



RACHEL CUNNINGHAM.
SWEARINGEN'S PARAMOUR.

THE

LIFE

AND

CONFESSION

OF

GEORGE SWEARINGEN,

WHO WAS EXECUTED,

AT CUMBERLAND, ALLEGANY COUNTY, MD.

On the 2d day of October, 1829,

FOR THE MURDER OF HIS WIFE.

Written, at his solicitation, by the Rev. N. B. LITTLE.

HAGERS-TOWN:
PUBLISHED BY WILLIAM D. BELL.
1829.

District of Maryland, ss.

BE IT REMEMBERED, That on this fifteenth day of October, in the fifty-fourth year of the Independence of the United States of America, the Rev. N. B. LITTLE, of the said District, hath deposited in this office the title of a Book, the right whereof he claims as Proprietor, in the words following, to wit:—"The Life and Confession of George Swearingen, who was executed at Cumberland, Allegany County, Md. on the second day of October, 1829, for the Murder of his Wife—written, at his solicitation, by the Rev. N. B. Little."

In conformity to an Act of the Congress of the United States, entitled, "An Act for the encouragement of Learning, by securing copies of Maps, Charts, and Books, to the Authors and Proprietors of such copies, during the times therein mentioned," and also to the Act, entitled, "An Act supplementary to the Act, entitled, An Act for the encouragement of Learning, by securing the copies of Maps, Charts, and Books, to the Authors and Proprietors of such copies during the times therein mentioned, and extending the benefits thereof to the arts of Designing, Engraving, and Etching historical and other Prints."

PHILIP MOORE,

Clerk of the District of Maryland.

Evidence of the authenticity of the Life and Confession.

I hereby certify, that I have made a true statement of the circumstances attending the death of my wife, to the Rev. N. B. Little, also the history of my life, connexion with Rachel Cunningham and peregrinations, are true—as taken down at the Jail—As my last dying statement—So help me God.

GEO. SWEARINGEN.

October 1st, 1829.

The manuscript of the above has been shewn to me, and I certify that the same is the hand writing of George Swearingen.

O. H. WILLIAMS, Clerk.

October 7, 1829.

Of Washington county Court.

I certify, that in the presence of the Rev. Mr. Little, I said to George Swearingen, about thirty seconds before his execution, that there now were only a few seconds between the present and eternity to him, and that I hoped he would not die with a lie in his mouth, and asked him whether he had ~~discussed~~ ^{discussed} to the Rev. Mr. Little and myself all the circumstances connected with ^{his} murder of his wife; he replied that he had. I then asked him if Rachel Cunningham knew any thing about it previously, and if she was present; he said ~~that~~ ^{that} she did not, and that she was not there.

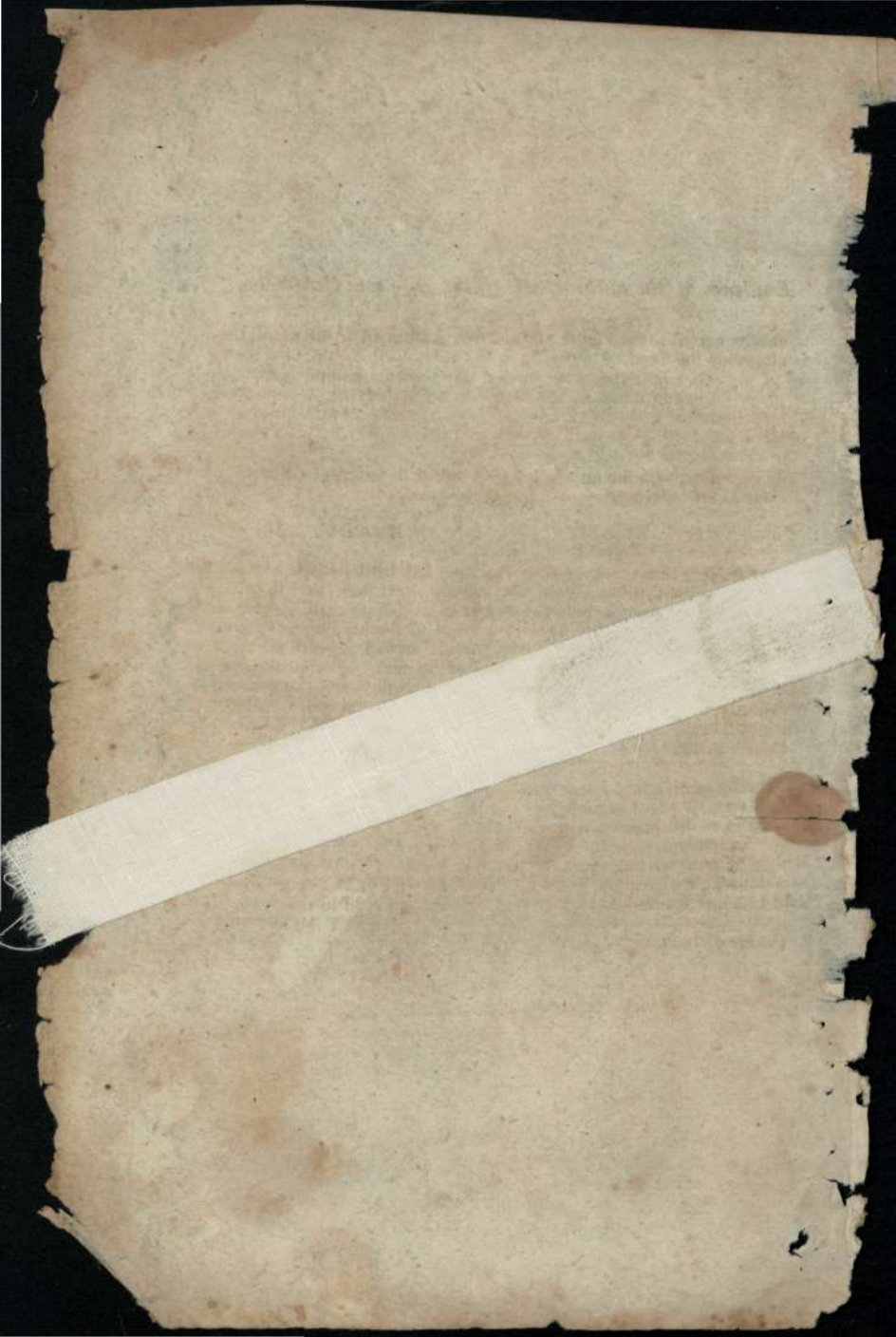
RICH'D BEALL.

October 3, 1829.

I hereby certify that I was employed by Mr. R. Beall, the Sheriff of Allegany county, Md. as turnkey of the jail of the county, with instructions from him to be present with all persons who wished to have access to Geo. Swearingen, and was present at all times with the Rev. N. B. Little whilst he was writing the Life and Confession of Swearingen, which was done at Swearingen's request, and that the following is a copy of said Life and Confession, which was written and read in the prison.

HENRY MITCHELL.

October 3, 1829.



TO THE READER.

At the earnest solicitation of the unfortunate subject of the following pages, I was induced to write his Life and Confession; and in doing so I have observed his language and arrangement of details as nearly as possible. Whilst engaged in the work, a letter was received by me from WILLIAM PRICE, Esq. one of Swearingen's counsel, a part of which is here introduced:—

Extracts from Mr. Price's Letter.

"I wish you to tell George that I feel for him deeply, and that I often recur to the time when he came to Hagers-town, a modest and bashful youth, without a thought of evil. That in contrasting his innocence then, with his degradation and misery now, I can hardly realize the change. That in the circumstances of his apprehension and conviction, he must himself recognize the finger of an inscrutable Providence. Tell him also, that it is now too late to deceive himself with any hope of pardon, and if such a thing would relieve his mind, he had better make a full disclosure of all the circumstances connected with the death of his wife. Tell him further, that from some things that passed between him and myself, since the trial, I am afraid he is guilty; but shall be happy to hear that the world has done him injustice in many circumstances of cruelty which it has laid to his charge. I feel well assured, from my own knowledge of evidence, that much of what was detailed on his trial was mistaken by the witnesses, or perverted by their eagerness to make manifest his guilt. That they would perjure themselves I could not readily believe. Let him, therefore, speak distinctly:—1st. Of his marriage. I do not believe it was from sordid motives.—2d. Of his first acquaintance with Rachel Cunningham, and the manner in which she acquired such an unbounded influence over him.—3d. Of his alleged attempts to kill his wife on the Mountain, or to drown her in the Potomac.—4. Of the death and the circumstances attending it. A full disclosure is I think due to his own memory, to the feelings of his many respectable connexions, to the jury that tried him, but above all to the cause of public justice."

Swearingen, it will be observed, has been governed, in a great measure, by Mr. Price's suggestions in the arrangement of his disclosures.

N. B. LITTLE.

THE LIFE, &c.

CHAPTER I.

I, GEORGE SWEARINGEN, was born Jan. 29, 1800, in Frederick county, Virginia, about three miles from Berryville, commonly called Battletown, of respectable and wealthy parentage. My father's name was Elie, son of Col. Charles Swearingen, of Ringgold's Manor. My mother, Mary Ann Noble, was daughter of George Noble, Esq. a family of great respectability in Virginia—her mother was one of the Alexanders, by which family the city of Alexandria, D. C. was founded. I was the eldest son of four children. I was sent to country schools until I was 12 years of age, when I was sent to the academy of Battletown, the preceptor of which was Dr. Robertson, whose esteem and affection I soon conciliated and retained whilst I was with him; when at this institution, I acquired a knowledge of the languages commonly taught and the mathematics. During my stay at this school, I was a class-mate of scholars who have since become professional men: Rev. Ship and Rev. Charles Page; Doctors Clipper, near Charlestown, and Hugh M'Guire of Winchester, Virginia, and Dr. James Tompson of Battletown, Va. and Beatty of Hancock, Md.—and attorneys Wm. V. Buskirk of Cumberland, Md. John A. Tompson of Romney, and Province M'Cormick of Winchester, Va. In the acquisition of the languages, I was the most expert among them, and in the mathematics at least equal to any. The several teachers beside the one already mentioned, Dr. Robertson, were Rev. Mr. Leach and Mr. Adams. My continuance at this school was about four years, during which time it was under good discipline, and religious as well as moral instructions were given by the preceptors; besides which my parents did not neglect the religious culture of my mind and morals.—Methodist meetings were constantly held at my grandmother's, who lived contiguous to my father's farm, and I was always enjoined by my parents to attend them, be-

sides, the preaching of the celebrated Doctor Mead, of Virginia.

At 16 years of age, I was sent by my father to Leesburg, to write in the Clerk's office of the county, of which Charles Binns was Clerk, but which office was superintended by Mr. Thomas R. Mott, a very respectable and correct man, with whom I boarded. In this office I wrote for the period of six or seven months, during which time I conducted myself correctly, and on leaving the office, a certificate of good character and ability was given by Mr. Mott, who, at the same time, requested my return. On leaving this office, I returned and resided with my father on the farm, attending to the concerns of the farm. After remaining at home for about a twelve month, my father repaired to Hagers-town, Md. and obtained a situation for me in the office of Col. Otho H. Williams, Clerk of the Court of Washington county, in whose office I wrote for about twelve or fifteen months, in the latter part of 1817 and 18, during which time I attended most assiduously to my business; and in consequence of intense application to the duties of the office, I was taken with a severe pain in the breast, and was, therefore, advised by some of the physicians to retire from the office and engage in some more active life. On my leaving this office, a letter was addressed by the Colonel to my father, in which he stated that he was sincerely sorry on account of my ill health, and regretted that he had to lose my services. The letter was highly commendatory, and reflected much honour upon me, which was truly gratifying to the feelings of my father.

I then returned again to my father's, on the farm, at which place I continued until some time in the year 1819, where my health became entirely restored. I then left my father's for the office of Mr. Binns, already mentioned, with whom I continued about two years, and in whose family I boarded during the whole time. During the time I was in the office, I would borrow books and works on the law, and every spare moment I devoted to them—and acquired a knowledge of the law. I was now about to make application to the Judges for license to practice, and it being the law of Virginia that when a young man is about to make application, he shall first obtain from the Justices of the county Court, a certificate of good moral

character, which I easily obtained, and upon the submission of which to the Judges of Court, all residing in Winchester, I was respectively examined by the several Judges at sundry times, first by Robert White, secondly by Hugh Holmes, and lastly by Dabney Carr, and was accordingly licensed to practice law in the state of Virginia.

Upon leaving the office of Mr. Binns, I obtained from him a certificate of good moral character, steady habits, and as capacitated for the office and duties of a Clerk, and also a letter of recommendation.

In the spring of 1821, I started for the state of Indiana, and arrived there in May, at the town of Brookville and at the residence of my brother-in-law, General Noah Noble, then receiver of Public Money. I there produced my license from the Judges of Virginia, and it being necessary, according to the law of that state, to be re-examined before I could practice, I submitted to a second examination, and was licensed to practice in that state by the Judges Miles C. Eggleston and — Floyd. I continued there about six months, after which I returned to my father's in Virginia.

About this time, my uncle, John V. Swearingen, was elected Sheriff of Washington county, Md. and I then became a Clerk in his office, for whom I done business for three years and boarded in his family during that time. — Whilst I was with my uncle at this time, I paid the most unremitting attention to the duties of the office. I was kind and affable to all, conciliated the affection and esteem of all around me, and afforded the most complete satisfaction to all who had business in the office. I grew more and more popular, and was the more and more beloved. I was not addicted to the common vices of young men of my age and circle—I was scarcely ever heard to swear—was strictly temperate—never seen out of temper, and rather avoided those places of carnal pleasure and vice which are the sure and certain road of death.

In 1823, I was appointed Captain of a militia company, which appointment I sustained until I left Hagerstown.

It was proven, by George Kealhofer, that I told him in conversation that I was persuaded to marry Mary by my uncles Isaac and Jack, and that I had an attachment for

another lady, which was opposed by my friends. Although I may have told him so, yet it is not the fact; I was not persuaded to do so by either of them, and with regard to my attachment to another lady it seems to have been coupled with my marriage with Mary. This attachment was in 1822, at least 12 or 15 months prior to my ever having seen Mary. I was engaged to be married to this young lady (delicacy forbids the mention of her name) and the match was broken off by my friends Bartholomew Booth and Dr. F——. Booth told me that this lady should have told him that she did not care any thing about me, and intended discarding me, which offended me, and after which, she came to uncle John Swearingen's house, when, in consequence of what had been told me, I paid no attention to her, nor did I speak to her. She complained to Susan or Martha Swearingen, my cousin, who after her departure told me of her complaint, and that she wept in consequence of it, when I immediately wrote her a letter on the subject, and besides, got my horse and went down to see her, and told her what had been told me. She denied it, and at the same time, by consent of both parties, we dissolved the match.

In 1823, Mr. James Scott, of Cumberland, brought his eldest daughter, Mary, to Hagers-town, and placed her at the school of Miss Inglis, whilst she boarded at my uncle John V. Swearingen's, then Sheriff, and first cousin to Mrs. Scott, mother of Mary. We boarded in the same house together. I knew her character, that she had been well raised, and stood on equal grounds with myself—our ancestors being closely connected by consanguinity, viz: the Cresaps and Swearingens. Her prospects being flattering, but not more so than my own, I concluded that by uniting our persons and our interests we would have a fair start for wealth, influence and happiness in this world. From this conclusion, and knowing it would be agreeable to all parties on both sides, I commenced my addresses about the termination of her course of tuition; and addressed her from that time until we were married.

After her tuition was closed, the matrimonial engagement by this time being entered into, I proposed to take Mary home to her father's house, and when about to do so, I observed to my uncle John V. Swearingen, that I intended, when I arrived at Cumberland, to solicit her fa-

ther for Mary's hand, when my uncle replied, that Mr. Scott was a particular man—hard to please, and that, therefore, I had better not ask him on that occasion, but wait until I would go up again. I then went on to Cumberland; her father was not at home, having gone to his father-in-law's, Joseph Cresap's, to remain there a few days on account of his health. I took my gig and rode up the river to see my relations, and having met with Mr. Scott at Mr. Cresap's, the old gentleman proposed to ride to town with me in my gig; when on our return I informed him that Mary and myself were engaged and would be married, provided it met the approbation of her parents, and that I wished to know his sentiments on the subject. I told him that I felt a delicacy on the subject, and the reason why I made my request at that period, was that I lived at a distance from his house and my business being such as always demanded my attention; I begged him excuse me. He told me I was excused, that he knew I lived at a distance—that it was expensive to come up often, that my business demanded my attention, that he was acquainted with my circumstances, knew my character to be reputable, my capacity for business, and from all circumstances he had no hesitation in granting my request—he had no objection. Preliminaries being thus settled, I returned to Hagers-town; I informed my uncle John, who replied, he did not think I would venture to ask him so soon. I then informed him that on our way home, we stopped at William Reed's Esq. who informed me that Mrs. Scott had been there, when she informed his family of our expected marriage and seemed to be pleased at the idea—that I took encouragement from this and was emboldened to ask. I then continued to address letters to her and visited her several times until we were married, on Feb. 12, 1824. I then removed my wife to the house of my uncle John, where we continued until April, 1825, during all this time we lived happily together, when we commenced housekeeping for ourselves.

