

The Murderer's Ordeal

A Californian's Story

by Emerson Bennett

I was always fond of the science of physiognomy. From my youth up, I was noted for my proclivity for reading the character of a man from his face; and I finally became such an adept in the art, that I could occasionally guess the very thoughts of the individual whose countenance I was studying.

Soon after the gold fever broke out, I went to California; and there, I must confess, among what else there was to interest me, I had a grand opportunity for exercising my skill upon all sorts of faces, seen under all sorts of circumstances, from the highest triumph of success to the deepest despair of failure. I first tried my luck at digging gold myself, but soon tired of that, and believing I could make money faster and with less labor, I opened a kind of grocery and provision store, and went regularly into the business of trade, buying most of my articles at Sacramento, getting them hauled to my quarters, and disposing of them at a fair advance to the miners and others.

My store, as I dignified my place of trade, consisted of a rude skeleton of poles, with a sufficiency of cheap muslin drawn over them and pinned down to the earth, and was stocked only with the most saleable articles, of which flour, pork and whiskey found the most ready market, especially whiskey. In a dry season it was very dusty, and everybody seemed to be dry with a thirst which mere water would not quench. If a man was successful, he wanted whiskey to bring his body up to the altitude of his spirits, if unsuccessful, he wanted whiskey to bring his spirits up to the altitude of his body; if it chanced to be a little cool, he wanted whiskey to warm him; if it was very hot, he wanted whiskey to cool him; he needed whiskey in the morning to make him bright and active; he needed whiskey at night to rest him and make him sleep well; he wanted it when he bought, and when he sold, when he won, and when he lost, when he stood up, and when he sat down: in short, whiskey was the great regulator of all human feelings—the genuine *elixir vitae*—and consequently I did an immense business in whiskey. Now this, though somewhat irrelevant, brings me to my story.

My store being the headquarters of that locality for whiskey and provisions, I was brought in contact with nearly every specimen of the *genus homo* that ventured into that region; and such another conglomeration of white, black and red—such another mixture of gentlemen, laborers, mountaineers, gamblers, thieves and assassins—it would be hard to find outside the limits of California. Of course I had a chance to study all sorts of faces to my heart's content; but having, as I have said, become an adept in the art, an ordinary countenance, or a man governed by ordinary passions, whether gentle or brutish, did not interest me. I wanted to get hold of what is termed a character—or one whose external would give no indication of his internal to any but a connoisseur—or one that would really puzzle you to tell what to think of him.

Among the many, such an one I at length found. At first I did not notice him—did not think of him. At a casual glance there was nothing to distinguish him from the herd. He came in quietly,

unobtrusively, purchased a quantity of flour, pork and tea, paid for the same in gold dust, and went out about his business. He repeated his visits, at different intervals, perhaps some half a dozen times, before he attracted my attention to anything peculiar in his appearance, and then I should have been at a loss to say what I saw more in him at last than at first.

He was apparently about twenty-five years of age, of medium height and slender figure, of a dark complexion, regular features, with dark, straight hair, dark eyes, and a beard that covered the lower part of his face—in all of which there was nothing remarkable—nothing striking. He was quiet—not talkative—had nothing to say except about the business he came on—got what he wanted when I was disengaged, paid for what he got like a gentleman, and generally retired with an ordinary “Good day,” or some similar civility. And yet, as I have said, he began to attract my attention at last, and I began to wonder why. Was it because he was so quiet, reserved and gentlemanly, and did not purchase whiskey like the rest, and occasionally get excited and boisterous? or was it because there was something about him I could not readily fathom? At all events, he had begun to interest me in some way; and the very fact, perhaps, that I could not tell how or why, led me into a closer scrutiny, a deeper study, of the man.

