their hats, and when the quantity grew small in a tin cup. Williams offered Onion a share, which he declined accepting, but Raineaux said if he did not take it he should be treated as the other officers had been. Samberson, whom they had resolved to spare, also took his portion, as well as Mr. Yeizer's trunk and clothes.

The Spanish cook was much affected by what had taken place, and lamented. Peterson and Smith spoke of having thrown the officers overboard. They said the mate had caught by a certain rope, and that they had been obliged to cut it off. The said rope was bloody, but Frederick explained the circumstance by saying he had cut his finger, Rog, who among the crew went by the name of the "Yankee boy," danced upon the deck, exclaiming, "You now see what a Yankee boy can do!"

On the passage to Norway, Onion heard the pirates speak of the transactions of the night of the 21st. Peterson said the captain had caught him by the jacket, and had nearly drawn him overboard. Smith said the captain had nearly thrown him over also, and had, in fact, got him half over the railing. Williams said, with an oath, that he would never sail from any port for fourteen dollars a month, and that if he lost the money he had now gained he would get more in the same way. He also said that he had agreed with Frederick, and shaken hands upon it, at eight in the evening before the murders, to take the vessel or jump overboard. Frederick said the Plattsburg was the fifth vessel he had assisted to take in the same manner.

On one occasion Williams said, that when they were throwing Captain Hackett overboard, the unfortunate man cried, "Williams, don't you know me?" and was answered, "Yes, d——n you, to my sorrow." Williams also said, that in a former quarrel the captain had threatened to shoot him, and he owed him a grudge. He added, that he had been thrice sentenced to the gallows; once for killing a man

in South America, and once for hanging a woman. His other crime he did not specify.

Onion stated, that when the vessel was off St. Mary's he saw Williams drop something into the fire which burned blue. After the murder he told Onion that he had then intended to destroy the officers by poisoning their coffee. He added, that the crew had plotted to bind the officers and put them on shore near St. Mary's, and that he had gone with a cord as far as the caboose, for that purpose. But as the others did not follow him, his heart failed, and he gave up his intention.

After the 21st, Stromer acted as master, and Williams as chief mate. They told Onion that if he chose he might still be second mate, and he did accordingly act as such. By their order he altered the owner's papers, making it appear that the Plattsburg was consigned to a merchant in Hamburg. Williams altered the log-book, and made the vessel bound for Bremen; and cut out all the leaves that had been written since they passed Cape Henry.

White assisted the others to work the vessel, but in private conversation with Onion he protested his innocence, and said he would never do a murder for gain. He declared that he was afraid to resist; that at one time he had an inclination to inform, but did not dare to do so.

At last the vessel reached a port in Norway, called Cleveland, where she remained four or five days. The last day Onion remained, he sent his baggage and ill gotten spoil on board a vessel bound for Copenhagen, by the advice of Williams. Williams and Samberson also went with him to Copenhagen.

While the pirates were at Cleveland, Onion was only once on shore with Williams, who watched him closely. At Copenhagen the case was different. Onion put up at the same house with Williams, and having the chief mate's papers in his possession, passed by the name of Yeizer. It seems that Williams and the second mate became intimate, for they bought goods in company, intending to trade to South America. To this end they went to the American consul to procure passports, and not giving a clear account of themselves, were arrested.

This was the substance of Onion's story: in telling it, he admitted that he had participated in the proceedings of the crew, from the time the officers were murdered. He excused this conduct, by saying that he was moved thereto by fear of losing his own life. He also acknowledged, that from the time the Plattsburg made the coast of Norway till the hour of his arrest, he was constantly intoxicated. When the reader shall have seen how far his testimony agreed with that of the black, Samberson, (whose character was unimpeached,) he will be better able to judge what credit should be given to such a person.

According to Samberson, after the quarrel above mentioned between Smith and the chief mate, the crew plotted to take the vessel. White was privy to the design, but made no disclosure to the officers. On the night of the murders, Samberson heard Williams calling to some per-

son to come on deck, and going to the companion way, saw the crew standing round the top of it. Smith at the same time calling him by an abusive name, bade him come on deck, for "He had made his fortune without knowing it."

The negro went up some steps, when he was seized and drawn on deck by force. He was then commanded to go forward, and went as far as the mainmast, where he heard the pirates calling Mr. Baynard on deck, and promised not to hurt him.

Samberson returned aft, and saw Mr. Baynard lying on his back under the main boom on the starboard side. Williams and Rog then seized the unhappy gentleman and threw him overboard. Samberson heard him scream for aid in the water.

The black next went forward, and found the cook weeping. He asked what was the matter, and the cook said he did not know. Williams seemed to have assumed the command, and told the negro that he should die if he did not assist to work the schooner. At last Samberson received permission to go below.

He found Frederick in the cabin with a cocked musket in his hand, looking for Onion, and soon after heard some one on deck propose to hunt the second mate out. White, Peterson, Raineaux, Johnson, and Smith came down, and made Onion come out of the locker. After the consultation before mentioned, touching Onion's life, he thanked Frederick for preserving him. The pirates then gave the black and the second mate drink, and told them they might continue to act in their former capacities.

Two days after the murders, Rog capered upon the deck, declaring that he "struck the son of a bitch (meaning Mr. Baynard) with a stone in a stocking."

The other particulars related by Onion, were confirmed by Samberson, excepting these: Onion when he received his share of the money, did not decline it, or say that he was satisfied with his bare life. On the contrary, he said it was a handsome sum, and that he had not had so much before for a long time.

Before the vessel reached Norway, Samberson once heard Stromer say that he had given Williams poison to put in the officers' coffee. Williams, who was present, said he did put it in but it was not strong enough. In fact, the officers had complained of the coffee, and taken physic after drinking it; but their suspicions fell on Samberson.

When the vessel made the coast of Norway, the pirates took two fishermen on board as pilots, and Stromer desired them to take her into some port where there was no consul. The fishermen said they would take her to Mandahl. The custom house officers came off, and put a quarantine flag on board. Samberson went to the consul's house to inform that officer what had happened, but finding some of the crew there, was afraid to do so. It appears that Samberson mistook the name of the place where the Plattsburg was deserted, as he calls

it Mandahl; whereas all others concerned call it Cleveland, and say that it was near Mandahl.

On their arrival at Copenhagen, Samberson went to the same boarding house with Williams and Onion, but was not suffered by them to stay there; a black, it seems, was not fit company for such worthy persons.

Soon after, Samberson saw Rog in the street, but the latter did not speak to him. He held down his head in the manner of a person ashamed, and passed on.

A fortnight from his arrival in Copenhagen, Samberson was summoned before the commissary of police and examined. He then disclosed all the transactions on board the Plattsburg, and Williams, Onion, and Rog were apprehended. It seems the commissary of police had heard that an American vessel had been deserted by her crew at a port in Norway.

In all his story there is but one circumstance which, in our opinion, ought to create a doubt of Samberson's truth. He was anxious at Cleveland to have informed against the pirates, but at Copenhagen neglected to do so. He said, in explanation of this, that at Cleveland all the crew might have been arrested at once, but at Copenhagen they were scattered about; and he did not care to inform against them there, because Williams and Onion had sworn to kill whosoever should open his lips about the matter.

After their apprehension, Onion and Samberson were confined separately, for two months. Then being put into the same room, they fought, and were again separated. However, they could converse from the windows of their respective cells.

When the Plattsburg arrived at Cleveland, Francis Frederick carried his effects to the house of the pilot, who had brought the vessel in. He then took passage for Aberdeen, in Scotland, and thence to Fort William. After this he returned to Norway, and went to Mandahl, where he was apprehended by the police. He was put in irons, and the next day carried to Christiansand and put in prison. Five days after he was examined, but pretended to understand nothing. He however confessed to divers persons how and where he had disposed of certain portions of his plunder, and was then sent back to prison and stripped. Thence he was sent to Copenhagen in irons, and was fourteen days on the passage. All this time he was chained to an anchor, without a covering, so that his feet were frozen.

Peterson, after landing at Cleveland, went to his father's house in Gottenburg, and there remained till he was seized by the American consul. When asked how he got his money, he said he had it from Stromer and Williams, but denied all knowledge of the murders. The next day he was accommodated with a suit of fetters, weighing an hundred and thirty-five pounds, was thrown into a dungeon, and kept therein thirty-six days on bread and water. Then falling sick, his fetters were taken off. His malady continued three months, and was such

that the physicians gave him over; yet he recovered, and was carried before a court for trial.

Nothing appearing against him, he was acquitted, yet he was detained in irons till the king's pleasure should be known. He was then sent to Copenhagen. What became of the rest of the crew of the *Plattsburg* is not known.

The owner of the *Plattsburg*, after her departure from Baltimore, heard no more of her till he received a letter from the American consul at Christiansand. He then sent a Mr. De La Roche in quest of her. This gentleman found the vessel in good order at Christiansand.

The crimes perpetrated on board the *Plattsburg* became the subject of a memorial addressed by her owner to the President of the United States, and the case was deemed sufficiently important by that functionary, to be made a national concern. Accordingly the sloop of war *Hornet* was despatched to Copenhagen to bring the criminals to America.

John Williams, John P. Rog, Francis Frederick, Miles Peterson, and Nathaniel White were arraigned before the Circuit Court of the United States, held in Boston on the 14th day of February, 1818, for the murder of Thomas Baynard. They severally pleaded not guilty to the indictment.

The only witnesses with regard to the actual fact imputed, were Onion and Samberson, the substance of whose evidence has been given already. They were found guilty one and all, and sentenced to be hanged.

It seems to us that Onion, instead of being an accomplice in the murders committed on board the *Plattsburg*, was marked out for one of the victims. The part he took in the piracy was such as any innocent man might have taken, under the fear of immediate death, and would not at all diminish his credibility, had he given information against the criminals on the first opportunity. When he was at Copenhagen with Williams and Rog, in the midst of a large population, he had nothing to fear from them; on the contrary they were in his power. As he was liable to answer to a charge of piracy, it might be supposed that he would have hastened to clear himself from imputation, by giving up the offenders to justice. He did not do so, but was content to use his share of the plunder in a mercantile partnership with Williams; whence we infer, that he was corrupted by the sudden acquisition of wealth. Therefore, we should give credit to his testimony as far as it was corroborated by that of Samberson, but no further. After his condemnation, Williams gave this account of the affair.

When the vessel left Cape Henry, Mr. Yeizer informed the crew, that if they behaved well they should be well treated, but if he heard any grumbling he would tie up the first man and flog him severely. To this Williams replied, that he had never heard such language from any officer of any vessel before, and that it would not be good for the health of any officer to flog him. The chief mate told him to go for-

ward or he would begin then, and Williams answered that he might begin as soon as he pleased.

On the 7th of the month Williams heard the crew talking about throwing the officers overboard, and then, walking the deck with Daniel Went, advised that person to refuse to engage in the plot, saying that he would have nothing to do with it himself. He said, beside, that he had a mind to inform the captain of the conspiracy, but Went advised him not to think of it, as the crew would not scruple to kill him if they knew him to be the informer.

That very evening, Stromer and Stacy told him they were resolved to bear ill usage no longer, and asked him to assist them to take the vessel from the officers. They called the officers a set of rascals, and added that they would throw them into the sea. Williams replied that he would never kill a man in cold blood, upon which Stromer called him a coward. Williams rejoined that he was no coward, but as good a man as any in the vessel.

The next day Stromer, Stacy, and Smith told Williams they intended to seize the officers while they would be taking an observation, bind them, and set them adrift in a boat with provisions and water, near the Cape de Verd islands. They then meant to steer for Norway. Stromer produced maps, books, instruments, and papers to prove that he had commanded vessels during a period of nine years. Being in drink and angry at the usage he had received, Williams agreed to assist, and in pursuance of the design, was about to lay hands on the captain, when, looking behind him, he perceived that the others hung back. He then upbraided Stromer with cowardice and threatened to beat him.

On the fifteenth, Stromer told Williams he was determined to take the vessel that night, and put the officers on shore at St. Mary's. Williams was angry at this, shook his fist at Stromer, and threatened to chastise him if he said another word on the subject, or that he would inform the captain.

On the twenty-second, all the crew except the cook and Samberson agreed to take the vessel and kill the officers. White, indeed, did not agree to take part with them, but said he would keep the secret and help to work the vessel. It was agreed that some one on the bow should cry "A sail!" and Williams was to stand by the foremast and repeat the call. By this the officers were to be enticed forward, Rog was to attack the chief mate, and if he came by the worse, Frederick was to knock Rog down. This was because they did not place much confidence in the Dane.

At the appointed time Peterson gave the signal, and Williams repeated it. Both the mates went forward. Mr. Yeizer was thrown overboard by Frederick and Rog, and as he caught by a rope, it was cut by Stromer. Onion was struck down with an axe as before related, and Williams laid hands on him.

Seeing the Captain come on deck, Williams left Onion and struck

him on the breast. Mr. Hackett asked what was the matter, when Smith struck him with a handspike. He fell across the railing, and Smith Johnson immediately threw him over. Williams said, further, that had he not lost the axehelve it was his intention to have beaten the Captain with it.

He could not say who killed Mr. Baynard, but was sure that Stromer had a stocking with a stone in it for a weapon. This, and handspikes, were the only weapons used. All the crew were sober, and Frederick was the most violent among them. He said that he could not sleep that night for thinking of the money, and seemed to view the slaughter of a human being as a very trivial matter. When Onion was found, his life was spared by Stromer, at the intercession of Williams. He had taken a bottle of whiskey with him into the locker where he was concealed. As he was intoxicated, Williams told him to go below and sleep, promising to call him when he should be wanted.

In the morning, Stromer, Williams and Onion breakfasted together, and Samberson waited on them. Onion asked if Stromer knew how much money was on board, and being answered in the negative, said *he did*. He moreover asked Stromer why he did not let him know his intention to capture the schooner, saying that he would have assisted with all his heart. He added, that the Captain and first mate had used him ill, and were rightly served, and proposed, if he might have some hands to assist him, to get up the money. Onion did accordingly get the money and broke open the boxes with an axe.

At dinner, Stromer said that he had brought some poison for the officers, from Baltimore, and had put some into their coffee, but it had had no effect. He asked Williams if he had been acquainted with Captain Hackett before, who replied, "Yes, to my sorrow."

It was then agreed that the log-book should be altered, and Onion instructed Williams how to do it. Stromer took the name of Hackett, and Williams that of Yeizer, but after eight days Williams resumed his own, and Onion took the chief mate's papers and name. The vessel's papers were then altered.

On their arrival in Norway the men went on shore as they pleased, but Williams remained on board. He received a letter from Stromer, informing him that Gascar, the American consul, had agreed to take the whole of the coffee, which was to be smuggled on shore. Accordingly they made the custom house officer drunk, and got out fifty-six bags, Onion assisting. The next day a vessel came along side, with a letter from Stromer, and took three hundred bags more. Thus matters went on till the twenty-third of August, when a police officer came on board, took possession, and warped the vessel to Mandahl. Fearing detection, Williams and Onion took passage for Copenhagen as before related. Such was the story of Williams. That of Frederick was as follows:

He agreed with Onion as far as relates to the quarrel between

Yeizer and Smith, but solemnly declared himself ignorant of any pre-concerted plan to commit piracy or murder, and guiltless of the blood of all and each of the officers. He acknowledged, however, that he had often seen Stromer, Williams and others in close conversation, which they always discontinued when he approached.

As to the proceedings of the fatal night, he said, that being relieved from his watch, he had just gone below with White, when he heard a noise on deck, and the voice of Yeizer, crying "Murder." He ran on deck with White, and received a blow on his hand that drew blood. He then saw Mr. Yeizer thrown overboard by Smith and others, whose persons he could not positively distinguish. Captain Hackett then came on deck, and was immediately thrown into the sea by Williams, Stromer, and Raineaux. The supercargo next came up and was likewise thrown over. He heard both the captain and mate cry murder, in the water.

He then ran into the cabin and took up a musket to defend himself. Williams and Stromer entered, and asked what he meant to do with the gun. He said he did not know. They then asked for Onion, and he said he thought he was in the locker. Onion was called out, and he, Frederick, observed that he was a very good man, though tipsy. At 8 o'clock in the morning Onion got up the money, broke the boxes, and it was divided. Frederick received his share.

Arriving on the coast of Norway, Rog advised to make the vessel appear as if in distress. Accordingly the main boom was carried away, and the top-mast studding-sail halliards were brought on deck.

Rog's story agreed with that of Williams up to the time of the piracy. He said that though he heard a noise on deck, he remained below till four in the morning. Then, going on deck, he was told by Stromer, that he, Stromer, was captain. Stromer asked, too, if he would continue to do his duty as before, and respect him as master, Williams as first, and Onion as second mate. He assented, and asked where Captain Hackett was, and was answered that it was none of his business. He agreed with Williams respecting the conduct of Onion.

The other parts of his story agreed with the others in all points, excepting that he added, that when he and Peterson were ordered by Onion to assist in getting coffee out of the vessel, they refused to obey.

Peterson stated, that the day before the piracy he saw Stromer and Stacy in conversation, and heard them say the crew were a cowardly set. He also saw them throw three handspikes into the fore-castle, for what purpose he knew not. At midnight, Stromer and Williams called him from the fore-castle, threatening to kill him if he did not come on deck. They said, too, that all the rest of the crew had agreed to come. Fifteen minutes after, Williams cried "A sail," and Mr. Yeizer ran forward to ask where. Stromer and Williams cried "Strike," and Johnson and Raineaux instantly threw him overboard. He caught the gib boom guy, exclaiming, "Lord have mercy and

save me!" "Yes, you rascal, I will," said Frederick, and cut the guy. At the next moment Captain Hackett came forward, and Williams and Smith treated him as the mate had been treated. After this, Stromer asked him if he would do his duty, and he assented.

The rest of Peterson's tale was in substance the same as that of Williams.

It is a very common opinion that no man ever persists in a falsehood to his last hour. How false this idea is may be seen in this case. Not one of these villains agreed with another, or with the witnesses, yet each persisted in his story to the moment the halter was adjusted to his neck.

The convicts were visited in Prison by Bishop Cheverus and others of the Catholic clergy. They all expressed contrition for their offences. Rog and Peterson embraced the Catholic faith.

When they were thrown from the gallows, Peterson's halter broke, and he came to the earth, but was immediately led up the ladder again. Many pitied his case, thinking his youth and inexperience ought to have saved his life, or at least procured a mitigation of his punishment.

MICHAEL MARTIN,

ROBBER.

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 this 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 sown 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 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 very 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 respectable 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, in such wise that a great deal was lost, and the building had well nigh been burned, for 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 of 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 adventured 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 fulfil 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 apprise 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 comitatus* 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 for 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 enquiring for the ladder, Martin said 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 enquiries 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 entreaties 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 villainy. 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 dutiful 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 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 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 travelled 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 traveller 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 named a place where he would meet Martin, and escaped 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 *equalise* 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 travelled 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 equalisers 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, where in 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 captains 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 the robbers 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 beggar, 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 travelled 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 medicines 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 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 travelled 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 linch-pins 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 their 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, excepting 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, travelling 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 baronets' servant still with a cocked pistol.

The nobleman gave up a valuable gold 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 Mr. Wilbrook. Here Doherty proposed to effect something, lest, as he said, they should grow rusty by want of practice. He rode to the door and enquired 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 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 travelled 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 soldiers 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 ex-

tinguishing 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 travelled all night on foot, but in the morning they 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 clomb by means of a long pole to the window, which he burst in, and got upon the hay-mow. 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 around 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 recognise it, and was on the point of firing at him. What was worse 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 everything. "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 gentleman from the chaise. One of them was already insensible, and a blow of 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 acquainted (by report) with a certain widow Machriar. 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 masters 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 near vicinity of Dublin, ordered a dinner, and commanded the ostler to saddle the two best horses in the stable. As no one doubted that 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 enterprise, 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, persuaded 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. Doherty told the speaker that he would take some opportunity to hear him in his chapel, as that was not precisely the time or place for a sermon. The spoil 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 travelled 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 they parted.

Michael Martin reached the city without further 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 who-soever 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 recognised 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 dilligently 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 to pretty for him, and that he wanted such an 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 sorry 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 everything 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 in 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 goodadvice. 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 recognised 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 travelled 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 an 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 in the street, 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 was 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 next 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. This Paul Clifford of real life was a Scot by birth. 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 became 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 it 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.

Mar.—Plase yere honor, I must first skin yere pockets—and if ye offer to make the laste noise—and if ye don't 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 that 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 backwards, 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 displeasing 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 constrained to succumb, and the vessel arrived at Salem on the 17th of June, 1819.

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 over a year, behaving, for him, 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 drink 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 thereat 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 pedlar 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 pedlar had obtained his cash by cheating honest men, which was pro-

bably 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 this 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 traveller 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 own 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 last 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 were 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 him 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 that 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 travelled 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.

At Burlington, Martin put up his horse at an inn. On entering the bar room 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 travelled 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 the bold Doherty." Then pulling out a pistol, he offered the questioner the alternative of loosing 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 this horse himself.

When he stopped at the tavern he found the town was 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 9th of October 1821, 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 22d 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 no 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 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 8th 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 planks nailed transversely, obstructed his further 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 nearly as fast as he was wont, and part of his chain remaining at his ankle impeded him. He was overtaken about a hundred yards from the jail yard; 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 Catholic 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 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 22d 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."

STEPHEN MERRIL CLARK,

HANGED FOR ARSON.

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 17th of August, 1820, 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 day-light. 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 22d of that month, as he was passing by Mr. Wade's house on his way to Newburyport, Mrs. Chase saw and recognised 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 anything 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 anything 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 not 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 at escape, which failed.

On the 15th of February, 1821, 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, thought it would not serve his purpose, and therefore took another. Then taking matches and a lighted cigar, he went to the barn and clomb 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 cigar and matches. This took place between seven and eight or eight 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 by water. He would next come to Newburyport by night, 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 odor 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 this 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 Mr. 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 overruled 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.

This was the fourth execution in the county of Essex since the revolution, and the first for the crime of arson, within the limits of our commonwealth. 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.

SAMUEL TULLY,

PIRATE,

WAS born in Steventown, New-York, in 1771. His father was a soldier of the revolution.

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 1797, Tully was on board the Brilliant frigate, one of Admiral Duncan's fleet. While lying off Blackstake 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 Leopard frigate, 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 despatched, 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. Lieutenant 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 bar-

barians 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 sprang 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 seamen who left Captain Ball's boat as above mentioned.

When Lanagan reached the shore, all the crew of Mr. Nears 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 pairs 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 in token of gratitude for 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 boats 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 tumore 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.

When the cargo arrived 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 his 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 1811, 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 17th of October, 1811, 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 berth 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 berth. 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) berth, as that was empty; he preferring to sleep in a hammock. 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 any thing 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 4th of January, 1812, late at night.

The next morning the captain gave Tully directions how to moor the vessel, and they 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 question 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 Wash-

ington'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 conveyed to the United States.

Tully and Dalton were arraigned before the Circuit Court at Boston, on the 20th 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, and ordered to hold a lantern to the binacle, 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 his 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 infoxicated.

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 hencoop, 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 spir-

itual 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 wilful 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 may 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 10th 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 anything. 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.

MICHAEL POWERS,

FOR THE MURDER OF T. KENNEDY,

WAS born in Ireland in the county of Wexford, Anno Domini 1769. He followed the business of his father, cultivating the earth, till the twenty-eighth year of his age. At that period he joined the ranks of his countrymen, whom English oppression had driven to rebellion, and shared alike their dangers and excesses. At the close of the tragedy he escaped to England, where he lived several years, according to his own account, reputably, by the sweat of his brow.

In 1802 he came to Boston, where he obtained employment as a common laborer, and soon became noted for his diligence and fidelity to his employers. He did not, like many of his class, squander his earnings in riot and debauchery. He could command the highest wages, and soon saved something for the time of need. For eighteen years he lived in this city in unblemished repute, never in all that time incurring the rebuke of the law in the smallest particular. His credit was good with those who knew him, and he had the character of an honest, frugal and industrious citizen.

In the autumn of 1817, he resolved to return, with his honorable earnings, which now amounted to a large sum, to Ireland, there to pass the remainder of his days. On arriving in his native land, he found that eighteen years had produced great changes and made him almost a stranger. He therefore resolved to return to the United States, and three young men, induced by his accounts of his success in life, came with him. One of them, Timothy Kennedy by name, was his distant relation. Kennedy also soon acquired the name of an honest, peaceable and industrious man.

The only thing alleged against Powers previous to the offence for which he suffered, was an illicit intercourse with a loose woman named Susan Campbell. For this connexion, he was reproved by the Catholic clergy, and was excommunicated for refusing to break it off. He lived with his paramour in a one story building in North Russel-street.

On the 5th of October, 1818, Powers applied to Samuel D. Parker, Esq. for three writs against the three persons who had accompanied him from Ireland. That against Kennedy was for twenty dollars, alleged to have been lent him by Powers to pay his passage over. The writ was granted, Kennedy was committed to jail, and an action was entered against him. When the case was tried no evidence was exhibited on either side. Powers said that he had lent Kennedy the money trusting to his honor, and that when he asked it again he had been answered with abuse. This statement Kennedy utterly denied, but the parties agreed to leave the business to referees and abide by

their decision. Each told his own story before the referees on oath, and the award was that Powers should pay Kennedy five dollars and twelve cents. Powers refused to abide by the decision, and Kennedy could not, though he tried, compel him to do so.