On the trial it was attempted to be proven that I married Mary with sordid motives and that I did not love her, but this was not the fact. I do not say that the witnesses swore falsely, but I have no recollection of having told them so, and I now declare that I really did then love her, and did not marry her with improper motives.

Sometime after my marriage, upon submitting my certificate obtained from the Judges of Virginia and Indiana to practice law, to the Judges of the Court of Allegany county, I was admitted by them to the bar of this county, although I never practised—being Sheriff, in consequence of which, the law prohibited it.

During this period Mary visited home several times, when my life and habits were regular. The term of my uncle's Sheriffalty being now closed, and Alexander Neill, Esq. being made Sheriff, I observed to him that I intended to be a candidate for the office myself, and I thought it would be of advantage to me to continue in the office as a clerk. He replied that it was his intention to retain me, and I consequently from my good character, urbanity of manners, and strict attention to business, was made his clerk, and continued with him during his term, save a few months previous to my own election, when for policy I retired from the office, as serving writs, &c. &c. might perhaps give offence to some and cause them to withhold their suffrage from me. Having, in the spring of 1825, retired to my own house, where we lived peaceably together; denying Mary no enjoyments; never crossing her in a single instance—permitting her to obtain for herself at any of the stores, any thing and every thing she desired.—The only circumstances of complaint were those of her being an indifferent housekeeper (from which cause the servants became careless and inattentive to the domestic matters, destroying and pilfering the articles and necessaries of the house) and from the fact of my being under the necessity of often going to Cumberland to take her there and bring her back, which greatly interfered with my avocation, being a clerk and always under the necessity of strictly attending to my business. Thus living together for about one year and nine months, at this time she was at an advanced stage of pregnancy, and at the request of her parents I brought her to Cumberland, about six weeks or two months previous to her laying in. After this I returned home to attend to the duties of my office, and my wife Mary was delivered of her first and only child, in November, 1825, just at the time Court was sitting at Washington county. Mr. Scott, my father-in-law, wrote me a letter in which he stated that Mary was delivered of a fine daughter—that she was as

well as could be reasonably expected—that the child was well, its limbs and features were regular (always a matter of anxiety with parents,) and that I need not neglect my business to come up at that time—that she would be well taken care of. A few weeks after the birth, I came to Cumberland to see my wife and child, but my wife, who was of delicate health, could not leave her room. After a week or so, I returned to Hagers-town alone, my wife not yet being able to accompany me. She continued with her parents at this time for about six months, the causes for which were her delicate state of body, and delicate state of health—the ill health of the child and the inclemency of the weather (being winter,) and besides, it was the wish of her mother to continue with her, who was a fond and doating parent, urging as her reason that she would be better taken care of, and she knew that I would have to be often absent from home, being deputy sheriff, and having much riding to perform. During this time I was always either riding in the country on business, or boarding with Mr. Neill; and my life and habits were regular. As soon as the weather became pleasant, I came to Cumberland for my wife, and but a short time after my departure, her father, Mr. James Scott, died very suddenly. Immediately upon hearing of his death, by letter, I returned to Cumberland. Whilst I was here, Mrs. Scott, requested me to administer on the estate, when I replied there was time yet—I would return home to attend to some business there, and in the course of a few weeks I would return and administer—which I did. After this being done, I returned to Cumberland and took out letters of administration, in connexion with Matthew Scott. June 8, 1826.

After I administered on the estate, I returned to attend to the duties of my office. Some time after this, my sister-in-law, Deborah R. Scott, was sent by her mother to Hagers-town to school, during which time she boarded in my family. This circumstance will show that my mother-in-law reposed confidence in me up to this time.

Shortly after Mr. Neill's election, (as is customary,) in the spring of 1825, I was announced, with other popular men of the county, as a candidate for the Sheriffalty, and during the three year's canvass, I attended public meetings, visited the houses of the people, when they had a

fair opportunity of judging for themselves; and in the fall of 1827, I was duly elected Sheriff of Washington county, one of the most wealthy, influential and respectable counties of the state, over several of the most popular men of the county, viz: Christian Newcomer, Jr., who was on the return as next highest at the two preceding elections, who is now Sheriff, and is again before the people as a candidate for that office—Andrew Kershner, who had been frequently elected to the House of Delegates, and is again a candidate for a seat in that house, before the people—and Jacob Miller, who has also been in the House of Delegates, and who is a wealthy and respectable man. I was elected over the highest of these gentlemen by a majority of 130, and it was said that had it not been for my connection with Rachel Cunningham, and the accident of the gig upsetting on Martin's Mountain, which was made to operate against my election, my majority would have been considerably greater. As I have here hinted at the circumstance of the upsetting of the gig on Martin's Mountain, and it being made a matter of evidence against me, I will give a full statement of it; and I now declare, in the presence of God my judge, that I had no design in it, and that it was an accident. Mary had been here for several weeks, and I came up for her, and on our return this accident occurred. We left Cumberland to return to Hagers-town, and just as we were about to descend the mountain, I observed a heavy black cloud lowering before us, and it was drizzling around us. The cloud appeared as though it were surcharged with wind, and Mary requested me, for the sake of the child, to return to Plummer's, about a quarter of a mile back, as the top of the gig could not be kept up, in consequence of its being much impaired. In the attempt to turn the horse, by pulling the left rein, his head was against the bank, and the back of the gig towards the margin of the precipice. Just at that crisis the horse, by switching his tail, drew the rein under it, which caused him to back. The wheel then coming off, all went down together, I jumping out as it went over the precipice; the gig was turned bottom side up, and the horse lay in the bushes on his back, as if dead. Mary had the child in her lap at the time. She was thrown some distance down the hill, which was quite precipitous, below the gig, and the child lay in some

grape vines above the gig. It being thickly clad, and falling on the vines, were probably the causes why it was uninjured. I immediately ran down to Mary, her head being down hill, and turned her round and adjusted her clothes, which were thrown up, to prevent her nakedness from being exposed, and observed she was alive. Her eyes were open; she moved her arms and said, Oh George! She was bleeding very freely. I then took up the child and carried it up on the bank, and took out my knife, returned to the horse, cut the harness, gave him a kick, when he jumped up and ran down the hill. The reason why I cut the horse loose was, I was afraid if I left him in that situation, whilst I was running to Plummer's for assistance, he might attempt to get up, and in that attempt jump upon Mary. I then immediately took up the child and ran with it in my arms to Mr. Plummer's, and as soon as I got in hearing I hallooed, when he came towards me. I told him a dreadful accident had happened, the gig had upset, and I was afraid my wife was nearly killed. After leaving the child at the house, I returned immediately to Mary, and arrived there about the time Plummer did. I discovered she was yet alive, but very much weakened, in consequence of losing a considerable quantity of blood. Whilst there Benjamin Wigfield came riding up the road, leading my horse, which had on him the bridle, collar and part of the traces, and I think the girth's breaking left the breech-band and saddle attached to the gig.—Plummer and I raised her up and carried her to the hill, when a person bringing a quilt from the house, we laid her upon it, and then taking hold of the corners of it, we conveyed her to the house. I immediately sent on Jesse Middleton to Cumberland for Dr. Charles Swearingen, who, at the time was addressing, and has since married, Miss Scott, a sister to Mary. Her body was considerably bruised from the fall, and there were several cuts about the head, through the skin. The edge of the ear was cut off and hanging by the skin, and a cut behind the ear, supposed to be occasioned by falling upon an oak snag, upon which were found hair and blood, entered through the skin to the bone. Dr. Swearingen having arrived, immediately cut off all the hair close to her head, sewed up the wounds, washed them, administered medicine and observed it was unnecessary to bleed her, as she

had already lost too much blood. He applied adhesive plaster to the cut ear, and it became perfectly healed. Dr. Swearingen continued with her day and night until her recovery. Mrs. Scott and her two daughters came and continued there nearly all the time. Mrs. Scott and myself consulted whether it was advisable to send for another physician, when it was concluded that we had every confidence in the Doctor's skill and attention, and that it was not necessary to send for another. Wm. Reid, Esq. and his lady, relatives, came down a few days after, and when he ascertained the nature of the wounds and observed her appearance, he thought she was out of danger, which gave me comfort and encouragement. After ten days, during which time I was constantly with her, she became sufficiently strong to be removed to Cumberland. I procured a stage, supplied beds and had her brought to town. After remaining here a few days and finding her gathering strength, and upon hearing that the other candidates were making great exertions, I returned to Washington county; and when there it being reported that I attempted to kill my wife, and that consequently she would no longer live with me, and my friends advising me to send up for her, I did so, and she returned some time in August. This report was circulated to injure my election, and her arrival quashed it. At this time we yet lived happily together—no cause of dissatisfaction—no complaint—possessed her confidence; there was no reason why I should attempt to take away her life. Had it been my design, I might have fully effected it, and not have been suspected in the least; and further, if so, Mary, who lived afterwards, might have disclosed it, which she never did.

To prove that I had the confidence of Mary, my wife, and of Mrs. Scott, the latter often requested me, after Mr. Scott's death, to decline my pretensions for the sheriffalty and come to Cumberland to live; stating as her reasons, that she wanted Mary near her, and she was afraid that if I were elected I would never come here to live. And Mary, having every confidence in me, gave me a fee simple in the property that she inherited from her father, in order to give me the greater credit in the bank, and to indemnify persons in being security for me in administration bonds, and for other purposes.

I shall, in conclusion, state, that, if it had been my design to kill Mary on the mountain, I might have chosen a more fit place, either above or below the place she fell, as it was more precipitous and stony, and there would have been more certainty of success at either place. Furthermore, to show that young Daniel Cresap was mistaken with regard to there being two nuts on the gig, I would advert to George Reed's testimony, which has not been published, for what reason I know not, who deposed in court, that "when the gig was brought to the shop to get a nut to it, there was none in the shop to fit it, and no screw to cut one, and that it went from the shop without a nut;" also to John McNeill's testimony, and the certificate of Moses McNamee:

John McNeil, jun.—sworn.—I got into Swearingen's gig a short time before the accident happened, on the mountain, at Mr. Slicer's, and after we had gone about half a mile, the wheel came off. I do not think there was any nut on the axle-tree; the gig was a very shakely affair; the ground was hard where the wheel came off; it was some time before his election as Sheriff.

I hereby certify that immediately previous to George Swearingen's starting with his wife for Hagers-town, at the time the accident happened on Martin's Mountain, in upsetting the gig, that there was a nut wanting to the axle-tree which kept on the wheel, and that I assisted in supplying the deficiency by making a wooden one for it. I was attending the mill and saw-mill of Mr. Scott at the time, and I should have deposed to these facts on the trial, if I had been in town at the time, and summoned so to do.

Given under my hand and seal this 29th day of September, 1829

MOSES M'NAMEE, (Seal.)

I think the world will here see that injustice has been done me in the State's making this a matter to operate against me on the trial, and that there were sufficient causes to account for the accident.

CHAPTER II.

As far up as to this period, September, 1827, my life and habits in general were pretty regular. When my wife was absent in 1826, there were then a few deviations from the path of pure living, which arose from the fact of that absence, and being unrestrained by grace. I occasionally visited those houses of libertinism and chambering, which Solomon declares to be "the way to hell, leading down to the chambers of death."

The first time I ever saw Rachel, was in June, 1827, when I got her to do some washing and sewing for me, my wife being absent for some time at her mother's in Cumberland. At this time Rachel and her brother kept house together, when I saw her but seldom, having had at that time no attachment for her. A few nights previous to the camp meeting, I visited her, and when I knocked at the door, a gentleman of respectability stepped out of the opposite door, which I observed. Rachel then told me the conversation they had had; that he wished her to have no intercourse with me; to discard me and accept of him; and in order to secure her affection, he proposed taking her to the camp meeting in a gig. I then observed to her that if she wished to go to camp meeting I had a barouche—that I would see Mr. M— and get him to take it and the horse, and drive himself, his wife and her down, and I might likely accompany her. She acceded to the proposition and made the necessary arrangements; and on the Sunday morning subsequent, she came to Mr. M's, and we all got into the barouche and started for camp meeting. I drove up to a house of entertainment near the ground, and when there I told them to return there to dinner, that I had engaged dinner for them. They went to the camp ground by themselves, whilst I remained some time at the house, and afterwards I went to it myself. At noon

they returned to dine, and I met them at the house, when I waited upon them at the table. I was asked by a gentleman what pretty woman that was? I replied she was a stranger to me, but was from Hagers-town. After dinner they went to the ground—in the evening returned to the house, and started in the barouche for Hagers-town. M— was not present. As I took the reins in my hand, the horses started and ran the barouche over a stump, upset it and broke it to pieces; we were all thrown out and Rachel somewhat hurt. I then borrowed a carriage and drove them to town. The fact of my taking her to camp meeting was made known in order to injure my election. Her landlord, as she told me, gave her notice to leave the house—would not return any part of the rent she had advanced—would not suffer her to have the vegetables which she had raised and to which she was entitled, and her brother having left her—all this, made known to me in a plaintive tone, excited my sympathies for her, and elicited my attention, and my care. From this circumstance, and from this time, my attachment became more strong. We consulted what she should then do; she observed that she knew where there was a vacant room and she would rent it. I told her to rent it by the month until I could buy a lot and build her a house in which she could live. She then rented a room in the house of old Poplar Miller, near the new jail, to which place she removed. I now visited her pretty regularly, went to her room after night and came away before day. On the evening of the election, after the polls were closed in town, I went to her room and continued there until about 3 o'clock in the morning. As I was passing down town my friends were looking for me to inform me of my election and to hoist me on a chair, as is usual in that place. I continued still to visit her at this house until March Court, and during this period a negro girl, Creesh Barns, was a prisoner in the jail yard, who gave some insulting language to Rachel, and who it was supposed threw a stone in her window, for which I cowhided her pretty severely. During an evening whilst I was there, a particular friend came and knocked at the door, and appeared to want to come in, and when she refused, he inquired if she had any cabbage for sale. Shortly after I asked him concerning it,

and accused him, when he said he really did want to buy some cabbage.

During her stay in this house, a respectable, aged gentleman, from one of the neighbouring counties, came to see her, and, in my unseen presence, for an old man, he deputed himself rather oddly in candle light, in attempting to kiss her. I did not hear the conversation, but Rachel told me that he wished her to come and live near him, and if she would consent he would send the carriage and horses for her. Whilst here in the winter, she began to advance in pregnancy, and being sick, I sent a Doctor to attend her, when he in a jest observed to her, that I told him it would not be my child. After the Doctor's leaving her, she became distressed about what he had said; she took a large dose of laudanum with a view to destroy her life. In the evening I was sent for by one of the neighbours, and when I went up I found her stupified, and limber, her jaws closed. I immediately started back to the shop for the doctor. He was not there; he was not at his boarding house; it was supposed he was at church. I went to church and looked over the people, and inquired for him of a person at the door. I could not find him—went in search of another doctor;—met him—told him that Rachel had taken laudanum; I was afraid she would die, and asked for some medicine to counteract the effects of the laudanum. He exclaimed, damn her, let her die,—you must be crazy—you had better let her die; she will ruin you;—and that he had a particular friendship for me, and he would advise me to have nothing to do with her. I immediately left him and returned to Rachel's house, prized her mouth open and thrust my fingers down her throat to make her vomit, but could not succeed; (the next morning the skin was rubbed off my fingers.) I then prized her mouth open with a spoon; had some water warmed and poured it down her throat. I did this unadvised by any person; the consequence was, she vomited some. She shortly afterwards miscarried. I staid there all night, and by morning she revived. At this time my wife was at her own house in town; my brother boarded and slept at my house. I had a bed in a separate room in my own house, and in the morning when I returned, I laid down for a few moments, or tossed the bed to deceive my

wife, and she never knew otherwise but that I was out late, and not wishing to disturb her would retire to that bed. I did the same when her mother was with her.

One reason why I did not lodge with my wife, was the following: after the election I came to Allegany to attend the wedding of my brother Charles. I left my wife here and returned to Washington county. On my return I met with a common wanton in the lower part of Allegany county. She addressed me, but mistook me for another person. Her conversation to me was soft and enticing, and not being able to resist the temptation, I was overcome. By my connection with her I contracted disease. During my intercourse with her she took from my pocket all my loose change, amounting to several dollars, and my pocket handkerchief. A short time after this I saw the man with whom she boarded, and he told me there was a pocket handkerchief at his house with my name on it, and he laughed at me about it. By my connection with this girl and another in Washington county, the disease became fixed, which continued upon me about six months, and for this reason I did not lodge with my wife.

I wrote a letter for Rachel, at her request, to a young gentleman in town, who she said was the father of James, her little son. Writing it in haste, I, without reflection, subscribed my own name to it, over which I ran my thumb to blot it out, and then wrote Rachel's name upon it. When I gave it to her I told her not to send it, but transcribe it, lest my hand-writing should be recognized. She promised so to do, but in September she sent him the letter I had written. The young man showed it to a lawyer, who recognized the hand-writing, and descried my name as being first written; and he being unfriendly to me, made use of it in order to injure my election. In the early part of 1828, whilst I was on a visit to Cumberland, I wrote Rachel a letter, which shows that my attachment was now becoming stronger for her. Some time after this, I saw a piece of poetry in a newspaper, which I cut out, erased the name, and wrote Rachel's name above, as being addressed to her, and my name, George, at the bottom of it. It was found in a trunk which the sheriff got in his possession, and was published in the Advocate, of this place.

The following is the Poetry:—

TO RACHEL.

