

A Leaf from a Lawyer's Diary

[The following graphic and remarkable narrative has been obtained by us from a prominent lawyer in one of the Eastern Kentucky counties. The facts in it have not before been published, but for their entire accuracy the reputation of the writer will vouch. —ED. COURIER JOURNAL.]

In 1865 I was the State's attorney in the ——— judicial district in the State of Kentucky.

I had gone to the county of O——, one of the counties in the district, for the purpose of being present in the prosecution of the criminals. There had been no court held in that county since 1861, owing to the civil war. I found everything in the worst confusion possible. Men had been murdered in cold blood, and nothing was done with them. Murder, arson, robbery, and all the crimes in the catalogue, had been committed with impunity, and the malefactors had gone unwhipped of justice, owing to the absence of law. During the war everything was in anarchy; there was neither safety to women nor innocent children—all suffered alike. When it was known that there would be a circuit court held in that county, the news attracted a very large crowd.

On Monday morning, November 8, 1865, I found a large crowd in B——, the county seat of O——. Men, women and children came, some the distance of thirty miles. Guerillas and bushwhackers came with their guns and pistols, as though they intended to overawe the court, and determined that none of their gang should be indicted for the numerous murders of which they had been guilty. Court opened, and the sheriff returned his list of a grand jury. The court instructed them as to their duty; they were sworn and sent to their room. I had determined in my own mind that every person that had been guilty of a felony or misdemeanor in O—— county should be regularly indicted, if I could in any way obtain the evidence against them.

There was a case that was shrouded in mystery. A young man, who was the pride of a widowed mother, had suddenly disappeared from the county about two years before, and had never been heard from. His name was Charles Belknap; he was an only child; handsome, finely educated, and as brave as a lion. I made diligent inquiry. I had about one hundred witnesses summoned. I examined them closely, and when I dismissed them I warned them to tell no one what transpired in the grand jury room. In that way I hoped to keep the real murderers in the dark as to what I was doing.

I could only gather the following circumstances in the case: That young Belknap had left his home in June, 1863, and was riding a very fine horse, with \$1,500 in his possession. He failed to return at night, and his mother became very uneasy about him, and the next morning set out to make inquiries concerning him. She went to the house of 'Squire Mosely, who lived about five miles from her, a leading man in the county, and told her story, and made inquiries concerning her son. The 'Squire told her that her son was at his house the day before, and left in the direction of the town of B——; that he left about 10 o'clock in the morning. This was all she could hear of him. No one else had seen him, and she returned home a broken-hearted mother. She made inquiries of every person; every stranger that passed was interrogated, but all in vain. She still kept up the search for her missing boy, and about twelve months after he had so mysteriously disappeared, she was returning home from one of her searches and met 'Squire Mosely. The 'Squire told her he had heard from her boy; that he was in Iowa. He had received a letter from

him, and that he would be at home soon; that he had left the letter at home, &c. Mrs. Belknap went directly to the 'Squire's house, without communicating her intention to him, and inquired of the family for the letter that the 'Squire had received from her long lost boy. The family seemed surprised, and knew nothing about such a letter having been received.

This was all the evidence I could get as to the probable fate of her son. What was I to do? I went to my room and studied over the matter. How could I say that young Belknap had been murdered? His body had not been found; and who would dare to accuse 'Squire Mosely of such a crime? I lay in my bed that night thinking over the circumstances, and it was near four o'clock in the morning when I fell asleep. I slept until eight o'clock, I got up, washed and dressed myself, fully determined to indict 'Squire Mosely for the crime of murder. I went to the grand jury room, directly after eating a hearty breakfast. I told the foreman what my intentions were. I drew up the indictment, accusing 'Squire Mosely of the crime of murder, committed as follows, viz: The said 'Squire Mosely, on the — day of August, 1863, in the county of O——, did feloniously and with malice aforethought kill and murder Charles Belknap by shooting him with a gun loaded with a leaden bullet, against the peace and dignity of the Commonwealth of Kentucky. I presented the indictment to the grand jury, and they indorsed it a true bill. I cautioned the members of the jury to say nothing about what we had done, but to keep the whole thing secret, and if before the court adjourned nothing turned up to fix the crime on the 'Squire, that we could destroy the indictment. The grand jury found indictments against eighteen persons for murder, and so secretly was it managed that the sheriff had them all in jail at once.

The indicting of so many persons naturally produced great excitement among the citizens. I went to my room that night and double-locked my door, examined my pistol and put it under the head of my bed. About 12 o'clock I heard a knock at my door; I demanded to know who was there. A person answered, "a friend." I got up, lit a lamp, took my pistol in my hand and opened the door. A stranger stepped in. I closed the door and demanded his business. He seemed very much frightened, and casting a hasty glance around the room to satisfy himself that there was no other person in the room except myself, he told me that his name was Colby, and stated that he wanted to communicate a very important fact to me concerning the fate of young Belknap. I told him to proceed. He wanted to know whether he could turn State's evidence or not and save himself. I replied in the affirmative. He then told me that he knew where young Belknap was buried, that 'Squire Mosely had killed him, had got \$1,500 from his person, and had run Belknap's horse off and sold him to some Confederate soldiers, and that he had assisted Mosely in burying Belknap. I told Colby to keep his seat in my room, that he should not be hurt; and I went out, hunted up the sheriff and told him to get eight or ten reliable men and bring them to my room. He did so. I then took the Sheriff and Colby into a room, and made Colby repeat his story over to that officer. I then directed the Sheriff to procure a sack and take Colby and the men he had brought with him, and go and get the bones of young Belknap and bring them to my room that night. The Sheriff did as I directed him.

When court convened the next morning, and as I stepped into the court-room, 'Squire Mosely was the first man I saw. I had the grand jury called, and they presented the indictment against 'Squire Mosely for murder. People looked at one another in blank amazement, and looked incredulous. 'Squire Mosely marched up to the bar and demanded a trial then; that the charge was a base fabrication and false. I whispered to the Sheriff to bring in the sack. He did so. I told

him to empty the contents on a bench in front of 'Squire Mosely; and as the bones of the murdered man fell out upon the bench, they seemed to sound the death-knell of the accused man. He looked the picture of despair, and dropped in his seat and covered his face with his hands. I announced to the court that all that was mortal of Charles Belknap was then in court, and I was ready to proceed with the trial.

Excitement ran high, the mob shrieked and howled "Hang him! hang him!" and the court was powerless to protect the miserable man. The mob, with the mother of young Charles Belknap at their head, forcibly took the trembling culprit out of the custody of the Sheriff, and hung him to a limb of the nearest tree. Before he swung off he acknowledged his guilt.

And as I passed by his lifeless form swinging from the limb of that tree, I was forcibly reminded of the legal phrase, "Murder will out."

The Anderson Intelligencer [SC], November 27, 1873