Powers was highly indignant at the result of his lawsuit, and resolved to commit one of the most barbarous and atrocious crimes ever heard of in this or any other country. His passion was so absorbing that it overcame his habitual prudence. Though naturally cautious and reserved, he declared to several persons that he would kill Kennedy.

On the 2d of March, 1819, Kennedy was seen to walk with Powers into the house of the latter, but no one saw him alive afterwards. His disappearance occasioned general alarm among his friends, and a warrant was issued against Powers, but he was missing. Stains of blood were discovered in Powers' house, and after removing the wood with which the cellar was filled, a new made grave was discovered. The body of Timothy Kennedy was found in it, and recognised, though the hands, face and clothes were much burnt. The skull had been fractured by a mortal blow given with some heavy, blunt weapon. A broad axe was found in a closet speckled with blood, and on the head was one hair, corresponding with Kennedy's.

On the 15th of the month Powers was arrested in Philadelphia, by a Mr. Fowle, and carried before a magistrate. He confessed his name, business, residence, and acquaintance with Susan Campbell, and said he had left Boston in the latter part of February. He had travelled to Providence on foot, and thence by water to Philadelphia, where he arrived the day before his arrest. His examination was to the following purport.

Mr. Fowle.—Do you know Timothy Kennedy ?

Powers.—Yes.

Mr. Fowle.—Did you bring him over to this country, from Ireland, and pay for his passage ?

Powers.—Yes.

Mr. Fowle.—Did you sue him afterwards for the money ?

Powers.—Yes.

Mr. Fowle.—Did you recover anything on the suit ?

Powers.—I don't know ; Squire Parker had the care of it. I never got anything.

Mr. Fowle.—Have you had a quarrel with Kennedy ?

Powers.—No. I have had a law-suit with him, but no quarrel.

Mr. Fowle.—When did you see Kennedy last ?

Powers.—I do not know.

Mr. Fowle.—I ask you when you saw Timothy Kennedy last ?

Powers, much confused.—I don't know—about a fortnight before I left Boston.

Mr. Fowle.—Did you see him the day before you left Boston ?

Powers.—No.

The Magistrate.—Michael, Timothy Kennedy was in your house the very day before you left Boston. He was seen to go in.

Mr. Fowle.—Michael, Kennedy has been murdered, and you are charged with having murdered him.

Powers, somewhat alarmed.—I am not guilty, and no man living can prove it.

Mr. Fowle.—The proofs are very strong against you.

Powers.—I am not guilty.

Mr. Fowle.—Susan Campbell is in jail in Boston.

Powers, very quickly.—She has no right to be there.

Mr. Fowle.—Why?

Powers.—Because she has no right to be there.

Mr. Fowle.—Why?

Powers.—Because she never did anything wrong.

Mr. Fowle.—Who has a right to be in jail then?

Powers.—I—I don't know.

Mr. Fowle.—Susan Campbell has probably told the whole story about the murder by this time.

Powers.—She cannot. No person living can prove it.

The Magistrate.—Michael, I believe you have killed Kennedy.

Powers.—I am sorry you have so bad an opinion of me, sir.

The Magistrate.—I must send you back to Boston.

Powers.—For what?

The Magistrate.—To take your trial for this murder.

At these words the murderer became agitated and frightened. Tears stood in his eyes. He turned, stepped quickly across the room, and sat down. On searching him, an old razor was found in his pocket, and a watch in his fob. He had notes and specie about him; several guineas were sewed into his suspenders. He said he had taken the whole from the Savings Back before he left Boston, and was loth to part with it, though assured it should be safely kept. He seems to have been avaricious a fault seldom found in Irishmen. After this he was sent to prison.

The next day the following dialogue took place between him and Mr. Fowle.

Mr. Fowle.—Did you lay in some wood just before you left Boston?

Powers.—No—I had some pine wood.

Mr. Fowle.—When did you get it?

Powers.—Some time last summer.

Mr. Fowle.—How much did you lay in at that time?

Powers.—I don't know.

Mr. Fowle.—Was there one cord or sixteen?

Powers.—I do not know—it was more than one cord.

Mr. Fowle.—Did you buy any more during the winter?

Powers.—No.

Mr. Fowle.—Did that last you all winter?

Powers, after some hesitation.—No.

Mr. Fowle.—Did you live part of the winter without a fire in your house?

Powers.—No.

On the 23d, Powers having asked for a clean shirt and cravat, his chest was sent to him; and while Mr. Fowle was opening it, Powers was much agitated. He said he had bought the chest in Providence. Without looking for a shirt, he took a hat, coat, waistcoat, and trowsers, which were proved afterwards to have belonged to Kennedy, and thrust them into the fire-place in a great hurry. Then he began to strip in order to put them on, all the while agitated and trembling. However he was not suffered to take anything but a shirt and cravat. The officers made him put on the coat for a moment, to see if it fitted him, which it did not. He said he had bought this garment at auction, and that he had purchased the rest of the articles. On being asked if the clothes had ever belonged to Kennedy, he said that Kennedy had once given him a pair of pantaloons. Mr. Fowle then showed him a pocket book he had taken from the chest, which, with much hesitation he acknowledged to have belonged to Kennedy. What passed will be more distinctly conveyed in the form of dialogue.

Mr. Fowle.—How came the pocket book in your possession?

Powers.—Kennedy gave it to me.

Mr. Fowle.—When?

Powers.—This last fall. We boarded together at the time.

Mr. Fowle.—Did you take it out of Kennedy's trunk just before you left Boston?

Powers.—No.

Mr. Fowle, showing him a ten dollar bill.—How came you by this?

Powers.—Kennedy gave it to me for a debt he owed me.

Here the prisoner turned and stepped to the other end of the room, as if to avoid further conversation, but presently recovered himself, and answered Mr. Fowle's next question.

Mr. Fowle.—Did you make a trap door in the floor of your house?

Powers.—Yes.

Mr. Fowle.—What for?

Powers.—To throw my wood down. I could not do it before without going through another person's house.

Mr. Fowle.—Had you been digging in your cellar just before you left Boston?

Powers.—No.

Mr. Fowle.—Had you an axe in your house?

Powers.—Yes, I had two of them.

Mr. Fowle.—Kennedy's body was found buried in your cellar.

Powers.—It must have been after I came away then. If he got an unlucky blow, it was not for his money, for he had not any. *I knew* he was poor. I never killed him. What should I kill him for? I knew he had not any money.

Mr. Fowle. You had a quarrel with him.

Powers.—I had a lawsuit with him, but that was all made up before I left Boston. We boarded together. I am not guilty of the murder, and no man living can prove it. I defy any man to prove it against me.

Mr. Fowle. How long is it since you saw Kennedy?

Powers.—I had not seen him for some time before I left Boston—I do not know how long before.

Mr. Fowle.—Did you see him the day before you left Boston?

Powers.—No: he was not in my house that day.

Mr. Fowle.—Why did you leave Boston?

Powers.—Because business was dull, and I had nothing to do. I was going to Ireland to lay brick, and had engaged my passage to Dublin.

Powers expressed some fear of losing his property if parted from it, and saw it taken away very unwillingly. In due time he was sent to Boston, and arraigned on the 31st of March, 1820, before the Supreme Court, for murder, to which charge he pleaded not guilty. He was all along of opinion that no man could be condemned on presumptive evidence, a fatal yet common error. Admitting such a principle would be almost equivalent to proclaiming impunity for crime, as most great offences are perpetrated without witnesses.

In addition to what has been above related, several damning facts were proved by full and direct testimony. A bill found on the person of Powers at Philadelphia had belonged to Kennedy. His apparel, too, was identified by the tailor who made it. It was proved that the day after Kennedy was last seen, Powers went to his (Kennedy's) chamber, and that his trunk was found a few days after unlocked and pillaged. Another circumstance bore hard against the prisoner. About five weeks before the murder he went to the house where Kennedy boarded, to board himself. At dinner the mistress of the house observed that they did not speak to each other, and asked Kennedy the reason. He answered that Powers was an old villain with whom he had had a lawsuit, and had not spoken the truth. She offered Powers a chamber, by himself, and urged him to take it, but he refused, preferring to sleep in the same chamber with Kennedy. The next day he left the house. About a week before the murder he came there again, and asked the mistress if she would board him. She replied that she would, but when he found that Kennedy had left the house, he went away and did not return again. Before he went he asked if Kennedy had any money, and several other questions. From these circumstances two inferences may be drawn: that Powers was determined to keep his victim in sight, and to learn where he kept his property, in order to rob him.

The testimony of Susan Campbell merely proved that she was from home at the time of the murder, and that Powers' house was much exposed to observation from without.

Several witnesses swore that Powers had several times, and in direct terms threatened the life of Kennedy.

Mrs. Mary Fowle lived in part of the same house with Powers. She heard no noise in Powers' apartment on the day of the murder. One day when Susan Campbell came home, her daughter looked through the key hole and saw Powers come up from the cellar before he admitted the said Susan.

The very able defence made by the prisoner's counsel could avail nothing against so strong and perfect a chain of evidence. After a deliberation of twenty minutes the jury brought in a verdict of guilty. On being asked if he had any reason to show why sentence of death should not be pronounced, Powers rose, and addressed the court in a foreign accent, and with every appearance of agitation and anger.

"I think the court very dishonorable. I am not guilty. It has not been proved that I am guilty. If there was one witness that proved I am guilty, I should be satisfied. May it please your honors, I am dissatisfied."

The chief justice then pronounced sentence of death; and so ended a trial developing a degree of malignity and cruelty not transcended in the annals of crime. The excitement of the people was tremendous. Even while the prisoner's counsel was pronouncing his defence, a tumult took place at the door, and one of the ringleaders was brought in, and committed for a contempt of court. Reports were circulated and currently believed, that he was the perpetrator of other atrocious murders, which can be satisfactorily disproved. Nay, he was suspected of having murdered several persons whose death was occasioned by natural causes.

He would never confess that he murdered Kennedy, but gave the following account of the transactions between them. For all the moneys he advanced to his fellow passengers from Ireland, he was to be repaid from their first earnings. His favors were received with thanks and every appearance of gratitude. He was delayed some weeks in Ireland and Liverpool, waiting for these persons, but this awakened no ill feeling in his bosom, as he was ready and willing to render any service to those who had placed their fortunes under his guidance. He was pleased with their company, and believed they would feel his kindness, but in this he was grievously disappointed. They shunned him, or if they did meet him accidentally, treated him with coolness and reserve. They never spoke of paying him, and when he mentioned the subject, repulsed him with abuse. At last he resorted to compulsory measures, and the decision of the referees enraged him beyond all bounds, for as each had told his own story on oath, it was plain the referees believed Kennedy rather than him. Therefore he conceived himself virtually convicted of perjury, though innocent, while Kennedy, who had defrauded him, was esteemed an upright man. Moreover, Kennedy wore the apparel of a gentleman, and would scarcely acknowledge his kinsman, who had brought him to this country and established his prospects of success in life. Further Powers refused to disclose. We know not how much or how little

credit to lend this statement, but if we utterly disbelieve it, it takes away all motive for the crime of Powers, and makes him a literal fiend, doing evil for evil's sake.

Powers forwarded to the executive a petition for pardon, coupled with a request that if mercy could not be extended, his execution might be hastened. It was in vain. He then made his will, by which he distributed his property among his relations, the poor, and his fellow prisoners. He forgave all his enemies, and gave a small sum to each of the women who had testified against him to show that he bore no malice. He never confessed his guilt, which was needless, as it was fully proved; but at the same time he did not attempt to convince the world of his innocence. All he said was, "No one can say, 'I saw him do it.'"

Powers suffered at the appointed time with firmness and decency.

THE LIFE AND DYING CONFESSION OF THOMAS HARTY.

THOMAS HARTY was born in the county of Donnegue, in Ireland, in the year 1794. His parents were poor, but creditable people, who cultivated a small piece of ground, which gave but a scanty support to a numerous family. Thomas was the youngest son, and perhaps to the indulgencies granted him on this account, may be traced the untoward disposition, which was the cause of the sad catastrophe, which ended in an ignominious death. Perhaps it may not be considered as unwise, to hazard a remark or two to parents, which if not producing the same sad results, as in this case, will ultimately tend to destroy the happiness and perhaps the life of the child. We allude to the jarring conflicts in family government. Thomas, (as before stated,) was the youngest son. His father, although a good meaning man, never had anything to do with the family government, which he left to the "good woman," as he was pleased to call his wife. As the elder boys of the family were obliged from necessity to assist their father as soon as they were able, Thomas was permitted to do very much as he chose. As might be expected from such government, (if government it can be called,) our unfortunate youth, neglected the very limited advantages he possessed of obtaining the most ordinary education, and by associating with boys of his own age, who were loose in their morals, in a short time he became as bad as any of them. When but twelve years of age, he was detected with a boy by the name of Mooney, in robbing one of the hen roosts of the neighborhood. Through the intercession of his father, and on account of his tender age, commuted for a severe flogging, though Mooney was sent to prison. This for a time seemed to check him. But on Mooney's liberation, he again renewed his acquaintance with him, and became as bad as ever. Mooney, Harty and a boy by the name of Williams, then proposed going the next night and breaking into a public house in the town, kept by an elderly woman and her two sons, by the name of Connover. It was generally supposed that Mrs. Connover was possessed of a considerable sum of money, which was deposited in a chest in the room where she slept. Accordingly, Harty, to avoid suspicion, went to bed as usual, and after the family were all asleep, crept from his room, and after climbing over the shed, leaped to the ground, and joined his companions, who were there waiting for him.

After some consultation, it was agreed that Williams and Mooney should enter the chamber of Mrs. Connover by a ladder, and that Harty should keep on the lookout. Accordingly, Mooney and Williams entered the house, and by means of a small crowbar, with which they

had previously supplied themselves, succeeded in breaking open the chest, from which they took fifty dollars, and escaped unseen. They returned home, having previously buried the money. Harty entered his chamber in the same manner he had left it. The next morning the robbery was discovered, but no traces of the robbers could be obtained.

Harty and his companions kept within doors, under the plea of sickness. As soon, however, as enquiries appeared to be hushed, this worthy trio met, and divided their spoils, each binding himself under a solemn oath, that if one should be suspected and arrested, he would not betray the others.

But Providence, which sometimes allows the infatuated wretch to perpetrate crime, sooner or later arrests him in his mad career, and brings him to justice. Williams and Harty, unused to so large a sum of money, on the third day after the division, went to a tippling shop, where they got intoxicated, and in paying their bills, Harty, (who was as yet, but a novice in crime,) exhibited several pieces of money, which immediately excited suspicion. And they, (Williams and Harty,) were immediately arrested for theft. They were taken to one of the strongest rooms in the house, to be kept until a magistrate could be sent for. Before the magistrate arrived, however, they contrived to get loose, and jumped from the window. Williams dislocated his ankle, which was the means of his being retaken. Harty went immediately in search of Mooney, who on being told of the arrest, persuaded Harty to accompany him to Dublin, as the only means of saving their lives. Williams was brought to trial the next assizes, and executed in his nineteenth year.

After a great deal of trouble, lodging in the fields, barns, &c. Harty and Mooney arrived in Dublin, and commenced a career of crime, although neither of them had attained their eighteenth year. Here they became acquainted with a notorious counterfeiter, who instructed them in vice, showing them how to break open shops, window shutters, &c. He also gave them counterfeit coin to pass, promising to give them half the profits, and in less than a month, they disposed of nearly fifty dollars. He then promised them if they would break into a shop and bring him the goods, he would pay them half their value. They accordingly broke open a shop, and obtained goods to the amount of forty dollars, for which their employer gave them ten dollars. The next step was to break open a jeweller's shop, where they obtained considerable booty. They were suspected and obliged to flee; and accordingly took a steerage passage in the ship Vincent, for Liverpool, where they arrived safely, after a tempestuous voyage. During the perilous incidents of the voyage Harty became serious, and resolved to amend his life. Mooney laughed at his scruples of conscience, and expressed his determination to "die game." Harty, however, persisted in his good resolutions for some time, and they both engaged themselves to a farmer some miles from the town.

They remained with the farmer six months, and committed no other outrage than that of drinking to excess. Mooney, beginning to get tired of obtaining his living honestly, endeavored to persuade Harty to join him in their old practices, but Harty refused, and Mooney left him and was gone a fortnight; at the end of which time he returned, with a new suit of clothes, and about one hundred dollars in money, all of which, he had obtained by robbery. Mooney then offered him one half of the money if he would quit the farmer, this he did quite reluctantly. After this he did little else than pilfer, drink and quarrel. After a month's dissipation, in which they had expended all the money Mooney had obtained, they again continued their old course of plundering, passing counterfeit coin, and other enormities, until they were suspected, and obliged to fly, to avoid that doom which awaited them; and resolved on London as the next place of their adventures. On the road, they stopped at a public house for something to drink, and Mooney offered a piece of counterfeit money. The landlord detecting it refused to give it back, and demanded other money. Mooney swore it was good, and threatened, unless the change was returned to throw him on the fire; and with Harty proceeded to put their threat in execution. But the landlord being a strong muscular man, kept them at bay, until the noise alarmed his wife, who seeing how matters stood, attacked Harty with a poker, which soon changed the face of matters, and our heroes were kicked out of the house, with bloody noses, and bruised limbs; they prowled about the neighborhood, until evening, and then set fire to the landlord's fences, out of revenge. The next day they embarked on board the ship Jones, for London.

On their arrival at the city, Harty again proposed, that they should become honest men, and endeavor to live more honestly; but Mooney, who appears to have been an abandoned villain, ridiculed his companion's morality, and continued his course of iniquity unaccompanied by Harty, who had procured the situation of porter in a chandler's shop, and was determined to amend his course of life. Mooney continued his practices until being concerned in a highway robbery, he was obliged to fly, and Harty never saw him afterwards.

During this time Harty was employed as porter, and, for the first time became acquainted with Mary Doane, the unfortunate who became his wife whose embittered life, was only to end in her cruel murder. Mary Doane was a servent girl to a respectable merchant; and Harty was in the habit of carrying articles to and from their different stores. After a few weeks acquaintance they were married and the union appeared to strengthen the good resolutions which Harty had formed of amendment. But alas!

" That men should put an enemy in their mouth
To steal away their brains."

Harty had indeed become a reformed man but the reformation was

not lasting. It is true he did not take the goods of others but he neglected his wife and became the constant companion of tipplers at the pot house. His wife would reprove him for his conduct, which at first, he received with sullenness, then abuse,—until the Demon of Intemperance had taken so strong a hold of him, that often she was obliged to fly for her life. His habits of intemperance having become so confirmed, he was finally dismissed from his situation without character or friends, and as their only hopes, and he promising to abstain from liquor, his wife consented to embark with him for this country. They accordingly arrived at Quebec, and for a short time his character was comparatively blameless. But the old habit returned, which continued with occasional intermissions, through the remainder of his wretched life. From Quebec he removed to Albany, where he was employed in any labor. When not intoxicated, he was a kind husband, but the all destroying monster, Alcohol! impaired his reason, and while under its influence, his wife usually had him confined; and after a sufficient time had elapsed for him to get sober she would apply for his release.

In the spring of 1834, he removed from Albany to Troy. His intemperance had evidently increased his insanity, while under the influence of liquor, and during one of these paroxysms, he fancied his wife was unfaithful to him, and with an axe most inhumanly murdered her. He was indicted, and on the 2d of October, was taken to the bar, and after a fair and impartial investigation, by a jury of his country, he was pronounced Guilty, and was sentenced to be hanged on the second Friday of November. Harty was ably defended by his counsel, on the plea of insanity, but of no avail; for the law pronounces a dreadful doom the drunkard—*that intoxication can be no excuse for crime.*

THE HARPES.

THE following strange but authentic account of the Harpes is taken from "Letters from the West," by Judge Hall. The author's name is a sufficient voucher for its truth. Any attempt to improve the article would be worse than losing time, and we therefore give Mr. Hall's language verbatim.

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; and as it has never yet appeared in print, I shall compress within this letter a few of its most prominent facts.

In the autumn of the year 1799, a young gentleman, named Langford, of a respectable family in Mecklenburg 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. Travellers 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 travelled 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 re

freshed themselves, and were about to renew their journey, Mr. Langford called for the bill, and in the act of discharging it, imprudently displayed a handful 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 travelled 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 recognised 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 enquiring 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; travellers 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 hardihood 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 ensured 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 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 backwoodsmen, 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 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 travellers 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 from 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,

levelled 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 insulking 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 acknowledged he had amassed large sums of money, and described 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 Le 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 recognised; 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 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 any part of 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 thirty-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 practised at these distant spots, cannot 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. Desparadoes, 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.

JEROBOAM O. BEAUCHAMP.

FOR THE MURDER OF COLONEL SHARP.

THE fate of this man may serve to teach a respect for the laws of honor, for revenging the violation of which he gave his life. It may teach such as triumph in the abuse of female innocence, that even though the victim may have no parent or brother, some other arm may be nerved to vengeance. It may show the danger of calumny and warn the young and violent not to take the laws into their own hands. It speaks volumes against seduction, slander, promise-breaking and suicide.

Jeroboam O. Beauchamp was the second son of a very worthy farmer in Kentucky. The early part of his education was pious and salutary, for his parents were professors of religion. He was volatile, idle and eccentric, but showed such indications of genius as made him the pride and favorite of his father, who sent him to the best schools in the country, and made great personal sacrifices to give him a liberal education. Young Beauchamp had the good fortune to be placed under the tuition of Doctor Benjamin Thurston, a man of worth, learning, and ability, who, by the time he reached his sixteenth year, had given him a tolerable English education, a knowledge of the Latin tongue, and a respectable acquaintance with many branches of science. Young Beauchamp now perceiving that his father had much difficulty to provide for a large rising family, resolved to depend for the future on his own exertions. To raise money to defray the further expenses of his education, he betook himself to shop keeping, but finding it left no time for his studies, he obtained recommendations from Dr. Thurston and others, and obtained the preceptorship of a school. When he had earned a little money in this way, he gave up his employment and resumed his studies. Shortly after, he was invited by his former friend and benefactor, Dr. Thurston, into his school, where he remained as an usher, till he was eighteen years old, by which he had completed his education as far as was necessary preparatory to the study of the law. He then began to attend the courts at Glasgow and Bowling Green.

About this time public indignation was excited to the utmost against Solomon P. Sharp, an attorney of high reputation and a colonel of militia. The act which incurred the general disapprobation, was the seduction of Miss Ann Cooke, accompanied with circumstances of peculiar atrocity. She belonged to one of the best and most wealthy families in Kentucky, and was herself celebrated for beauty, talents, and accomplishments. What added a darker shade to Sharp's wickedness was, that he owed his success in life to the patronage of her

family, which had been extended to him when he was young and poor. But when the case was reversed, when the Cookes had met with reverses, and he had become rich and powerful, he requited their benefits by seducing their daughter, whose strong mind was not proof to his talents and promises. The offspring of his guilt did not long survive its birth; whereby hangs a tale. By a strange succession of calamities Miss Cooke's father, brethren and friends had descended successfully to the grave, and she now retired with her aged mother, her only surviving near relation, to a small farm near Beauchamp's father's farm. Here she secluded herself from the world, refusing to be comforted, and hiding herself from society.

Shortly after, Colonel Sharp paid his addresses to a Miss Scott, and to remove her scruples touching his connexion with Ann Cooke, forged a certificate stating that the child of his sins was a mulatto, thus degrading his victim still further. He then married Miss Scott.

Beauchamp was well acquainted with Sharp, who had evinced much good will toward him. He had also heard much of the beauty and accomplishments of Miss Cooke. When, therefore, the transactions we have briefly related became the common topic of discourse, his indignation at Sharp's conduct was vehemently kindled. A gentleman who lodged in the same apartment with him, and whom he regarded as his nearest friend, had formerly paid court to Miss Cooke, and he now spoke of her in such exalted terms, and with so much contempt and abhorrence of Sharp, that he inspired Beauchamp with his own feelings. The latter had been delighted with Sharp's eloquence and had sought his acquaintance, nay, had expressed a desire to study the law under his direction; but now he treated him very coldly. On one occasion Sharp asked Beauchamp if he intended to begin the study of the law. Our hero replied that he did, in a few months. Sharp then observed that he had heard he intended to come to Bowling Green to study with him. Beauchamp sternly replied that he did indeed intend to study at Bowling Green, but not with him. Though something surprised at his incivility, Sharp complimented him with an augury of his success, and said it would give him pleasure to facilitate his progress in any way.