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

Still I can view the smiling beam,
Which glows upon thy cheek;
Those chidings, which so fearful seem,
In sweetest friendship speak;
They tell that thou hast still a heart,
Which 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 of the sky,
If I can change my love;
The cherubs would in joy reply,
"His friendship will not 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.

This is another proof that my attachment was becoming stronger and stronger. Some time after this a miniature painter came to Hagers-town, and I had him to go to her house and take her likeness, which I now deliver to be attached to these pages. The painter knowing that I was the Sheriff, and she a wanton, did not consequently give it that finish which he otherwise would have done. Although the lineaments of the countenance are correct, yet it is not so pretty as she. The face ought to look more full. This is another proof of my attachment. The Sheriff found this likeness in her trunk, and gave it to me, at my request. I told a friend of mine that I tore it up. I tore the lower part of it and showed him that as a proof of what I had done, which satisfied him; but the upper

part of the face and half the body I preserved, by putting it between the back and the glass of Rachel's looking glass, which I had in the prison, where I instructed H. Mitchel, the keeper of the prison, to get it for me. About this time I received several letters from my father, who then lay at Cumberland with his leg broken, which were truly affecting, and in which he severely reprimanded me for my connection with Rachel—telling me that I would ruin my family, friends, myself, reputation, and begged me by all means, for the sake of every thing that was sacred and solemn to desist from my connection with her and to send her away. But my attachments were too strong. To part from her was death. About this time a committee of gentlemen, uncles Isaac and John, Dr. Dorsey, Geo. Shiess, Mr. Neill, Joshua Grimes, met at Daniel H. Schnebly's tavern. Uncle Isaac came to my house for me, and told me some gentlemen wished to see me at the tavern; I could not conceive what they wanted, but supposing it was some business connected with my office, I went up, and when I was seated, uncle Isaac addressed me on the subject. He said that he understood Rachel was at Hard Scrabble, that he was known there, her being there would injure him, and that he would have her driven away. I observed that this matter was not connected with my official duties or obligations, and that they had no right to interfere with my domestic affairs, but if they were dissatisfied with me, I was willing to give up my office.

After this reply the company dispersed, except uncles Isaac and John, Messrs. Grimes and Shiess; they then conversed feelingly on the subject—represented to me the disgrace I had brought upon myself, my family and friends—that no attempt would be made to deprive me of my office—that the affair was generally spoken of as disgraceful to the county—that they were my friends, and they felt deeply upon the subject. Uncle Isaac declared that he would raise a force and have her driven off. At length my feelings on the subject were heightened to such a pitch, by the force of their conversation, and by my sympathies for Rachel, (for I then thought she was pregnant by me) which were greatly excited, that I burst out crying. I wept aloud, which induced some persons to come and gaze at me in the room. They could not conceive

what the matter could be with me, that I should cry there so loud. Uncle Isaac also cried, and at length observed that if I would desist from visiting her, that he would not disturb her, but let her be where she was.

Sometime in the month of February, 1828, Mrs. Scott having heard of my connection with Rachel, came to Hagers-town, with the view of taking Mary home with her to Cumberland. She pleaded with me to break off my intercourse with Rachel, declaring she had no other objection to me than this one—that if I would send her away out of town, Mary should stay, but if not she certainly would take her home. I did not give her any satisfaction nor make any promises that I would, and she with Mary, consequently, prepared to start for Cumberland. On the morning they started, I had been down town, and when I returned home, just as I stepped up, my brother Franklin helped Mrs. Scott into the carriage, and I then took hold of Mary's arm and helped her into it. Smiling, I observed that in a week's time I would come up to bring her home, and they drove off. My brother Franklin accompanied them to Cumberland. On the morning of the departure of my wife with her mother, a lady of the town had been with her, who, I believed at that time, persuaded her to leave me in order that I might be put down in public estimation, and that her husband might get the collectorship of the county tax; but now, I am convinced of my error, and believe it was done for my own good. I make this acknowledgment to justify her and her husband, as I wish to die in peace with all mankind, and leave no imputations, incorrect charges, and untrue statements uncorrected.

Rachel by this time had moved to the new house (being about the first of April) I had built for her, which was said, on my trial, to be in the face of the court; the house being situated on the same street running south parallel from town. Here she amused herself planting flowers, and I visited her openly by day and by night. This house was built on a lot adjoining Mr. Otho H. W. Stull, who a few days after the departure of my wife for Cumberland, addressed a note to me, in which he complained of my having brought Rachel there in the face of his young daughters—the example was bad and wished me to remove her. I answered his note politely, stating that upon

reflection I perceived I had done wrong in placing her there and I would have her removed.

On a certain Sunday whilst Rachel lived at this house, we proposed to meet in Middlecauff's woods, behind the Roman Catholic burying ground; she went one way and I another, and we spent all the day in the woods. Whilst we had our handkerchiefs spread on the grass and seated near a large tree, we beheld some young squirrels coming out of their nest and playing about on the boughs of the tree. I asked Rachel if she would like to have them for pets? She replied she would, but I should not endanger myself in the attempt to get them for her, but having a disposition to please her, I climbed up the tree and attempted to get them, but it was impossible. I then came down the tree and went to a neighbouring house, borrowed an axe, returned, cut the tree down, secured the young pets and gave them to Rachel, who carried them home to amuse her in her leisure hours.

About this time a warm friend of mine called to see me, and stated that it was reported that Rachel was in the new house, that a mob was about to be raised and would attack the house, and advised me to have her removed; and although he was my warm friend, he would be the first to make the attack. I thereupon had the child sent to the country at the house of a black man, and took Rachel home to my own house, 15th May, where she staid until the 20th. She had not been at the house of the black man as was given in evidence on trial. I removed her from my new house to my own dwelling 15th May, fearing the mob would injure her. She had been here but a few days when Mr. Powles called to see me, and observed that he understood that Rachel was in my house, that a mob was about to be raised and that I had better send her away. Upon his leaving my house I went to Wm. Hawken's, borrowed a gun, loaded it heavily, took it to my house, went up stairs, hoisted the window, and was thus prepared and determined to shoot the first man who would make the assault. After this Col. O. H. Williams, as well as other respectable gentlemen of the town, called at my house to inform me that they understood Rachel was there, that the house would be attacked, and I was unsafe. I denied her being there until the Col. asked me confidentially, when I acknowledged that she was,

and that she was up stairs. The Colonel then advised me to send her off publicly, but I refused to send her off in the stage in consequence of her delicate situation, but promised that I would remove her, and immediately sent to Ringgold's manor for a young friend to assist in taking her to Virginia. He hesitated and observed that he intended being a candidate for the Sheriffalty, and was afraid that if he did so, and it were known, it would injure him. This was about the 20th May. However, as it was on his way home he accompanied us that far, when he left us; and my father, as I have already observed, at that time was in Cumberland with his leg broke. I took her and her child to his farm, three miles from Battletown, Virginia, May 23d, knowing that none but the overseer and servants were there, and believing that I could let her remain there in safety, at least for a short time. I then left her there and returned to Hagers-town, and as I told my wife I would come for her in the course of a week, I now set off for Cumberland, and when there I told Mary I had removed Rachel; that she was not within forty miles of Hagers-town, and without any hesitation she consented to return home with me. I then returned home with my wife.

Sometime about this time I purchased a pistol to defend Rachel and myself.

I then went, about the 30th of May, to my father's farm to Rachel, when the overseer having been informed by some of my father's friends, Mr. Joseph Shepherd and others, who she was, he advised me to put her away, stating as his reason that she would disgrace myself and my friends. I promised him I would think about it—thought of so doing. On our return I asked her if she had a friend to whom she could go. Her reply was, the only one she could think of was in a neighbouring county, and she did not know whether he would now receive her. I then removed her from my father's, within one mile of Charlestown, at a respectable tavern, kept by Mr. Anderson, June 2. I there left her whilst I went to the lower part of Washington county, near Harper's Ferry, to summon a jury to assess damages on some land for the railway company of Baltimore. During this time Rachel visited Charlestown and called herself Mrs. Swearingen—my wife never having been in this country. As Mrs.

Swearingen, therefore, she was invited by several respectable families to dine—one of which was a relation. She called Mrs. Scott her mother, and answered all inquiries relative to the family, understanding them pretty well, and passed herself off easily as her daughter Mary. She could answer all inquiries relative to me and my business. She stated, as her reason why she staid at the country tavern, that she with myself had been to see my father but he was not at home; that I had some business near Harper's Ferry; that I left her there, not knowing any person in town, and that she greatly preferred a retired and country situation, until I returned. In the mean time one of the gentlemen who had informed my father's overseer of her character, came to this tavern and there gave a full account of her. She had a hint of it from one of the daughters and addressed me a letter on the subject. The landlord and family, notwithstanding, treated her well for my sake. When at this place I gave her \$15, to purchase a new leghorn bonnet. She went to Charlestown and bought it when there; the milliner wished her to take a very pretty artificial flower for it, but she replied she was rather a plain woman, she did not know whether her husband would like her to take it, and she could not think of so doing without his consent. The lady insisted upon her taking it, and she replied if when her husband came he was not satisfied, she should leave it at the tavern and she would get it. When I returned to the tavern Rachel told me of it; I insisted upon her taking it, and left the money for it with the landlord. I then removed her to a little place near the Potomac, called Hard scrabble, where I found a gentleman who promised to repair a house for her to dwell in. He promised to keep her in his own house until the other was repaired, but she had not been here but a few hours, when the whole matter was made known, and the daughters of the gentleman, who was a member of the Methodist church, insisted upon her removal. It being nearly night, he permitted her to stay until the next morning, when he removed her to the country. When I removed Rachel from the new brick house to my own dwelling, I also removed her trunk there, which was in the garret, and although my wife was in the house, she never discovered it, and the day before I started for Scrabble, I told Sweitzer to carry down the trunk

in the morning, before Mary got up, and deposite it in the stable, where he should leave it until night, and then take it to Dillon's tavern in Hagers-town. When Mrs. Scott came down, in February, to take Mary home, she borrowed Dr. Smith's gig, of Cumberland, and having returned in a hack, the gig was left at my house. Having broken my gig on Martin's mountain the summer previously, and having left it in Cumberland to be repaired, I told Mary I would take the Doctor's gig home to Cumberland, and bring mine down. I took the gig, went to Dillon's tavern, got Rachel's trunk left there by Sweitzer, which I took to Rachel, at Scrabble, and from thence to Gano-town, and leaving her there, passed on up through Virginia, to Cumberland, to exchange gigs; when, in the mean time, Mr. Matthew Scott left Cumberland for Hagers-town. When he arrived at my house, in Hagers-town, Mary inquired of him where he met me. He replied he did not meet me at all. Mary, struck at this reply, mistrusted the matter, concluded I must have gone to see Rachel, left my house, went to Funks-town, and stayed at Mr. George Shafer's. When I returned, understanding how and when she went away, I did not go for her, and left her where she was. Mr. Shafer came to me, told me the circumstances, and told me to come over for Mary. I replied, she went away improperly, and without cause, and she might return herself. In conversation with him, I observed that I treated Mary well, and if they were not satisfied with my treatment towards her, I would give up all the property which I had gotten into my hands from her, in February, 1827. I further said that I believed if I were not the sheriff, there would not be so much fuss made about my connection with Rachel, and if the friends were not satisfied I was willing to give up that office also. In a day or two after, I went over to Mr. Shafer's, when a reconciliation was effected between Mary and myself—and on coming home, just before we were about entering on the bridge, the horse took a start and ran down the bank of the abutment, and nearly upset the gig, when Mr. Scott, who had been there also, seeing our situation, ran to our assistance, when he observed, "George, if you upset Mary, the people will swear you want to kill her." After this we returned to Hagers-town.

When I returned to Scrabble, I was greatly disappointed in not finding Rachel there, and then repaired to the country, where she was, and whilst there over night, some person in the neighbourhood, let my horse out of the stable, and there was some difficulty next day to find him. It was said that if it had been any other person than myself, his mane and tail would have been trimmed off; and threats were made that if ever I returned there again to see Rachel, this would be done. When I was at Scrabble there was an acquaintance of uncle Isaac's, whom I solicited to aid me in getting a place for Rachel; but he refused, stating that he was in a difficulty of the same character; that he would like to do so for my uncle's sake, but was afraid he might be injured by it. From Scrabble I removed her to a little town further west, called Gano-town, about 16th June, and placed her at Hartsock's tavern, and then returned to Hagers-town to my wife and business. After she had been there about three weeks, a messenger arrived at my house with a letter, and I not being at home, it was given to Henry Sweitzer, and when I returned home he gave it to me. On reading it Rachel informed me that she and the child were both very sick with the chills and fevers. I immediately started to see them, and when I arrived I found them sick. She informed me that when she was first taken, they spoke of sending for Dr. Macgill, and as the name was familiar to her, and knowing that there were some of that name in Hagers-town, she inquired where he was from. They informed her that he was Dr. Macgill, from Hagers-town. She then, judging that he must know her, and know all the circumstances connected with her, requested them to send for another physician, which they did. Dr. Macgill having heard a whisper about the matter, and knowing my arrival, disclosed the whole affair, so that I found it necessary to remove her and the child hence. When I arrived at Scrabble, and found how matters stood, I removed Rachel and her child about ten miles further west, where I left them, at M'Cule's tavern, and returned, with as little delay as possible to Hagers-town. This occurred about the last of July or first of August, and then I took Mary to Cumberland, and returned to Hagers-town. As I was about to erect a distillery on my farm, in Allegany county, and understanding that a Mr. Bargdoll, near Nichol-

son's Gap, in Washington county, was a good distiller, I went and engaged him to distil for me, in Allegany county. I told him to stop at the Black Bear, as the expenses would be more moderate, and Rachel's bed, bed clothes, bureau and other things, were there, to be taken to the Tevis farm, in Allegany county. All things being now arranged, and having sent a box with fish and other articles to this tavern, on Monday morning I started the wagon and carry-all on, and rode my horse. We kept on the turnpike road as far as Clear Spring, twelve miles from Hagers-town. I told Mrs. Lindsey that I was going to Virginia to take in a sick woman, who was under my care. I told her this before. I may have told her what she deposed—it is more than likely I did. We therefore cut across the country and arrived at Gano-town that evening. I left Mrs. Lindsey and Bargdoll's son at this place, telling them to come on the next morning by breakfast, and to bring the trunk. I went on yet that night the ten miles further to the last place I left Rachel, and there lodged with her all night. The next morning they came by breakfast time. I took Rachel behind me on my horse. We travelled all day, and stopped at a tavern, and there Rachel and I lodged together. This route was up through Virginia; we came on as far as the river, where I left them, and came on to Cumberland to my wife, at her mother's. I stayed here until the wagon came on up the turnpike in Maryland—got a person to watch for its arrival, and met it in town. They went on to the Tevis farm; the reason why I took Rachel to the Tevis house was, she and the child were sick with chills and fevers, and I could get no place at which she could be kept with safety and comfort, without disclosure.

We are now all in this county, (Allegany,) at the Tevis farm, about six miles from town; and Mary, my wife, in town, at her mothers. At this time I was preparing at the Tevis farm materials to erect a distillery, and had logs cut to be bored for pipes to convey the water to the distillery. It was understood that after the logs were all ready, and all things prepared for the still house, that we were to go on to Hagers-town; hence Mary sent her trunk on by Mr. Philip Wingert. I have since understood that it was said, that with the pretence of sending Mary's clothes to Hagers-town, I sent them up to Rachel, but

this was not the fact; the trunk, I have been informed, was returned with all her clothes in; and moreover, Rachel never would have worn any of Mary's clothes, for she had many and good, of her own—she thought herself Mary's equal, especially as I paid the most attention to her, and there was a kind of pride about her which would have disdained any thing of the kind.