After this I prolonged his visits as much as I could without causing him to suspect I did so intentionally. The things he wanted I generally had some trouble in getting, and filled up the interval by remarks about the weather, the country, the mines, the success of some and the failure of others—in a word, anything I could think of to induce conversation, watching him furtively all the while. He answered easily and readily, and yet with that peculiar kind of reserve that was not suggestive, or tending toward familiarity. His replies, however, evinced a man of mind and education, and I began to give him credit for being a thinker—perhaps a practical and selfish dreamer, if I may use a paradoxical term that best expresses my ideas.

One day, I scarcely know how, I touched upon the general superstitions of mankind, and to my surprise I saw that at last he was interested. His eye changed expression, and brightened, and emitted a strange and peculiar gleam; and my attention being thus directed to his eye, I now bethought me that I had never seen one exactly like it—one capable of being to apparently open down to the soul while concealing so much. It was off its guard now—the door was really open down to the soul of the man—and I looked in at that door, that opening, *and saw that the soul of that man was a dark one.* A nameless fear came over me—a strange thrill passed through me, like an electric shock—I felt an internal shudder of dread. No wonder I had not been able to read him before: the man had been wearing an impenetrable mask.

I now had the key to the mystery, and to him, and I used it. He was interested in superstitions—he was superstitious himself. Why? Good men may be superstitious—bad men always are, because they carry a hell of wild fancies within them. Thus it was with this man, as I could see by his eye, and I made his fancies work upon him. I told stories of sorcery, witchcraft and magic—of ghosts, hobgoblins and devils—till he became pale with fear, breathed with compressed lips, and trembled in spite of his great nerve and will.

If good men, as I have said, are sometimes superstitious, why, you ask, did I think this man bad for being superstitious also? First, I answer, because I had accidentally thrown him off his guard and read his soul; and secondly, because he was not naturally nervous and credulous. *Fear* only

had made him so; and in one of his iron nature, fear could only arise from the self-convicted knowledge of a past wicked deed. The man was even then a criminal.

But let me hasten to the *denouement*.

It chanced that no other person was present when this conversation occurred about the superstitious fancies of men, and as soon as we were interrupted by the entrance of another customer, my dark visitor left somewhat abruptly. After that he did not come as often as before, and never seemed as much at ease, and never renewed the conversation that had so agitated him, and never, in fact, entered into any other that he could possibly avoid. I kept my thoughts to myself, but made some causal inquiries about him, and learned that he had been so fortunate as to secure a capital “lead,” from which, with his partner, another young man, he was taking out gold in quantities that promised to enrich both, and that both had the good will and esteem of all who knew them.

One dark night, about three or four weeks after this, I was startled from my sleep by wild, prolonged shrieks, and cries of—

“Murder! Murder! Help! Help!”

I jumped up, seized my revolvers, and darted out into the open air. The cries and screams still continued, coming from a point on the bend of the river about a hundred rods below. In a minute I was joined by five others, all well armed, and together we ran as hard as we could to the place from which the alarm proceeded. When we arrived there, at least thirty men were collected in and around the tent of the dark man I have been describing, and he himself it was who had given the alarm. His partner and companion had been murdered and robbed, and he himself had been slightly cut across the face and gashed on the left arm, and he was all excitement, lamenting his dearest friend, and vowing vengeance against the assassin. It was some time before we could get at the particulars, and then we learned that both had been sleeping side by side, when an unknown robber had crawled under the light canvas, stabbed one to the heart, and taken a large bag of gold from under his head. With this he was escaping, when the present narrator awoke and seized him, and received the wounds which had compelled him to relinquish his hold. Lights were brought, and there, sure enough, was the bloody confirmation of all that had been related. I shall make no attempt to portray the intense excitement, the wild rage and consternation, which this daring murder occasioned. Every man felt that, if the assassin escaped without his just punishment, there would no longer be security for anyone in our hitherto quiet and peaceful valley, and solemn oaths were taken to hang the wretch, if found, upon the nearest tree. A large reward was offered for his detection, and every gambler that had ever been seen about there was more or less suspected, and I believe that, had any man been arrested on the following day, he would have been hung first and tried afterward. I said less than any, for I had my own suspicions, and I contrived my plot in secret, and made a confidant of no one.