With these prepossessions for Miss Cooke, and against Sharp, Beauchamp went to his father's house in Simpson county, for the benefit of his health, which he had impaired by hard study. Here he learned that Miss Cooke dwelt in the neighborhood, with her aged mother and a few servants. He immediately resolved to become acquainted with one of whom he had heard so much, but was at first deterred from the attempt by hearing that she refused to make any acquaintances or receive any company. However, the more he heard of her the stronger his curiosity grew, and at last he ventured to her house. As he approached he saw her through a window, but on his arrival she retired. On his entrance he was received by the servants, who set refreshments before him, but the object of his visit declined

to see him. He sent a second message which brought her into the apartment, and he introduced himself. He told her that though he knew she was not inclined to receive visits, he had resolved to hazard the mortification of a denial. His strong desire to be acquainted with her, sprung, he said, from the conversation of his friend before mentioned, who had spoken very highly of her. He found it hard, he continued, to pass away the time in retirement without books or society, and hoped she would grant him the use of her library, even though she should decline his acquaintance and the visits of her sisters, who wished to call on her.

She replied that she had left Bowling Green purposely to avoid society, and never would again mingle with the world. She was therefore unwilling to receive visits, but her library was perfectly at his service. She then showed him her books, and they spent the afternoon together, reading and conversing on what they read.

Toward night, when about to take leave, Beauchamp selected a book to take home, though Miss Cooke would have had him take several. He said he would read the one he had selected and then return for more. She smiled, on perceiving that his design was merely to have a pretext for repeating his visit. However he took but one book, and scarcely delayed long enough to read that before he returned for another. Pity, it is said, melts the mind to love, and so was seen in this case. The enthusiastic youth had seen Miss Cooke but once, and had lost his heart and his reason wholly. She was a fascinating woman and he was a mere boy, little acquainted with the world, and of a romantic disposition. Therefore, there is little matter of astonishment in the fact. Perhaps, too, she exerted herself to gain him to her purposes, but if that was her first intention it is certain that her attachment soon became as strong as his. Indeed, her heart must have been hard indeed had it withstood the proofs of his devotion.

On his return Miss Cooke refused to see him, but caused him to be conducted into her library, where he read for some hours alone, and finally departed without seeing her. He had the same reception on a third visit, and this treatment very much inflamed him, as, perhaps, she intended it should. She now haunted his mind in a way that every man older than twenty will readily comprehend, and he went a fourth time to her house, determined not to be repulsed.

After reading some hours he sent for her, alleging some especial reason for his conduct. She came, and he remonstrated long and urgently against her refusal to receive him. He said that she and not her books brought him to the house, and employed all his rhetoric to persuade her to relax in her resolution and suffer his sisters to be introduced to her. She refused firmly, giving him such reasons why his sisters ought not to see her as his own reason would have suggested, had he not been led astray by passion. She could never be happy in society again she said, and as she could not return the visits of his

sisters, they would not wish to see her. As to his own visits, she would admit them when the use of her library was their object.

The next day Beauchamp ventured to take his sisters with him, her refusal to see them notwithstanding. She received and entertained them politely, but refused to return their visit, nor did she ask them to come again. After this Beauchamp visited her very often, and always insisted on seeing her, so that at last by his importunate perseverance, he prevailed on her to receive him as a friend and acquaintance. She consented to meet and spend part of the time of his stay in the same room with him, after which she would retire to read, design, or other amusements. However, as his language to her began to grow warm, she imposed on him as an indispensable condition that he should not speak of love, but regard her merely as a friend.

Every one knows what such friendship end in : in a short time such an affection was enkindled between them as mortals seldom feel. He, to use his own language, "was in love, with all the ardor of passionate and feeling youth, when it first feels the buddings of that sweetest of all passions, which reciprocated make a heaven of earth." Though he kept his promise and did not mention his folly to Miss Cooke, she read it plainly enough in his eyes. Yea, he soon perceived that with all her pretended Platonism, she felt something more than mere friendship for him. Alas, that what was so sweet to the taste should have been so bitter in digestion.

At last his passion broke all bounds, and he declared himself. He could see that the avowal awakened no very violent displeasure, yet she declined hearing anything more on the subject. Where the fox can enter one paw, his body soon finds admittance, and, the ice being broken, they could now talk about the tender passion, not, it is true, as lovers, but as friends. She always said that there was an insuperable barrier between herself and any honorable man, but Beauchamp would not believe it. When at last he broke through all restraint, and formerly solicited her hand, she burst into an agony of passion, and told him that though her heart could find no objection in him, there was yet an insuperable obstacle to her happiness. For a long time she refused to name the obstacle, but at last he would take no denial, and obliged her to declare herself.

She said, coolly and firmly, that the hand that should clasp hers before the altar must revenge the injury she had sustained. Her heart could never cease to ache till Colonel Sharp should have received his death wound through her means. He had blighted her earthly happiness, and she should feel unworthy of an honest man's love, till he was in his grave. She would kiss the hand and adore the person of him who should avenge her, but she would not consent that any but Beauchamp should do it.

Far from thinking this condition hard, the infatuated youth was delighted with it. Indeed he had thought of the matter before and considered Sharp's death as the necessary consequence of his marriage.

with Miss Cooke. Such, in his opinion, was the only way to repair his wife's honor and secure his own. He heard her require what he had desired and calculated upon with rapture. He told her that it had been his fixed purpose to slay Colonel Sharp, if he married her. She consented to become his wife, and in the ardor of his feelings he resolved to fight Sharp immediately, for he had not yet resolved on assassination: as a stranger, not allied to Miss Cooke, he did not feel himself justifiable in killing Sharp, if he should refuse to fight. It may seem strange that he could have believed such an act justifiable in any case, but be it remembered that human life is little regarded in the western states.

Colonel Sharp was then in Frankfort. He had just received the appointment of Attorney General, and was to send for his family in order to fix his residence where he was. Beauchamp resolved to go thither immediately, though Miss Cooke remonstrated against it. She said Sharp was a coward who would fight in no case, and that being surrounded by his friends in Frankfort he would have every advantage. She desired him to wait till Sharp should come to Bowling Green, where her friends lived, who would support him in his purpose. Beauchamp would listen to no expostulation. His determination was to force Sharp into a personal combat if possible; but if that could not be, he pledged himself to Miss Cooke by an oath, that he would do the murder in a way to endanger his own life as little as might be. He took leave of her in the presence of his sister. She burst into tears and invoked heaven to be his defence and shield in his unhallowed enterprise. Miss Beauchamp was much astonished, as were all his family, to whom his business in Frankfort was a mystery.

This happened in the year 1821. When Beauchamp reached Frankfort the Legislature was in session, but he saw no one he knew till he met Colonel Sharp at the Mansion House. He accosted Beauchamp in the most cordial manner. The latter took him by the arm telling him he had come to Frankfort to see him on important business, and asked him to take a walk. They walked along the river bank out of the town till they came to a retired spot, where they halted, as the bell of the Mansion House was ringing for supper. Beauchamp then turned short upon Sharp and asked if he remembered the last words the injured Miss Cooke had spoken to him. At this question Sharp stood still, pale and trembling.

"Colonel Sharp," said Beauchamp, "I have come deputed, and sent by her to take your life. I am the man of whom, in the spirit of prophecy, she spoke to you, when she forbade you her presence. She says you will not fight me. Will you, sir, or not?"

Sharp stood still without replying, and Beauchamp continued:—"Answer me, Colonel Sharp. Will you fight a duel with me?"

"My dear friend," replied Sharp, "I cannot fight you on Miss Cooke's account."

On this Beauchamp drew his dirk, and assuming a menacing attitude, bade him defend himself.

"Upon my honor, sir," said Sharp, "I have no weapon but a small penknife."

Beauchamp took from his pocket a Spanish knife, and offering that and his dirk to Sharp said, "choose one of these, sir, and I will throw it to you."

"My dear friend," Sharp repeated, "I cannot fight you on Miss Cooke's account."

Beauchamp threw the knife toward him, lifted his dagger and cried, "You d—d villain, what do you mean by that? That she is not worthy you should fight her friend and avenger?"

"My friend," replied Sharp, "I meant that I never will fight the friend of that worthy, injured lady. If her brothers had murdered me I never could have had the heart to raise my hand to defend myself. And if you my friend, are her husband, I will never raise my hand against you."

"I am not her husband, sir," said Beauchamp, "but I am her friend and avenger. She has sent me to take your life. Now, Sir, tell me if you will fight a duel with me." With these words the speaker again raised his dagger, and seeing Sharp about to run, sprang upon him and seized him by the collar, "Now, you d—d villain," said he, "you shall die."

Sharp fell on his knees. "My life is in your hands," he exclaimed. "My friend, I beg my life. Spare it for mercy's sake."

Beauchamp let him go, and struck him in the face so rudely that he reeled back. "Get up you coward," he cried, "and go till I meet you to-morrow in the street." As he rose Beauchamp gave him a kick. "Now," he said, "go and arm yourself, for to-morrow I will horsewhip you in the streets, and repeat it daily till you fight me."

Sharp, calling Beauchamp "dear friend" in every sentence, began to implore more lenient treatment, saying that his conduct had made him miserable. His whole estate, he said, should be at the command of Miss Cooke and Beauchamp, or he would do any thing they might require if they would only spare his life, for the sake of his wife and child. All this humility did not mollify his enemy in the least, "stand off, you villain" he cried, "or I will take your life for the insult of offering me your *estate*."

Sharp said that he meant no insult, but he would do anything that could possibly be required, so that his life might be spared.

"It is of no use," answered Beauchamp, "to multiply words. You must either kill me or I will kill you, so you had better consent to fight me at once. I will give you any advantage you choose as to the manner of fighting, but fight you must, or die."

"Why," said Sharp, "my dear friend if you were to take a dirk and I had a sword, I could not raise it against you. My friend, if John Cooke had beaten me to death with a stick, and had I had a

sword, I could never have raised it against him." This he said weeping.

"Very good, Colonel Sharp," said Beauchamp, "you are just such a whining coward as I was told you were. But, Sir, it will only give me the more prolonged pleasure in killing you. For if I don't beat you in the streets daily, till I make you fight me, or till I beat you to death—one or the other I will certainly do. So now go to sleep upon that, till I meet you to-morrow in the streets."

He then began to look for the knife he had thrown down, while Sharp spoke again, in the deprecating style he had already used, and begged his life over and over. "O," said he, "you are the favored possessor of that great and worthy woman's love. Be it so then—here, take my life—I deserve it. But do not disgrace me in the streets." Beauchamp bade him begone instantly, or he would take him at his word. At the same time he started toward him, which made Sharp think it best to move off toward the town. After looking a long while in vain for his knife, Beauchamp also went back to his lodgings.

Such scenes of ruffian violence as we have described are not uncommon in the west. Beauchamp, not satisfied with having humbled Sharp to the dust, prepared to repeat the air with variations and additions. To this end he bought a very heavy whip, and after breakfasting in the morning, patrolled the streets, in search of his enemy, armed at all points. He expected that Sharp would be found surrounded by his friends, and would fire on him as he advanced to the assault. He also had pistols, and to keep to windward of the law, intended to approach without uttering a word. If Sharp fired, he meant to return the fire from a distance. Thus he was sure of having the advantage, for he knew that Sharp was unskilled in the use of the pistol, while he was himself an excellent shot. This circumspection would convict him of cowardice, had he not before offered to fight Sharp fairly; at any rate it proves that his moral perceptions were by no means acute. May heaven forgive his wickedness.

He walked round the town several times in the course of the day, and seeing nothing of the intended victim, concluded that he had kept his room. Our hero repeated his promenade the next day, till becoming impatient, he made inquiries and learned that Sharp had set off at day-light the morning after their rencontre, for Bowling Green, in order, as he had said, to bring his family to Frankfort. Beauchamp mounted his beast and pursued, but leisurely, as he knew he could not overtake his enemy short of Bowling Green, where he would rather have met him than in any other place. When he got to Bowling Green he found he had been deceived; Sharp was not there, nor was he expected. He then returned to home and Miss Cooke.

They concluded to defer their marriage till Colonel Sharp should come to Bowling Green, when they intended to lure him to Miss Cooke's house, so that she might kill him with her own hand. Beau-

champ did not like this plan, for he thought he should be dishonored if Sharp fell by any hand but his own. But she was inflexible, desiring more than all things to avenge her own wrong; and that she might not fail, she practiced daily with pistols, in the use of which her lover instructed her. At last Sharp came to Bowling Green, and she wrote a letter which she hoped would bring him within her reach.

Notwithstanding the feeling she had manifested toward him at their last meeting, she said, that though she had forbidden him ever to see her again, she found that such was not the dictate of her heart, but of a delirious passion. He ought not to be surprised that the enthusiastic and chivalrous feelings of a youth like Beauchamp had made him hope to win her favor by fighting a duel in her behalf. It was true she had been pleased with Mr. Beauchamp's character, and might have encouraged his hopes by some heedless expressions, but she had broken off all intercourse with him, on account of the violent course he had taken. She expected soon to leave the state, and as he had conjured her by letter to consent to an interview, she now thought that before she left the state she should like to return his letters and have back her own, if he still retained any of them. She therefore requested him to call, at a stated time, and desired him to apprise her by the servant who carried the letter whether he would come or not.

On reading the letter, Colonel Sharp asked the servant whether Mr. Beauchamp was at Miss Cooke's house when he left it. The man answered no, for he had been instructed so to do. Sharp then asked if Beauchamp continued to visit his mistress, and was informed that he did. The next question was respecting the time since Beauchamp's last visit, which he was informed took place several days before. He learned that a marriage had been spoken of between Miss Cooke and Beauchamp, and was falsely informed that his enemy was not in the neighborhood.

In his answer he expressed no less delight than surprise at a permission to see her once more, of which he acknowledged himself unworthy, and said that nothing but death should hinder him from attending her at the hour appointed. However, he did not come, having probably some suspicion that the letter was an artifice to entrap him, as indeed it was. The next morning Beauchamp started for Bowling Green, resolved to settle the business with Sharp in some way, but found on his arrival that he had been gone two days on his way to Frankfort. Wherefore our hero determined to pursue his studies quietly in Bowling Green till Sharp should venture thither to arrange his affairs, which he had left in an unsettled state. He felt, as he afterwards said, that he never could consider Miss Cooke as his wife till he should have destroyed her seducer, and she thought that Beauchamp would be degraded by marrying her before her injuries should be avenged.

Beauchamp made a journey to Tennessee, of which more anon, before he married. He abstained long from any attempt on Sharp, because Miss Cooke could not be persuaded to forego the purpose of

immolating him with her own hand. This womanish idea was worth many days of life to him. In June 1824, Beauchamp, having completed his studies, married Ann Cooke, and he now thought himself privileged to revenge her, even by assassination.

That year the gubernatorial election took place, the contest being between Judge Tompkins and General Desha. Beauchamp looked forward with hopes for the success of Judge Tompkins, because he foresaw that he should be obliged to petition for executive clemency, and he knew that Colonel Sharp was Desha's right hand man. He also knew that Sharp possessed great influence in Frankfort, and was there considered the head of a powerful party, for which reasons, he naturally feared to come before a Frankfort Jury.

Sharp had long been expected in Bowling Green, but as he did not come, Beauchamp began to be impatient, and fearful that he would never more venture thither. He hit on an ingenious expedient to ascertain the truth. He caused letters to Colonel Sharp, to be put into various post offices about the country, signed with the names of imaginary persons, and purporting that the signers wished to know when he would be in Bowling Green, that they might consult him on business. However, he received no positive answer, and therefore determined if Sharp did not soon come to Bowling Green to seek and slay him in whatever corner of the world he might be found: About this time an event occurred which confirmed him in his resolution.

Sharp was a candidate for a seat in the Legislature, and, as may be supposed, his political opponents did not fail to reproach him with the seduction of Miss Cooke. This injured his prospect, and to do away with the unfavorable impression, a report was circulated that Miss Cooke's child was the offspring of a negro. Sharp supported the tale by reference to the forged certificate before mentioned. He was led into this villany by the imprudence of his wife's family, for whose satisfaction the certificate had originally been forged. It is by no means probable that he at first meant to make so open a use of it. Yet the story, having been once told, on his authority, he was obliged to persist in it for one falsehood is the sure progenitor of a thousand more. When this thing came to Beauchamp's ears he resolved to go to Frankfort at once, and assassinate Sharp, whatever the danger might be, and although Desha was governor.

He was encouraged by Desha's private affairs. At that moment Isaac Desha, the governor's son, was lying in prison, awaiting his trial for a robbery and murder committed on the highway, with circumstances of peculiar atrocity. He thought, from a knowledge of the governor's character, that he would pardon his son, and could not therefore refuse to extend the executive clemency to him also. He hoped to escape with impunity for other reason, viz :

Colonel Sharp was the main pillar of the new administration. Party rage ran very high, and Beauchamp thought, with reason, that if he should slay him on the second night of the election, his party

would be glad to turn his death to account, by charging the old court party with it. Even Sharp's own family, he believed, would be glad to enhance the value of their kinsman by giving currency to the report. But for an unforeseen occurrence, the junction of the two parties, this stratagem would have had the effect he intended.

He waited patiently till the night before the meeting of the legislature, and in the meanwhile took his measures to divert suspicion, and to effect his escape to Missouri. Three weeks before the meeting of the legislature, he made sale of his property, and reported on all occasions that he should start for Missouri, the very day on which he really intended to kill Colonel Sharp. He had his wagon, horses, and everything ready, and even hired persons to come, two days previous to the time of the premeditated murder, to assist him in loading his wagon. Yet he had secretly prepared an excuse for deferring his departure till a week later.

He had managed to have business in Frankfort, that would render it necessary for him to go thither before his departure for Missouri. However, he never intimated his intention to go there, because he wished to have it appear a casual thing. That this might be more apparent, he told his business to one Lowe, and offered to hire him to go and transact the business for him, well knowing that Lowe would refuse. On Lowe's refusal he told him he could not possibly attend to the matter himself, and would therefore get his brother to go for him. But the Saturday before the Tuesday on which he really intended to start for Frankfort, he procured a process to be issued against him, which if executed, must necessarily prevent his projected removal to Missouri. On Saturday evening he was informed of this process, at which he affected the utmost astonishment. He told his informant, Mr. Bradburn, that it would ruin him, by preventing his removal. Bradburn said it was a mere vexatious thing, intended to delay him, and advised him to keep out of the way and avoid it, till his friends could get his family ready to start. Beauchamp said he would rather remain and defend himself, as the next Sunday was the day he had set for his departure. The next day he met Lowe, who was a constable, and forbade him to approach, saying he was armed and would defend himself. On several occasions he expressed his determination to stay and brave the law, but at last, on the urgent solicitation of his friends, consented to leave the country to avoid the process, while they should prepare for the departure of his family. Thus he availed himself of the process as a pretext for going to Frankfort, for which he immediately started. He carried with him a bundle of old clothes, such as are worn in Kentucky by negroes, to disguise himself in, and had, beside, a black silk mask, made by his wife for this express purpose. So well had she fitted it to his face, that he could not have been distinguished, with it on, from a negro, at the distance of five yards. Moreover he was provided with a large butcher's knife, the point of which Mrs. Beauchamp had poisoned.

He was told at the Mansion House in Frankfort that he could not be accommodated, and had the same answer to his demand for lodging at another tavern. Here he was told that Mr. Scott, the keeper of the penitentiary, might take him in, and accordingly went thither and was admitted. He retired early, and equipped himself for the deed he had so long meditated. Unluckily for him, he threw the handkerchief in which his bundle of old clothes had been tied on the outside of the bed, and left it there. He put on, instead of shoes, two pairs of yarn stockings, to prevent his steps from being heard, and his track from being identified. Between nine and ten he stole down stairs, and crept softly out of Mr. Scott's house, unheard, as he thought, by any one.

He went directly to Colonel Sharp's house, the position of which had been accurately described to him, and looked into the windows. The victim was not there. He then sauntered to the Mansion House, and saw Colonel Sharp within through the windows. He had so long thought of killing this man that he believed he could do it coolly and dispassionately. But at the sight of him he was excited to such a degree that he could scarce refrain from rushing in, and stabbing him in the crowd. After awhile he lost sight of him, and went to his house again, but he was not there. For fear, therefore, of missing him, Beauchamp determined to watch the house till he arrived. He could not reconcile it to his mind that Sharp should die without knowing his murderer, and therefore resolved to lay hands on him in the street, whisper his name, and instantly despatch him. But while he was examining the back part of the house, Sharp got in unperceived, and thus frustrated one part of his plan. After a few moment's reflection, the assassin concluded to wait till all in the house had retired, and then call the Colonel up. He had originally intended to have killed Doctor Sharp, the Colonel's brother, who had been one of the promulgators of the slander touching the black child, but his wife had dissuaded him. Now, while he was lying in the public square doubting whether to knock at the front door or a secret one in a dark alley, he concluded to kill the Doctor also, lest he should be the means of detecting him. An accident saved him: one of the neighbors came and asked him to accompany him home, and he went.

To lure Sharp to the door Beauchamp could think of no better plan than to call himself one of the Covingtons, Sharp's most intimate friends. For reasons of his own he intended to alter the name a little.

Having matured his plans the assassin drew his dagger and knocked at the door in the alley, three times, loud and quick. "Who's there?" cried Sharp. "Covington," replied Beauchamp. The assassin soon heard Sharp approaching, and saw under the door that he carried a light. He drew his mask from his face, and the instant Sharp opened the door seized him with the left hand. The violence of the grasp alarmed the victim, who sprung back, trying in vain to disengage his

wrist, and asked, "What Covington is this?" "John A. Covington, Sir," replied the murderer. "I don't know you," said the other, "I knew John W. Covington." "My name," the assassin repeated, "is John A. Covington." At this moment Mrs. Sharp, who had come to an inner door with her husband, being alarmed at the little scuffle he made to free his wrist, disappeared. Beauchamp then said in a tone of deep mortification, "And did you not know me, sure enough?" "Not with your handkerchief about your face," he replied, for the handkerchief with which he had bound on his mask, was still bound round Beauchamp's forehead.

"Come to the light, Colonel," said the assassin in a persuasive tone, "and you will know me." With that he gave Sharp a pull and he came readily to the door. Beauchamp planted one foot on the first step of the door, tore away the handkerchief, and looked up full in his victim's face. Horror struck at the sight, Sharp sprang back exclaiming, "Great God, It's he!" and so saying fell on his knees after failing to release his wrist. As he fell the murderer shifted his grasp from his wrist to his throat, dashed him against the facing of the door, choking him all the while to prevent him from crying aloud. "Die villain," he cried, at the same moment driving the knife to his heart and letting him go. He rose from his knees, endeavoring to throw his arms round his murderer's neck, and said, "Pray Mr. Beauchamp"—As he spoke his enemy struck him in the face with his left hand and knocked him down upon the floor. Then seeing the light coming he put on his mask and ran a little way off. Being desirous, however, to know if he had done his work thoroughly, he came back and squatted down in the alley to listen. He heard Mrs. Sharp speak to her husband, but he could not answer.

In a very brief space Doctor Sharp ran in and exclaimed, "Great God, Beauchamp has done this! I always expected it!" The town was now alarmed, and the people began to collect, but Beauchamp did not budge, he wanted to hear what would be said, and moreover wished to be seen and taken for a negro. At last, as he was trying to look into a window, Mrs. Sharp came upon him, and cried to the company that she saw the murderer. He started and ran, pursued by all the people, but he distanced them every one, and went to the river side to get his hat and coat. He went farther down and sunk the old hat and coat in which he had done this ruthless deed in the river, with a stone. He also concealed his knife. Then after dressing himself in his ordinary apparel, he returned into the town, and passed Colonel Sharp's house, where all was now silent as the grave. However, he had heard and seen that Sharp died without uttering a syllable, before he left the house, which was the chief cause of his anxiety. He regained his chamber, as he had left it, lighted his candle, burned his mask, washed his hands, and laid down, with a tolerable certainty of being arrested in the morning. Will it be believed? he slept soundly till the stirring of the family awakened him in the morning,

Mr. Scott, Beauchamp's landlord, was a relation of Mrs. Sharp. In the morning Beauchamp heard the news of Sharp's death told to Scott, and expected a visit from him in his chamber. Shortly he came into the room and bade good morning to the murderer, who returned the salutation very politely. "Don't you think," said the other abruptly, "that some man went to Sharp last night and killed him? "Great God," cried the assassin, with well affected composure, "is it possible? What, Colonel Sharp dead!" "Yes," said Scott, "Colonel Sharp is dead." Beauchamp stood a moment mute, and then asked, "How did it happen Sir? In a fight?" "No," replied Scott, "some stranger called him to his door and just stabbed him dead." As he was about to retire Beauchamp called him back with, "Stay, Sir; for God's sake tell me something about this horrid affair." "I can tell you nothing in the world about it, Sir, said Scott, "further than that Colonel Sharp was called to his door from his bed, and stabbed down dead upon the floor." With that, his suspicions being probably removed, Scott retired.

When Beauchamp went down stairs Mrs. Scott asked him into the dining room and told him about the murder. He told her he had heard of it before, from her husband, and asked if any one was suspected. She answered in the negative, and he then went to the Register's Office. He had before sent the documents relating to certain surveys to be entered on the register's books, in order to account for his presence in Frankfort. After searching the files, he found that this business had been neglected by the person to whom it was entrusted, and saw, to his confusion, that he should not be able to give a satisfactory account of himself. He therefore resolved to start immediately for home to avoid being arrested, hastened back to Mr. Scott's house, and ordered his horse.