I would stay here three or four days at a time, during which, sleeping in the same house, Rachel at night would get up out of bed, (she lodged with Mrs Lindsey,) and come to mine, in an adjoining room, and stay with me until a while before day, when she would return to her own bed. Every third or fourth day I would go down to Cumberland to see Mary. Things thus went on until 20th of August, when a camp-meeting being held about a mile and a half or two miles beyond Cumberland, and Mrs. Scott's family having, I believe, a tent there, Mary was there, and I would visit her there accordingly. After camp-meeting was broken up, the whole family, together with brother Charles' family, agreed upon going up the river on a visit; his wife, however, being brought to bed shortly after, prevented their going up. I and Mary having been invited, by aunt Susan Cresap, to spend a day with her, and being in Cumberland on Saturday, where I purchased several articles, such as sugar, cotton, &c. I put them in my saddle-bags, which I had hanging on my arm, ready to start, when Mary told me that if I would wait until the next day, Sunday, she would accompany me. I consented, and stayed. This was proven in court by a respectable young lady, Miss H. Thomas, who was at Mrs. Scott's at the time. On the next day in the afternoon we started, and as there were two roads leading from town, one a hilly, rough road, and exposed to the sun, and the other on the river bottom, pleasant, and shaded by overhanging sycamore trees; she said she preferred the river road and we would go that way. I was not at all acquainted with this road. There is, however, a difficult and rather dangerous pass on this road, at what is called the Point of Rocks. The rocks lie shelving and are slippery, and this place is only passable, I believe, in low water. I was not acquainted with this road—I never passed it but once in my life, and that was in company with Charles Cresap and when the water was low. There

is a way, however of shunning the rocks, by passing a ford below them to the Virginia shore, and crossing the river above them. This road was familiar to Mary; she had often passed it with her father in going up the river, and now I was not to lead her, but she was to lead me, and as this, as every thing else I done or said, was made a matter against me, (as it was said I attempted to drown her here,) the world will see how unjust it was. I declare in the presence of the awful God, my judge, before whom I shall shortly stand to give in my last and dread account, that I never had the most foreign idea of drowning her—it was not my intention. On our way we overtook Mr. Pigman, who spoke to us, and addressed Mary, and inquired of her in a pleasant and familiar manner, “Madam, are you going to venture round the rocks?—it is a rough place for a lady to ride.” The horses going on, and she being before him, in her reply to him was not heard; but I being along side her heard her remark, which was, “we shall not venture the rocks, but cross the fordings,” and so we passed on, and safely escaped them. The water was shallow, and there was nothing particularly that attracted my attention, and I heard no observation from Mary of the river’s being deep. In the evening we arrived at aunt Margaret Cresap’s, where we took tea, spent the evening agreeably, and before we retired to bed, we had evening prayer, by the Rev. Mr. Barns, of the Methodist Church. On the next morning we all arose well, cheerful and gay, Mary especially, as was proven by aunt Margaret Cresap. And I would now further say, that if I had made any attempts to drown Mary, she would have observed it, mentioned it to her aunt, and fretted over it; but no such thing—she was gay and cheerful. After breakfast, preparations were making to start, when some conversation passed between aunt and Mary, relative to her staying all night with her as we returned, when I replied we would if we did not return to Cumberland. We left here, passed through Cresap-town, on the road to Western-port. At Cresap-town I saw Robert Kyle picking hops; I stopped, and we had a short conversation. He observed that he understood I was about to erect a distillery, and asked me if I would not exchange whiskey for hops. We passed on.

I DID, UNFORTUNATELY KILL MARY, MY WIFE, but it was far—very far from the manner in which the State, by its prosecutor and witnesses, made it out. I acknowledge to all the world and to my God that I was the cause of her death; but I declare before that world and that God, who knows all things, that, I had not engendered any premeditated purpose so to do—that it was not done designedly, or with “malice aforethought,” and that although I have been convicted for the crime, and my life is about to pay the forfeiture, yet, if the facts had been known, and developed, the state could only have convicted me of manslaughter, as I killed her in a fit of anger, and although my dying confession will stand in high array to some of the testimony of the witnesses, yet the world must be the judge between this confession and the testimony, and see, by corroborating circumstances, the truth of it, that much injustice has been done me, and that the verdict was wrong, *although I die justly.*

After we left Cresap-town and came to where the eastern Tevis road intersects the main road leading to Western-port, Mary, my wife, observed to me, “George, let us go up to the farm and see our new tenants,” (meaning Bargdoll’s family, which had just come up from Washington county.) I observed “we will call as we come back from aunt Susan’s,” (the place to which we were going) she replied, “no, let us go up now.” We then left the main road and passed up the eastern Tevis road, where I saw a man passing the road above us going on in the direction to the Tevis house, hence, supposing the man to be Abraham Johnston, I asked him after Robert Kyle, sent him to where I was with the body, as he deposed in Court, “did I not see you pass here a little while ago?” when he replied “no.” I have since understood that it was his son, but do not know whether it be correct or not. We passed up the eastern Tevis road, and not up the western Tevis road, as little Hilliary swore; we did not see young Hilliary, nor the drove at all—we were not that low down the main road. He swore to what was not true, and the world will hereafter see it. We passed up the eastern Tevis road until we came to where the eastern and western Tevis road intersect. Knowing that Rachel was at the house and that Mary would see her there, which above all things I would endeavor to prevent, I observed to Ma-

ry that "we would not go down to the house now, but call on our return." She insisted upon going; we then went to the gap, where I dismounted, and with a pretence of opening it, I threw down a couple of rails, manifesting much indifference, when I put up the rails again and said, "Oh we'll call as we come back." She said she would go down now, that she and her mother had been told, besides which, her mother had received a letter informing her that Rachel was at the Tevis farm, and that she would now go down to see if it were true—that she believed it now, because I refused to go down with her to the house, and that she would tell her mother. Finding that I would not go down with her, we got to quarrelling, when she turned her horse to the western Tevis road, calling me a deceiver. I took the child, got on my horse and followed on after, when she still continued to speak roughly to me—began to tell me of my broken vows and promises—that I still continued to deceive her,—that I told her lies—whereupon, I became very angry, and as my horse was a little in the rear of her's, I pushed him on, let the rein go, and with my right fist and with all my force, I struck her on the back part of her head, just behind the ear, and knocked her off her horse—[at the place marked on the map with an index pointing to the spot "where killed."] As she fell from the blow, her bonnet was knocked off, and the hill beginning its descent here, she fell forward on her forehead, on the hard flinty road, when she received the wound on her forehead. As our horses were walking on at the time she fell, they still passing on, she fell between them, and I cannot say whether they trod on her or not. I had the child in my left arm; she did not see me strike the blow, but saw her mother fall over, just before her eyes: hence she was heard to say by Robert Kyle, and afterwards when questioned by her grandmother—"mamma fell off the horse." Having let go the rein to strike my wife, I could not get it up soon enough to get the horse out of the way, and it may have been that the hind feet of my horse trod on her, as his hinder part seemed to have been raised as he passed on. Mary did not move nor speak. I immediately dismounted, set down the child and went to her. There was a kind of tremor in her limbs and her eye balls were turned up. Oh! my feelings were horrible. I saw she was dead, but did

not think of, nor attempt to bleed her. A thousand reflections rushed into my mind, and in quick succession;—the circumstance of the fall on Martin's mountain—the conversation of Matthew Scott at the Funks-town bridge—my connection with Rachel at Hagers-town, and the fact of her being so near the ground, came up to my recollection, and I knew, consequently, I should be charged with murdering her. What to do I knew not—there laid my wife a corpse and my little child a crying and exclaiming "mamma is dead—mamma is dead." I would have given ten thousand worlds if I could have resuscitated her. There was no smothering, as the doctors thought; but on the contrary, I should have inflated her lungs if it had been possible. What should I do? Death and the gallows stared me in the face, and I was just upon the eve of taking my horse, leave my dead wife on the spot and the child by her side, and make my escape, when the stony place recurred to my mind, and I thought that perhaps by taking her there, laying her down on the spot, and then giving the alarm, I could deceive the people. So I pacified the child, gave it its mother's parasol to keep it quiet, lifted Mary, my wife up, laid her on the saddle with her arms through the pommels and her breast on the saddle (which I expect caused the spots seen there afterwards) and then took her down the western Tevis road to take her to the stony place. When I arrived at the base of the steep hill, where the "path" and the western Tevis road intersect, I heard the drovers, and looking up the level ground I saw the rear of the drove about Medley's bridge, and some persons about. I found that I could not with safety and without detection take her to the stony place. As the horse came down the steep place Mary fell off the horse [where it is marked on the map "fell off," at the junction of the path and "western Tevis road"]—where her curls and shoes fell off. I let her lay, picked up the curls and shoes—ran across and laid them down by a tree at the stony place. I returned to my wife, put her again on the horse (the horse would stand without hitching) and took her back up the western Tevis road to the spot where she was killed, and to the child, and there sat down waiting until the drove would pass on. Here by the motion of the horse she fell off again [where it is marked on the map "fell off"] and received the

wound on the right side of the head; her bonnet being off was the reason why it was not bent, nor bloodied. The wounds bled somewhat, and by my lifting her upon the horse, her head resting upon my waistcoat and ruffles, bloodied them, as was sworn to by A. Bruce and Mrs. Poland. Whilst I was sitting here waiting for the drove to pass the eastern Tevis road, knowing I would be suspected of the murder, and in order to make all appearances good, I thought some marks of stumbling and falling should be manifest on the horse's knees; I took out my knife, drew up the skin with my left hand, whilst I cut the horse's knees, paring it off in a manner, between my thumb and knife blade. I cut both the knees, and to make appearances better, I then took a stone and pounded them, in order to make them look rough and dirty, as if the horse had fallen. I should have taken Mary to the Tevis House from this place, if Rachel had not been there; and, in order that no person should go down to the house, I put Mary upon the horse again, after having fallen off three times, (once when I struck her and twice afterwards,) and took her down to the place where Robert Kyle, and the woman found her, [marked the map "the corpse."] I left her lay here, and went back for the horse and the child.—I took the child up, got on my horse and came back down the eastern Tevis road, passed the corpse, and went on after the drove. When I came up to the drover, I asked him where he was from, where going and what his name was; he told me. I then told him that my wife was thrown from her horse some distance back, and I wished him to go on to Cresap-town, and send a man by the name of Kyle, out to where I was, as I wanted him to bleed my wife. He took my horse, and I carried the child back, and sat down by the corpse until Kyle arrived. The reason why I sent for Kyle was, not that I wanted him to bleed her, but I knew he was at home; he had been a tenant and seemed always willing to serve me in any little jobs.

Whilst I was with the body in the eastern Tevis road, after I sent for Robert Kyle, I observed my dog, which had followed my horse to Cresap-town, coming down the road before the horse; and, when I saw him, I whistled for him; knowing that Kyle, if he were on the horse,

would follow the dog, for as yet I did not see him. Kyle deposed in court that he did not see me, and would have rode past me, if he had not heard me whistle. I told Kyle I made an attempt to bleed Mary, but it was not true. I lifted her up, in order that Kyle might take her on the horse before him, to Mrs. Cresap's, but she was so limber that he could not keep her upon the horse. Kyle tied up her jaws, which were wide open, with a handkerchief, and then went for a cart to convey her to Mrs. Cresap's. After Kyle left me, Mrs. McNeill was the first person who came to the corpse, and Mary's mouth being open, she proposed tying it closer, and her hair being dishevelled, she proposed tying it up, and asked me for a string. I had no string about me, but put my hand up under Mary's clothes, untied her garter and gave it to her, and assisted her in tying up her hair. I did not throw up her clothes and expose her to strangers, as Dixon said. He did me injustice in that remark. Her eyes were open and would not stay shut by mere closing, and as I knew it to be customary to lay cents on the eyes of corpse, I asked Mrs. McNeill if it would not be best to lay cents on her eyes. She observed I might do so if I thought proper, and I did so. The cart was brought, and Mary put into it, and laid on her back; and the jolting of the cart accounts, I suppose, for the skin on her hips and shoulders being marked in the manner Mrs. Poland, on the trial, said they were. She was taken to Mrs. Margaret Cresap's house, and laid out by several of the neighbouring women. I then asked D. Bruce if he had a servant who could go for the curls and shoes, and directed him, in his presence, where to find them. When the corpse was at this house H. Wincour came to set up all night. Mary's eyes had opened, and I asked him if they ought not to be closed, when he observed, just as I pleased. I then smoothed my fingers over her eyes, but did not press them hard, as he said. I thought there was a wish, on the part of the State, to make it appear that I pressed her eyes down, as if I intended thereby to keep her from resuscitating; but every body ought to know that that would not keep her dead. The reason why I wished her eyes closed, was that a corpse looks frightful with the eyes open, and natural sympathy would suggest it any where and to any man. Although I killed my wife, through a raging fit of anger,

still, after that anger had cooled down, I could feel as all other men would feel, and desire and do as all other men would. I should have been glad to have seen her eyes open into life—yes, I should have given the world to have realised it; for I knew the danger I was in, and the difficulties that surrounded me. The Coroner was already present, and the jury summoned to examine the body; and although I knew that there were no marks of violence upon it, and had not much fear on that score; yet I did not know what, finally, would be the character of their decision. There were darkness, and doubts, and condemning circumstances around me; and, therefore, most gladly would I have beheld her rising up to life.

On the next morning, Michael Lane, Coroner, came to my room quite early, and brought with him a book, (Magistrate's Guide) paper and ink, stating that the Jury would soon be there, and wished me to write the Inquisition, and leave the blanks to be filled up, as he was a bad penman. I wrote it for him, according to his request.—The Jury came and examined the body. I knew there were no marks of violence upon it, and had no fear of detection. They examined the horse's knees and then signed the Inquisition, stating that "she came to her death by an act of Providence." John M. Buchanan told me at the time of the Inquest of the conversation of the women, and that Mrs. Johnson told them of some supposed injury done to the womb; but said, at the same time, that he had no confidence in midwives and cake-bakers. I don't believe that I said to him, "Why, you must have had some pretty hard headed fellows in there." Perhaps I might—I hardly know what I said—and the Jury were a long time in the room with the women.

On Tuesday Mary was taken to Cumberland, and interred on the farm adjoining town, in the family burying ground. Whatever may have been my appearance, and whatever the people may have thought, my feelings were sorrowful and awful. On Wednesday, William Reid, Esq. came to Mrs. Scott's, in order to speak with her on the subject of my giving himself and her counter-security for settling up Mr. Scott's estate, as they were my securities. Mrs. Scott refused to do so, alleging that she had full confidence in my integrity. Upon this Mr. Reid was about to start, when I gave him a letter to Mr. Conrad,

the pump-maker, in Frostburg, and he left the house.— Mr. Reid had me summoned himself, and whilst I was at the stack-yard, with brother Charles, the summons was served upon me, by Mr. Aphe Beall, to attend the Orphan's Court, to give counter-security to Mr. Reid. I immediately got my vouchers and began to settle. The next day, Thursday, I got a copy of the settlement and showed it to Mr. Reid. I observed to him that I could easily give counter-security, but this was rather a delicate time to talk about it, Mary just being dead—I thought he was precipitate in demanding it, and did not think he had any thing to apprehend from me. He observed that it was with the Court, and they would decide upon it properly. After this conversation we went into a room at Fechtig's tavern, where he said that the women charged me with killing Mary, and that they declared that injury had been done to the womb. After some conversation on this subject, and some relative to Rachel, I observed that that was Charity Johnson's story, and every body knew who she was. When he proposed to have her examined by the physicians, I refused, not because I apprehended any danger of detection from what I had done, because I knew there were no marks of violence on the body; but as the report was out relative to the injury done to the womb, I did not know that if any were done, the women might have done it, and I must have been blamed. And further, delicacy of feeling was indeed another reason why I refused to submit to the Doctors cutting up and examining my wife. I then replied that I would consult Mrs. Scott on the subject. I then left him, and on my way to Mrs. Scott's, I met John M. Buchanan, and asked his opinion on the subject. He replied that he thought that I ought to submit to it; and further said that Mrs. Scott did not blame me with the death, but thought that Rachel knocked Mary off the horse. I left him and went to Mrs. Scott's, and told brother Charles the advice of Mr. Reid, whereupon he went and consulted her upon the subject, and when he returned to me, he told me that Mrs. Scott was opposed to it, and declared that if she had known that the people would take Mary up and have her cut to pieces by the Doctors, that she would have had her buried in the cellar, and that she could not think of suffering it to be done. My brother and I then returned to Mr. Reid,

and informed him that Mrs. Scott would not consent to it. Mr. Reid then observed that it was an unfortunate thing that Rachel was at the Tevis house, when brother Charles replied that she was not there. Charles had asked me prior to this if Rachel was up there, telling me at the same time that they all had been informed that she was, and that I was doing very wrong, and must put her away. I told him that she was not there—that the medicine I got for her, (having chills and fevers) was for Bargaoll's daughter—hence he, believing me, made the reply to Mr. Reid “that the girl was not there, and defied him or any other person to prove that she was.” I then told him to hush—that she was there, and knew nothing about it. If I told Mr. Reid, as he deposed, that I was in the woods, I told him that which is not true. I never was in the woods. I was a good deal confused and knew not what I said. All the discrepancies in my statements, and all the stories I told, grew out of the fact that all was false. I then left him and returned with brother Charles to Mrs. Scott's. Mr. Reid then had a jury summoned—the Physicians called in—the body disinterred, and sent for me to attend the dissection of my wife. When the messenger came for me, and his object was made known, the door was shut on him and I informed of the import of his visit. At the time of the disinterment, brother Charles told me he supposed they were about disinterring Mary, as he saw a candle at the grave. After the Physicians had examined the body, they reported to the Jury the following as the result of their examination: “From the putrescent state of the body, we can arrive at no conclusion as to the manner by which Mrs. Swearingen came to her death.” And it was not until some time after that one of the Physicians set to guessing as to the manner of her death, and arrived at the hypothesis that I smothered her, as he concluded that the lungs must have had something to do with it; but unfortunately he never examined them. If I had had any idea of suffocating her, I need not have taken her to this place of death—no, at the midnight hour, in a more favorable place—when she was wrapped in slumber in her bed, if this had been my intention, I might have used the downy pillow, which would have left no trace, and there and then have made her bed her grave.