The murdered young man was as decently buried as surrounding circumstances would permit, and his companion, my superstitious friend, grew more moody with grief, refused to work his “lead” anymore, and proposed selling off his rocker and tools, and quitting the country altogether. I think he would have gone at once, only that I told him it would not look well to

leave without an effort to discover the murderer, as some people might be malicious enough to say he knew something of the matter, and so get him into trouble. He turned very pale, and declared he would stay a year, if he thought by that means he could discover the assassin of his dear, dear friend.

On the second afternoon following the tragedy, almost every individual in the vicinity, the friend of the murdered man among the rest, assembled at my store at my particular request. I had told them I had something to communicate concerning the foul deed, and I thought it not unlikely I should give them some clue to the assassin.

When all had collected, and arranged themselves, as I had directed, in a semi-circle before my door—eager, expectant, excited—I came forward, holding in my hand an egg. Then I made them a short speech on the various superstitions of mankind, which I contended had their origin in mysterious facts revealed from the other world by God’s good providence for the protection of the innocent and the punishment of the guilty; and, among other things, I mentioned how the ghosts of their victims would often haunt the murderers, compelling them to reveal their crimes—how land and sea had been known to give up their awful secrets—and how it had been asserted, that if the guilty wretch should place his hand upon the body of the man he had secretly slain, the wounds would bleed afresh.

“And now, gentlemen,” I continued, “I hold in my hand as sure a test as any I have named. This simple egg, so fair to the view, contains the murderer’s secret. Let him but take it in his hand, and the frail shell will crumble to pieces and show to all that it is filled with the blood of the victim. You will excuse me, gentlemen, for putting you all to this test. We do not know each other’s secrets—the murderer of the young man we buried yesterday may be among us; but only the *guilty* need *fear* the trial—the *innocent* will surely pass the ordeal unharmed.”

As I said this, I fixed my gaze upon my dark visitor, my suspected man. I never saw a more wretched and ghastly countenance, nor a greater struggle in any living being to keep a calm and unmoved exterior.

The egg began its round. Some took it gravely; some lightly, some turned slightly pale, and some laughed outright. But on it went, and came nearer and nearer to the man for whom it was intended. I could see that he was trembling—that his very lips were getting white.

“It is your turn now!” I said, at length, in a cold, stern tone.

“Mine?” he answered, with a ghastly attempt at a smile. “Why—why—should I—I take it? Poor Wilson was my—my—friend!”

“Let him prove so now!” I said. “All eyes are upon you. Take the ordeal sent by Heaven, and prove your innocence—*if you can!*”

He glanced hurriedly around. All eyes were indeed upon him, and with looks of awakening suspicion. He made one despairing effort to be calm, gulped his breath like one choking, and seized the fatal egg with trembling hands.

The next moment it was crushed in atoms, and his hands were wet and stained as if with human gore.

A wild yell burst from the crowd.

A despairing shriek came from the lips of the guilty wretch; and falling, rather than sinking, down upon his knees, he cried out:

“God of mercy, forgive me! I did kill him! I did kill him! for his gold, his gold! His gold! Oh, cursed gold! Oh, God of Heaven, forgive me!”

“And how many before him?” demanded I.

“Three! Three! Oh, God of mercy, forgive me!”

There was another wild yell, or rather howl of fury—a rush like wolves upon their prey—and the poor wretch was seized, almost torn limb from limb, and dragged furiously away.

In less than ten minutes from his confession, he was dangling from a neighboring tree—swinging by his neck.

So died a murderer, whose name I have suppressed because he had respectable friends who are still living.

I will only add, that, believing him guilty, I had previously prepared the egg, putting red coloring matter in it, expecting to see him crush it through his superstitious fear of a supernatural discovery. They offered me the promised reward for the detection of the murderer—but this I declined. Justice was all I had sought, and this I had obtained.

The New York Ledger, August 10, 1861