While the servants were preparing his horse, he entered into conversation about the murder with Mr. Scott, and perceived, by his manner, that his suspicions had revived. However, he answered all questions politely, and even admitted that he had married Ann Cooke. This information made a strong impression on Mr. Scott, but he did not nevertheless arrest Beauchamp, who mounted his horse and rode off unmolested.

When he had gotten a little way from Frankfort, he recollected having left the handkerchief before mentioned on his bed, and at first thought of turning back for it, but remembering that it was ragged and worn out, and thinking that the blood on it came from his own nose some weeks before, he concluded it could avail nothing as evidence against him, and so kept on. Reflecting, too, that it would be difficult to avoid incurring further suspicion, he resolved only to tell the news of the murder where there were several persons present, so that as witnesses, one might be a check on the other. He soon met two persons, but as he himself afterwards stated, did not mention the matter to them. He met several more in the course of the day, to

whom he told the mere fact that Colonel Sharp was dead, but did not mention the particulars, even those he had heard from Mr. Scott, for he feared to mention something which that person might deny having told him. At least such is his own account of his conduct, though it was contradicted by several witnesses on his trial.

He got home on the fourth day, and informed his wife that his purpose was accomplished. She fell at his feet and returned thanks to Heaven, and clasping his knees, called upon the spirits of her deceased relatives to bless him, and intercede with their Maker to protect him; for this singular woman considered the murder of Sharp a righteous action. She then asked if he was safe. He told her that he cared not for any thing mortals could do to him, since his hand had avenged her, but that the avenger of blood was on his track. Then, having retired to a more private place, they conversed about what had befallen, and were happy, for they had brought themselves to believe that the murder of Sharp was the most glorious deed that could be done. This opinion consoled them for all their troubles, and made them regardless of danger.

It was agreed between them that he should put his house in order for battle, and defend himself to the last extremity against the Sharps, if they should come to arrest him. He even revolved in his mind the propriety of firing on his pursuers, whoever they might be, and then making his escape. Had they arrived that night it is probable he would have fought them, but believing that no proof could be brought against him, he came to the conclusion, before morning, to remain and brave investigation.

The next evening, before sunset, as he was cleaning and loading his rifle in the yard, four men rode up, one of whom he recognised as a person he had seen in Frankfort. Though he knew they were come for him, he walked cheerfully to meet them, and one of them asked if his name was Beauchamp, and if he had not just returned from Frankfort. He answered in the affirmative, and one said that he was suspected of the murder of Sharp, and requested him, as a gentleman, to go with them to Frankfort and acquit himself. He affected great surprise at being suspected, but said he was ready to start for Frankfort immediately, if anything had been said injurious to his reputation. He told them that he was on his own premises, free, and in a condition to defend himself, and that if, as they said, they only called on him, as a gentleman, to go forward and meet the charge, he would cheerfully do so, but that he neither could nor would be taken to Frankfort as a prisoner. As he was now apprised that he was suspected, he should go thither at all events, but not with them, if they intended to consider him a prisoner. They assured him they had no such intention, and he then invited them to alight and refresh themselves, while his horse should be getting ready. To convince the men of his sincerity he ordered his servants to bring out his arms and deliver them to them. He had enough weapons to have armed his ser-

vants. Presently one of the men asked leave to examine his dirk, for our readers must know that almost every gentleman in Kentucky wears a dagger. This pleased him, for he knew it would not correspond with the wound, and he was also glad to learn that they had the measure of a shoe track, which had been found near Sharp's door, and which every one supposed to have been that of the murderer. It however frightened him to see that it did not vary materially from the dimensions of his foot, and one of the men, in the belief that he had made his fortune, cried, "Exactly! Exactly, to a hair's breadth!" A great reward had been offered for the apprehension of the assassin.

When he was ready to start, Beauchamp asked for his dirk, which they returned, seeing him angry, with some reluctance. They had the handkerchief before mentioned with them, but did not tell him so, nor did he deem it prudent to inquire about it.

A short distance from the house the party was joined by John W. and Isaac Covington, Colonel Sharp's intimate friends. They too, asked to see Beauchamp's dirk, and he handed it to them. When he asked for it again, they said they had lost it. They had thrown it away, if Beauchamp is to be believed, but according to their account he threw it way himself. Be that as it may, it was described in the newspapers as a broad weapon with keen edges, but it was found and produced in court, where it did not answer this description at all.

When they had passed the boundary of Simpson county, they mentioned the handkerchief, and Beauchamp asked to see it. His dismay was great at seeing that one corner was cut off, and that there were two holes in it, as if the assassin had stabbed through it. He believed the Sharp's would prove it to have been found before their dead kinsman's door, and therefore resolved to get it into his own hands and destroy it.

At night they slept in a room in which there were two beds, one of which was assigned to Beauchamp and the other to those of the party who slept while the rest watched. They had liquor, of which Beauchamp prevailed on them to drink freely. He then asked to look at the handkerchief, and returned fervent thanks to Heaven that it had been found at Sharp's door, telling the bystanders that it would clear him, by leading to the detection of the really guilty. He then gave it back, taking notice which of them put it in his pocket.

He invited this man to sleep with him. The fellow took off his coat, with the handkerchief in its pocket, and threw it upon the bed. Beauchamp, after getting into bed, complained of cold, and drew his cloak over his bedfellow's coat, so that the two who watched might not see how he employed his hands. He had so fuddled one of these that his eyes were of little use to him. Beauchamp after picking the coat pocket of the handkerchief, rose to stir the fire, as he said, and the moment the sober watcher looked another way, threw the handkerchief upon the coals, and it was consumed in a moment.

The next morning they stopped to breakfast at a tavern, where two

of Beauchamp's friends came to see him. He expressed to them his great willingness to meet investigation, saying that the assassin's handkerchief had been found, and with divine assistance, would, he doubted not, lead to the detection of the really guilty. His friends asked to see it, and Beauchamp asked the guard to show it to them. The man felt for it and exclaimed that it was gone. "For God's sake"—cried Beauchamp, "I hope not. Do look for it again." When they had looked a long time in vain for it, they were much out of countenance, and the bystanders laughed at them. Beauchamp, however, put on a face of deep concern, and begged them to go back and make a thorough search for it. They refused, and he told them he believed they did not wish it should be found. They retorted by charging him with taking it himself, and a violent altercation ensued, Beauchamp abusing them till they agreed to send back and search. In due time they reached Frankfort.

What Beauchamp had foreseen came to pass. The Sharp party attributed their leader's death to the opposition, and Amos Kendall, then the unworthy editor of the *Argus*, called on the people to mourn for him as a martyr in the cause of the people. Nay, he threatened any who should dare to attribute the murder to other than political motives. Sharp's relations followed in the same cry, naturally preferring to have it said that their admired kinsman had been slain for fear of his matchless abilities, and that he had been the victim of a private revenge for ingratitude and a base seduction. For a while nothing offended them more than the insinuation that Beauchamp was the assassin, wherefore the latter began to feel safe, and prided himself much on his foresight, but an unexpected circumstance changed the complexion of his destiny.

This was a story, first set forth by the "Heaven born" Kendall, making Beauchamp the instrument of the old party in politics. A fellow named Darby, the editor of an Opposition party, was said to have shared in his guilt, and was prevailed on to give color to the fiction by his evidence, which was neither consistent, nor, in some points uncontradicted. This man being himself in danger, swore Beauchamp had made him the confident of his design to kill Sharp, at a time when they were strangers to each other.

It was expected to prove that Beauchamp must have made the track found near Colonel Sharp's door, but it did not exactly correspond with the length and breadth of his foot. The attempt to prove that Beauchamp dropped the so often mentioned handkerchief at the door failed also.

The evidence of many of those to whom Beauchamp related the news of the murder between Frankfort and his own house was highly unfavorable, imputing to him suspicious behavior.

Mrs. Sharp swore to his voice; and the particulars of his conversation with her husband before stabbing him, coincided, as testified by her, with the account he had given of himself to Mr. Scott.

He had called himself John A. Covington in speaking to Colonel Sharp, because he was perfectly familiar with the name of John W. Covington, and could not therefore be supposed to mistake. He hoped that this circumstance would tend to remove suspicion from him, as indeed, at first, it did. But another circumstance deprived him of the benefit of his cunning; two persons swore that they had heard him, in speaking of John W. call him John A. Covington. Another swore Beauchamp had told him he always mistook the name, and said John A. for John W.

Mr. Scott, a man of high character, he in whose house Beauchamp had lodged, declared that on the night of the murder, he heard the prisoner descend the stairs, and leave the house. His account of Beauchamp's conduct the morning after the murder was different from that we have given above, but here he was contradicted by other witnesses.

What weighed most against Beauchamp was the testimony of one of his neighbors named Lowe, supposed to have been suborned by Darby. He had, according to Beauchamp, offered to swear that Darby had attempted to bribe him, to save Beauchamp's life. Accordingly Beauchamp sent him a written statement of the supposed facts to which he desired him to make oath. This document Lowe produced in court. He also swore that Mrs. Beauchamp had told him that her husband was guilty. This attempt at subornation of perjury adds a darker shade to Beauchamp's character, supposing his account to be strictly true. However, he was contending for life.

Lowe also swore that he had heard Beauchamp and his wife both threaten Sharp's life, and that on his return from Frankfort, Beauchamp had intimated to him that he had accomplished his purpose.

Many other particulars on which it would be tedious to dwell, were given in evidence. Mr. Pope, Beauchamp's counsel, made a powerful defence, in which Darby was not spared. This gave occasion for a display of the prisoner's pugnacity, which even his perilous situation could not quell. While the jury were deliberating on their verdict, Mr. Pope left the court and at the door met Darby, who assaulted him with a cane. Beauchamp saw this from the bar, and his choler boiled over. He sprang from the bar, and rushed out to attack Darby, dragging two persons who held his arms after him. He was overpowered and forced back, and at the same time Darby was borne away by the crowd. So far his anger prevailed over better feelings, that Beauchamp scarcely heard the sentence of death, which was immediately pronounced.

It was intended to have indicted Mrs. Beauchamp as an accessory before the fact, and Lowe made oath that she had confessed to him that she had devised and instigated the assassination. This tale the justices utterly disregarded, and refused to commit her for trial.

It was intimated to Beauchamp while in prison that governor Desha would pardon him, if he would accuse some of his political opponents

as his accomplices. He was desired to say that there had been a conspiracy to assassinate Desha, and several of the most distinguished supporters of his administration. The love of life prevailed on the wretched young man to accede to this base proposal; he accused Darby, and agreed, as soon as he should be pardoned, to accuse any other persons Desha might indicate. Beauchamp, to the last hour of his life, never doubted that this proposal emanated from Desha; but though there is abundant proof of the weakness of that unfortunate governor, we have no reason to believe him capable of such wickedness.

Beauchamp had written his accusation of Darby, and it was lying on the table before him, in prison, when Darby came in to see him. Several others were present. Beauchamp could not resist the temptation to torment his enemy, and therefore accused him to his face, with great vehemence, of having been present, aiding and abetting in the murder. The solemn accusations and bitter reproaches cast on him by the convict, overwhelmed Darby with confusion, and he went away firmly persuaded that Beauchamp would die avowing that he was an accomplice in the assassination. His friends too, were greatly disconcerted. Beauchamp soon repented this ebullition of ill feeling, and in the memoir he left behind him, completely exonerated Darby from the charge.

Mrs. Beauchamp accompanied her husband from the court to the prison, and after his conviction never left him. The same high but misguided feelings, that had made her so thirst for the blood of Sharp, impelled her to share Beauchamp's fate. She also persuaded Beauchamp to avoid the ignominy of a public execution by suicide, nor, as he had always been devoted to her, did he deny this last request. They had an ounce phial of laudanum, which Mrs. Beauchamp divided into two equal portions, with as much composure as she had only poured out a glass of wine. Then, having prayed their Maker to permit the action, if done against his will, they drank the deadly draught, and laid down in each others arms to die. So fully had they persuaded themselves that they should awake in Paradise, that they could not refrain from singing for joy.

This desperate and wicked attempt was not successful. They lay for hours expecting to drop asleep, to wake no more. This time they spent in prayer; and in the fury of his delirium Beauchamp shouted aloud, and awakened all within reach, declaring that his sins were forgiven. At last his wife slept, but strange to tell, twenty-four hours passed away, and the laudanum had had no material effect on Beauchamp. Mrs. Beauchamp awoke, and after vomiting, took a second potion, but all was of no avail.

Beauchamp now tried to persuade his wife to live, and to let the law take its course with him, but she declared he should not be buried before she would follow him, even if she should be obliged to starve herself. Wherefore he yielded to her earnest entreaty, that she

should stab themselves and die together. He then wrote directions for their interment, that they should both be buried in one coffin, his wife to be folded in his arms.

On the morning of the 5th of June, 1826, the drums were heard beating in the streets of Frankfort, and a vast multitude were hurrying to the gibbet which was erected, black and ominous, on a hill near the town.

At ten o'clock there was but one person in the same cell with the Beauchamps, the dungeon was feebly lighted with one candle; its only entrance was through a trap door above.

About eleven o'clock Mrs. Beauchamp desired the guard to leave the cell a few moments that she might rise, and dress. He did so. He had scarcely got out of the dungeon when he heard a deep sigh, and Beauchamp called him back. He went down and found Beauchamp lying on his back, in earnest prayer. His wife was beside him, with her arms round his body. Not thinking anything serious had happened, the guard sat down in silence till Beauchamp had finished his prayer. "Tell my father," he then said, "that we are going straight to heaven—we are dying." "No, I reckon not," replied the guard. "Yes," said Beauchamp, "it is so; we have killed ourselves." The man then saw that Mrs. Beauchamp held a bloody knife in her hand, and asked where they got it. Both answered that they had long kept it concealed for the occasion. They had both stabbed themselves, but neither groaned or showed any sign of pain. Beauchamp said that he had struck himself first and that his wife had then wrested the knife from him, and plunged it into her own body. He added that he feared his wound was not mortal and begged the guard to get him some laudanum.

The jailor came, and Mrs. Beauchamp was removed into another apartment, without any resistance on her part. To those who questioned her she replied, "I struck the fatal blow myself, and am dying for my dear husband." She now suffered violent pain, and screamed so loudly that Beauchamp heard her in his dungeon. He wrote to her as follows:

"Your husband is dying happy! For you I lived—for you I die! I hear you groan. I hope you may yet be recovered—if you are, live till it is God's will to take you, and prepare to meet me in a better world—Your dying husband.

My beloved Anna.

J. O. Beauchamp."

It was now determined to take him to the gallows as soon as possible. As they were carrying him out of the house he begged to see his wife, but the physicians said she was not badly hurt, and would soon recover. The officers objected to stopping. He said it was small and they then carried him into the room where she was dying, and he lay beside her. He put his hand on her face, and affection-

ately asked her if she knew him, but she could not answer. "Physicians," he said, "you have deceived me, she is dying." Then, to the ladies, "From you, ladies, I demand a tear of sympathy." He held Mrs. Beauchamp's pulse till he felt its last throb, and then said, "Farewell, child of sorrow—farewell victim of persecution and misfortune! You are now safe from the tongue of slander. For you I lived—for you I die." He kissed her lips and said he was ready.

As he was too weak to sit up on his coffin, a covered wagon was prepared to convey him to the gallows. As the procession proceeded he expressed his confident hope of a happy immortality to the attending clergymen. The drums beat as he went along, and he observed that the music was delightful and that he had never moved more cheerfully. He continued waving his hand to the ladies at the windows till the procession got out of the town.

He was unmoved at the sight of his coffin under the gallows, and at every pause in the conversation expressed his impatience. He was then assisted to get upon his coffin in the cart under the gallows and supported there. This done he asked for water, and that the music would play Bonaparte's retreat from Moscow. It was done. He then gave the signal, and ended his short and evil life. His body was given to his father who buried it pursuant to his directions.

Thus ended the tragedy; a man of the first talents had fallen, as he deserved, for his crimes, and another, who might have equalled him in rank, and who might have been an honor to his native state, was cut off in the flower of his age. We know not which ought to be held in most abhorrence. Beauchamp had no right to avenge the wrongs of another, or even his own, with his own hand, and every well constituted mind must revolt at an assassination so treacherous and cruel as that of Sharp. The destruction of his own life was a sin of no less magnitude. It may be said in his excuse that he was actuated by a sense of honor highly commendable, had it not been misdirected, and that he was instigated by a woman he fondly loved.

On the other hand, there was never villainy more cruel, more cowardly, more atrocious, than that of Colonel Sharp. There was no palliating circumstance—not even the heat of young blood. He deserved all he got, and more. As to Mrs. Beauchamp, we have not the heart to blame her. It is idle to say that the laws afford redress for all injuries. That for such as hers, is absolute insult. The woman who could take the price of her dishonor, who would barter virtue for gold, is unfit to live. For a petty theft a man is sent to the penitentiary, but for stealing the fair fame, the whole hope of earthly happiness of woman, for crushing her heart in the spring of life, for violated oaths, and diabolical treachery, he—pays damages! Seduction should be made criminal in law.

Perhaps our readers will not be displeased to see a specimen of the poetic powers of the Beauchamps.

The following was written by Beauchamp in prison, on being awakened by a vision of his wife before she joined him.

Daughter of Grief, thy spirit moves
In every whistling wind that roves
Across my prison grates :
It bids my fainting soul to bear,
And with its sister spirit soar
Aloft to Heaven's gates.

In visions bright it hovers round
And whispers the delightful sound,
"Peace to thy troubled mind—
What though unfeeling worlds unite
To vent on thee their venom'd spite,
Thy Anna's heart is kind."

And oft when visions thus arouse
Thy husband's fondest hopes, he vows
'T is no delusive dream,
And springing from his bed of grief,
He finds a moment's sweet relief,
Though round him horrors gleam,

Still, still, when calm reflection reigns,
My soul its sweet repose regains
In this triumphant thought ;
That in thy love, though absent far,
My soul has laid in store for her
Of bliss her sweetest draught.

Then rave ye angry storms of fate !
And sound your loudest blasts of hate,
Ye perjured reptile worms.
Disdaining aught to yield, my soul
Shall gladly fly this earthly gaol,
Safe to my Anna's arms.

Prisons for clay—the immortal soul
Triumphant soars, disdains control,
And mocks a vengeful world !
The shaft 's too late, I soar too high,
I rise in triumph to the sky,
Not caring whence 't was hurled.

No, never let the world espy
A tear in thy angelic eye—
Be firm as him you love ;

O, wherefore pine to hear my knell?
 Has not God ordered all things well?
 We'll meet in heaven above!

The following epitaph was written by Mrs. Beauchamp to be engraved on their tombstone.

Entombed below in other's arms
 The husband and the wife repose,
 Safe from life's never ending storms,
 Secure from all their cruel foes.

A child of evil fate she lived—
 A villain's wiles her peace had crossed—
 The husband of her heart revived
 The happiness she long had lost.

He heard her tale of matchless wo,
 And burning for revenge arose;
 He laid her base betrayer low
 And struck dismay to Virtue's foes.

Reader, if Honor's generous blood
 E'er warmed thy heart, here drop a tear;
 And let the sympathetic flood
 Deep in thy mind its traces wear.

A brother or a sister thou—
 Dishonored see thy sister dear;
 Then turn and see the villain low,
 And here let fall a grateful tear.

Daughters of Virtue, grant the tear
 That Love and honor's tomb may claim,
 In your defence the husband here
 Laid down in youth his life and fame.

His wife disdained a life forlorn
 Reft from her heart's beloved lord;
 Then, Reader, here their fortunes mourn
 Who for their love their lifeblood poured.

TRIAL OF JOHN R. BUZZELL,

THE LEADER OF THE CONVENT RIOTERS, FOR ARSON AND BURGLARY.

SUPREME JUDICIAL COURT.

Present,

HIS HONOR LEMUEL SHAW, LL. D., *Chief Justice.*

HIS HONOR SAMUEL PUTNAM, LL. D., } *Associate Justices.*
" " MARCUS MORTON, LL. D., }

Counsel for the Government,

HON. JAMES T. AUSTIN, *Attorney General.*

" ASAHEL HUNTINGTON, *District Attorney.*

Counsel for the Prisoners,

HON. GEORGE F. FARLEY.

" S. H. MANN.

EAST CAMBRIDGE, TUESDAY, DECEMBER 2, 1834.

At the opening of the Court, the Attorney General stated that the Government had labored under a difficulty—which was, the absence of important witnesses. He suggested that their non-appearance was occasioned by a notification threatening with death those who did appear as witnesses against the prisoners.

An animated discussion now took place between the Attorney General and Counsel for the prisoners; which terminated in Mr. Austin's moving that John R. Buzzell be now put on trial.

The clerk now read the indictment, which contained twenty-four counts, and included all the prisoners in its specifications, although each prisoner will be tried separately to give them a better chance of defending themselves.

The indictment alleged, in various forms, that John R. Buzzell, Prescott P. Pond, William Mason, Nathaniel Budd the younger, Marvin Marcy, Sargent Blaisdell, Aaron Hadley, Benjamin Wilbur, Ephraim G. Holwell, Isaac Parker, Alvah Kelley, Thomas Dillon, not having the fear of God before their eyes, but being moved and seduced by the instigation of the devil, on the 11th day of August last, with force and arms, did feloniously and burglariously enter with clubs

and bludgeons the dwelling house of Mary Anne Ursula Moffat, otherwise called Mary Edmund Saint George, and steal certain sums of money, break the furniture to pieces, and set fire and burn the dwelling-house of said Moffat, against the peace of the commonwealth, and contrary to the form of the statute in such case made and provided.

To this indictment the prisoner pleaded *not guilty*.

The jury were now empannelled. As each juror was confronted with the prisoner, Judge Shaw asked him if he had formed any opinion as to the guilt or innocence of Mr. Buzzell, or any other of the prisoners. And if he had any conscientious scruples against convicting in a capital case. After several challenges the following persons were selected.

Jury.

William Farris, *Foreman*.
Abner Albee,
Nathan Brooks,
Joseph Bigelow,
Artemus Cutter,
John Cutting,

Perry Daniels,
Osgood Dane,
Thomas J. Elliot,
Reuben Haynes,
John Jones,
William Rice.

The District attorney now opened the cause on the part of the government in substance as follows :

May it please your Honors and Gentlemen of the Jury,

The crime for which the prisoner at the bar stands indicted, is one of the most aggravated description, viz., *Arson and Burglary*. The first is the malicious and wilful burning of the house or outhouse of another. It is an offence against that right of habitation, which is acquired by the law of nature as well as by the laws of society. The second is breaking into the house in the night time. It has always been looked upon as a heinous offence ; not only because of the abundant terror that it naturally carries with it, but also as it is a forcible invasion and disturbance of that right of habitation which every individual has.

The punishment of Arson is death. The punishment of the other was death, until 1805, when there was a slight modification in the statute. He now gave a detailed statement of the burning of the Nunnery. And with respect to John R. Buzzell, the government would be able to prove that he was on the spot at eight o'clock, on the evening before the fire, acting as a leader, and fomenting a riot, and wielding a club, using abusive language, and refusing to tell his name, but boasted of beating an Irishman. By which circumstance they could prove his identity. The government could prove by an accomplice that he was on the ground, and by another witness, that he was

in the house. The jury would feel the great responsibility of passing upon a case involving human life in its issue. But they had a duty to perform both for the prisoner and society. We are not called here to try the merits of this or that denomination of Christians, whether the Catholic Institution which has been destroyed was a good or a bad one. All sects are viewed in an equal light by the law. And if when a sect becomes unpopular its property is to be destroyed by a mob, none would be safe. It is the duty of every good citizen to set his face against such proceedings.

The Lady Superior sworn. She appeared in the full costume of her order. A full black gown, with a cross hanging from the girdle, a white linen tucker falling over the breast in front, a white bandage tight across the forehead as low as the eye-brows, another bandage passing from the temples under the chin, and a black crape veil falling on the shoulders and below the waist from the crown of the head, and when drawn forward entirely concealing the face.