It was attempted to be proven by the prosecutor for the

state, that I was in the woods in the laurel thicket—that there they tracked my horse—found the stone and the club, and saw the supposed blood of my wife on the leaves, and found the spot where I murdered her. Whether the testimony of these men, who swore to these circumstances, was the grounds upon which the jury found their verdict, I am not able to say; but no doubt it had its strong bearing on their minds—but I hope I shall not plant a thorn in their dying pillow, by telling them, the jury and the world, that these witnesses were mistaken. I declare, in the presence of the mighty God—the awful Judge of quick and dead, that I never was in the woods at all—that I never was off the eastern or western Tevis road—and if I had not been guilty in a way different to that alleged in the indictment, (which was, that I killed Mary with a stone or club,) where would have gone my innocent life? How would even an angel of light, with all his innocency have stood up against such circumstances? I do not say that these men perjured themselves; but I do say, that if they saw the tracks of a horse in the woods at all, they were not the tracks of mine or Mary's horse. As to the nest spoken of by some of the witnesses, the supposed place of the murder—the stone found on the log, and the club found, as Magruder deposed, eight or ten steps from the nest, I know nothing about them. I declare to God I never saw them. The hypothesis that I decoyed Mary to this nest, and having enticed her to the “shades of death,” I destroyed her life, does me much injustice. The club must have been cut and left there by some of the persons who afterwards went up to view the ground. With regard to the blood on the leaves, I can only say, that if it were blood, it was not the blood from Mary's wounds. It was proven on the trial, by actual experiment made by the physicians, and by observation of old hunters, that blood would not stain a leaf in the manner those leaves were stained—that it would crumble off if dry, or wash off if wet; and as there was no blood nor hair seen by the witnesses on the stone nor stick, this ought to have been conclusive to the jury, that those leaves, stained by nature, as generally admitted, were not coloured with Mary's blood, as the rain that fell would have washed it off.

I shall now relate a circumstance, and let it speak for itself—it corroborates my last dying confession—places it

beyond the possibility of doubt—and proves demonstratively to the world, that all the circumstances relative to the killing in the thicket, were mistaken, and untrue: At the place in the western Tevis road, where Mary was killed, her *side-comb* was found, by Mr. Matthew Scott, a cousin to my wife. He was out, examining the ground; and as he was passing up the western Tevis road, he found it—marked the place by throwing together a pile of stones on the spot, and blazed a small sappling hard by with his knife. This comb was recognized by Mary's sister to be my wife's. The fact of finding the comb at this spot, was known by Mr. W. Reid, Kyle, and others. This fact Mr. Scott communicated to me since my apprehension; and from the place he describes, it was just where I killed my wife. The comb must have fallen out of her head when I knocked her off her horse. It being small, besides my being confounded, alarmed and confused, I could not see it.

The world will now see, that although I killed my wife, I did not do it in the manner in which the State made it out. It was not done in cold blood—it was not my premeditated purpose—it was done in burning anger. This was, (in the language of the Judge who passed my awful sentence)—this was “its deepest dye—this constitutes its blackest atrocity.” *It was not through design—* for I had no plan arranged—no plausible story made out—no preparations made to meet any exigency—and to answer any question. Hence, it was, that I told so many different tales—gave so many discrepant relations, and committed myself to all that asked me any questions on the subject.

As Mr. W. McMahan proved in court, that after he left the rear of the drove at Medley's bridge, he met a woman on the farther side of the bridge, whom he did not know, and as this woman has not been heard of since, the Prosecutor for the State, as he could not account for the depositing of the “curls and shoes,” at the stony place, wished to make it appear that this woman must have been Rachel Cunningham—that she was accessory to, and assisted in the murder. He said “the she wolf was on the walk,” and supposed, in her going round, she must have deposited the “curls and shoes” at the stony place. I have already explained how the “curls and shoes” were

deposited at the stony place, and I now declare, most solemnly to God, that Rachel was not present at the murder, and that she knew nothing about it previously to its occurrence, and that the woman whom Mr. McMahon saw was not Rachel. It is passing strange, I admit, that she has not since been heard of. Who she was I am not able to say—but her name, some day, no doubt, will be told. There was no premeditated purpose about it—no arrangement between us. Rachel did not know any thing about it. She told me afterwards, that if she could have prevented it she would have done so, more especially there, as she was so nigh, and would also be charged. Rachel and I did once speak about Mary's not living long, but this was when she lived at Poplar Miller's house; and her reply was then, that "she would rather not that Mary would die"—giving as her reason, that then I would forsake her, and marry some respectable woman. She was satisfied to live as my mistress, and I could command her services without her being my wife. I now declare, that the reason why I told the sheriff, shortly after my conviction, that Rachel killed Mary at the bars, was, that I wished very much to see her. I thought, by telling him so, he would send for her; as she always declared, that if I were taken, and should be executed, she would die with me. But what I told him then was *not true*.

I have now made a full confession of all the facts relative to the murder of my wife, and declare them all to be substantially true, as I shall answer for them in the dreadful day of Judgment—and although much injustice has been done me by the world, and some of the witnesses, yet I freely forgive them all, as I hope to be forgiven, and die acknowledging the justness of my death—and in peace with the jury, the witnesses, with all the world, and with my God.

GEORGE SWEARINGEN.

¶ The Publisher of these pages, having been informed by Mr. Matthew Scott, that it was discovered that the woman whom Mr. W. M'Mahon met on Medley's bridge, and who rode through the drove on the day of the death of Mrs. Swearingen, lived in Bush-town, Pennsylvania, and that her sister lived about a mile above the ground where the murder was committed—that he did not know the woman's name, but observing that it could be gotten by going to the sister's, the publisher, believing that if that woman could be seen, she might elucidate some doubtful points, and prove that if she were the woman who rode through the drove, it would be manifest that the prosecutor was mistaken in his supposition that it was Rachel; and further, that Swearingen's declaration with regard to Rachel's ignorance and innocence in the matter, were true; and feeling a deep interest to arrive at the facts, he concluded to go to the sister's to get her name, and then proceed to the woman herself, in Pennsylvania, to get the facts. He, therefore, on the day after the execution, accompanied by Mr. Scott, went to the house of the sister, above the ground where the murder was committed, to get of her the woman's name. On the road he inquired of Mr. Scott if the declaration relative to the comb were the fact, when he took the publisher to the ground and showed him the stones and the blazed tree spoken of in the confession, when he was satisfied as to the truth of it.—The publisher arrived at the house of the sister of the woman spoken of and found the identical woman at this house herself. She and her husband had come down the Thursday previous to behold the execution on Friday, and had not yet returned. The publisher was happy of this circumstance, as it saved him two days' riding.

The publisher inquired of this woman if she had any recollection of riding through a drove about the time of the death?—She replied she did, and she was the woman. She was not then married, and her name was Catharine Brown. She was bashful and diffident, and held down her head, when she saw the man with the blue frock coat, and the man on the horse at the bridge. After questioning her on the subject, the publisher obtained the following facts, to which she certifies. And he would here observe, that if it had not been raining at the time, and at some

distance from a Justice of the Peace, he would have gotten her deposition; but her account agrees with two of the witnesses on the trial, Mr. McMahan, who saw her at the bridge, and John W. Crawford, who swore that "there was a lady, who overtook him at the mouth of the eastern Tevis road—passed on through the cattle, and I saw her last at the top of Limestone hill, which is near Cresap-town."

I hereby certify that, on Monday the 8th of September, 1829, I was in the house of Mr. Rush, on the road above Cresap-town, where a drove of cattle passed by. A short time after, I started from Mr. Rush's for home, living then at John Clingaman's (6 miles from Bush-town, Pa.) overtook the cattle at the foot of Medley's hill, near which place I met a man coming out of the rear of the drove. I did not know him, and held down my head when I met him. I wore an old fashioned black silk bonnet, with fringe around the front part of it, and a cotton cross barred frock with light and deep blue colours. I did not entirely get out of the drove until I got to Cresap-town.

I did not stop in Cresap-town. I went on home to John Clingaman's, nor did I hear of the death. At the stony place, I saw a man with a blue frock coat coming out from the woods to the stony place. I passed on and left him behind me. I do not know which way he went. I do not recollect the color of his hat.

CATHERINE THOMAS.

MATTHEW SCOTT, }
DAVID THOMAS, } Witness.

October 3, 1829.

Mr. Dixon, in his speech, said—

"Mr. McMahan met a strange woman, in the rear of the cattle, about 209 yards from the stony place; and as we are in an age of wonders, you will not be surprised when I inform you, that the woman melted as a mist upon the hill, and was never distinguishable afterwards! This subject has been before the public for nearly a twelvemonth, and there is no being to give us any intelligence of this strange female. Sorcery belonged to the darker ages, but yet, as the infested Tevis house was only 723 yards distant, we may inquire, perhaps, whether any of its feline inmates were abroad."

Here is, at last, as Swearingen said would be, the strange, mysterious woman, who acknowledges and unfolds the mysteries. She passed on to the sequestered mountains of the Allegany, there became the wife of a man—and, as Mr. Dixon, in his speech, says, "melted as a mist upon the hill, and was never distinguishable afterwards." But she comes, as if sent by Providence, the day after the death of Swearingen, to unravel the mystery.

CHAPTER III.

AFTER the knocking at the door to have me summoned to attend the second inquest, I resolved to go up to the place and remove Rachel, and return again in a few days, but I was advised not to leave the house. I observed that I must go and remove Rachel from the place, for I was afraid that some persons might go up and injure her, and the people would be better satisfied. I consequently got my horse, rode down to Hoye's mill, crossed and came up the river, crossed Will's creek, and when I got opposite Lane's warehouse, where they were dissecting my wife, I stopped my horse. I heard some of the names of the jury called. A light flashed upon me from the house, and I left the turnpike westward and turned short—came round the hill; came up by the Court house, and went up to the Tevis farm. I arrived there a while before day. The conversation then passed between Rachel and myself as deposed by Mrs. Lindsey.

(Extract from Mrs. Lindsey's testimony.)

"On the next Friday morning at cock crow, Swearingen came to the house again; he came to the bedside where we were and asked me if I was asleep? I said no; he asked me where the girl was; I said she was in bed with me. Then Rachel got up and went into the next room for a candle and lit it. He asked if Boxwell had moved yet; I said no. He then went into the room where Rachel was; they went up stairs, came down again, went up again and came down. Rachel had her bonnet on and some clothes tied up in a bundle lying on a chair. I asked her where she was going. Swearingen said I must take this girl away from here; the people make such a fuss about her. She asked for a piece of bread and butter; I got it for her. He said he was going to take her to the turnpike to send her off in the stage to Union-town and said he must be at the pike against day light. I asked if it was true that Mary fell from her horse three times. He did not say; but said she dived with the first fall she got; he said she looked towards the child; he looked at her and saw she was dying. I asked him if they were going to take up his wife; he said, yes they talked about taking her up that morning. They started before day light. They left the child with me; he said he would be back on Monday, and if the men came to bore the pipes for the still-house, I should set them to work, till he came back. They then went away; she took a pillow and blanket, and he, his saddle-bags, and I saw them no more. It rained on Monday."

When Rachel and I retired to the room, she observed,
 "George, why in the name of God, if you had any idea of

killing Mary, did'nt 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 having been made about us." I observed, "no doubt I would have told you if I ever had had such a notion, but it was sudden and unexpected to me." After we left the house, I told her the same story I told Robert Kyle, fearing least at some time we might be apprehended and she made a witness against me, and she does not know to the contrary to this day. We started before day, and crossed the river at the short gap fording just at sun up. We turned off to the left at the gap, and went into the woods about one hundred yards from the road, there I hitched my horse, and we sat down. About 10 or 11 o'clock, I observed three gentlemen coming up the gap, on the road from the river; I recognised two of them, Messrs. W. Reid and Joseph Sprigg, the third I did not know; I have since been informed that it was A. Beall, the deputy Sheriff. They could not see from the road for the thicket. I was very much afraid my horse would neigh, but he did not, and although he was stamping about and got loose, he did not go off: they did not discover us. In about half an hour they returned from over the hill, and I supposing the third person, whom I did not recognise, to be brother Charles, I ventured nearer the road to espy him out, and call him to me to tell what had been the result of the investigation, as I was in doubt upon the subject, knowing that there were no marks of violence upon the body, and not knowing what might have been done to the womb by some evil disposed person, as I was conscious that I had done nothing to injure it; and was informed by Buchanan and Reid that it was injured. But I did not recognise the person, and I concluded it would be better not to be too sure as to its being Charles. I thought they were looking for us to tell us to come back. After they passed us and crossed the river, and our situation was so elevated and commanding, we could observe all who passed by, I returned to Rachel and the horse, and we had it then in contemplation to tie ourselves together, as our troubles were great and unique, and cast ourselves headlong down an awful and tremendous precipice of several hundred feet depth, almost perpendicular, called the Rocks, near this gap. We desisted from this purpose and came down from

the hill however on the road, and crossed the river below the fording and landed upon an island. Just as we got upon the island, I cast my eyes up the river, when I beheld two men standing in the road with guns.

I then went to the field, plucked some corn, brought it back to the island and gave it to my horse. I then left Rachel on the island and went to the house on the Maryland side of the river (to Mr. B.) When I came near the house, a woman came out, waved her hand for me to stop, came to me and told me I had better not come near there, that the people were in search of me in every direction. I immediately hastened back to the island, told Rachel, and stayed there until evening, when we saw a man coming down to attend his fish pot. I did not know him and ran away; Rachel, however, recognised him (to be old Mr. B.) told me it was him, which I could not think it was, and went to him. She then came running to me crying, told me it was him, and we both went to him. He told us the people in Cumberland had taken Mary up, examined her and brought Rachel and I both in guilty—that the people were in search of us, and that they were watching all the different roads and passes. He then told me of a road by Collins's, over Knobby mountain, which led to Springfield—that if I could get there I could get on without discovery. I then asked him if he knew a road to Slicer's, at Flintstone—I thought of going north, to Canada.

He had a bottle of whiskey with him, he begged us to take some, observing that we would have to stay out all night and it would be good for us. I drank some, Rachel refused, and I persuaded her to drink a little, which she then did. On leaving him he blessed us, bid us good luck and good night. Rachel wept about her child, and wished to take it along, but he promised to take care of it.—We now started through the corn-field down the river.—We had gone about a mile, when I fell down a precipice (we were walking,) of about fifteen feet deep, and unless I had let the bridle go, I should have pulled, perhaps, the horse after me. As I was unhurt, I got up and ascended the bank a little below; we then both got upon the horse, kept down the river, sometimes on the bank and sometimes in the middle of the river. As we were coming down in the middle of the river, my horse blundered and

fell, and threw us both off in the water and got wet.— Came down below Cresap's mill, got into the road described to us by the man spoken of. We passed on, saw a light at Collins's, and some persons stirring about there; at length we came to an old bridge on the road, the logs of which were thrown off. I concluded that it was a trap set for us; at length a thought struck me that there was a passage round it; I looked and found it so; passed on, got out of the road in the woods—it was dark—Rachel lost her bonnet and I my hat several times, but found them again. We got into the road again, and when we ascended the hill where we lost the road, again got into the woods, lost hat, bonnet and umbrella again and again, but found them. It was dark but discovered the road again, passed on, and at length I determined to steer my course for Joseph Sprigg's—thought of getting into the Springfield road somewhere near there. Came down to the river, crossed the fording at Wilie's, came to the Maryland shore, lost the road there, got into the woods and became bewildered. At length I let the horse take his own course, he found a way and I never knew better nor where I was, until we got in sight of Cumberland—saw a light in Hoyer's mill, came up by the little house at the mill and took the Old-town road. I told Rachel to hold fast, and I gave the whip to my horse, but only trotted—passed over the hill beyond Cumberland. I was fatigued and wearied out, and my feelings at this time were such, that I would as soon be taken as not, and would have given myself to any person who might meet me; and although I had my pistol loaded, I would not have used it then. Somewhere about this time, I looked out to see if I could see any person I knew, to ask them if any injury was discovered to have been done to the womb, but I could see none. We left the road to the left and took in by Kelly's, got into Williams's road leading to Hagers-town. Just before we got to this road, my horse fell over a precipice, threw us both off. He laid still a little while after his fall, and Rachel now observed, after we got up, that she was glad she did not bring the child with her, it might have got injured, and would have been burdensome. At this place, I lost my watch chains and two pocket handkerchiefs.— We then passed on until day broke, when we turned out of the road to the right, on a hill, hitched the horse—

spread the blanket on the leaves and grass, and laid down and slept for some time. This was on Friday, day after the last inquest, and the place we laid at was between Cumberland and Lewis Davidson's on Williams's road.— When we awoke the sun was 2 or 3 hours high, and when I came to see about my horse, I found he was loose and had gone off out of sight. I searched for him and found him about one hundred yards distant. I was alarmed about him, was afraid he had gone to Cumberland, which would be the means of leading to my detection. I caught him and hitched him again, and we sat down to eat a little bread, about one eighth of a loaf we had brought with us; we also found and ate some huckleberries. We then went to look for some water, being very thirsty, and found, about a mile off, a natural well, rather a curiosity, and got some tolerably good water and drank heartily. We remained here all day. In the evening after dusk, we started down towards Flintstone, passed Davidson's house a little after dark, discovered no person, crossed Martin's mountain and went on to where the road forks, where I observed a finger board, climbed up the post to read the inscriptions—pretty dark—opened my eyes wide—strained them, and at length made out Old-town. I then concluded to go that way; that I would go to my father's, in Virginia, to get some money from him, whilst I would leave Rachel somewhere in the mountains—for I had but \$23 in my pocket, \$10 eastern, and the other \$13 western money. We arrived at Old-town about three hours before day. Some distance, perhaps about a mile *this side of the town*, I began to pull down the fences, to pass round it, but found it impracticable. We got into the road again, went on, passed first house at this edge of the town, but apprehending some danger, and fearing a look-out for me, I turned my horse, went back, and threw down the fences round the town, and passed by in that way. The fences I left down. After we had gotten round the town, we passed on to the mouth of the South Branch, where we arrived about two hours before day. There I plucked off some ears of corn and gave it to the horse, whilst we laid down in a fence corner along the road side, and slept upon the blanket until sun up. We were fatigued, and, therefore, careless and indifferent. We arose, started, crossed the river, went to the first house on the pass of the hill, where

