

A Singular Verdict

The circumstances detailed in the following narrative fell sufficiently under the writer's observation to enable him to vouch for their correctness.

In the year 18—, in a secluded portion of one of the Western States, an aged couple named S. resided on a small farm of which the husband was the proprietor. They lived alone, their children having all married and removed to a distance. The cabin in which they dwelt stood remote from the public road, and the small tract of cleared ground on which it was situated was surrounded by forest.

Toward the fall of the year in which occurred the events about to be related, a stranger came into the neighborhood, stating his object to be the purchase of land. He was a large, athletic man, of prepossessing appearance, and apparently about thirty years of age. He represented himself as having a sum of money loaned at a place some sixty miles distant, which he was desirous of investing in a farm already stocked and partially improved.

S. had previously determined, should a favorable opportunity offer, to sell out and remove to the vicinity of his children; and M., for that was the name the stranger assumed, being apprised of this intention, presented himself as a purchaser. A bargain was speedily concluded, M. agreeing to pay a stipulated sum, by a certain day, for the land, together with the farming utensils and stock upon it. It was part of the agreement that M., who was unmarried, should be boarded and lodged by S. and his wife till the period arrived for the consummation of the contract, which had been fixed with reference to the date at which M. would be entitled to call for his money from the party who had borrowed it.

The new-comer, in the meantime, became a decided favorite in the settlement. He appeared frank and good-natured; ever ready to lend a helping hand at house-raising and log-rollings; exhibiting, in short, in an eminent degree, that popular combination of qualities expressed by the phrase, "a good neighbor."

Shortly after the rime fixed for the delivery of possession, a neighbor called at the cabin, where he found M. alone, by whom, in answer to his inquiries, the visitor was informed that the old people had left several days before, having received their money and executed a proper conveyance.

S. owed a few debts in the neighborhood, and the prevalent theory deduced that he intended to evade the claims of his creditors. His honesty, it is true, had never before been questioned; and a few who had known him best hesitated to adopt this conclusion.

The principal creditor was a store-keeper, a man of much shrewdness and sagacity. He reasonably concluded that if S. had perpetrated a fraud of the character conjectured, M. had in all probability so far participated in it, by aiding in its concealment, as to leave the property of the absconding party still liable for his debts, notwithstanding the attempted transfer of the title.

Determined thoroughly to investigate the matter, he applied to M. for an inspection of the deed by which he claimed to hold the land. On its production, it was found to be not only unattested by witnesses, but without the requisite certificate of having been acknowledged by a magistrate.

When these defects were pointed out, M. expressed his surprise, alleging that advantage had been taken of his ignorance, and offering to become responsible for the store-keeper's claim, rather than allow his title to be drawn in question.

But another peculiarity in the deed had attracted that gentleman's notice. He was perfectly familiar with the hand-writing of S., and felt convinced that what purported to be his signature to the instrument, was neither more nor less than a forgery—an inference rendered quite conclusive by the fact that the sir-name of both husband and wife was *mis-spelled*. These last discoveries he kept to himself, and soon managed to take his leave, giving M. no ground to believe that any of his statements had been in the slightest degree distrusted; and, without going through the formality of procuring a warrant, he immediately collected a number of discreet and resolute men, and returned to the cabin, where M., without further ceremony, was taken into custody, and a thorough examination of the premises instituted.

Nothing was found within or about the house to justify the suspicion which, many began to believe, had been prematurely conceived; and further search was on the point of being abandoned as fruitless, when one of the parties present called attention to a pile of logs, about a hundred yards from the cabin, beneath which indications appeared of the earth having been lately disturbed. The log-heap was situated on the old bed of a spring branch, which had been diverted into a new and straighter channel, apparently but recently dug.

M's explanation, that the digging beneath the logs, as well as the building of the log-heap itself, had been done with the design of filling the old and crooked channel, which ran through a cultivated field, appeared so perfectly plausible to the majority of those present, that but for the pertinacity of a few, the prisoner would have been forthwith released, with an ample apology for the annoyance to which he had been groundlessly subjected.

But to convince those who would not otherwise be satisfied, the logs were removed. Some of them were so heavy that it required the united exertions of several men to displace them—a fact which left it scarcely that they were found by a single person, unless he were endowed with herculean strength.

Shovels were brought, and the removal of the freshly deposited clay began. M. exhibited the utmost indifference, his countenance betraying neither agitation nor anxiety.

It soon became apparent, that instead of merely filling the branch, an excavation had been made below its bed; and shortly the removal of a shovel of earth exposed a human hand; and in a few moments more the bodies of S. and his wife were exhumed! They were clad in their night garments. The old man's forehead was cleft as though with the stroke of an ax, no other wound being discoverable on his person; while not only the woman's head, but her hands and arms were dreadfully gashed and mangled. The blow which had dispatched the husband in his sleep,

had evidently aroused the wife, after which she had been barbarously murdered in spite of her feeble resistance.

M. expressed much astonishment at the discovery of the bodies, stoutly disclaiming all knowledge as to how they had come to be there deposited.

Within a few days it was ascertained that a man, calling himself S., had appeared before a justice of the peace in a distant part of the county, and offered to acknowledge the execution of a deed, which he presented already signed; but as it purported to be a conveyance by husband and wife, the magistrate informed him that the presence of the wife was indispensable, whereupon he had gone away. When the justice was confronted with the prisoner, he unhesitatingly recognized him as the person who had offered to acknowledge the deed, and with equal positiveness identified the deed found in the prisoner's possession, as the one presented for acknowledgement.

The accused had been evidently aware that the acknowledgement of the grantor before an authorized officer was essential to the validity of the conveyance, and had ingeniously conceived the idea of personating the man whom he had murdered, and acknowledging the deed in his name; but, unfortunately for the success of his scheme, the instrument professed to be executed by both husband and wife, and the necessity of the latter's presence had not occurred to him.

A clearer case of murder in the first degree, one would suppose, was never submitted to a jury. The killing, beyond controversy, was deliberately planned. Prompted by sheer avarice, and unattended by a single mitigating circumstance, it was what Mr. Webster called, in his argument of a celebrated case, "a cold, money-getting murder—committed for hire and salary, and not revenge." The facts, as above recited, were proved beyond the shadow of a doubt. The State, as well as the defendant, was ably represented. The law was distinctly and impartially laid down in the charge of the court: and yet the verdict was—"*Guilty of murder in the second degree!*"

M., who was sentenced to prison at hard labor during life, is still, I believe, an inmate of the Penitentiary.

The New York Ledger, May 6, 1865