My name is Mary Anne Ursula Moffat. I was born in Montreal, and entered a convent at Quebec at the age of seventeen. After remaining there twenty years I came to Boston. When nuns take the veil they assume a new name. I have the entire management of the temporal concerns of the institution. Miss Harrison was one of the nuns who conducted the Selectmen of Charlestown over the convent, when they searched for the "mysterious lady," i. e. herself. I am called Mother in the Community, but not Divine Mother; and they do not confess to me, but to the Bishop, or some other priest, once a week. The Virgin Mary is not represented by my office. The nuns in their hours of recreation talk about what they please, but do not talk together after seven P. M. Confessions are only made loud enough to be heard by the priest, who is separated by a wall, with a hole in it to admit the sound through. The Bishop does not pardon; he reads the church prayers to them. We meet together once a week, to tell our small faults to each other, when I advise them what to do. The nuns never kneel to me or the Bishop; they occasionally ask his benediction. The nuns sleep alone. I know Miss Reed of Charlestown. She was taken into our community out of charity, so as to be able to get her living by keeping school. She had an opportunity of knowing what took place in the Convent, with the exception of the school-room. She was much older than the young ladies in it, and very ignorant. She wanted to join us; and we promised, that if she had strength of mind, constancy, and chastity enough, we might take her in, or send her to some other community. She ran off after staying with us four months, because I would not let her take the white veil. Candidates take the white veil in three months, and the black veil in two years and a quarter. Miss Harrison, called the Mysterious Lady, was deranged two or three days before leaving us. She wanted the doors to be all kept open, kept calling for new instruments, and acting very extravagantly. We endeavored to calm her,

and took great care of her. She left us on the 28th of July, and went to Mr. Cutters. From thence Mr. Runey carried her in a carriage to Mr. Cotting in West Cambridge. On Saturday Mr. Cutter said the mob would destroy the Convent if they did not see the nun. I told him that the Bishop's influence over *ten thousand brave Irishmen* might destroy our neighbors. Mr. Cutter after this saw Miss Harrison, said he was satisfied, and wrote a piece for the paper. On the night of the fire, Mr. Cutter and another person took me forcibly by the arm, and endeavored to carry me into his house; but I resisted, and would not go in. He said my life was in danger from the mob. Our community was supported from the profits derived from keeping school. The property of the scholars alone amounted to fifty thousand dollars. I had *one thousand dollars* in money myself. We owed nothing for the lands or buildings at Charlestown.

Mary Anne Barber, known in the Convent as Sister Benedict Joseph. This beautiful young lady gave her evidence with great dignity and propriety. Her appearance and dignified deportment attracted the attention of the whole court, and her loveliness made many a poor fellow's heart ache. I was born in the state of Connecticut, and am twenty-five years old. Have been a nun eight years. On the night of the 11th of August I was awakened between nine and ten o'clock by the Superior, who desired me to dress quickly, and collect the children together, and the young ladies. I tried to tranquillize them. I saw from the window the mob collecting in front of the Convent. They used vulgar language towards the Superior, called for the "figure-head," and said it was made of brass. When they began breaking the windows, they were all in the building. I conducted the young ladies to the summer-house at the bottom of the garden. I was unable to save anything.

Elizabeth Harrison, alias Mary St. John, called the Mysterious Lady. I have belonged to the order of Ursuline Nuns for thirteen years. I taught music in the establishment. Every thing was done to make me comfortable. I had no difficulty with the Superior which induced me to quit; but I was mentally deranged. I should have thought it impossible, if any one had told me I should do what I did. I gave fourteen lessons a day of thirty-five or forty minutes each. My recollection of what took place afterwards is very indistinct. (At this period the witness became sensibly affected, the interrogatories were discontinued, and she left the Court).

The Right Rev. Bishop Benedict Fenwick, LL. D. I am a native of Maryland. Was formerly President of Georgetown College, D. C. I have been Bishop of Boston since 1825. I went for Miss Harrison, and found her at West Cambridge. She was much excited, and looked very haggard. I wished to lead her home a few days after she returned to the Convent, but she entreated me to let her stay. They took a house near the Convent for me to retire to for the purpose of study, and not to incommode the community in their du-

ties. Part of my library was burnt, consisting of Latin, Greek, French, and English books. I receive confessions as any priest does. Priests and bishops do not marry. We live like the Apostles, of whom we are the successors. The Catholic religion has never prohibited the use of the bible as a general rule. I should wish every member of the Catholic faith to have one; but I should be sorry to see children and young persons reading certain parts of it. The Jews of old prohibited their children from reading certain parts of it until they arrived at a certain age.

Warren Draper, Esq.—I furnished the *Journal* with the information out of which the article called "Mysterious" was compiled. I am a fireman, and belong to the fire department; was on the ground the night of the fire; saw them break in the lower windows with clubs. After breaking in the front door, a large number of persons rushed in, and threw the chairs, mirrors, books, &c. out of the windows. Some of them came to the window with a large book, and said, "Here goes the Bible. Set fire to it with a torch."

Thomas Hooper (one of the Charlestown select-men). I arrived when they were in the act of breaking in. I told them that the story about the lady was all false; that the select-men had examined the premises, and found everything to their satisfaction; told them that there were fifty children, and a sick lady, besides the other nuns, in the building. One replied, that no female should be injured, but that the *cross* must come down (meaning the cross on the building). They were at this time breaking up the furniture, and several voices cried out, "Now for the torches." The idea of setting fire to a building so extensive, with fifty children in it, sensibly shocked me; and, to induce them to desist, I told them, that if they contented themselves with what they had done, they might possibly escape, but that if they brought torches they would certainly be detected. The safety of the children became paramount in my thoughts, and I groped round for the sleeping apartments, and called for the Superior, and was told that the children had all escaped. At that time the mob had possession of the whole building. Finding it impossible to save the building, completely on fire, I returned home.

Hon. Levi Thaxter.—In driving by the Convent we saw two men near the gate. They stepped up close to it, which looked suspicious. Judge Fay got out and went up to them. Loud talking soon commenced. One said a great deal about blood shed by the Roman Catholics and about Convents. One of them ordered me to take my horse out of the gate-way as it would be in the way by and by. When the prisoner came into court I was not certain he was the tall man until I heard him speak.

Judge Fay.—I saw a man who answers perfectly the description of the prisoner. He said, "I am the man that whipped the Irishman down on the canal." When I heard his voice at the examination it struck me as being the man I had seen.

Peter Rossiter—Belonged to the convent—Buzzell accused him of having beaten a woman, and knocked him down, and beat him after he was down. It was on the Medford road. The witness said—"I did not prostitute him, for fear that he might way-lay me, and take revenge."

Dr. Abraham Thompson.—Dressed Rossiter's wounds, his face and breast were wounded. * * * *Miss Saint Henry* [then a member of the community, but since deceased] was laboring under a pulmonary consumption, her death was undoubtedly much hastened by the shock of the attack on the convent, the next day she lay extremely prostrated, the day before the burning she was very cheerful, and visited the music-room, she was carried out of the convent in a state of great terror, and the shock produced a spasm, which, combined with the night air, effected the extreme vessels of the system, through the medium of the nerves.

Col. Elbridge Gerry.—Saw from thirty to forty-five persons round the gate, after they forced the Convent gate down, some ore called them to order, and wanted them to make a ring, and agree upon some plan to attack the building. Another said they had "better wait till another time, and get better organized, as they were but *poorly* organized then." Another swore it should come down that night. A *tall man* then proposed to get some tar barrels, and went off, but in about half an hour he came back in company with four others, bringing with them several *tar* barrels, the tall man brought one barrel. They then brought up a part of the board fence of the Convent lands, the fence wood was laid on the tar barrels, to make a bonfire, to raise an alarm of fire, and collect a greater number of people, there was a steady stream of people coming up with arms full of the fence to feed the bonfire, I have no doubt that the *tall man* I saw is the prisoner at the bar. I could have selected him out of a crowd of a thousand people, I saw the fire put to the building.

Edward Phelps, was in company with Colonel Gerry, [whose testimony respecting what took place at the gate he confirmed] I took considerable notice of the *tall man*, who proposed to get the tar barrels, he brought one on his shoulder, I was within six or eight feet of him, the prisoner at the bar resembles him, it is my opinion that the prisoner is the man, I think I should recognize him any where else, "I noticed him from his being so tall and very noisy, I marked him out as a leader. I did not assist in the riot, if I did I should not own it, I think a criminal has no right to criminate himself, I should think it rather an improper question to ask a fellow."

Henry Buck [an accomplice, and a State's evidence]. I came from Claremont, N. H. last April, lived with Mr. Adams at Winter Hill, I heard that the Convent was to be burnt down over a fortnight before it was, it was soon after the girl left the Convent that I heard it was to be burnt down, some people met down near the Convent, at the school house, in the evening, there were about a dozen present at that meeting, they talked some about sending round to get *help* to do it

then, but they separated without concluding on any thing. They had another meeting four evenings after, when there were about *thirty* persons present.

At the second meeting, the same kind of discourse took place, they agreed to notify all they could to come to the next, I did not see Buzzell at either of those meetings, I'm sure he was not at the first one; he might have been at the second meeting, but I don't know it. Mr. Kelly told them that they had better wait till the *three* weeks were out; but said, if any thing was to be done before, notice should be given, this man was at the second meeting. About a fortnight after that meeting, a barn was burnt, in Cambridgeport, it was on Saturday night, a large mob of people, from that fire, collected round the Convent, but nothing was to be done till Monday night.

The next Monday night, I went down alone, about nine, I found a large collection of people there, making considerable noise, Buzzell was there, he had a large club in his hand, and appeared to be at the head of them, he would tell them, every three or four minutes, to give three cheers, some thought there were not men enough there to do it, Buzzell proposed that they should go and tear down an old blacksmith's shop; they did not go; some thought it would be best to build a fire with tar barrels, which would set the bells a going.

A crowd followed the engine up, and began to throw stones; I do not mean the engine men more than the others. The first lights were brought from the engine; but they afterwards got candles in the building, and lighted them. When they were breaking in the windows, some one cried out, that the folks were not all out of the house. Two men got into the windows, and one came back to the window, and said there was nobody inside. They then jammed the doors open with pieces of bannisters of the chapel stairs. Nearly forty or fifty then entered; *I was one of them*; I assisted in breaking the door in; I helped to throw the furniture out, and tear down the inside work of the building. Some had pieces of the fence in their hands. I went into different parts of the building; I picked up a small work box (identified by Miss Barber, one of the nuns); I saw a number of desks broken all to pieces; I saw JOHN R. BUZZELL in different parts of the house; saw him break down the door; throw out furniture; he told the rest to go ahead, and down with the convent; he had a piece of wood in his hand three feet long, and as big round as my wrist. We found candles in the building, and lighted them by the light they got from the engine; they took these lights to search the house; I stood in the house nearly an hour, till the building was set on fire; they found paper in the convent, and piled it upon the chairs, and in heaps in the middle of the rooms, and set fire to it with the lights; the fire was applied in four or five places; I did not see Buzzell when they were setting the fires; the fires were set in the lower and second stories; the first fire I saw was in the chapel; I saw a number put things in their pockets; saw one fellow take a

watch, put it into his pocket and carry it off; did not see any silver things taken, or money; if they found a door shut, they jammed it open with clubs. After the fire was set in the main building, I saw a fellow take some fire down into another building, next to the road; he carried it in, and was going to set the house on fire; one of the engine men went to the window, and told him to put it out; when he came out of the window, the engine man demanded his name, and called out to "stop him." The fellow then cried out, "help," and Buzzell sung out to the engine men who were after him, "Let him alone; don't meddle with him." I did not see Buzzell after that; I went right home. I saw Buzzell before he entered the building; I heard him called by name, I spoke to him before he went in; I asked him if there was going to be any more men there; he answered, "The Charlestown people will all come as soon as they see the barrels burning on the hill." A good deal of women's clothing was burnt; I remained in the building as long as it was safe to stay.

Cross-examined.—At the first meeting there were about twelve present. They asked a Mr. Cutter, if it was not best to send round, and get help that night. He said he guessed it was best to wait a spell. He said he wished the Convent was down; that it had'nt ought to be there; and hoped it would be torn down. The reason I went there was, that I understood there was going to be a mob there; I did not know certain; each agreed to notify all they could the next day, to meet the next night. I told them that I would notify all I could. I agreed that it was necessary that the Convent should be pulled down. The next meeting took place the next night—but stop, let's see—it was not the next—yes, though, it was. I don't recollect what I testified yesterday about it. At the second meeting Mr. Kelly and Mr. Cutter were there; sent me and another to get Mr. Kelly and his hands to come down to the school-house. We told them they were wanted for something about pulling down the Convent. They said, "We are all up to that." When they came down, they said, "What be ye? ain't Paddies, be ye?" Mr. Kelly is the man now in jail. Some thought they had not better do any thing about it till they had got some thousand men. Mr. Kelly thought they had better wait three weeks, and if they did not let the woman out then, they would liberate her, and pull down the building. If the rest were for pulling it down, I was. It did'nt make any odds to me when we did it; I was'nt particular; I was ready any time. I did not see Buzzell at either of those two meetings. I helped to tear down the Convent gate, and kindled the bonfire, broke the windows, threw out a harp; saw Buzzell smashing from one room to another. I was arrested on Wednesday after the riot, and put into the East Cambridge jail, from which I attempted to escape, after I testified before the Grand Jury. I got out of the jail yard, but was retaken in the meadow, about twenty rods from the jail.

James Logan—Heard the man who got the torch say, he got it

from "No. 13." I was one of the first who entered. The first outcry was for the "sick nun." They then emptied the drawers and bureaux and put the contents into their pockets and hats. I went in for the purpose of saving property, and saved between *two and three hundred dollars* worth, which I delivered to the Rev. Mr. Byrne.

Walter Balfour—Was in the Convent on the night of the fire. Went to see if he could find any one to tell of, and if he could be of any service. These were his only objects. Thought the engine men were there for a bad purpose.

Mr. Mann (one of the prisoners' counsel) occupied four hours in an eloquent and forcible argument. He unfolded the grounds upon which he expected to obtain the acquittal of the prisoners. The statute under which the prisoners have been indicted, was never intended to reach the offence with which they are charged, but was meant to apply only to individuals. The whole transaction came under the provisions of the riot act. It is very dangerous to apply the statute of arson to cases of this kind. There is a great liability to error, it being so difficult to identify with certainty at night and in a crowd. If the select-men of Charlestown had come forward, and taken the persons at once into custody who were engaged in the riot, there would have been no mistake as to identify. Mr. Mann then alluded to the institution which had been burnt. The government had endeavored to prove that it was a charitable one; he would endeavor to prove that that was not its object. With respect to the Lady Superior, he could not conceive why that lady had been brought into court, except for to make an impression, and produce an effect. Her testimony was of no use at all in the case. And all the female witness pretended to have a cold, which they caught on the night of the fire. With proper feelings of respect for the Lady Superior, he would tell the jury that he would call witnesses to impeach the truth of what that lady had said. The prisoner at the bar cannot be convicted without Catholic testimony; we will endeavor to show what that testimony is worth. The learned gentleman then spoke of the testimony of the Irishman Rossiter, and asked the jury if the witness had not perjured himself on the stand, and before them. He said he did not set the dog on the women, that he did not strike, and did not know why Buzzell struck him. We shall prove that he *did set* the dog on the women, and threw one of them down, and struck her. And Buzzell first charged him with this unmanly conduct, and then "showed him how things of this kind were settled in this country." With respect to Logan the Irishman, who testified on Friday, he would leave him to the jury, who witnessed his behaviour on the stand. What could save him if he stood where Buzzell now stands. Would the jury have any doubt of Logan's guilt, if arrested. He now concluded his argument, and called the witnesses for the defence. He said the character of Buck was infamous from his cradle, which he would prove by good witnesses.

Lorenzo Russel.—Knew Buck in Dorchester, N. H., two years ago, by the name of William H. Marsh. His reputation was *very bad* indeed. Buck stole a suit of clothes and ten dollars from me.

Samuel Lillis.—I knew Buck by the name of Marsh. No confidence was placed in him or in anything he said.

Miss Rebecca Theresa Reed, the young lady who, according to the Superior, was received out of charity, and eloped from the convent because she was not allowed to take the white veil. She looked *very interesting and handsome.*—I am an Episcopalian. I lived at the Ursuline Convent nearly six months. I was a choir sister there, that is, a choir *religieuse*. I was eighteen when I went there. Mary Agnes Theresa was my religious name. I had my choice of a name—I was known by it in the convent—Miss Mary Benedict and the Superior were there—the Superior was known by the name of *Ma mere*—there were twelve recluse nuns there. When I lived in Charlestown, before I went into the convent, Mrs. Graham and Mr. Payne brought me some books, which I understood were presented to me by the Bishop. When I was in the convent it was the practice of the nuns to prostrate themselves before the Bishop.

Abijah Monroe.—Was one of the selectmen of Charlestown—Miss Harrison herself went with us to the tomb—she carried the key—myself and one more went down—we applied the key, but it would not operate—Miss Harrison told me that I might open the door any way I chose—we broke the door—in pulling it the staple came out—the bolt of the padlock was broken, or probably decomposed by the rust. I was satisfied that the tomb had not been opened for a long time previous, and remarked to Miss Harrison, in reference to the rumor that she had been secreted away, that she had not been imprisoned in the tomb at all events. When we left it, it was put together, so as to look^d as if shut—the trap door above was replaced. When we left, it presented to the eye the same appearance that it did when we first went into it. It could not have been entered without removing some of the securities of the dead. I was in the road on the night of the riot, from twelve till three—did not see the prisoner there—I did not do anything to stop the riot.

Edward Cutter.—I live about a quarter of a mile from the convent, and about the same distance from the school house—I never heard of any meetings at the school house, till I heard it from Buck in the Town Hall, in Charlestown—myself and brother are the only brick-makers, of our name, in Charlestown—I am always at home evenings—on Saturday night, August 9, I had a conversation with the Superior—I went to the convent with my brother to get an interview with Mary John (Miss Harrison, the “Mysterious Lady”)—after we entered the parlor, I told the Superior that I had called to get an interview with Mary John—she replied, that if that was my object for calling, she would not gratify my feelings—she said I might bring on my mob—that she had understood that I had applied to the selectmen for

a mob, and that Mr. Runey and myself were to head the mob. I requested her to tell me who had said so—that if she would give me the name of her informant, I would satisfy her it was not true. I assured her that I had called from friendly motives. She said—“You may fetch on your mob, the Bishop has twenty thousand of the vilest Irish who might pull down your houses over your heads—and you may read your riot act till your throats are sore, and you cannot quell them—you and Mr. Runey, Fitz Cutter, and Mr. Kelley will have your houses torn down over your heads.” (This answer was given by the witness in three different forms.) She steamed away in that style a considerable time, till at last she brought in Miss John, and became quite good natured.

Cross-examined.—I should think what I now state does not differ from the statement that was printed in the Bunker Hill Aurora. I heard the common report, that the nunnery had got to come down, I told every one that spoke to me about it, to keep away, that I did not believe there was a word of truth in what was said about the convent.

* * * On the night of the fire, I went with the Superior to Mr. Adams', before that I had been to Mr. Runey's to see about the children, and collect them together in my house, then went up to the convent grounds, saw the nuns in a circle in the garden, asked them if they would accept my protection, one spoke up, and said, “Is that you, Mr. Cutter;” and said they would be glad to have my protection. I told them the children were at my house, they asked me if their lives were in danger, I said yes, I thought they were, I asked where the Superior was, they answered that she had told each one to take care of herself, and had probably gone to take care of herself, I thought they were going to follow me down, but they said, “You had better go down and see after the children, and if we find our lives in danger, we will come down to your house.” The next I saw of them they were all in the road, opposite my house, they stopped there, two seemed to stray away, and walked off in another direction, they appeared to be lost, like a couple of silly sheep separated from the flock; we followed them as they crossed the fence, they appeared to be lost; one was about stepping into a cellar, I put my hand upon her shoulder, and discovered by her voice, that it was the Superior, this is what she meant, I suppose, when she testified that I took her by the shoulder and tried to force her into my house, she said to me, “Mr. Cutter, I do not want any of your assistance, and will not enter your house.” She said I had delayed making my statement in the paper on purpose to have the convent attacked by the mob, and that our own houses would be torn down. After Mary John came in on the Saturday night, the Superior appeared to be perfectly satisfied, and was pleasant and good natured, and treated me very politely and handsomely: Miss John told me that the Superior had always treated her like a mother, she certainly spoke of the mob before I told her that the institution was in danger; there never was a person that ever treated me more

kindly or better, as a neighbor, than the Superior did. The only act I ever did that offended her was the taking of Miss John to West Cambridge. Before the nuns got into any body's house the convent was on fire.

John Runey—one of the selectmen, was at the convent gate about a quarter before nine, was surprised to see people collected there, said to them "Young men, the selectmen have been at the convent, and they are satisfied; and something is coming out in the papers in the morning that will satisfy the public." They replied, "If the statement was satisfactory, it would be well; but if not, then on Thursday night the convent must come down." I did not see Buzzell there, there were two or three tall men, did not mark any tall man in particular, I tried to identify some of them, but could not.

James R. Smith.—Was at the fire, I'm well acquainted with Buzzell, I saw a tall man very forward among the crowd, I thought it was Buzzell, and was going up to speak to him; but when I got within six feet of him, I found that it was not him, he had on a low hat spattered with clay, his dress also spotted with clay, never heard Buzzell called "*Old R*?" I did not see Buzzell at the fire, a week before he had no whiskers.

Azariah Holmes.—Boarded with Buzzell—he had no whiskers—brick-makers can't wear whiskers in summer, on account of the clay getting into them, some days before the fire, Buzzell took cold, and his voice was so changed by it, that I should not have known him by it—at nine I saw him at the kitchen door of Mr. Kelley's house (his boarding house)—I never heard him called "*Old R*?" until after he was arrested.

Ambrose Edson.—Saw Buzzell about every day, my recollection is distinct that he had no whiskers.

Jesse B. Packard.—Saw Buzzell every day, had no whiskers at all, never heard him called "*Old R*?" On the night of the fire, I had been abed, and tried with all my might to go to sleep.

Asa Wetherbee.—On the 7th of August asked Buzzell to help me unload some slabs, he said he could not he was so unwell with a cold, I told him that I would pull his ears, in joke, he answered, "Well, you may pull my ears, but you can't pull my whiskers."

Jesse Templeton.—Knows Buzzell, saw him the evening before the burning of the convent, between eight and nine o'clock at Mr. Ford's store, about half a mile from the convent gate, he said he had a bad cold, and as I had a cold too, I proposed to drink some gin and molasses. He then went towards his house, and I towards mine, when I got to my house the bells were ringing nine. * * * Saw Buzzell after the convent was in flames near the gate, he came up and slapped me on the shoulder, saying, "Are you here?" The people generally were in their shirt sleeves, good many had tarpaulin hats on.

James Buzzell.—Brother of the prisoner, saw his brother setting on

the grass before Mr. Kelly's door, after nine o'clock, discovered by his voice that he had a bad cold, and advised him to go into the house, he had no whiskers.

Asa P. Parker.—Went up to the convent fire with engine No. 4—when we got opposite Kelly's house, Buzzell took hold of the rope next to me, some fellows then started out from the side of the road, with smutted faces, and tarpaulin hats, and laid hold of our rope, to drag the engine up, but we held on, No. 13 from Boston then came up, and the same fellows caught hold of her rope, drove off the boys and others that had hold of it, and ran her up to the convent, the captain of No. 13 ordered her to be stopped, but they kept right on. As that engine passed through the gate, a very stout, tall man, with big whiskers, like false ones, took off his jacket and followed the engine up. Buzzell was standing with Mr. Blaisdell when we came to Mr. Kelly's. Buzzell remained with the engine, we wanted him to sing "*Jim Crow*," but he had a cold and could not, he rested his arm on the brake. I saw the stout man all about there, his face was a little smutted. After the small building was set on fire, I saw this big man and a small one with a blue jacket coming towards us, the little one said, "I set fire to the small building twice, but that — fool of a Charlestown engineer put it out again, but they may do their best now, if they want anything of me let them call at the steam-boat Bangor.

Cross-Examined.—I am pretty positive that his jacket was not on, he was straighter and fuller in the face than Buzzell.

Mr. Farley, one of the counsel for the prisoner, closed on the part of the defence in a brilliant and eloquent argument. He commenced by impressing upon them the necessity of patient investigation in this important case, and the duty which devolved upon them of dismissing from their mind every feeling of a light or frivolous nature. Peculiarities of character had been drawn out and exhibited during the previous examination of witnesses, and the Jury might have occasionally felt amused at circumstances which came under their observation. They were now, however, to dismiss these things entirely from their minds. To remember that they were not now called upon to decide a question of property, but to declare whether the human being now before them should be cut off from existence; whether his probationary state should be terminated, and whether he should be sent from this world "with all his imperfections on his head."

Mr. Farley first alluded to the nickname of "*Old R.*" and said, It is only proved that *Old R.*, even if that man was Buzzell, still he only agreed to be "on hand on Thursday night;" but we deny that Buzzell was ever called *Old R.* till afterwards. We deny his ever having been there, either at the gate, the bonfire, or the burning of the building. The preponderance of the evidence is, that he was not there. The first witness who attempts to identify him is Mr. Thaxter, and on the cross-examination he went so far as to say that when he first saw the prisoner in the court, he did not think he was the man, till he heard

him speak. But what did Buzzell say in the court? Did he use the same words and tones he used on the night of the riot? No, he stands here a prisoner merely, and only repeats the single word *challenge*. But it will be recollected that Buzzell had a cold, proved as far as any fact can be proved, and that his voice was affected by it; and if we believe the witnesses on this point, we must believe that Buzzell is not the man that Mr. Thaxter heard at the gate, for when in the Court House, Buzzell spoke in his natural voice, but at the time of the conversation at the gate, Buzzell could not speak in his natural voice. Mr. Farley also disposed of Judge Fay's, Fitz Cutter's, and Mr. Burbank's testimony respecting the voice, in the same manner as he turned the effect of Mr. Thaxter's. The next point he took up was the boast of "whipping their Irishman," which one of the witnesses qualifies, by saying "*the or three Irishmen.*" It is testified that the tall man said he had "whipped the Irishman over by the canal," but Buzzell attacked Rossiter on the main road, at a very considerable distance from the canal. There is no doubt that an Irishman was whipped on the canal, there are *twenty* whipped there every year, mostly by their own countrymen, but sometimes by ours. The locating the whipping "by the canal," proves that the tall man did not allude to the beating of Rossiter, but to another Irishman who was beaten.