some old people reside, stopped and got some water to drink. We started on and came in sight of the tavern, where Rachel and I, Mrs. Lindsey and young Bargdoll, stayed all night as we came up from Hagers-town, on the Springfield road. When we came in sight of the house, we turned short around as if to come up to Springfield—we inquired of a person the road to Staunton, and was told to go up the road and take off to the left, which we did, and got into the Staunton road—passed on it, and at length came to a tavern, where we had our horse fed and got our breakfast, after which we continued our journey, and arrived at the tavern at the place which is called the “*Hanging Rock*,” on the road leading to Romney, Virginia; stayed here all night. Next morning, Sunday, my horse being lame, I wished to have him shod, but the people had gone to some large meeting, perhaps quarterly meeting. We then kept on and took our course up Lost river. On Monday I had my horse shod. It rained all day Sunday and Monday. Whilst my horse was shoeing I wrote a letter to my father—mentioned the circumstance of Mary’s being dead, and told him I was charged with murdering her. I wished brother Frank to collect some money due me, and transmit it to me in Kentucky. I did not know positively where I should go. I left the letter at the next tavern we came to, to be given to the post-rider as he passed by, to be taken by him to Winchester, and from thence sent on to my father’s. But the letter, however, from what circumstance I know not, never came to hand. Neither my father nor brother ever received it. From this place we passed on to Brock’s Gap, as it is called, or the Shades of Death—thence on through what is called the Cow-calf and Bull-pastures. Somewhere on this road we stayed over night at a Mr. Brown’s, a Senator of the Virginia Legislature. When I inquired if I could stay, he replied that he was not in the habit of keeping strangers, but as it was dark and some distance to the next house he said I could stay with him. We wished to go to bed immediately, being fatigued and weary, but he insisted upon our eating supper, observing it was nearly ready. He inquired from whence I was. I told him from Loudon county, Virginia, and that my name was Campbell. Having himself some acquaintance in this county, he asked me a great many questions about different persons, and I could

easily and familiarly answer them all. He inquired about Gen. George Rust, and Col. Mercer. I answered all his questions in relation to them. We spoke of the affray and duel between Gen. Mason and M'Carty. I told him I was in the courthouse on the day of the election, when the quarrel commenced, which was the fact. Our conversation continued for some time. We supped, and on my proposing to retire, he observed that we looked very suspicious from the manner in which we travelled, both riding one horse. He thought we were running away to get married, and as not yet being married, he could not consent to our sleeping together that night, observing at the same time, jocosely, that he supposed it would not make much odds to us to be separated one night; that he could not permit it, and hoped we would excuse him. We smiled, and I observed it would make no difference; and we retired to separate apartments, and rested there until the next morning. On our departure I asked him his charge; he replied fifty cents. I did not expect he would charge us, as he was very rich, and seeing our situation was forlorn—I should not have charged him had our conditions been reversed. After we had left the house a short distance, Rachel told me that when the lady of the house lit her to bed last night, she observed to Rachel that her husband had treated us very unkindly and impolitely in not letting us sleep together. At this house, the servant, in getting our horse ready, exchanged my bridle for a better one; this, however, I did not discover until we had gotten too far from the house to return and correct the mistake. We passed on by the Warm springs, the Sweet springs and the Sulphur springs. We were frequently laughed at, Rachel riding behind, and several times accused as a set of runaways going off to be married. We passed on hence through a little place called Union-town, thence through a place called the Marshes of Mud; then on until we came to Paxe's tavern, where my ten dollars gave out. From this place I wrote a letter to Mr. Pigmán, in which I mentioned some of the circumstances of the case, requested him to tell brother Charles, and give him his advice whether I should come back, so that he might write me a letter. I gave this letter to a drover at Paxe's, to be put in the next post office he came to, but the letter never came to hand. About this place, and before

we arrived here, we had a great deal of difficulty in getting something to eat, in consequence of the scarcity of food, and sometimes from the great distance between the houses. We passed on until we arrived at a village called Logan Court-house. My eastern money having been expended, we had now great difficulty in getting along, my other notes being western money and consequently not passable. At this place there is a small river navigable for a canoe, which empties itself into the Ohio river; and I was here advised to sell my horse, saddle and bridle, and take a canoe for the Ohio, as was sometimes done. I made an attempt to sell my horse, but could not succeed. We then passed on until we came near Sandy river, the boundary between Ohio and Virginia. Here I swapped my horse for two ponies, and got five dollars to boot. I could not succeed in obtaining a woman's saddle for Rachel—I therefore got an old man's saddle, and she rode upon that. We next came on to Floyd's Court-house, in Kentucky. From this place I wrote a letter to Mrs. Scott, in which I stated that I had written a letter to Mr. Pigman—that she should write a letter to me, stating whether I had been presented at court or not, and that if any private injury had been done to the womb I did not do it. I told her to direct her letter to me, in Kentucky—that I would be at uncle Noble's. From this place we passed over a wild, desolate tract of country, with here and there many paths which took off from the main road, which perplexed us and rendered our journey irksome and uncertain. It was here that it was something like eighteen miles before we came to a house—we travelled on in the night—no house in sight—not knowing how far off the first might be. We thought of laying down in the woods, but at length, in passing on we discovered a light at some distance, and we became cheered as the way-faring traveller does when he has lost his way—when his hope of seeing some mortal to chat with, or some house to lodge in, is deferred—when he is ready to despond and sink in the wilderness, surrounded by circumstances which are of a disheartening character; the cry of the night bird, or the howl of the wild wolf on its walk—just then, when all is given up and he is sinking in despondency, he raises his eye and discovers the beacon which invites him to quiet, convenience, cheerfulness and safety. Just so it was with us, wearied and heartless and

despairing, just ready to give up, we discovered this light, passed on to it; and although it was what is called the Rocky house, still it was a refuge for rest. I do not know a more wild, desolate and dreary place on any road in the United States. I was told that before this house, or rather cabin, was built, travellers, in passing this way, were under the necessity of lodging in the rocks. This house is built upon the rocks, and hence called "The Rocky house." Here we rested all night, and this was the most pleasant night I passed since we left Allegany county. The next morning, when we were about to start, the landlady, who was a widow, made a fuss about my impassable money. She became very much out of temper, used some harsh words, and called us runaways. I pacified her, however, by telling her I would get the money changed, and send it back to her. After leaving her house, and having passed on about half a mile, I discovered I had left my saddlebags behind. I left Rachel and returned to her house for them, and she was very unwilling to give them up to me. At length I persuaded her, and she delivered them. I overtook Rachel at a short distance, and as we were passing on, on that day we came to a muddy place in the road. She attempted to ride round, when her pony stumbled and threw her off in the mud. I was under the necessity of getting a long pole, by means of which I got out the blanket and pillow upon which she rode. As we were passing on it rained very hard, and we stopped at a cabin, where Rachel washed the mud off her, and we dried our clothes. After this we passed on and arrived at Winchester, Kentucky. We passed through several little towns, the names of which I do not now recollect.— On one occasion, as we were passing along, a sheep started up from out a fence corner, and frightened Rachel's horse; he threw her off and injured her somewhat. I have observed that she had the ague and fever when at Hartsock's, and until she left Allegany county; but I suppose the fright had the effect of counteracting the disease, and although we were much exposed to the night air and rains, yet she escaped it from that time until now, when she had a relapse. We travelled on through Kentucky, and at length arrived at and passed over the Kentucky river, at Shaker's ferry. We passed on to Shaker town, arrived there in the evening, intended to stay there all night. I

understood they probably would serve us as Mr. Brown, in Virginia, had done, we left the town, expecting to stay at some house a mile or so in the country. We, therefore, started in the direction towards Harrodsburg, came to Mr. Slaughter's, a few miles from Shaker-town; I left Rachel at the road, and rode up to his house, asked him how far it was to the next tavern, and learned that it was several miles. As I started to leave him one of his children told him there was a woman with me. He called to me; understood there was a lady with me, and begged pardon for not inviting me to stay all night, and pressed me so to do. Observing that he was a respectable man, I felt ashamed of my tattered condition, my clothes being torn; thanked him, and told him I was obliged to go on. We left him and passed on to a wagon tavern, about half a mile, and called for admittance. The landlady observed that her husband was not at home, and that she could not admit us, stating that the town was but a half a mile off, and I must go there. It was now about 12 o'clock at night. We went on a short distance, saw no house, returned to the same tavern, halloed again, demanded admittance, and said we must be admitted if we had to sleep with her. She had before stated that all the beds were occupied, some wagoners having stopped there that night. She at length arose and admitted us. We stayed all night, rose early next morning, passed through Harrodsburg about day light, went by the springs on the hill, passed on and breakfasted in the country.

There was nothing very particular occurred to us coming on this far, except after my eastern money having been expended, there was always some unpleasantness about my bills, the money which I had being impassable, the people would not change it, and I came off with the bills unpaid. Sometimes I would promise them that if I could get the money changed I would transmit it to them. Except this we came on without any interruption until we arrived at Elizabeth-town. A few miles this side of Elizabeth-town, we stayed all night with a man who happened to be from Loudon county, Virginia. I had not been here long before he inquired from whence I came? I informed him that I was from Loudon county, Virginia. He then observed that he was originally from that county;

I was glad of this, and on the next day it proved a fortunate circumstance for me. During the evening he asked a great many questions relative to the people of that county, and I was enabled to answer nearly all of them. The next morning upon starting, my bill was 50 cents, had handed him a three dollar western note, which I got in Allegany. He said he could not change it, and observed that he was going to town and would try to get the note exchanged there. He accompanied us to town, which was Elizabeth-town, Ky. and when we arrived at the edge of the town, fearing lest something might be out in the papers relative to myself, and knowing the circumstance of Rachel accompanying me would also be made known, I gave Rachel my horse and told her to go round the town the back way, whilst I would accompany the man to town to get the note changed. We went to several stores attempting to have it changed, but could not succeed. As I was standing on the pavement before a store, whilst the old man was inside endeavouring to get the note changed, a man by the name of Wakefield, who was a negro driver, and with whom I had done business in Hagers-town, (I think I sold him a negro,) came up to me and asked me if my name was not Swearingen, Sheriff of Washington county, Md. I told him no! that was not my name. He said, "you look very much like him, I thought you was him." I told him "no, my name was Campbell and was from Loudon county, Va." My feelings were awful and tremulous, but I maintained my countenance—I scarcely knew how and where I stood. However, with this he left me, whilst the old man and I went to every store in town, as he was penurious, and wished to get the money changed. When I came out of a store, there was a tavern keeper in company with Wakefield, who came up to me and put the same questions. I answered him as I answered Wakefield, when the old man, who was present, observed, "it was true; this gentleman and his wife," said he, "stayed all night at my house in the country; his name is Campbell—he is from Loudon county, Virginia; he told me all about the people there, and has left his wife up at the edge of the town to go round the back way, whilst I would get this money changed to pay me his bill." By this they seemed satisfied, when Wakefield observed, "that he thought I was Swearingen—looked very much

like him, and begged my pardon." We had been, by this time, at every store in town, but not being able to get the note changed, the old man gave it to me, and I left town. As I passed out they still looked after me, and when I came to Rachel, I told her, and we took round another way from that in which I left the place. From this place we passed on—no particular occurrences transpiring until we got near the Ohio river. We stopped at a tavern to get something to eat; the landlord was also a Postmaster. When here I asked for pen, ink and paper, to write a letter to a friend in Hagers-town, T. K.; and when I was writing, and whilst there, the man eyed both of us very closely; walked round us, stood before us, behind us and beside us. I began to suspect something, and as he was Postmaster, I thought perhaps he might have seen something in the papers respecting us, although I myself had not yet seen, nor knew any thing on the subject. As my letter was directed to Hagers-town, he being Postmaster and eyeing us very minutely, I did not mail the letter here, but took it on with me to the next Post Office. This occurrence transpired at the Yellow Banks, or Owensville, Ky. and I have since thought that this circumstance gave rise to the report printed in the Republican, that we were apprehended near the Red River, Kentucky, by a tavern keeper, (who also is a Postmaster.) I think there is no Red River in Kentucky, and if the Republican had reference to this circumstance, it was at the Yellow Banks. We did not, however, stay with him all night, nor was any thing said to us on the subject,—it was all espying. After leaving this place we passed on through several towns; crossed Green River, and arrived among my relations in Kentucky, about the last of October, where I continued until the 15th of December. Somewhere along through these towns I gave the \$3 bill, and told the person to send the change to another behind me. When I arrived there, I told my friends of the unfortunate circumstance of the death of my wife. I told them the same tale I told Kyle and Rachel, that she fell off her horse. I told them that in consequence of my connection with Rachel, that the people charged me with having murdered Mary, and that it had been necessary for me to make my escape. I told them that I was since married to Rachel. They all pitied my condition very much, be-

lieved my story, and endeavouring to comfort me as much as possible, they treated us both very kindly, and Rachel as my wife. When here we visited the neighbours, who also treated us kindly. Rachel went to quiltings, and I to huskings, house-raisings, &c. I planted a peach nursery, intending to plant an orchard and settle on my land in Kentucky, as I believed we could have lived here without discovery, for I often sent out to the neighbourhoods for newspapers, to see if any measures had been taken to apprehend me, but I could learn nothing on the subject. I employed my time principally in hunting deer, although I assisted my friends in pulling their corn and some a little clearing. There was a little circumstance occurred between Rachel and myself, about the first of December, and as it was the only matter of grievance between us, I shall stop to mention it.

I was sitting one evening by the fire, with very melancholy feelings, thinking about poor Mary, when Rachel came and sat herself upon my knees. At the moment, being a little chagrined, I parted my knees, and she fell, with one hand in the fire, which got burnt; and by the fall, she broke her comb. She began to weep, and tell me, that after coming so far with me, that I began to dislike her, and ill treat her. When she cried, I cried also, and by good words, I soon reconciled and pacified her. When here previously, I wrote a letter to my father, stating that I was without money, having given the other ten dollar note for a pair of shoes for Rachel, and some clothes for myself—that he should enclose me some—that I did not know what to do, whether I should return or not.—Some time after this, a friend of mine came to this country; after getting within fifteen miles of where I was, he sent for me—gave me one hundred and fifty dollars—told me that the Governor's Proclamation was out, to be off immediately—that people, perhaps, had followed him to discover where I was, and that I should make speed for Texas. This was the first intimation I had of the proclamation, although I had often sent, as I have observed, for the papers. I opposed his proposition to go to Texas, as I did not know what kind of country it was, and thought it might be unhealthy. I therefore wished to get Rachel and go north, to Canada. He opposed it strenuously, and declared that if I took Rachel with me, that we would be

discovered and apprehended together. He insisted upon my going a different course, and forsaking Rachel altogether. This I could not think of doing; I therefore made arrangements to go on south, and Rachel to come after me. I made ready, and a relation accompanied me to Shawanee-town, on the Ohio river, there to take the steam-boat. When I started, Rachel cried to accompany me, and followed on after me for a mile. We kissed each other three or four times to take leave, but parting seemed to be impossible. At length, on parting, I told her that she could not be happy without her child—that the friend who was with me would go to Maryland for him, and then bring her and the child to the place I should direct them. She observed that she did not care about the child; she would go without him. I then told her if we both travelled together, we would be recognized and taken—that she should not be uneasy; that I would not leave her altogether. Upon parting, I gave one of my horses to my friend, and the other to Rachel, to be disposed of as she thought proper, for her own use; besides which, I gave her forty dollars, and two valuable presents. When we parted, we kissed and shook hands. Rachel wept, and observed, that she was “afraid she would never see me again in this world, but hoped to see me in Heaven. I replied “I hope so.” I then started for Shawanee-town, my friend accompanying me, where we stayed all night. Here my friend promised me to keep Rachel—go to Maryland for the child, and bring them to where I was; and declared to do so, if he had to crawl in doing it. Although I intended to take the steam-boat, yet when I arrived at Shawanee-town, I found a flat corn-boat, bound for Vicksburgh. I took this boat, thinking it would be more private, and travelling slowly, would give my friend the more time to go to Maryland for the child, and bring it and Rachel to Orleans, where I would meet them about the time of their arrival. Here I saw, in a Shawanee-town newspaper, an account of my decampment, accompanied by Rachel, and something said about murdering Mary—but as my clothes were not described, and Rachel was not with me, I feared no danger of apprehension. I took boat—the captain’s name was Lee. I called myself Joseph Martin, from this fact, that I purchased the saddle-bags I had with me, from Dr. Joseph Martin, of Hagers-