It is proved also, as far as human testimony can prove it, that Buzzell had no whiskers at that time. No testimony could be even imagined farther than what we have as to Buzzell's having no whiskers; they tell us, that in summer brickmakers cannot well wear whiskers; one says he threatened, in jest, to "take him by the ears," a day or two before, and that Buzzell replied, "he might take hold of his ears but he could not take hold of his whiskers, as he had none." Buzzell has whiskers now, and it is these very whiskers which tends to make Mr. Fay identify him with the "tall man." We say there was a man talking with Judge Fay, and that man had whiskers, and therefore that man could not have been the prisoner.

With respect to the supposed nickname, "*Old R.*" Mr. Farley advanced the idea, that the words used were "*Old Ayr,*" a well known name; and further, that it was never pretended to connect Buzzell with that appellation till after his arrest.

Bennett, the clearest, and fairest, and strongest witness against the prisoner, whom he swears to positively, says he had *large whiskers*. On the other side, Smith, equally clear and fair, testifies that he thought this "tall man," taking so active a part was Buzzell, with whom he was well acquainted, till he went up to speak to him, when he discovered that he was mistaken.

To prove that Buzzell was not the tall man, so conspicuous between eight and nine, and immediately after at the gate, we have Templeton, who was in Lord's store with him, a half a mile from the gate, that to ease his cold he drank molasses and gin; the next we hear of him is

about a quarter past nine, when his brother finds him sitting on the grass in front of Mr. Kelly's house, where he lives. The brother blames him for so exposing himself with his cold, and advises him to go into the house. Does this agree with the leader of a desperate riot? Both of these witnesses must have perjured themselves, or Buzzell could not have been the tall man seen at the convent gate by Mr. Fay and others.

Mr. Farley then adverted to the statute under which the prisoner had been indicted. He agreed with what his colleague, Mr. Mann, had said the other day as to the Riot Act being more applicable than any other act to such a transaction as the burning of the convent, but still did not mean to question the right of the prosecuting officers to indict under the statute for arson. A mob, however, ought to be dealt with on the spot, by the militia or *posse comitatus*; property would thus be saved, and the individuals engaged in it might be prevented from rushing headlong to destruction. If this was not done, but if, on the contrary, it was sought to punish after the offence had been committed, was there not danger that the innocent might be made to suffer with the guilty? The law made no distinction, could make none, when transactions of this kind were treated as the present had been. If a person went to such an assemblage as the one at Charlestown, with the best intentions, and, under the excitement of the moment, countenanced or supported the rioters, he would be as guilty in the eye of the law as if he had been concerned in a conspiracy to effect the outrage. Degrees of guilt might exist, but, under the present form of prosecution, the law could not take cognizance of them. An innocent person might be arrested, and he could not tell his own story; he was only permitted to adduce such evidence as by the rules of law was admissible.

With reference to the rejection of Miss Reed's testimony, Mr. Farley remarked that the government witnesses had testified that Miss Harrison was insane, and yet it now turned out that the counsel for the defence were not to call witnesses to rebut this testimony. They, (the counsel for the defence,) had not objected at the time to the testimony adduced by the government, because they did not think such testimony improper, but should their omission in this particular prove detrimental to the prisoner, it would be a matter that they would never cease to regret during the remainder of their lives.

After a few further remarks upon this subject, Mr. Farley proceeded to consider and comment upon the testimony adduced by the government against the prisoner, and which we have laid before our readers. He went through it laboriously and minutely, and on the whole made out a very favorable case for the prisoner.

He went very largely into the evidence of *Buck*, contending that that individual, from his notoriously bad character, was unentitled to the slightest credit. *Buck* testified, he said, under fear of his life. It was his interest to have Buzzell convicted; for having once before

testified that Buzzell was concerned in burning the Convent, and having been admitted a State's evidence on these grounds, he was obliged to adhere to his statement, lest he should be considered by the Government as forfeiting his pledge. He could not now do otherwise than persist in criminating Buzzell, or he would convict himself of having told a lie in the first instance. He (Buck) believed that the Government would not consider itself bound to bear him harmless if he did not do this. And in this he was right; for if the Government acted differently justice could not be done; and any rogue might escape by testifying against his accomplices at a primary examination, procuring the Government promise of safety, and afterwards refusing to corroborate his statements on the stand. *Buck*, then, having made previous statements, found himself bound to adhere to them, lest he should be deserted by the Government.—How improbable was his testimony! How was it possible that thirty or forty men could meet near the school-house, without such an assemblage being observed by the neighbors. The fact was, his testimony had been made up to save himself, and he had implicated those persons whose names were most connected with this transaction. He had said that a Mr. Cutter attended the meetings near the school-house, doubtless alluding to Mr. Fitz Cutter; and had also stated that Cutter and Kelley said they would notify the people of these meetings, and their object, desiring him (Buck) to do the same. Now Cutter and Kelley were men of respectable standing; was it likely they would thus openly engage in a conspiracy of such magnitude as the burning down of the beautiful building at Mount Benedict, or that they would place themselves at the mercy of a stranger, like Buck, (he had hardly been six weeks in Charlestown) desiring him to notify all persons of their meetings? The thing was absurd.

In alluding to the testimony introduced this morning by the government in favor of Logan, Mr. Farley said it amounted to nothing. The evidence given by the witnesses was merely of a negative character. They testified that they had not heard any thing against him. Why a man might have a bad character, and dozens of persons never hear that such was the case. On the contrary, the witnesses for the defence had testified positively that Logan bore a bad character. And they were gardeners; men in his own profession and who knew him well. The Attorney General had considered this objectionable, and had said that two of a trade never agree.—But where, he (Mr F.) would ask, did men go to enquire the character of a man but to the individuals of that man's own profession? Where would they go to learn the character of a merchant but among merchants?—Where the character of a gardener but among gardeners?

Mr. Farley, concluded by alluding to the fact that the prisoner had a wife and children, and an aged father and mother. The life of the most worthless member of the human family, he said, was precious, but the individual at the bar was a man of good character, and his

life was valuable to others. If, however, the brother of the prisoner, now present, was to take the news to that prisoner's family that his life would be taken, such must be the case; the consequences of the verdict of the jury the prisoner must suffer; but he (Mr. F.) entreated the jury not to come to such a verdict until every reasonable doubt was removed from their mind. He only asked them to do their duty; to do unto the prisoner "even as they would that men should hereafter do unto them."

The Attorney General then rose, and addressed the Jury.

Gentlemen of the Jury—It has at last, after the great length of time spent in this trial, become my duty to address you in this important cause, a cause important to the prisoner, who has forfeited his life to the law and to the country and the people, whose capability for self-government are at issue. The crowd who have filled this court from day to day may look upon this trial as only the trial of John R. Buzzell, but gentlemen, *you* are on your trial before your own consciences, your country, and your God. Much has been said about your having the life of the prisoner in your hands, but this is not true. In our State Courts, there is no such thing as a *capital* trial, properly speaking.—Neither the Court nor the Jury are the instruments of his death. If you say "not guilty," no punishment can be inflicted, but if you find a verdict of guilty, there is a statute which makes it the duty of another authority to execute, imprison, or pardon altogether, and commute in any manner the sentence in each particular case, upon their own responsibility. When your verdict says a party is guilty, he is only on the road to punishment. * * * The crime is sacrilege, arson, burglary, and murder united, committed with protracted and continued atrocity. Here is a large estate purchased and paid for by three *native* American citizens, on this piece of land a large and extensive pile of buildings are erected, and the ground was laid out with a taste, that any but Vandals would have spared for their very elegance. In one corner, is the last sleeping chamber of the recluse sisterhood, who had secluded themselves in this retreat, under the supposed security of our Bill of Rights.

Here is a community of schoolmistresses, devoting themselves to the instruction of the females of the rising generation, and having sixty children under their care, and forty-seven of whom were in the building at the time of the outrage. Suddenly they are awakened by the yells of the ruffian mob, yells such as startled our ancestors, when the war whoop of the savages broke upon their slumbers. The dying woman faints, the lunatic sinks still deeper into the gloom of insanity, the children fly, and only one remains, one feeble old woman, gathering the strength of the lion from a mother's feelings, remains to save her children from the unbridled licentiousness of the brutal and infuriated mob. Then these intelligent, educated, highminded women, in the stupefaction of their grief, hover together, like sheep in a fold. In

the meantime their home is fired, the ornaments of the altar, and the word of God are stolen and destroyed, and, as if nothing was too sacred for destruction, the very tomb containing the last remains of eight of the sisters, is desecrated by the ruthless rioters. One of the fugitives from the mob is killed by the fright acting upon her disease. Is this not murder? What is murder in any case but the taking of life a little before the appointed time? The Commonwealth, the nation, the people are degraded, disgraced by this crime. They cowardly make war on children and women, they sneakingly go up to the building before they dare to commence the attack and quietly inquire if there is a musket in the house, or any one that knows how to use it. The chief magistrate of the town, what is he about all this time. Why he tells the rioters when they have destroyed all the property in the house that they have done enough, and having sore eyes he goes to his home and retires quietly to bed.

Can any sympathy be felt for a man who makes war on women and children? Where will be the pride of your American feelings when you take the stranger to Bunker's heights, and show him the slowly-rising monument, and your hearts beat warmly and your bosoms expand at the recollection of the achievements of your fathers which it is designed to commemorate, yes, where will be the pride of your American feelings when that stranger points to the other monument of ruins that frowns so gloomily on the adjacent eminence? The chills of fifty winters would not send such an ice-bolt through your hearts. In Russia, they enter baths heated to one hundred degrees of the thermometer, and then instantly plunge into the Neva; an American once tried this bath, and lost his life by the experiment; and the Convent rioters have prepared at Mt. Benedict precisely such a bath for American feeling. This crime is deserving of the severest punishment ever inflicted on the most flagitious offender, and to you, gentlemen, it is left to decide whether the prisoner was one of the perpetrators, and if you do come to a conclusion differing from mine, I must be content; but, good men and true, stand together and hearken to the evidence.

People who never saw each other before are brought into this court to tell you that John Buzzell is one of the men. This cloud of witnesses never knew that they would be brought together here, nothing brings them here but the fact that they were at the scene. The trifling discrepancies in their testimony are proofs of its validity. No two manuscripts of the reporters sitting here are precisely alike, the minutes of the court differ from mine, all differ in *words*, but all agree in substance. It is truly laid down in the books, "the usual character of human testimony is circumstantial *truth*, under circumstantial *variety*."

In proof of the soundness of this principle, let us refer to the inscription affixed on the Cross, as it is given by the four Evangelists—St. Matthew says, "This is Jesus the King of the Jews,"—St. Mark

says, simply, "The King of the Jews,"—St. Luke says, "This is the King of the Jews,"—and St. John has it, "Jesus of Nazareth, the King of the Jews." Yet, notwithstanding these variations, who ever doubted that there was such an inscription.

The counsel for the prisoner has drawn his cimeter across the neck of every witness for the government; according to him, there is not an honest man in the cause, except the honest Iago at the bar. Yet among these witnesses is your own Judge of Probate, the man who is entrusted with the appointment of guardians to your children, and apportioners dowers to your widows.

We are told of the Lady Superior's threat of the twenty thousand Irishman to Mr. Cutter, she undoubtedly did feel unpleasant to Mr. Cutter, he had done an unneighborly act when he assisted to carry away one of her family without letting her know, and after creating the rumor that was published in the paper.

It was natural for her to speak of retaliation, when Mr. Cutter spoke of the mob's tearing down the Convent, and if this cause be not settled right, I know not what may happen. But is Mr. Cutter's house pulled down? Have we seen, or do we see any thing of the twenty thousand Irishmen? Remember the Superior's deportment on the stand! Her property is destroyed and burnt up, but does she show any heat, zeal, or malignity of heart? Nothing, but the sublime spirit of her religion could have presented her in this court, so mild, so calm, with such resignation, as she displayed on the stand.

The Ursuline community are known throughout the world, and in history, as taking a part, an important part, in the active business of life, the instruction of youth; and when Napoleon and other governments suppressed convents in general, the Ursulines were spared, because they did not partake of the objectionable character attributed to the other orders.

The whole crime set forth in the indictment has been proved; and if the prisoner is guilty at all, he is guilty of the whole crime, and I call upon you, gentlemen, to make no compromise with your oaths in this matter.

We prove, by sixteen distinct positive witnesses, that Buzzell was there. We trace him almost every moment of his time, from twilight till the next morning. As "coming events cast their shadows before," Mr. Thaxter heard at Watertown that the convent was to be burnt down. He goes to Charlestown with Mr. Fay, and about nine o'clock we find them at the convent gate. Judge Fay and Mr. Thaxter tell you they saw Buzzell there, and Cutter says he could not see him, but thought it was his voice that he heard in the conversation at the gate. Coon afterwards saw Buzzell going up the avenue, Col. Gerry saw him coming down, Phelps says this was about ten, and Littlefield and Hogan saw him at the same time.

Judge Fay swears positively, he looked at him, and asked him his name, and he remembers the voice of the low, dirty fellow, who gave

him a vulgar answer, too filthy to be repeated aloud, but which was written down by him, and has been seen by the jury. Is not the voice as effectual a mark of identity as any thing else? Is not the human ear as good an instrument for identifying a man as the eye? Is it not even better? What effect his cold may have had on it, I know not, but on the Thursday following, Mr. Fay heard him talking loudly and angrily, at the examination; his cold must have got well exceeding quick; but even if he had a cold, I appeal to you whether, in fact, a cold does change the real essential character and sound of the voice.

We then find him called upon by his fellows to sing "*Io triumpho*," at the accomplishment of their infernal purpose, to sing "*Jim Crow*," to the infamous band of infuriated rioters. We have it, also, from his own witness, that a little before nine he takes a glass of gin and molasses to ease his cold and qualify him for the business; we soon find him bursting in a violent manner into the crowd around Mr. Fay, and using the filthy language proved to have been used by him. Kelly's house where he was seen by Holmes at nine, is right opposite the convent gate where Judge Fay saw him.

Again he was not seen during that night, where he ought to have been, in his bed, he was not seen there by his fellow lodger.

The witnesses all agree upon eight particulars, he was a stout tall man in shirt sleeves, light pantaloons, tarpaulin hat, clothes spattered with clay, like a brickmaker's, was called "*Old R.*," and "whipped an Irishman." Osborne swears that a man by the name of Buzzell was also called "*Old R.*," and we have in proof that neither of Buzzell's brothers were ever called by that name, bearing consequently a strong inference that the prisoner was. The evidence for the defence only proves that there was another tall man on the ground; but Buzzell is not identified simply because he is a tall man, but because he is tall, with broad shoulders, and a sharp nose.

In a capital trial, something very near to perjury will always occur, the prisoner is struggling for his life, with a plank near him, a desperate villain is always at hand to swear him off; but the tall man referred to by the prisoner's witnesses, does not answer the description given by Bennett; he was not dressed like a brickmaker, but had black whiskers, with a blue jacket, and having the general appearance of a sailor; and is it at all strange that there should be a sailor there also?

The prisoner says, "they know me up there; I whipped their Irishman, and they'll know more of me yet." They knew him from the circumstance that he had beaten their man; and they were to know him again by what he intended to do that night. The treasury of the commonwealth is at the disposal of the counsel, to bring witnesses, to prove that any Irishman had been whipped near the canal; but not one is produced, nor does any one prove that he was any where the night but at the theatre of the crime.

In answer to the question, so confidently asked by the prisoner's counsel, how came the state's evidence at the riot? The Attorney

General replied, with great emphasis, I know how he came there, some one set him on, but in this cause I cannot tell who, my mouth is shut ; but I do know who set him, as well as it is possible for any one to know any fact, but there are certain rules of law that confine Buck's evidence to his own agency, and the agency of the individual on trial.

Mr. Austin argued at considerable length, in favor of, and demonstrated the policy of admitting the evidence of accomplices in crimes, as being one means of protecting the community, by destroying the confidence of rogues in each other. Buck, he continued, pitches upon the same man, that the sixteen other witnesses fix on, and he is therefore corroborated by all the other witnesses.

You will judge whether Buck can or does tell the truth, from the fact that he has disclosed fully every circumstance in his life that he was permitted to tell, and you find him corroborated by the very witnesses brought here to impeach his character. He gives you the names of all the places in which he has resided, keeping back nothing, and even acknowledges that he changed his name. He has been kept in Boston jail, hand-cuffed, and removed from all communication, and has never heard a word of the story of the other witnesses, and therefore, if he be corroborated by them, they must have drawn their facts from the same source.

It is put to you, gentlemen, that no such meetings were ever held, as were testified to by Buck, but the general notoriety that the convent was to come down, is a proof that the meeting spoken of by him did take place, they agreed, at their meetings, to give notice to their friends and those they might meet, to assist in pulling down the convent, the design was published, it was known in Boston and Watertown. There is not one of Kelly's hands put upon the stand to contradict Buck's statement that they were sent for to join the rioters. Col. Gerry corroborates him about the proposal to postpone the commission of the outrage till Thursday, and the second proposal to procure, and the actual fetching of the tar-barrels.

Mr. Austin arrayed all the confirmatory evidence together in one chain, with masterly and invincible effect. All, he continued, confirm every statement of Buck respecting this melancholy plunder, and the conduct of the dastardly villains who dared to pollute and destroy this retreat of women and children. He is confirmed respecting the burning of the Bible, by Mr. Draper, who witnessed the impious crime. He is cautious not to tell any more than he knows. Why, if he came here to lie, does he not lie through thick and thin? If the truth does not bind him, why does he not say he saw Buzzell apply the fire to the building? Simply because he is aware that he might not be corroborated, and might be contradicted.

Not a single fact testified to by Buck has been contradicted. There is one particular circumstance, confirming his truth in a very singular manner : he says he saw a small man carry fire into a small building,

to set fire to it, but was driven out by an engineman, with a trumpet in his hand. Now the trumpet is always carried by an officer, or an engineer, and one of the defendant's witnesses swears he heard a small man say that he had attempted "to set fire to the small building twice, but the d—d fool of an engineman put it out again."

Chief Justice Shaw now charged the jury in an able and impartial manner. He explained the statutes under which the prisoner had been indicted.

It was laid down by the court, that, according to the statute of 1830, upon the crime of Arson, if no person was lawfully in the Convent, when it was set on fire, it did not amount to a capital offence, and was not punishable with death. The Attorney General, in reference to that principle, called the attention of the court, that Messrs. Balfour and Logan, who were in the building when fire was applied, were lawfully there; but the court were of opinion that they were not there lawfully, in the sense of the statute, though in other senses, their presence there was both lawful and laudible, viz: to afford protection and assistance, if there had been any persons in the convent requiring it. Upon the point of burglary, it was laid down to be a capital offence to break into a dwelling house, while there were persons lawfully in it, with a felonious intent, and armed with a dangerous weapon. Nor is it necessary to prove the intent, if the party be armed with a weapon competent to do the mischief, and does it. The court considered the testimony of the Superior, that she was in the convent when the rioters made their forcible entry, corroborated by the other witnesses, and they therefore fell within the scope and effect of this principle. The court did not sustain the proposition advanced by the Attorney General, that the nuns, being in the summer house, a part of the curtelage of the dwelling house, they were in the eye of the law, in the dwelling house.

The jury were instructed that they could acquit or convict the prisoner upon all, or either of the accounts in the indictment, on those which are capital, or on those which are only punishable with confinement to hard labor in the State Prison.

The Chief Justice then entered generally upon the evidence of the cause, with the remark that the commission of the crime had been conceded, and the whole case was resolved into a question of identity; and the evidence upon this point he stated to the jury with great impartiality, and abstained scrupulously from all remarks or suggestions calculated in the remotest degree to interfere with the peculiar province of the jury to decide upon its effect and weight against the prisoner. Chief Justice Shaw stated, that if Buzzell was the man identified by the first series of witnesses, yet, after the bonfire, there is no evidence against him but Buck and Logan, who saw him in the convent with a club in his hand, doing mischief. As Logan's character for truth had been questioned, his honor instructed the jury to regard prin-

cially the *intrinsic* probability of his statement, and its corroboration by the other witnesses, and also the circumstance that he was not contradicted in one fact. A witness may be incompetent from infamy or interest ; but a surmise by counsel against a witness ought not to have any bearing on the minds of the jury. It having been incidentally mentioned that stolen plants were once found in Logan's possession, his Honor charged the jury, out of justice to Logan, to disregard absolutely and entirely the remark, if they heard it, as Logan was not allowed to explain that circumstance, although he brought witnesses into court upon very short notice to testify upon that point.

The rule of evidence that prevents him from introducing evidence upon any particular charge, is founded upon common sense principles. A witness ought to have notice, if any such charge is to be brought against him, that he may have an opportunity to bring testimony to rebut it, which would lead us into a host of collateral trials during the pendency of the main one, to the entire obstruction of the regular course of justice. It is contended that the evidence introduced to support Logan's character for truth, against those witnesses who impeach it, is merely *negative* ; but when witnesses, knowing a party, swear that they know nothing against this character, though it be negative in form, yet in-point of fact, and from the nature of the case, it becomes *affirmative* testimony. The imputation that he was an accomplice, and a participator in the plunder, is also unsupported. He went to the Convent with a good motive, to look after the safety of the women and children; and takes possession of a number of valuable articles to rescue them from destruction.

That this was his design we know from the proof that he sends a message to the priest informing him that he has the property in his possession. His being a Catholic, and a regular member of Mr. Byrne's congregation, precludes the presumption that he was in the Convent for plunder ; and, if you believe him in all the material particulars of his testimony, and think he is not mistaken, then the defendant is guilty. With respect to Buck, his honor agreed with the Attorney General, that the tendency of admitting the evidence of accomplices was beneficial to the community, by destroying the confidence in each other which criminals might otherwise feel ; and the fact that Buck did not intend to implicate Buzzell in every transaction he witnessed as a corrupt witness might be expected to do. He also adverted to the circumstance that the prisoner made no attempt to prove an alibi ; nor does it appear that he was at his home that night.

The *Jury* now retired to agree upon their verdict.

VERDICT.

The Jury after an absence of *Twenty Hours* returned into Court with a verdict of *Not Guilty*; which was received with thunders of applause by the audience. Mr. BUZZELL was now discharged from custody and retired from the Court House to the green in front of the building, where he received the congratulations of thousands of his overjoyed fellow-citizens.

CAPTAIN LEWIS.

THIS worthy gentleman was an early pirate. We first find him a boy on board the pirate Banister, who was hanged at the yard arm of a man-of-war in sight of Port Royal, Jamaica. This Lewis and another boy were taken with him, and brought into the island hanging by the middle at the mizen peak. He had a great aptitude for languages, and spoke perfectly well that of the Mosquil Indians, the French, Spanish and English. I mention our own, because it is doubted whether he was French or English, for we cannot trace him back to his origin. He sailed out of Jamaica till he was a lusty lad, and was then taken by the Spaniards at the Havana, where he tarried some time; but at length he and six more ran away with a small canoe, and surprised a Spanish periagua, out of which two men joined them, so that they were now nine in company. With this periagua they surprised a turtling sloop, and forced some of the hands to take on with them; the others they sent away in the periagua.

He played at this small game, surprising and taking coasters and turtlers, till with forced men and volunteers he made up a complement of forty men. With these he took a large pink built ship, bound from Jamaica to the bay of Campeachy, and after her, several others bound to the same place; and having intelligence that there lay in the bay a fine Bermuda built brigantine of ten guns, commanded by Captain Tucker, he sent the captain of the pink to him with a letter, the purport of which was, that he wanted such a brigantine, and if he would part with her, he would pay him honestly ten thousand pieces of eight; if he refused this, he would take care to lie in his way, for he was resolved, either by fair or foul means, to have the vessel. Capt. Tucker having read the letter, sent for the masters of vessels then lying in the bay, and told them, after he had shown the letter, that if they would make him up fifty-four men (for there were about ten Bermuda sloops) he would go out and fight the pirates. They said, no, they would not hazard their men, they depended on their sailing, and every one must take care of himself as well as he could.