town, and his name being written upon them, which the men of the boat could and did see. After a day or two's running, we overhauled a boat, to which we lashed; the captain's name was Hopkins, and he was laden with corn, bacon, &c., for Thomas Slaw, of Orleans. I was not in the capacity of a clerk, for they never have clerks on corn-boats, still I did the little writing for them which they had, for which reason they treated me very cleverly, and gave me my passage free. When we arrived at Memphis, I wrote two letters to Rachel, fearing lest one might miscarry; in which I stated that I hoped my friend had gone to Maryland for the child, and would do as he had promised, and that I would keep the flat boat until I arrived at Orleans, and thus would give them time to meet me there. As we were passing down the river, I saw two large families in flat boats, bound for Texas. I wrote another letter to Rachel, the third, by a man coming up in the steam-boat, to the same effect. We fell in company with another boat, laden with bacon, and bound for Orleans. When we arrived at Vicksburgh, I wrote another letter to Rachel, to the same effect as before mentioned. In this I stated that I expected to be in Orleans by the 1st of February; that she must write to me, and state whether she was well. I also mentioned in this letter, that when I arrived at Orleans, I would leave a note at Thomas Slaw's store for their direction; and that if they arrived at Orleans before I did, that they should do the same. At Natchez I sent one of the boatmen up to get my money, which was eastern, exchanged for silver. When he returned, he said he had been unfortunate, that a gambler had swindled him out of my money. I told the captain of the affair, and on my account he waited a day or two at this place, in order to regain it. A warrant was taken out for the gambler, but he could not be found. I did not go up to town myself—I was afraid lest I might be discovered and apprehended. The boatman, to whom I gave the money, agreed to give me the clothes he had with him—a dirk, and an order for ten dollars, payable by the captain at Orleans. I took his clothes, his dirk, and the order on the captain. Before I lost my money I had been advised, as I was going to Texas, to purchase a rifle, as all persons who went there, took with them a rifle to hunt and protect themselves

against the Spaniards. This accounts for the manner in which I became armed, as was represented. The pistol, as I observed, was purchased in Hagers-town, to defend myself and Rachel—the rifle, at Natchez, to take to Texas—and the dirk, I took as part of the remuneration for my lost money. Upon leaving Natchez, we lashed our boat to another, captain Hamilton's; and coming down the river, we fell in company with a cotton boat, belonging to captain Milligan, and all came down together. As we were passing down the river, the winds arose, and we were consequently under the necessity of putting to shore. We stopped at a little town, and believing that the fellow kept my money himself, I warranted him here, for the balance of my money. He was about to go to jail, but as I had no money to pay the jail fees, and the captain would not advance any, for thereby he would have lost his services, and he was consequently released. After this dispute, the fellow became desperate, and threatened my life. The boats in which were the large families, bound for Texas, of which I have already spoken, having by this time, again overtaken us, the captain of the boat in which I was, advised me to leave his boat, on account of this dispute; and, as I was going to Texas, to take their boats and accompany them. I took his advice, and took one of their boats below Baton Rouge. On my way to Orleans, I got half a dozen orange trees, to take to Texas, there to plant them out. One of the families on these boats was named Scott; and they had a very interesting daughter, named Rachel. Here was a strong association of names: Rachel—Scott—and I became very much attached to her, on account of her name. With these names, I had many pleasing and adverse associations. With the name Rachel, I associated all the past pleasures I had had with Rachel Cunningham, and every thing connected with her—and the name Scott, brought up to my reflection all the troubles and misfortunes of poor, unfortunate Mary. Both troubled my mind—and as I would pass down the Mississippi, and discover along the banks, coffins half exposed by the washing of the soil from them, by the river, and see the Spanish moss, like the weeping willow, hanging in solemn silence, and as if mourning over the half exposed graves, of those who died by the ravaging sicknesses of the south, or drowned by the troubled waters of the

Mississippi—far from home, or wife or parent—all this wrought up my feelings to a pitch, which none but an unfortunate man, during exile, like myself, could realise. I arrived with these families, at Orleans, the first week in February.

On the way down to Orleans, captain Hopkins loaned captain Hamilton six dollars. When at Orleans, I went to captain Hopkins, and settled with him for the ten dollars I had taken the order on him for from the boatman, to whom I had given my money at Natchez to get exchanged. I immediately, upon my arrival in Orleans, wrote a note and left it at Thomas Slow's store, as promised in my letter to Rachel, in the arrangement to meet her at Orleans. After waiting a few days in Orleans, captain Hopkins, who had loaned the six dollars to captain Hamilton, came to me and observed that as he wished to go up the river and captain Hamilton's boat had not yet arrived, he could not stay, he therefore asked me to pay him six dollars and take an order on Hamilton for the money, which I did. After this I went to Mr. Slow's store, where I first saw Ramsay, the man who first informed on me. I understood that his father, who lived in Pittsburg, was commissary to supply rations for the troops in the South, and that his son remained in Orleans to attend upon his business as his agent, and that he was a relation to Slow; whether this information be correct or not, I am unable to say. I had known Ramsay when he was in the store of the Messrs. Kennedys, in Hagers-town; I did not now, however, fully recognise him; I heard his name called, and thought I knew him. I did not suspect that he recognised me—we did not speak together—nothing said on the subject, and I returned to the boats. After this I sent several times to the Post-Office for letters, but obtained none. At this time we were waiting for the schooner, which was to sail with us, to take in her provisions and get ready for Texas. In the mean time I sent two or three letters up the river, wishing to know the reason why Rachel did not come on, and during this time also I wrote the three letters which were read in Court against me. The reason why these letters were not sent on was, because I expected Rachel every moment, thought she would come the next; it was useless to send them, and therefore kept two of them by me and gave the third to

captain Milligan to take up the river. This letter, I suppose he delivered up, after I was apprehended, as I never knew what became of it until read in Court. I was almost distracted, as I said in one of the letters, because of Rachel's delay. I passed up and down town several times to see if I could see any thing of her or my friend who was to bring her on. I could see no person whom I knew. I went once to the Post-Office myself, but received no letter—no word. During this time, Ramsay passed by our boat twice—stopped and conversed with Mr. Scott. I thought I knew him—that I had seen him somewhere, and was afraid he knew me and was endeavouring to discover me. After he left our boat, I inquired of Mr. Scott what that man had been talking about; his answer was, that he was conversing about the boats, that they lay outside of the bounds of the city and were not taxable—and could not make him pay duty. The schooner in which we were to sail, was to be fitted out and ready by the 16th. Rachel had not yet come on, and I could not reconcile it to myself to leave the country without her, and therefore moved my goods to captain Milligan's boat. Here I wrote the letter directed to Martha—got the letter and gave it to captain Milligan to take up the river. I now removed my clothes and saddle-bags back again to the boat bound for Texas, and observed to Mr. Scott, I believe I will go with you to Texas and return again—at this time Ramsay was standing and heard the remark. I stayed that night in Scott's boat; the next day they were about to move their boat down to where the schooner lay; and Rachel not yet having come on, I could not reconcile it to my feelings to go without her; I therefore observed to Rachel Scott, that she should have my orange trees to plant in Texas, in remembrance of me, and took my goods the second time out of Mr. Scott's boat and returned up to captain Milligan's boat—I observed to him that I had returned again, when he replied that I was welcome to stay as long as I pleased or as long as he stayed. Previous to this, captain Hamilton's boat arrived; I presented the order to him from captain Hopkins for the six dollars, and he paid it. Another circumstance I shall mention before I advance any farther. During the time our boats lay at Orleans, waiting for the outfit of the schooner, the boys of the families on the boats would go some short dis-

tance up the river to saw wood, and thus make some money for themselves. I feeling myself poor and scarce of money, on one occasion went up with them to engage in the same kind of work, but the employers had as many hands as they wished, and therefore did not get a job, but promised if I would come up again they would give me some sawing to do, but being shortly after this apprehended, I was saved the labour of sawing wood. During my stay at captain Milligan's boat, I became acquainted with a Mr. Sprowl, a tavern keeper. He had a son living near Natchitoches, contiguous to the line of Texas. He told me that a good school could be gotten there—that he would give me a letter of introduction to his son, and write another to him on the subject. It was my intention to go up Red River to young Mr. Sprowl's. I therefore wrote another note to Rachel, and was about to leave it at Mr. Slow's store, to instruct and direct her, in her course when she came on. Besides this, I left still another note at Mr. Sprowl's tavern. He told me to write it in the back part of his account book, so that he might not mislay, and the more readily see it, which I did. I then returned to captain Milligan's boat, there to wait for a steam boat to go up Red river to young Mr. Sprowl, near Natchitoches. On this same day, after I returned from Mr. Sprowl's tavern to the boat, remaining a short time, I saw some officers coming up towards our boat, and I thought I saw Ramsay with them. I saw them talking to a man on a flat boat about two hundred yards below us, whilst two of them were looking busily about. I saw them from Milligan's boat. After they conversed with this man, they left the boat, and went up from the bank into the street. I thought they were looking for me—I therefore slipped down the bank, passed down the margin of the river to the boat in which the man was with whom the officers had been speaking, and asked him what those men wanted. He replied, "they are looking for a man by the name of Martin—is that your name?" I replied "No, sir—I thought they wished to purchase some corn. We have some on our boat we wish to sell." I felt greatly alarmed, and immediately returned to Milligan's boat and commenced putting my things out on top of the boat with the intention of decamping. I had put out my saddle-bags and rifle, (the rifle was loaded, but the lock was

very bad; when I bought it I was not a judge of its goodness) and then went under deck for the purpose of packing up my other things, when I saw through a crack the officers coming up to the boat. I threw myself in one of the corners of the boat, under deck, drew my cloak over me, and told Milligan "that if any persons should inquire for me, to tell them I was not there." By this time the officers boarded the boat, jumped down into it, came under deck where I was, pulled the cloak off me, presented a cocked pistol at me, told me to surrender—that if I resisted I would be blown through, said my name was Swearingen, and he had a warrant for me. I told him I did not resist, that that was my name, and I was his prisoner. Ramsay did not come upon the boat, but stood off. In getting up, my dirk fell out of my pocket, when one of the officers jerked it up immediately; hence it was said that I drew my dirk upon them; but it was not so. I made no resistance, freely gave myself up, in order to make the officers listless, that when I got off the boat I might make my escape. When I gave up and told them I was their prisoner, they tied my hands, and took me out of the boat in the direction of the Mayor's office. In passing along, having an officer on either side of me holding me by the arms, I gave a sudden jerk to break loose from them, when one of the officers struck me a blow over the left eye with his fist, and having a ring on one of his fingers, it cut through the skin, and the wound bled freely and made me bloody. By this time a hack met us, into which I was put, accompanied by the officers. We then passed on to the office of the Mayor. When we arrived here, upon being asked, I told the Mayor that my name was Swearingen, and was the person for whom the Governor's proclamation was issued, and I wished to be sent on immediately to Maryland, to be tried. The reason why I admitted my name, was, that I knew that Ramsay recognized me, and would swear to it. The Mayor then examined me, found the two letters already spoken of, and other papers, upon me. During the examination a number of persons flocked to the office, among whom I saw a man whom I took to be the late Governor Sprigg, of Maryland. I inquired if it were so, but I was mistaken. Whilst the examination was going on, I stepped up to the desk, picked up the affidavit of Ramsay, and read it. I also read the warrant

and other papers upon the desk, and asked several questions; when one of the officers told me that I must not behave in this manner. I observed that I hoped they would excuse me—that I had been an officer myself, was in the habit of being at the desk and handling papers—that I did not intend any insult, and hoped they would excuse the habits I had contracted in the transaction of my business. I really felt as if I was at home, doing business as usual. Having solicited the Mayor to send me to Maryland immediately, he merely sent me to jail, until he should see and converse with the State's attorney on the subject. I was merely put to jail, and in the evening the Mayor sent for me, and I appeared before him again. I thought this second interview was more for private conversation than any thing else. He took me into a private room—had a newspaper, into which the Wirtian description (as McMahon on the trial termed it,) of Rachel was copied from the Republican, of Winchester, Va. He asked me if he should read it for me? I replied, if he pleased. He then read it, and asked me if it were a true description of her, and said she must be very pretty. He asked me to tell him all about the murder, promising me at the same time, that he would not inform upon me. I told him that that was very unfair, to demand any thing like that, and told him that it was an accident—she fell on a stony place—same as told Kyle. He said he understood that I was of respectable parentage—my character reputable—that I was in a good situation in Maryland—that my prospects had been fine—and that it was a great pity that I should be led astray, by a woman of Rachel's character. He then said that arrangements would be made to send me to Maryland, and I was sent back and committed to prison. They put a very heavy pair of hobbles upon me, but said they were the lightest they had. I was thus apprehended on the 17th or 18th of February, and remained in prison at Orleans until 6th of April, 1829. As soon as I was apprehended, I wrote a letter to J. V. L. McMahon, of Baltimore; engaged him to write to the Governor of Maryland to have me brought around immediately. The night following, after my imprisonment, Mr. Holland, the superintendent of the prison and penitentiary, came to see me, sympathised with, and expressed his sorrow for me. I poured into his soul all my sorrows, troubles

and difficulties, and represented to him the melancholy state of my mind. I inquired from him, if he thought I could get off to Maryland soon? He directed me to write a petition to the Governor of Louisiana on the subject, and said he would be the bearer of it himself to his excellency. I did as advised by him: I wrote a letter from the prison to the Governor, and gave it to Mr. Holland for delivery. At that time, although I expected and looked for Rachel every day to meet me in Orleans, I had not seen nor heard any thing of her, from the time I left her in Kentucky; and when I read the article in the paper shewn me by the Mayor, in which it was said, that Rachel and I were taken at Red river, I concluded, that she must have been apprehended, (as she did not come on,) and taken back to Maryland, either to be tried with, or made a witness against me, although I knew she was innocent herself, and knew nothing of the transaction. Believing she was apprehended and taken back, increased my anxiety to be sent on to Maryland, where she was, that I might once more see her. During my imprisonment here, several of my acquaintances came to see me, although I had never seen any of them in the city, nor did I know that they were here. There were Messrs. Kreps and Sides, of Allegany county, Maryland—Randal, from Martinsburg, Va., and Wooden, from Montgomery county, Maryland. The two latter gentlemen offered me money, to obtain conveniences, and supplied me with cakes, pies, cheese, &c. Ramsay never called to see me. I wrote a letter to him from the prison, in which I stated that I had not the least enmity against him, and begged him to use his influence, as he had me arrested, to have me sent round to Maryland, as speedily as possible; but he never answered my letter, nor spoke to me. I wrote another letter to the Governor, and a couple to the Mayor, representing my distressed and unpleasant situation, and praying them still to send me on. I suffered for the want of clean clothes, had but one shirt on during the whole time, and was covered with body lice, which I got in the prison, and these were the most distressing imaginable. They are as large as a grain of wheat, and very severe. They so tormented me that by scratching I was covered with a scab, and my shirt with blood. After I had been here some time, a man was committed, who stated that

Rachel was in the city. Upon hearing this I immediately sent for Mr. Holland, and told what I had heard from this man, and observed, that some allusions having been made in the paper which the Mayor showed me, that he better have a warrant issued and take her also, that we might both be sent round together. I did not make any charges against her. I only spoke of the allusions in the paper, and my object was to have her brought to where I was, and to bring her along with me to Maryland. At the same time I did not believe it when I heard it, for I believe if she had been there and knew I was in prison, she would have come to me. Mr. Holland went to the Mayor, had a warrant issued and the city searched, but could not find her. At the time Mr. Wooden was with me, he told me he had a great curiosity to see her, and he understood that she was in the city, dressed in men's clothes. After I had been here 3 or 4 weeks, I was put in close confinement,—a place called the "cash-hole," somewhat like a Maryland bake-oven. The reason why I was put in this place I do not know; perhaps because the keeper of the prison was afraid I would lay violent hands upon myself, as I believe, in some of my melancholy fits, some of the prisoners heard some expressions to that amount, fall from my lips. A few days before my departure from Orleans, a prisoner, Collesow by name, a *Spaniard*, attempted to injure some of the keepers with his knife, for which act he was thrown into the same cash-hole with myself. He was a large, rough, uncouth and disagreeable Spaniard, and because he was put in the same place with myself, I was considerably vexed, and wrote a note to Mr. Holland, whose goodness removed me to an apartment above, where I was more comfortably situated. When I was committed to prison I had \$10, which I divided among the prisoners who had been good and kind to me whilst there, and by the time of my departure I had not a penny remaining. During my confinement I always slept with the chain-gang convicts, sentenced to chains. Why I was made to lodge with this description of prisoners, I could never understand, but I might have through them (as they were permitted to go out and work in the city,) made my escape. Before I started for Maryland, one of them offered to procure me a saw, that when I should get into the river, (as it often

happened that in consequence of unfavorable winds the boats have to lay by 2 or 3 days, I might cut my irons and make my escape by swimming to shore on a plank. But I refused accepting the saw or attempting to make my escape; and the reasons why I did so, were because I thought Rachel was apprehended and was taken to Maryland, and I should there see her, and because I did not think I would be convicted, unless the report of the women were true, as I knew there were no marks of violence upon the body, and there was no proof against me except the women had done something to the womb, which was the only ground of my fear. And indeed I might have effected my escape in this way, for we stayed 2 or 3 days at the mouth of the Mississippi before we could go to sea, in consequence of adverse winds; but the reasons for making no attempt at it have been above explained.

On the 6th of April, I left Orleans to take the brig Arctic, captain Phillips, for Maryland. The captain, before we left Orleans, was cautioned by the Mayor to keep a strict watch over me, as there might be some danger of my destroying my life or throwing myself overboard; he therefore put me under deck, where I had a most miserable time of it. I here slept upon the barrels of sugar and other lading, and was afflicted with the most severe and excruciating pains for 2 or 3 days. I became sea sick, but was told I was not so sick as many are. I complained to the captain about confining me under deck all the time, when he observed that I seemed to be melancholy and he did not like me to be on deck, fearing I would throw myself overboard and drown myself. After I assured him there was not the least danger, and that I was confident of being acquitted, he gave me full liberty and treated me very kindly. I observed that when in prison I was much annoyed by body lice, but now after I got upon this vessel, I changed my clothes, and by washing them in sea water, pretty nearly rid me of them, although I was somewhat distressed with them all round the coast; brought some to Baltimore, and indeed did not finally get clear of them until I arrived at Cumberland. There was nothing particular transpired during our voyage. We caught some pretty fish coming round. When the brig was moving round towards Baltimore, I became very much rejoiced at the thought that I should

soon be among my friends again. I consequently attempted at times to whistle and sing, but this the captain forbid; he told me I must not do either, as it was against the orders of the brig. The reason offered for the prohibition was, that when a vessel is heavily freighted with an important and valuable cargo, the passengers should be grave and thoughtful, and prepared for storms and troubles, to which they were subject at sea; that in cases of difficulty they might be prepared to supplicate divine favour. The captain, previously to our arrival at, sent a letter before us, to Baltimore, in which he stated that we would be on soon; they should keep a look out and send a pilot boat to meet us. The people at Baltimore consequently kept a look out, and discovered us with their glasses, coming up, when they sent a pilot boat to take us in, which met us at the mouth of Chesapeake Bay. As soon as the pilot boat came up, I told the captain to ask the pilot if Rachel had been taken, and if he knew where she was? His reply was that he knew nothing about Rachel nor myself, nor any thing connected with us, which greatly surprised me, as I thought every body in the United States knew of it. We came up the Bay, and were conveyed to shore in a boat, where an officer came to meet me. He said that he would have my hobbles taken off me, as he did not wish to walk with a hobbled man up street; but there being no implements by which to effect this in the boat, I was taken in a carriage before a magistrate, for commitment. I asked him if I could not go on immediately to Allegany county, without being committed there? He replied that he did not know whether I could or not. I was committed by him to jail, whereupon I immediately sent for John V.L. M'Mahon, Esq. to whom I had written from Orleans. I told him I wished to get to Allegany county as soon as possible. He said he would apply to the Judge of Baltimore County Court, under whose jurisdiction I then was, and upon so doing the Judge informed him that he could do nothing in the matter—that it was the duty of the Sheriff of Allegany to demand me, whose prisoner I was. Mr. M'Mahon then wrote to the Sheriff of Allegany county. I wrote a letter to brother Charles, wishing him to tell Mr. Richard Beall, the Sheriff of Allegany county, to come on for me as soon as possible. He came to Baltimore for me, and in the mean time I was ta-

ken to Allegany by Mr. Thompson, an officer of the Governor, and another person, a constable of Baltimore, and in this way Mr. Beall missed us. I remained in Baltimore about two weeks, during which time I was visited by a number of acquaintances. Among the number was Thos. Quantrill, a witness for the state on the trial. I have no recollection of telling all that he deposed in Court, especially about the body's falling upon a snag. As there could be no reason for my telling him so, he must have heard it elsewhere, and thought I told him. His son, young Quantrill, accompanied by some Deputy Sheriff of Baltimore, came to the jail and took me alone in the yard, and insisted that I should tell them all about the transaction. I supposed he wanted to be a witness in the case, and told him that it was an accident, and turned from him with contempt. After I returned to the jail, some of the prisoners observed that the Deputy Sheriff was a trifling fellow. Whilst in jail here I became concerned with other prisoners to saw ourselves out of jail. It was proposed to me. I acceded to it, and wrote out for some saws; but was very indifferent on the subject, as I told the project to several unconcerned, and was confident the letter would pass into the keeper's hands; which, if it did, nothing was ever said by him to me on the subject. After I left Baltimore, in the mail stage for Cumberland, having arrived at Frederick-town, we stopped to dine, when a crowd of people flocked to the tavern to see me. Nothing particular along the road—arrived at Hagers-town in the evening. After getting out of the stage, I felt as if at home, shook hands with a number of old friends, and feeling free, I called aloud for Dr. Duckett, brother-in-law to William Price, Esq., asking him where Mr. Price was, I wished to see him on business. Left Hagers-town at night, and arrived for breakfast at Hancock, where, seeing a number of old friends, and sensibly realizing my condition, I wept. We left here, and came on and arrived at Cumberland—when the stage drove up to the jail, and delivered me here, a tenant of this dark, and gloomy, and solitary prison.

After I arrived here, understanding that Rachel's bed, bureau, trunk and other articles, had been brought to town, and were in the jail, I inquired for, and obtained her bed; upon which I have ever since been lodging. I de-

manded her trunk, and upon examination, found it had been broken open, and her likeness taken out; I asked the sheriff where it was, who told me it was down town. I demanded it, and kept it in the place already described, until I delivered it up for the frontispiece of this work. When the trunk had been broken open, after our departure, a part of a letter, which had been written by my brother Franklin to myself, and was afterwards used as a pattern, from the words "kill her," being written upon it, was said at the time, (as I have been informed,) to have been strong evidence of the murder. This letter, it was made out by the people, was written by Rachel to me, in which she told me to "kill her," supposing Mary. Now the facts were these: After I had taken Rachel to my father's, in Virginia, and returned to Hagerstown, thence to Cumberland for Mary, and back again to Hagerstown, as I was under the necessity of going near Harper's ferry to summon a jury, fearing least some person might put mischief in Mary's head, and induce her to return home in my absence, I determined to take her as far as W. Booth's. My horse being much jaded from all this travelling, I wished to exchange him for a mare, I also rode. Brother Frank was riding the mare at this time, and from home; when I started, I left a note for him, to send on the mare to Mr. Booth's, and exchange her for the horse. In the evening he returned, and sent me the mare the next day, accompanying a note, in which he stated, that he had rode the mare very hard—telling me that I should be careful of her, and not ride her too hard, lest I should "*kill her.*" This letter was afterwards in Rachel's possession, and she cut it up for a pattern, and the words "kill her," were on the part found in the trunk. This affair was spoken of by Mr. Wooden, when he came to see me in Orleans, and I could not conceive its meaning, until I arrived here, when brother Charles explained the whole affair, having recognized brother Franklin's hand-writing on the pattern, cut from the note. Thus the most trifling and foreign circumstances, were transformed into facts for proof, and made "strong as holy writ" against me. I might mention others as trifling; such as of birds carrying poke berries near the ground, the stain of which was recognized by Mr. Matthew Scott, but which was metamorphosed into

the real drops of blood which fell from the body of Mary. But I shall forbear—there is already too much on this heart-sickening subject.

My life is about to pay the forfeit of the deed, and I shall die forgiving and forgetting the misguided zeal that prompted the inquisitors for blood to these gross, and palpable, and absurd misapprehensions.

During my confinement in jail here, I wrote many letters to Mr. Price, of Hagers-town, relative to my case. I intended having my trial at that place; but, being persuaded by many persons to have my trial here, telling me that I would be acquitted, that the people of this county would not convict a man of murder on mere circumstantial evidence, I at length concluded to have it here.—Among some of the persons who told me so, were the Sheriff and Dr. Lawrence. The latter being called to my aid, being indisposed, told me that I should urge a special trial, declaring “that though the circumstances were very strong against me, I need not be uneasy—that he was sure no jury of this county would convict me.” Thus encouraged, I urged a special trial, which was granted, and the term commenced on the 3d day of August, 1829.—James Dixon, Esq. appeared on the part of the state, who was an old friend and acquaintance—and W. V. Buskirk, (an old school-mate) of this place, John V. L. M‘Mahon, Esq. of Baltimore, and William Price, Esq. of Hagers-town, were my counsel. The jury were Thomas Blair, William Woolford, Samuel H. Gillis, John White, Nathan W. Tracy, William Conrad, George Blocher, John Miller, John North, John Twigg, John Witt and Isaac Ward. During the trial I never entertained the idea of being convicted. When the witnesses swore to my connection with Rachel Cunningham, I never thought that that would go to prove the killing. When they swore to the fact of the accident that occurred on Martin’s mountain, conscious that it was an accident, and that I had no evil intention about it, I was sure that that could have no bearing upon the jury; and when the witnesses deposed about the tracks of the horse, the knocking of the bark off the trees where they supposed the horse to be hitched, about the nest, the club, the stone and the bloody leaves—knowing that all these were not true, I was pretty confident that the jury could not convict me; hence, in the evening, af-

ter I would come down from the Court-house, I would be rather rejoiced, and would frequently say, "well, there is nothing against me to-day," and I was pretty certain from what I had been told, and from all the facts, that I would be cleared. Hence, after hearing all the testimony, and finding that none of the facts of the killing were disclosed, and verily believing that I would be cleared, I wrote the following letter to Rachel:—

CUMBERLAND, August —, 1829.

My Dear:

I am happy to inform you, that the case is over and in my favor; and hope you will come on immediately and stop at Mr. Evans' tavern, and he will send down to my Brother Charles for me. I am very anxious to see you. I hope you have had regard for me and poor James and conducted yourself well—then we will all be happy and you nor he shall never want for a friend. I wish you to bring a letter of recommendation from the person you have been living with. The stage arrives here in a day and a half from Wheeling. I am very weak, or I would come on for you—do not be afraid to come by yourself.

James is well and sends his love to you. Yours, G. S.

This letter was in my hat, and as I always went up into the Court-house without it, during the time I was there, a couple of young men who were witnesses on the trial, from Washington co. (as the Sheriff informed me) came down here, whilst I was in Court, and looking about, they saw it in my hat and informed the Sheriff, who took it, delivered it to the prosecutor, and he, on the last day of the trial, read it in open Court. I held down my head and laughed heartily when he read it.

After the testimony was closed, and the prosecutor and my counsel had gotten through with their arguments, the jury retiring and continuing out but about ten minutes, increased my confidence; and when they returned I looked up at them with complaisance and with good cheer, expecting an acquittal from them—when lo! most confounding to my feelings, they rendered in their verdict of *Guilty of Murder in the first degree!!!* I hardly knew where I was, nor can I express the feelings I realised at the time. I trembled, and shuddered, and wept.

About the commencement of the trial I received a letter from my friend in Kentucky, in which he stated that he complied with the promises he made to take Rachel to Orleans. He stated that brother Franklin was determined to drive Rachel from the country, in consequence of

which he could not go to Maryland for Rachel's child, and therefore took her on immediately to Orleans in a steam-boat; but not being able to see nor hear any thing of me, they returned to Louisville, Ky., where a friend informed them of my apprehension—and told me that if I wished to write any letters to Rachel, I should direct them to Mr. Diller, of Louisville, Ky. This was the first information I had of Rachel since I left her in Kentucky; I could not imagine where she was all this time. I can now account for our missing each other at Orleans. In order to give my friend in Kentucky time to come here for Rachel's child, I went down to Orleans in a corn boat, which floated slowly—the passage was about six weeks; and in consequence of brother Franklin's attempting to drive Rachel off, could not come on to Maryland for her child, and immediately started with her for Orleans, in a steam boat, and by travelling rapidly they got there long before I did, and not being able to hear from me, returned again, and we missed each other.

After receiving this letter from my friend, I wrote one to Rachel, during the trial. In this letter I stated that the trial was going on—it was uncertain as to the issue of it—and told her that if she intended to come in at all, to come soon—if she wanted any thing done for her, relative to her child or her clothes, that Bargdoll would attend to it. This letter was endorsed, "To Mr. Diller of Louisville, Ky." and was carried from the prison to the Post Office by William Buskirk, without the knowledge of the Sheriff, who was always very vigilant and careful that no letters should pass or repass without his oversight.

The trial terminated on the 22d of August, 1829—and after I was returned to the prison, I wrote the following letter to Rachel, and hid it in the prison, waiting an opportunity to send it to her; but in consequence of the vigilance of the Sheriff, I could get none; and some time after, upon his having the prison room searched and rid of every thing, I directed him where to find the letter. The following is the same:

CUMBERLAND, August 22d.

My Dear,—I am sorry to inform you, that I have had bad luck—and am afraid there is no hopes for me—James is well—and your clothes and things are safe—I will have 30 or 40 days yet—and any thing you write for and wish to be done, shall be done. Write and direct your letter to Jacob Bargdoll—I will write to you again. Yours, &c. G. S.

On Monday following, the 24th, at 9 o'clock, the Court was called, and I arraigned at the bar; when his Honour John Buchanan, Chief Judge, passed the following sentence:

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

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

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

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

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

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

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

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

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

Alas! he little thought he was sending her to her destruction; and that what was intended for the advancement of her respectability and happiness in this life, was destined soon to prove her ruin.

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

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

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

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

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

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

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

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

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

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

The Judge did me injustice, but I freely forgive him, as he was in error and in the dark on the subject.

After the sentence was passed, I was remanded to the prison to await the final sentence of the law. The clergy now began to visit me, and offered me a Saviour's pardon—and a peace which I have since realised—which the world cannot give, nor take away. I was now shut in from all intercourse with my friends, except when the Sheriff accompanied, save the Ministers of the Gospel, who were accompanied by Henry Mitchell, the turnkey. Previous to my conviction, Mrs. Scott's family supplied me with victuals, but after this, none were permitted to

be sent me, and the jailor's family, who were all kind, affectionate, and sympathetic, at the direction of the Sheriff, supplied my necessary wants; hence, all stories about sending me files, saws, and vitriol, were palpably false. The Sheriff, from his vigilance, would have detected any thing of that kind; and I would here observe, that Mr. Beall was as kind and affectionate to me as he could be. He was, in fact, strict and rigid in his orders, but it was necessary to be so—the people would have blamed him if he had been otherwise. He did his duty faithfully, and whilst he exercised all the vigilance, anxiety, and strictness of a Sheriff, he at the same time manifested the tenderness, the sympathy, and the benevolence of a man. He supplied me with all I wanted, debarred me from no privileges which my circumstance could admit, and always saw that I was rendered comfortable, and had my necessary supplies. I always lived well here. He has given me his pledge, that, as Sheriff, he will execute me himself, so that no insult be offered my dead body, and after my death deliver me up to my friends, and I know he will redeem his pledge. I would here observe, that a few five-penny-bit catchers endeavoured to have the Sheriff prohibit my confessor from coming to the jail to write my life and confession, supposing that they might do this service for me, but the Sheriff had too much manliness and honour to pay any regard to them. He always acted very correctly.

The week previous to my execution, I received the following letter from Rachel. It was enclosed in a letter to Jacob Bargdoll, as I instructed her to do. It was delivered to me by the Sheriff, and I give it to the public:—

HENDERSON, 5th September, 1829.

My dear

I received your letter the first of September I was very much surprisied for I never had heard A word of you And never expected to hear from you Again it relieved me very much to hear from you I seen great eal of trouble since I have seen you after you left me more than I could explain. I have had a son since you left me, three or four months which caused me A great eal of troubel I was A bout five miles from the yellow banks in the country I am now at hinderson I hired A boy and went out to see John I have been in louisville all this summer at Mr. Dillers I am Afraid that letter you wrote to Mr. diller will ruin me for I am Abliege to leave there on the account of that if you had of put it in crisup town the would never been nothing mistrusted I was reseved by evry person and was taken in the first company betwen Frankle and your aunts famly the was part of the money you left me taken from me Franklin

treated me scandleous and threatened my life and I believed if it had not of 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 be as happy as ever you must know I must love you very much or I would not have followed after 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 trouble Anough without coming there to see more I have caused my friends Anough trouble without my coming in there to stere it Afresh Among them I would rather go three thousand of miles further the other way I stand in need of nothing at this time I have plenty of every thing I have sufered A great eal on the account of little Jâmes I have thought A thousand times I would go in there at the risk of every thing 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 turned evry one of your friends Against you so as they told evry thing About you they ever heard or knowed Abought you every body knows all About it at Johns My dear I can neer for get you you know I have seen hard times with you you still write to me you are the same but I am not the same the has A great alterration took place since you seen me John will be in there soon I wish you all the luck this world can Aford 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 Swearigen.

Her name was not subscribed, but the face of the letter tells from whom it came. None but Rachel could have held the same language.

During this time, the several clergy of the town, together with other religious persons, visited me and gave me religious instruction and encouragement. They supplied me with a Bible, tracts and books; beside I received several letters, one from a clergyman in Philadelphia, on the subject of religion. Wishing to unburden my conscience, and desirous to show the world wherein it has done me injustice, and how far circumstances may lead astray, I solicited the Rev. N. B. Little to write my life and confession, believing that if I would get a minister of the Gospel to do it, he would do it faithfully, and the world could, consequently, give credence to what they heard. An attempt was made, by my friends, to have my punishment commuted, by banishment from the United States; and another to respite the time for execution; but the Executive of the State would do nothing on the subject.

My wife was murdered on Monday, the 8th day of September, 1828, and my death warrant signed on Tuesday September 8th, 1829—just one year expiring. I regard this as a remarkable circumstance.

During my confinement, my little daughter was brought to see me. I would kiss her, and, most affecting to my feelings, she would attempt to exarcerate me, by pulling at my handcuffs and hobbles, as if to get them off. She is about four years old.

I have now given a history of my life up to my last days, in my prison. The last sad drama is yet to come, and I must leave that part of my life to be concluded by some faithful friend.

GEORGE SWEARINGEN.