However, they all put to sea together, and spied a sail under the land, which had a breeze while they lay becalmed. Some said he was a turtler; others, the pirate, and so it proved; for it was honest Capt. Lewis, who putting out his oars, got in among them. Some of the sloops had four guns, some two, some none. Joseph Dill had two, which he brought on one side, and fired smartly at the pirate, but unfortunately one of them spilt, and killed three men. Tucker called to all the sloops to send him men, and he would fight Lewis, but to no purpose; nobody came on board him. In the mean while a breeze sprung up, and Tucker, trimming his sails, left them, who all fell a

prey to the pirate ; into whom, however, he fired a broadside at going off. One sloop, whose master I won't name, was a very good sailor, and was going off ; but Lewis firing a shot, brought her to, and he lay by till all the sloops were visited and secured. Then Lewis sent on board him, and ordered the master into his sloop. As soon as he was aboard, he asked the reason of his lying by, and betraying the trust his owners had reposed in him, which was doing like a knave and coward, and he would punish him accordingly ; for, said he, *you might have got off, being so much a better sailor than my vessel.* After this speech he fell upon him with a rope's end, and then snatching up his cane, drove him about the decks without mercy. The master, thinking to pacify him, told him he had been out trading in that sloop several months, and had on board a good quantity of money, which was hid, and which, if he would send on board a black belonging to the owners, he would discover it to him. This had not the desired effect, but one quite contrary ; for Lewis told him he was a rascal and villain for this discovery, and he would pay him for betraying his owners, and redoubled his strokes. However, he sent and took the money and negro, who was an able sailor. He took out of his prizes what he had occasion for, forty able negro sailors, and a white carpenter. The largest sloop, which was about ninety tons, he took for his own use, and mounted her with twelve guns. His crew was now about eighty men, whites and blacks.

After these captures, he cruised in the Gulf of Florida, laying in wait for the West-India homeward bound ships which took the leeward passage, several of which, falling into his hands, were plundered by him, and released. From hence he went to the coast of Carolina, where he cleaned his sloop, and a great many men, whom he had forced, ran away from him. However, the natives traded with him for rum and sugar, and brought him all he wanted, without the government's having any knowledge of him, for he had got into a very private creek ; though he was very much on his guard, that he might not be surprised from the shore.

From Carolina he cruised on the coast of Virginia, where he took and plundered several merchantmen, and forced several men, and then returned to the coast of Carolina, where he did abundance of mischief. As he had now an abundance of French on board, who had entered with him, and Lewis hearing the English had a design to maroon them, he secured the men he suspected, and put them in a boat, with all the other English, ten leagues from shore ; with only ten pieces of beef, and sent them away, keeping none but French and negroes. These men, it is supposed, all perished in the sea.

From the coast of Carolina he shaped his course for the banks of Newfoundland, where he overhauled several fishing vessels, and then went into a commodious harbor, where he cleaned his sloop, and went into Trinity Harbor in Conception Bay, where there lay several merchantmen, and seized a twenty-four gun galley, called the *Herman*.

The commander, Capt. Beal, told Lewis, if he would send his quarter-master ashore he would furnish him with necessaries. He being sent ashore, a council was held among the masters, the consequence of which was, the seizing the quarter-master, whom they carried to Captain Woodes Rogers. He chained him to a sheet anchor which was ashore, and planted guns at the point, to prevent the pirate getting out, but to little purpose; for the people from one of these points firing too soon, Lewis quitted the ship, and, by the help of oars and the favor of the night, got out in his sloop, though she received many shot in her hull. The last shot that was fired at the pirate did him considerable damage.

He lay off and on the harbor, swearing he would have his quarter-master, and intercepted two fishing shallops, on board of one of which was the captain of the galley's brother. He detained them, and sent word, if his quarter-master did not immediately come off, he would put all his prisoners to death. He was sent on board without hesitation. Lewis and the crew enquired how he had been used; and he answered, very civilly. "It's well," said the pirate, "for had you been ill treated, I would have put all these rascals to the sword." They were dismissed, and the captain's brother going over the side, the quarter-master stopped him, saying, he must drink the gentlemen's health ashore, in particular Capt. Rogers, and, whispering him in the ear, told him, if the crew had known of his being chained all night, he would have been cut in pieces, with all his men. After this poor man and his shallop's company were gone, the quarter-master told the usage he had met with, which enraged Lewis, and made him reproach his quarter-master, whose answer was, that he did not think it just the innocent should suffer for the guilty.

The masters of the merchantmen sent to Captain Tudor Trevor, who lay at St. John's in the Sheerness man-of-war. He immediately got under sail, and missed the pirate but four hours. She kept along the coast, and made several prizes, French and English, and put into a harbor where a French ship lay making fish. She was built at the latter end of the war for a privateer, was an excellent sailer, and mounted twenty-four guns. The commander hailed him: the pirate answered, *from Jamaica, with rum and sugar*. The Frenchman bid him go about his business; that a pirate sloop was on the coast, and he might be the rogue: if he did not immediately sheer off, he would fire a broadside into him. He went off and lay a fortnight out at sea, so far as not to be descried from shore, with resolution to have the ship. The Frenchman being on his guard, in the mean while raised a battery on the shore, which commanded the harbor. After a fortnight, when he was thought to be gone off, he returned, and took two of the fishing shallops belonging to the Frenchman, and manning them with pirates, they went in. One shallop attacked the battery; the other surprised, boarded, and carried the ship, just as the morning star appeared, for which reason he gave her that name. In the en-

gagement the owner's son was killed, who made the voyage out of curiosity only. The ship being taken, seven guns were fired, which was the signal, and the sloop came down and lay along side the ship. The captain told him, he supposed he only wanted his liquor; but Lewis made answer, he wanted his ship, and accordingly hoisted all his ammunition and provision into her. When the Frenchman saw they would take away his ship, he told her trim, and Lewis gave him the sloop; and, excepting what he took for provision, all the fish he had made. Several of the French took on with him, who, with others, English and French, had by force or voluntarily, made him up two hundred men.

From Newfoundland he steered for the coast of Guinea, where he took a great many ships, English, Dutch and Portuguese. Among these ships was one belonging to Carolina, commanded by Captain Smith. While he was in chase of this vessel an accident happened, which made his men believe he dealt with the Devil; for he carried away his fore and main-topmast; and he, Lewis, running up the shrouds to the main-top, tore off a handful of hair, and throwing it into the air, used this expression, "Good Devil, take this till I come." And it was observed, that he came afterwards faster up with the chase than before the loss of his top-masts.

Smith being taken, Lewis used him very civilly, and gave him as much, or more in value, than he took from him, and let him go, saying, he would come to Carolina when he had made money enough on the coast, and would rely on his friendship.

They kept some time on the coast, when they quarrelled among themselves, the French and English, of which the former was more numerous, and they resolved to part. The French therefore chose a large sloop newly taken, thinking the ship ships' bottom, which was not sheathed, damaged by the worms. According to this agreement they took on board what ammunition and provision they thought fit out of the ship, and put off, choosing one Le Barre captain. As it blew hard, and the decks were encumbered, they came to an anchor under the coast, to stow away their ammunition, goods, &c. Lewis told his men they were a parcel of rogues, and he would make them refund; accordingly run along side, his guns being all loaded and new primed, and ordered him to cut away his mast, or he would sink him. Le Barre was obliged to obey. Then he ordered them all ashore. They begged to have liberty of carrying their arms, goods, &c. with them, but he allowed them only their small arms and cartridge-boxes. Then he brought the sloop along side, put every thing on board the ship, and sunk the sloop.

Le Barre and the rest begged to be taken on board. However, though he denied them, he suffered Le Barre and some few to come, with whom he and his men drank plentifully. The negroes on board Lewis, told him the French had a plot against him. He answered, he

could not withstand his destiny ; for the Devil told him in the great cabin, he should be murdered that night.

In the dead of the night the rest of the French came on board in canoes, got into the cabin and killed Lewis. They fell on the crew ; but, after an hour and a half's dispute, the French were beat off, and the quarter-master, John Cornelius, an Irishman, succeeded Lewis.

CAPTAIN JOHN CORNELIUS.

HAVING now the command of the *Morning Star*, Cornelius kept on the coast, and made several prizes both English and Portuguese. The former he always discharged, after he had taken what he thought fit, but the latter he commonly burnt.

While he was thus ravaging the coast, two English ships which had sailed at Whidaw, one of thirty-six guns, and the other of twelve, which fought close, were ready to sail; and having notice of a pirate, who had done great mischief, resolved to keep company together for their defence. The captain of the small ship lay sick in his cabin, and she was left to the care of the mates. When they had got under sail, two hundred negroes jumped overboard from the larger ship, which obliged her to bring to and get out her boats. The mate of the other went into the cabin, told the accident, and advised lying by, and sending their boats to assist their consort; but the captain being ill, and willing to get off the coast, bid him keep on his way, for it would be dangerous, having four hundred slaves on board; and being but weakly manned, when the boats were gone they might rise upon him. The mate urged the danger of the pirates, should they leave their consort. The captain answered, the seas were wide, and he would not bring to; accordingly they kept on their way with a fresh gale.

Two days after, the mate, about eight in the morning, ordered a man to the mast-head, who spied a sail, which made them prepare for an engagement. There was on board one Robert Williams, who had served the African company three years, on the Guinea coast, who spoke the negro tongue very well. He told the slaves he had picked out, to the number of fifty, that the ship in sight he believed would fight them, and if they got the better, would certainly, as they were cannibals, kill and eat them all; and therefore it behoved them to fight for their lives. They had lances and small arms given them.

About ten, Cornelius came up with them, and being hailed, answered, he was a man-of-war, in search of pirates, and bid them send their boat on board; but they refusing to trust him, though he had English colors and pendant flying, the pirate fired a broad-side, and they began a running fight of about ten hours, in which time the negroes discharged their arms so smartly, that Cornelius never durst attempt to board. About eight at night the ship blew up abaft. They immediately cut the lashings of the long-boat, but the ship going down they had not time to get her out, and barely enough to launch the yawl, which lay on the fore-castle. The ship went down on one side, and Robert Williams running on the other, was hooked by the mizen truss, and was carried down with her; but having his knife in

his hand, and a great presence of mind, he cut the waistband of his trowsers where he was caught, got clear, and swam after the boat, into which about sixteen had gotten, and either knocked those on the head, or cut off their hands, who laid hold on it; however, with much entreaty he was permitted to lay one hand on to ease him. They made to the pirate, who refused to receive them, without they would enter with him, which, to save their lives, they all agreed to, and were then civilly received, and dry clothes given them. These and one negro were all the souls saved.

In a little time after this he took two Portuguese ships, which he plundered and kept with him; and one foggy morning hearing the firing of guns, which, by the distance of time, he judged to be minute guns, as they really were, for the death of an English commander, he called his men on board from the prizes, sent them about their business, and directed his course by the report of the cannon he had heard. In about two hours he spied the ship that had fired, came up with her very soon, and took her without resistance. The officers of the ship which blew up, finding this prize English, and that the pirate did not intend to detain her, begged to be discharged, as they had all large families, which must perish without their support. Cornelius, taking them into consideration, discharged Mr. Powis, of Limehouse, who has since been a commander, and raised a fortune. The then chief mate, Mr. George Forelong, the boatswain, carpenter, and other married men, he set on board the prize, and was very generous to them out of the plunder of the Portuguese ships, because they had made a broken voyage; but Robert Williams, and the other bachelors he detained, and forced some out of the prize, which he let go.

After this he took three Portuguese ships at an anchor, which he plundered and burnt, after he had hove down by one of them. He continued some time longer on the coast, did a great deal of mischief to the trade; and forced a great many men; those he put to do all the slavery of the ship, and they were beat about the decks, without daring to resent it. I shall take notice of an instance of this kind, to shew how far revenge will carry a man. One Robert Bland was at helm, and called Robert Williams to take the whipstaff, till he went to play. Williams refused it; upon which Bland drubbed him with the lanyard of the whipstaff very severely. Williams, that he might revenge himself, and have liberty to fight Bland, went that instant and entered himself a volunteer in the ship's books, and asked leave to fight Bland, which was allowed him, but with no other weapons than his fists. He, however, challenged his antagonist, who was too hard for him; so that he turned pirate to be heartily thrashed.

Cornelius thinking they had been long enough on the Guinea coast, doubled the Cape, off which he spied the Lizard, and two more men-of-war, under the command of Commodore Littleton. Cornelius was for giving chase, but finding his men unwilling, there being, as they gave for reason, seventy forced men on board, and these ships

being, as they suspected, men-of-war, he made the best of his way for Madagascar, went up the river Methelage, on the west side, and anchored against Pombotoque, a small village of blacks.

The quarter-master went ashore, and the black governor examined him, for several of these blacks speak English. He told the governor they were come for provision, and to trade; upon which he sent a couple of oxen on board, and then ordered some of the inhabitants to go up with the quarter-master to the king. The boat's crew seeing a number of blacks come upon the strand without the quarter-master, apprehended some mischief had befallen him; but were eased of their fears when they saw two oxen given them, and were told, the white man, who was gone to the king, would be back next day, it not being above twenty miles from the shore.

When the quarter-master, who carried up a blunderbuss, a fine gun, and a pair of pistols, for a present to the king, told him they wanted provisions, he asked where they were bound? To which he answered, to seek their fortunes, for at present, they were very poor. *Look ye,* replied the king, *I require nothing of you; all white men I look upon as my children; they helped me to conquer this country, and all the cattle in it are at their service. I will send you down provisions enough, and when that is spent, you shall have more.* He accordingly sent one thousand head of cattle, out of which he bid them choose what they would, and they salted one hundred fat oxen.

Besides the present of oxen, the king sent one hundred blacks laden with rice. Cornelius sent him a present of two barrels of powder, and would have given him more, with small arms, in return, but he sent them word he would have no more, nor any of their arms, not being in want of either. On the contrary, if they wanted, he would send them ten barrels of powder, as they were his children; bade them proceed on their voyage, and if they were richer when they came back, and would send him any present, he would accept it, but not now that they were poor.

Here Cornelius lost seventy men by their excesses. Having been long without fresh provision, the eating immoderately, and drinking *toke* (a liquor made of honey) to excess, threw them into violent fevers which carried them off.

The blacks having given Cornelius an account of the Speaker's having sailed from Methelage about three months before for the East Indies, he, having taken in his provisions, steered the same course, in hopes to join in consort with her; but the Speaker lying off the Red Sea, and the Morning Star going into the Gulf of Persia, they never met. They run up a pretty way in the gulf, and lay under Antelope Island, where they kept a look out, and whence they made their excursions, and took a number of prizes.

Here they designed to heave down and clean, and they had got a good part of their goods and water casks ashore, when the look out discovered two lofty ships, one of them wearing a flag at the fore-top-

mast head. This put them into great confusion : they got what casks and necessaries they could on board, and lay till the ships came abreast of them. Then they got under sail at once, their sails being furled with rope yarns, and came close along side the larger ship, which was a Portuguese of seventy guns, as the other was of twenty-six. They exchanged a broad-side with her, and the smaller ship engaged her so close, that they threw hand grenades into each other ; but Cornelius' business was to run, and the great ship put in stays twice to follow him, but missing, was obliged to ware, which gave the pirate a great advantage. The small ship, in staying, tailed aground : she however, gave chase till she had run a good way ahead of her consort, which the pirate seeing, brought to, and stayed for her, as did the Portuguese for her consort, not caring to engage him singly. When it was quite dark, Cornelius ran up the other shore, passed the Portuguese ships (which kept down the gulf) and came again to anchor at his old station, where he found his enemies had been ashore in their boats and staved his casks. He here cleaned, and finding no money to be got out of any prizes made, and bale goods being of little value to them, they from hence went away to the island of Johanna, where it was designed to maroon the blacks, who were the greater number, and all bred among the English. Robert Williams, fearing they would next maroon the English, who were not above a third of the whites, gave the negroes notice of the design, who secured all the arms of the ship, and gave Williams the command till they should get to Madagascar, keeping a good guard on the French and Dutch. When they came to Methelage they gave the ship to the king, her bottom being eaten so much with worms, that she was no longer fit for service ; and they all went and lived with the king. About five months after they broke up, Cornelius died, and was buried with the usual ceremony.

CAPTAIN DAVID WILLIAMS.

THIS man was born in Wales, of very poor parents, who bred him up to the plough and the following of sheep, the only things he had any notion of till he went to sea. He was never esteemed among the pirates as a man of good natural parts, perhaps, on account of his ignorance of letters, for, as he had no education, he knew as little of the sailing a ship, set aside the business of a foremast man, as he did of history, in which, and natural philosophy, he was equally versed. He was of a morose, sour, unsociable temper, very choleric, and easily resented as an affront, what as brave and a more knowing man would not think worth notice; but he was not cruel, neither did he turn pirate from a wicked or avaricious inclination, but by necessity; and we may say, though he was no forced man, he could not well avoid the life he fell into.

When he was grown a lusty lad he would see the world, and go seek his fortune, as the term is among the country youths, who think fit to withdraw themselves from the subjection of their parents. With this whim in his head, he got to Chester, where he was received, and sailed on board a coaster, till he had made himself acquainted with the rigging, learned to knot, splice, and do the other parts of a common sailor's duty; then coming to London, he shipped himself on board the *Mary Indiaman*, bound for Bengal and Madras, which voyage he performed outward, and it was not his fault that he did not come home in the same ship; for, in her return, falling short of water, they steered for the island of Madagascar, and fell in with the East side, in lat. 20, or thereabouts. The captain manned and sent ashore the long-boat to seek for water, but a large surf running, she came to an anchor, at some little distance from shore, and David Williams, with another, being good swimmers, stripped and swam off in search of water. While they were ashore, the wind, which blew full upon the island, and freshening, caused the surf to run too high for them to get off; and the long-boat, after waiting some time, seeing no possibility of getting these men on board, weighed and stood for the ship, which filled her sails and stood for St. Augustin's Bay, where she watered and proceeded on her voyage.

Thus our poor Welchman and his companion were left destitute on an island altogether unknown to them, without clothes or subsistence, but what the fruits of the trees offered. They rambled some little time along the coast, and were met with by the natives, and by them carried up into the country, where they were humanely treated, and provided with all the necessaries of life, though this was not sufficient to expel his consort's melancholy, who took his being left behind so much to heart, that he sickened and died in a very little time.

Some time after, the prince of the country, who entertained Williams, had a quarrel with a neighboring king, which broke into a war. Williams took the field with his patron, but the enemy being superior in number, got the victory, and took a great many prisoners, among whom was the unfortunate Welchman. The king, whose prisoner he was, treated him very kindly; and being master of an old musket, gave it him, saying, *such arms were better in the hands of a white man than in those of any of his subjects, who were not so much used to them; that he should be his friend and companion, and should fare as well as himself, if he would assist him in his wars.*

It will not be amiss here to take notice, that this island, on the East side, is divided into a great number of principalities or kingdoms, which are almost in continual war one with another; the grounds of which are very trivial, for they will pick a quarrel with a neighbor, especially, if he has a number of cattle (in which, and slaves, consist their riches) on the slightest occasion, that they may have an opportunity of plunder; and when a battle or two is lost, the conquered makes his peace, by delivering up such a certain number of bullocks and slaves as shall be demanded by the victorious prince. On the West side the island, the principalities are mostly reduced under one prince, who resides near Methelage, and who is as we have said in the lives of other pirates, a great friend to white men; for his father, who founded his empire by the assistance of the Europeans, left it in charge with his son, to assist them with what necessaries they should require, and do them all friendly offices; but if he disobeyed this command, and should ever fall out with the white men, or spill any of their blood, he threatened to come again, turn him out of his kingdom, and give it to his younger brother. These menaces had a very great effect upon him, for he firmly believed his father would, on his disobedience, put them in execution; for there is not on earth, a race of men equally superstitious.

But to return to Williams, he lived with this Prince in great tranquility, and was very much esteemed by him, (for necessity taught him complaisance.) After some time, his new patron was informed that his vanquished enemy had formed a grand alliance, in order to make war upon him; wherefore, he resolved to begin, and march into the countries of the allies, and ravage the nearest before they could join their forces. He raised an army, and accordingly marched southward. At the news of his approach, the inhabitants abandoned all the small towns, and sending messengers to their friends, raised a considerable body to oppose him, suffering him to overrun a great deal of ground without molestation. At length being reinforced, they took their opportunity, and setting upon him when his men were fatigued, and his army incumbered with booty, they gained a signal victory. The king had the good luck to get off, but Williams was a second time taken prisoner.

He was carried before the conqueror, who, (having been an eye

witness of his bravery, for Williams killed a number of his enemies with his shot, and behaved very well, defending himself with the butt end of his musket for some time, when he was surrounded) reached him his hand, and told him, he made war with his enemies only, that he did not esteem the white men such, but should be glad of their friendship. Here Williams was used with more respect than he had been even by his last patron, and lived with this prince some years; but a war breaking out, he was routed in a set battle, in which Williams was his companion. In the pursuit, the poor Welchman finding he could not get off, clapped his musket at the foot of a tree, and climbing up, he capitulated. He was now terribly afraid of being cut to pieces, for he had shot and wounded a great number of the enemy. They, however, promised him good quarter, and kept their word.

The king of Maratan, who took him, used him as well as any of the former had done, and carried him always with him to the wars, in which fortune was more propitious, for the parties Williams commanded had constantly the better of their enemies, and never returned but with great booties of cattle and slaves, for all the prisoners they take are so, until redeemed; though these prisoners are, for the most part, women and children, they seldom giving quarter to any other. The fame of his bravery and success, spread itself round the country; and his name alone was so terrible, that the giving out he was at the head of any party, was giving the enemy an overthrow without a battle.

This reaching the ears of Dempaino, a mighty prince who lived two hundred miles from him, and who had several petty princes tributaries, he sent an ambassador to demand the white man; but his patron, who had no mind to part with him, denied that he had any white man with him; that he who was called so was a native of the country. For the reader's better understanding this passage, I must inform him, that there is a race of what they call white men, who have been settled on Madagascar, time out of mind, and are descended from the Arabs; but mixing with the negroes, have propagated a race of mulattoes, who differ in nothing from the manner of living of the black natives.

To proceed, the ambassador desired to see this man, and Williams coming to him, being extremely tanned, he had passed for what he was reported, had he been before apprised of what had been said, to have answered accordingly, for he spoke the language perfectly; or had the ambassador not examined him; who, after he had some time viewed him, asked of what country he was, and whether it was true that he was one of Madagascar? Williams answered, he was an Englishman, and was left in the country, relating the particulars, as I have already set them down, adding, he had been five years in the island.

The ambassador then told the king, that he must send the white man with him, for such were the orders of his master, the great Dem-

paino, who was lord over most of the kings on the side of the country where he resided ; and that it would be dangerous for him to disobey the commands of so great a monarch.

The king answered, those who were subject to Dempaino ought to obey his commands ; but for him, he knew no greater man than himself, therefore should receive laws from none ; and with this answer dismissed the ambassador ; who, at his return, reported to his master the very words, adding, they were delivered in a haughty strain. Dempaino, who was not used to have his commands disputed, ordered one of his generals to march with six thousand men, and demand the white man, and in case of refusal, to denounce war ; that he should send him back an express of it, and he would follow in person with an army to enforce a compliance.

These orders were put in execution with the greatest despatch and secrecy ; so that the town was invested, before any advice was given of the approach of an enemy. The general told the king, it was in his choice to have peace or war with his master, since it depended on the delivery of the white man. The king thus surprised, was obliged, however contrary to his inclinations, to give Williams up to the general, who returned with him to Dempaino, without committing any hostilities ; though he threatened to besiege the town, and put all but the women and children to the sword, if the king of Maratan did not pay the expense of his master's sending for the white man, which he rated at one hundred slaves, and five hundred head of cattle. The king objected to this as a hard condition and an unjust imposition, but was obliged to acquiesce in it.

He was received by Dempaino with a great many caresses, was handsomely clothed according to the country manner, had slaves allotted to wait on him, and every thing that was necessary and convenient ; so that king Dempaino was at the trouble of sending six thousand men, one would think, for no other end than to shew the great value and esteem he had for the Europeans. He continued with this prince till the arrival of a ship, which was some years after his leaving Maratan ; when the Bedford galley, a pirate, commanded by Achen Jones, a Welchman, came on the coast, on board of which ship Williams was permitted to enter. They went to Augustin, where, laying the ship on shore, they broke her back by carelessness, and lost her. The crew lived here till the arrival of the Pelican, another pirate, mentioned in North's life ; some of them went on board this ship, and steered for the East-Indies. Williams shifted out of this on board the Mocha frigate, a pirate, commanded by Capt. Culliford, and made a voyage ; then, returning to St. Mary's, they shared the booty they had got in the Red Seas.

Some of the crew, being West-Indians, having an opportunity, returned home ; but Williams remained here till the arrival and taking of Captain Fourgette, which has been already mentioned. He was one of those who took the Speaker, went a voyage in her, and returned

to Maratan. Here the king seeing him, asked what present he intended to make him for former kindness? Williams answered, he had been overpaid by the prince whom he took him from, and by his services, which answer so irritated his Maratanian Majesty, that he ordered him to quit his country; and he could hardly after that see him with patience.

From hence he went on board the Prosperous, Capt. Howard, commander, who went to St. Mary's and thence to the main, as is said in that pirate's life, and was one of the men left behind when they had a design to carry off Ort Van Tyle. This Dutchman kept him to hard labor, as planting potatoes, &c. in revenge for the destruction and havoc made in his plantations by the crew of the Prosperous. He was here in the condition of a slave six months, at the expiration of which time, he had an opportunity to run away, leaving his consort, Thomas Collins, behind him, who had his arm broke when he was taken by the Dutchman.

Having made his escape from a rigid, revengeful master, he got to a black prince, named Rebaiharang, with whom he lived half a year. He from hence went and kept company with one John Pro, another Dutchman, who had a small settlement on shore, till the arrival of the men-of-war, commanded by Commodore Richards, who took both Pro and his guest Williams, put them in irons on board the Severn, till they came to Johanna, where the captain of the Severn undertook for two thousand dollars to go against the Mohilians, in which expedition several of the man-of-war's crew were killed, and the two pirates made their escape in a small canoe to Mohila, where they sheltered themselves awhile in the woods, out of which they got provisions, and made over for Johanna. Here they recruited themselves and went away for Mayotta. The king of this island built them a boat, and giving them provisions and what necessaries they required, they made for and arrived at Madagascar, where, at Methelage, in lat. 16 40 or thereabouts, they joined Capt. White.

Here they lay about three months; then setting fire to their boat, they went into White's, and rounding the north end, came to Ambonavoula. Here Williams remained till Capt. White bought the ship Hopewell, on board of which he entered before the mast, and made a voyage to the Red Seas, towards the end of which he was chosen quarter-master. At their return they touched at Mascarenhas for provisions, where almost half the company went ashore and took up their habitations.

From Mascarenhas they steered for Hopewell (by some called Hopeful) Point, on Madagascar, where dividing their plunder, they settled themselves.

Twelve months after, the Charles brigantine, Capt. Halsey, came in, as is mentioned in his life. Williams went on board him and made a voyage. At their return they came to Maratan, lived ashore, and assisted the king in his war against his brother, which being ended in

the destruction of the latter, and a pirate lying at Ambonavoula, sending his long-boat to Manangaro, within ten leagues of Maratan, Williams and the rest went on board, and in three months after he had been at Ambonavoula, he was chosen captain of the Scotch ship, mentioned in Halsey's life. This ship he worked upon with great earnestness, and made the Scotch prisoners labor hard at the fitting her up for a voyage; and she was near ready for sea, when a hurricane forced her ashore, and she was wrecked.

Some time after this he set up and finished a sloop, in which he and ten of his men designed for Mascarenhas; but missing the island, they went round Madagascar, to Methelage, where he laid his vessel ashore and tarried a year; but the king being tired with his morose temper, and he disagreeing with every body, he was ordered to be gone, and accordingly fitting up his vessel, he put to sea, intending to go round the north end of the island; but the wind being at E. S. E. and the current setting to N. W. he put back to a port called the Boyn, within ten leagues of Methelage, in the same king's dominions whom he had left. The governor of this place was descended from the Arabs, and it was here that the Arabians traded.

When he came to an anchor, he and three of his men (he had but five with him) went on shore, paddled by two negroes. David Eaton and William Dawson, two of the men, required a guide, to show them the way to the king's town; the governor ordered them one, and, at the same time, laid an ambush for them in the road, and caused them to be murdered. When they had left the Boyn, Williams and Meyeurs, a Frenchman, who also came ashore in the canoe, went to buy some samsams, which are agate beads. As they were looking over these goods, a number of the governor's men came about them, seized them both, and immediately despatched Meyeurs. Williams they bound, and tortured almost a whole day, by throwing hot ashes on his head and in his face, and putting little boys to beat him with sticks. He offered the governor two thousand dollars for his life, but he answered, he would have both that and the money too; and accordingly when he was near expiring, they made an end of him with their lances.

After this barbarous murder, the governor thought of seizing the sloop, on board of which were no more than two white men, six negro boys, and some women slaves of the same color. However, he thought it best to proceed by stratagem, and therefore putting a goat and some calabashes of toke on board Williams' canoe, with twelve negroes armed, and the sloop negroes to paddle, he sent to surprise her. When the canoe came pretty near the vessel, they hailed, and asked if they would let them come on board? One of the men asked Williams' negroes where the captain was? He answered, drinking toke with the governor, and sent them provisions and toke. A negro wench advised the white man, whose name was William Noakes, not to let them come on board, for as four white men went

ashore, and none of them appeared, she suspected some treachery. However, on the answer made him from the canoe, he resolved to admit them, and called them on board. No sooner were they on deck, than one of them, snatching Noakes' pistol, shot him through the head, and seizing the other white man, threw him overboard and drowned him; after which, being masters of the vessel, they carried her in and rifled her.

The king was at this time hunting, as is his custom to hunt boars three months in the year; but an account of these murders soon reached him. However, he continued the accustomed time of his diversion; but when he returned home, and the whites, who were about him, demanded justice, he bade them be quiet, they might depend upon his doing it. He sent to the governor of Boyn, and told him, he was glad that he had cut off Williams and his crew, an example he was resolved to follow, and clear the country of them all; that he had some affairs to communicate to him, and desired he would come to court as soon as possible, but take care he was not seen by any of the whites, for fear they should revenge the death of their companions.

The governor, on these orders, came away immediately, and stopped at a little town two miles distant from the king's and sent word he there waited his commands.

The king ordered him to be with him early next morning, before the white men were out of their beds. He set forward accordingly the next day betimes, but was seized on the road by negroes placed for that purpose, and brought bound to the king, who, after having reproached him with the barbarity of the action he had been guilty of, sent him to the white men, bidding them put him to what death they pleased; but they sent word back, he might dispose of the lives of his subjects as he thought fit, but for their part they would never draw a drop of blood of any who belonged to him. Upon which answer the king's uncle ordered him to be speared, and he was accordingly thrust through the body with lances. The king, after this execution, sent to Boyn, and had every thing brought which had belonged to Williams and his men, and divided it among the whites, saying, *he was sorry the villain had but one life to make atonement for the barbarity he had been guilty of.*

CAPTAIN SAMUEL BURGESS.

CAPTAIN SAMUEL BURGESS was born in New-York, and had a good education. He sailed some time in a privateer in the West-Indies, and very often, the gang he was with, when the time of their cruising was expired, would make no ceremony of prolonging the commission by their own authority.

By his privateering he got together some little money, and returned home, where the government having no notice or at least taking none of his piratical practice, in staying beyond the date of his commission, he went out mate of a ship, in the service of Frederick Phillips, bound to the Island of Madagascar, to trade with the pirates, where they had the misfortune to lose their ship, and lived eighteen months at Augustine, when an English pirate coming in, the king of the country obliged him to go on board her, though much against his inclination, for he was tired of a roving life; but their choice was to go or starve for the king would keep them no longer.

He went with this free-booter to the East-Indies, where they made several rich prizes, and returned to St. Mary's, where they took in provisions, wood and water. Several of their gang knocked off here; but the captain, Burgess, and the remainder, went away for the West Indies, disposed of their plunder on the Spanish coast, and then returning to New-York, purposely knocked the ship on the head at Sandy Hook, after they had secured their money ashore.

The government not being informed of their piracy, they lived here without molestation, and, in a short time, Burgess married a relation of Mr. Phillips, who built a ship, called the *Pembroke*, and sent him a second time to Madagascar. In his way to this island, he went into the river of Dilagou, on the African coast, where he took in a quantity of elephants' teeth, and thence to Augustine, where he met with several of his old ship-mates, with whom he traded for money and slaves. Leaving this place he went to Methelage, where he also took some money and negroes; and from thence he shaped his course for St. Mary's on the east side, where he also drove a considerable trade with his old comrades, took several of them passengers, who paid very generously for their passage, and taking with him an account of what was proper to bring in another trip, he returned to New-York without any sinister accident. This voyage cleared five thousand pounds, ship and charges paid.

His owner, encouraged by this success, bade him choose what cargo he pleased, and set out again. Accordingly, he laded with wine, beer, &c., and returning to Madagascar, arrived at Maratan on the east side, where he disposed of a great part of his cargo at his own rates. At Methelage he disposed of the rest, and returned, clearing

for himself and owner, ten thousand pounds, besides three hundred slaves he brought to New-York.

After a short stay at home, he set out again on the old voyage, fell in first with Methelage, where he victualled and traded, and from thence went round the south end, and sold part of his cargo at a large profit, to his old acquaintance. He made a trading voyage round the island, and at St. Mary's met another ship belonging to his owner, which had orders to follow his directions. He remained at this port till he had disposed of the cargoes of both ships. He then shaped his course homewards, with about twenty pirates passengers, who had accepted the pardon brought by Cominodore Littleton.

In his way he touched at the Cape of Good Hope, for wood, water and fresh provision. While he was here, the Loyal Cook, an East-Indiaman, came in, who made prize of Burgess, and carried him to the East-Indies. He there would have delivered Burgess' ship to the governor of Madras, but the governor would have no hand in the affair, and told the captain he must answer to the East-India company and Burgess' owner for what he had done.

Most of the pirate's passengers thought themselves cleared by the act of grace; but some of them, not willing to trust to it, got off with what gold they could, in a Dutch boat. They who trusted to the pardon were clapped in jail, and died in their irons. I cannot omit the simplicity of one of them, who had, however, the wit to get off. When he designed to go away, he looked for his comrade for the key of his chest, to take his gold with him, which amounted to seventeen hundred pounds; but this comrade being ashore, he would not break open the chest, for it was a pity he said, to spoil a good new lock; so left his money for the captain of the East-Indiaman.

The news of this capture came to the owner before the ship returned, and he sued the company; but, at their request, waited for the arrival of the Loyal Cook, which brought Burgess prisoner to England soon after. The captain finding himself in an error, and that what he had done could not be justified, absconded; and the company made good the ship and cargo to the owner. Burgess was set at liberty, continued some time in London, was impeached, and piracy sworn against him by Culliford, who, notwithstanding he came home on the act of grace, was committed to Newgate, tried and acquitted, though he was beggared.

Burgess' owner labored very hard, and expended great sums of money to save him. However, though he pleaded the necessity of his going on board the pirate, he was tried and condemned; but by the intercession of the bishops of London and Canterbury, was pardoned by the queen.

After this he made a broken voyage to the South Sea, lieutenant of a privateer, and returning to London was out of business a whole year. He then shipped himself as mate on board the Hannah, afterwards called the Neptune, and went to Scotland to take in her cargo, the

owner being of that country ; but before she got thither, he broke; the shipped was stopped, and lay eighteen months before she was disposed of. At length, being set to sale, six Scotch gentlemen bought her, the old officers were continued, and she proceeded on her first designed voyage to Madagascar, in which, the captain and Burgess quarrelling, caused the loss of the ship ; for the latter, who was acquainted with the pirates, when they arrived at Madagascar, instigated them to surprize her. The manner how, being already set down in Halsey's life, I need not repeat.

I shall only take notice, that Captain Miller being decoyed ashore; under pretence of being shown some trees, fit for masting, Halsey invited him to a surloin of beef, and a bowl of arrack punch ; he accepted the invitation, with about twenty of the pirates. One Emmy, who had been a waterman on the Thames, did not come to table, but sat by, muffled up in a great coat; pretending he was attacked by the ague, though he had put it on to conceal his pistols only. After dinner, when Halsey went out, as for something to entertain his guests, (Miller and his supercargo,) Emmy clapped a pistol to the captain's breast, and told him he was a prisoner. At the same instant, two other pirates entered the room, with each a blunderbuss in his hand, and told the captain and his supercargo that no harm should come to either, if they did not bring it upon themselves by an useless resistance. While this passed within doors, the wood being lined with pirates, all Miller's men, whom he had brought ashore to fall timber, were secured, but none hurt, and all civilly treated: When they had afterwards got possession of the ship, in the manner mentioned before; they set all their prisoners at liberty.

Miller, with eleven of his men, was sent off, as is said in Halsey's life: The company chose Burgess quarter-master, and shared the booty they had made out of the Scotch ship, and the Greyhound.

Soon after happened Halsey's death, who left Burgess executor in trust for his widow and children, with a considerable legacy for himself ; and the other pirates grumbling at a new comer's being preferred to all of them, took from Burgess three thousand pounds of Halsey's money, and twelve hundred pounds of his own, which was his share of the two prizes. Though he had been treated in this manner, they were idle enough to give him the command of the Scotch ship, and ordered him to fit her out with all expedition, and to take on board some men and goods left in the brigantine. He set to work on the ship, with full design to run away with her ; but some pirates, who were in another part of the island, being informed of these proceedings, thought it not prudent to trust him, so he left the ship, and getting among his old comrades, by their interposition, had all his money returned.

After this he lived five months on the Island of St. Mary's, where his house was, by accident, burned down, out of which he saved nothing but his money. He then went on board David Williams, when

he missed the island of Mascarenhas, and returned to Methelage, where he tarried with the king, and was one of the men among whom he divided Williams' effects.

From Methelage he went with a parcel of samsams to Augustine, with which he bought fifty slaves, whom he sold to the Arabians. In his return to Methelage, he met Captain North, in a sloop, with thirty of Miller's men on board. These men proposed taking Burgess, who had, they said, betrayed, ruined, and banished them their country, by forcing them to turn pirates; but North would not consent; upon which they confined him, took Burgess and stripped him of all the money, and then releasing their captain, gave him three hundred pounds as his share, which he returned to Burgess on his arrival at Methelage.

Burgess lived here two or three years; till he was carried off by some Dutchmen. They belonged to an East-Indiaman, and were taken by two French ships, which being bound for Mocha, and short of provisions, came into Methelage to victual, where they set eighty of their prisoners ashore. When they parted from this port they sailed for Johanna, where they left the Dutch officers, who built a ship, and came back for their men. Burgess being of great use to them, they took him on board, and steered for a port, where some Dutch, taken in another ship, were marooned; but they were wrecked at Youngoul, where Burgess continued eighteen months. After this time was expired he was desirous of leaving the place, and addressing himself to the king, who was uncle to the king of Methelage, he requested his black majesty to send him back to that port, which he readily complied with, where Burgess continued almost five years, afflicted with sickness, in which he lost one eye. While he was here, the Drake pink, of London, came in for slaves. He took Burgess, with design to carry him home; but Captain Harvey, in the Henry, which belonged to the same owners, arriving, and being a stranger to the trade, at the request of Captain Maggot, commander of the Drake, and on promise of a ship when in the West-Indies, he entered as third mate, and continued with him. Captain Harvey carrying it pretty high, and disagreeing with the king, lay here nine months before he could slave. Burgess was sent up to tell the king he had not fulfilled his agreement with Capt. Harvey. The king resented being reproached by a man whom he had entertained so many years, and reviled him. He was, however, carried to dinner with some of the principal blacks, and drank very plentifully of toke, in which it is supposed he was poisoned, for he fell ill and died soon after, leaving what he had to the care of the chief mate, for the use of his wife and children.

ROBERT KIDD,

PIRATE.

THIS man was not a native of this country, nor was he tried or executed in it; yet, 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 give some account of his adventures. 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 Boston 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 misdoings.

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 skilful 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 British 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 deprivations on the seas upon the parts of America, and in other parts, to the great hinderance and discouragement of trade and navigation, and to the great danger and hurt of our loving subjects, our allies and all others, navigating their seas upon the 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, have 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, mariners, 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 merchandises, 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."

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

With these commissions he sailed for the city of New York, from Plymouth, in May, 1696, 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 his owners. This encouragement increased his company to an hundred and fifty men, very shortly.

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 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, 1696, 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. Hereabouts 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 of his delicts 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, conveyed 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 vessel 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 coute*, 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 small 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 went in search of Kidd, and overtook him. Kidd attacked her, and the engagement lasted six hours, but finding her too strong for him, he set sail and escaped, for the Adventure was much the best sailer.

Soon after, he gave chase to a ship with French colors flying,

whereupon the chase hoisted the French flag also. Coming up with her he hailed her in French, and was answered by a Frenchman, in the same language. Our pirate ordered them to send their boat on board, which they were obliged to do. The Frenchman came in her, and the prize proved to belong to Mahometan merchants, though the master was a Dutchman. The Frenchman was a passenger. Kidd asked him if he had any French papers, and was answered in the affirmative; whereupon the pirate told him that he must pass for captain, "for by g—d," said he, "you are the captain." He meant by this, that he would hold the ship as a lawful prize, as though she belonged to French subjects, according to the tenor of his commission. The Frenchman did not dare to dissent. After what Kidd had done, however, it might be supposed that a quibble to shield him from the law would have been of little use.

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 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 skilful in navigation.

The Armenians on board the prize were part owners of her, and Kidd told them that 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 remainder 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 at 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 such pirates as should surrender themselves before the last day of April, 1699, 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 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, 1701. 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 repute. 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, furn-

ished 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. This 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 of 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 cannot explain, for there is no evidence that he committed any crime in any part of the Atlantic. Yet such is a very common belief, to which no less a person than Washington Irving, has given his sanction. 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.

CAPTAIN SAMUEL BELLAMY,

PIRATE.

WE call this man *Captain* because he was generally known by that title ; not that pirates and robbers are entitled to any such honorable appellation. His origin is unknown, but it is supposed that he belonged to Boston.

It will be remembered that in the year 1661, William Phipps, afterwards Sir William, and Governor of Massachusetts, made his fortune by fishing up bullion from a Spanish vessel, that had been lost on one of the sunken reefs in the West Indies.

While we see the gold mine fever raging so violently in the Southern States, and when we observe so many lottery offices open, in our own times, it need not excite wonder that men in those days were found, who were ready to renounce the small, though sure profits of honest industry, for the precarious prospects of sudden wealth. The success of Sir William Phipps, caused many golden dreams in New-England, and several vessels sailed from our coast with the avowed intention of fishing up Fortune from the bottom of the ocean. The adventure of Phipps was no idle speculation ; he knew that a vessel laden with specie had been lost, and was tolerably well informed of the spot where she lay ; but the after adventurers had no such grounds of hope, and consequently found their expectations no better than moonshine in the water.

Bellamy was one of these. He had been, in company with one called Williams, in search of another 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 *Whidow*. 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, 1717.

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 *Whidow* 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 top-gallant yards were sent down, and she ran before the wind under her foresail 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 ribaldry, and 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 tippie. 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 ships 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 loose 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 taffarel, and washed two men away from the helm, who were, however, saved by the hammock 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 increasing, Bellamy spoke the sloop, and finding 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 Whidow'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 jurmasts, 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 Whidow. 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—d 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 spunk to defend it any other way. D—n you altogether. D—n them for a pack of crafty rascals, and you that serve them, for a pack of hen-hearted 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."

It should be remarked that though the sentiments of this honest captain were certainly ultra liberal, his logic was inspired with additional force by a case bottle, which he held in his hand all the while he was speaking.

The damage of the Whidow they soon found means to repair, and then cruised off Cape Cod, where, a fortnight after setting Captain Beer on shore, they took a vessel laden with wine, which was a most acceptable windfall ; and the crew served to increase the number of their prisoners. They put a prize master and seven men on board, and ordered her to keep company with the Whidow. They then steered to Penobscot river to careen.

When they reached the mouth of the Penobscot, Bellamy concluded that the river St. George was a more suitable place, and entered it accordingly, with the three vessels. They ran up about two miles and a half, and came to anchor. The next morning they sent their prisoners on shore, under drivers armed with whips, and commanded them to build huts. They also raised a battery on each side of the river, and sent their guns on shore. This occupied four days. The prisoners, whom they treated very barbarously, were then compelled to dig a magazine and to put a roof upon it. Their ammunition thus

secured, they first hove down the sloop, and cleaned her, and then the Whidow.

When these operations were completed, Bellamy sailed for Newfoundland, where he made several prizes. He sunk them all, and detained the crews. They had not been long on the banks before the piratical squadron was separated by a storm, which lasted several days. When it was over, Bellamy descried a sail, off the Island of St. Paul, and immediately gave chase. The vessel lay to, and waited for the Whidow. She proved to be a French frigate, of thirty six guns, carrying troops to Quebec. Bellamy gave her his broadside, which was promptly returned, and the action was kept up for two hours, with great spirit on both sides. The Whidow was twice boarded, and at last Bellamy, finding himself overmatched, would have shaken his enemy off. This was not so easy a matter, for the Frenchman gave chase, and as he sailed full as well as the Whidow, the pirate must have received the punishment due to his transgressions, had not the night favored his escape. The loss on board the rover, proves how obstinately the battle was contested. Thirty six of the crew were killed outright, and a great many were 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 Whidow 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 Whidow, following in the wake of her consort, was wrecked in the same manner, and all of her company, but two, lost their lives. It is supposed, that when the Whidow 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. Most of our Bostonian readers will remember a number of posts, between low and high water marks, at the foot of Copp's Hill, east and north of Charlestown bridge; in short, where the boys of the North End were wont to bathe. They were the stumps of the gibbets on which these felons were executed. Five of them died penitent, the sixth behaved with unexampled contumacy. When asked if he had anything 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 Whidow is sometimes discovered, as the loose sand in which it is embedded 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 Whidow, a man of singular and frightful aspect, used every spring and autumn to be seen travelling 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.

As late as the beginning of the present century, aged people used to relate that this man frequently spent the night in private houses, and that whenever the Bible or any religious book was produced, or family devotions were performed, he invariably left the room. It is also stated, that during the night, it would seem as if he had a legion from the lower world in his chamber; for much conversation was overheard, of an extremely profane, boisterous, and blasphemous character. These things might have been the natural results of the habits of a veteran pirate. The probability is, that the recollection of the bloody scenes in which he had been engaged, disturbed his sleep, and that he involuntarily gave vent to such exclamations as might, with the aid of an imagination on the watch for supernatural occurrences, give rise, in those days, to the current opinion that his bed chamber was the resort of infernals.

WILLIAM SCHOOLER,

FOR THE MURDER OF MARY SHOLY.

WE have no account of the birth or early adventures of this person, further than that he was an Englishman by birth, and a vintner by trade. By his own account it appears, that he was a resident, in the first part of his life, in the city of London, and that he was a very idle, debauched person. He was married to a handsome, exemplary woman, but this did not prevent him from the criminal indulgence of his passions; as, according to his subsequent confessions, he associated habitually with women of bad character.

Having wounded a man in a duel, he fled to Holland to escape the pains of law, leaving his wife behind him, in England, and thence came to New England; at what precise date is unknown. Here he lived on the river Merrimac, with another man, in such a way as gave great offence and scandal to our pious ancestors.

In the year 1636, he was hired as a guide, from Newbury to Pascataquack, by a servant girl named Mary Sholy. He engaged to perform this service for fifteen shillings. Two days after their departure, he returned, and on being asked the reason why he came back so soon, replied, that he had conducted her to within two or three miles of Pascataquack, where she had stopped, and would go no farther. As she did not appear, he was examined before the magistrates of Ipswich, for her murder, but as no proof was adduced against him, he was discharged.

About a year after, he was draughted to march against the Pequods, who were then up in arms. This requisition to serve in the militia he deemed an oppression; which opinion broke out in mutinous and disorderly speeches. For this the Governor issued a warrant for his apprehension; and when he was accordingly apprehended, he supposed it was for the murder of Mary Sholy, and spoke to that effect. This revived the suspicions against him, and he was arraigned a second time. Several witnesses appeared against him, the substance of whose testimony was as follows:

That he had lived a vicious life, and now conducted like an atheist:

That he had sought Mary Sholy, and had undertaken to guide her to a place where he had never been himself:

That, when he crossed the Merrimac, he had landed in a place three miles from the usual road, from whence it was hardly possible that she could find the said road.

That, in describing a house on the road, his relation was incorrect as to its situation.

That having, as he said, conducted Mary Sholy to within two of

three miles of Swanscot, where he left her, he had not been to Swanscot to give information where she was :

That he had not staid with her that night, to protect her :

That, on his return home, he had not spoken of Mary Sholy, till questioned ; that she had agreed to give him but seven shillings on his arrival, and that yet he had returned with ten shillings, though he had no money with him when he started :

That on his return, there was blood on his hat :

That he had a scratch on his nose, which he had explained to a neighbor by saying that it was made by a bramble, which, from its size, could not be :

That, being asked by a magistrate at Ispwich to account for this circumstance, he had told a different story :

That the body of Mary Sholy had been found, six months after her disappearance, by an Indian, about three miles from the place where Schooler said he had left her, with her clothes in a heap beside her :

That he said that soon after he left her he had met with a bear, and thought that the bear might kill her ; yet did not go back to her assistance :

That, after his apprehension, he had escaped from prison, and had hidden himself in a secluded place, near Powder-Horn Hill.

He said in his defence, that the blood on his hat was that of a pigeon he had killed, and that after his escape from prison, he had been compelled to return by an unaccountable impulse. On the above evidence, which in our day would not be sufficient to prove a petty larceny, he was convicted of murder. From the testimony it seems that it was not proved that any murder had been committed, far less that it was committed by Schooler. In modern times, to prove a delinquency, it is thought essential that time, place, and circumstance should be specified. Our ancestors were not so scrupulous, and Schooler was condemned to death, though several clergymen, and others, thought that the testimony ought not to affect his life.

He was of the same opinion himself, but the court thought otherwise. They decided that a man who should take charge of a helpless woman, and then leave her to perish, when he might do otherwise, ought to die, and, perhaps, in this view of the case, they were right. He was hanged accordingly, at Boston, denying the murder to the last.

WILLIAM FRANKLIN,

FOR THE MURDER OF NATHANIEL SEWELL.

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 offensive 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 anything and everything.

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 fol-

lows : 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, Chap. xxi, 12. If a master 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 this conclusion a case was cited of a woman, who had given a man a potion 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 criminating 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 expressed 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.

THE END.

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