

Pages From
The Diary of a Philadelphia Lawyer

The Murderess

“Quo semel est imbuta recens, servabit odorem—
Testa diu.” —*Horace*.

“It will have blood, they say—blood will have blood.” —*Shakespeare*.

IT is a fact established by the wisdom of the learned, and the experience of the inquisitive, that there are principles in the physiology of woman which peculiarly capacitate her for endurance and perseverance under protracted affliction.

In the corroding pangs of hunger—under the necessary inflictions of temporary abstinence—at the bed of the sick or by the side of the dying, when nightly vigils are prolonged to almost incredible endurance, —and under almost every physical hardship, to which the constitution of human nature is subjected, it is universally admitted that the gentler sex have a characteristic patience and ability, which remarkably capacitates them for scenes of trial.

Man, in his sturdy nature, may bare his breast to the lightning’s flash, or stand unshaken amidst the wrath of the devastating thunderbolt—he may stand at the cannon’s mouth, or mane the lion in his den—but put him under the chronic afflictions, which press, though lightly, yet with prolonged and untiring certainty upon him, and his peevish and impatient nature sinks under the endurance of his trials, while woman at his side, stands uncomplaining and resigned.

In the mental vicissitudes, however, to which the human family are constantly subjected, there is a distinction, which a course of some considerable experience in the waywardness of the human mind has convinced me, throws no such favorable contrast in the constitution of the sexes. Man is impetuous, and generally in extremes while under excitement, no matter how evil or debased, but he is nevertheless quick in his susceptibilities of change, and often traverses from the nadir of sin and criminal depravity to the zenith of moral rectitude. Reformation in the most abandoned of men, is a matter of occasional observance with the mental physiologist, and temporary aberrations from the straight path of virtue with them, without irretrievable confirmation in their errors, are instances of frequent occurrence. But the mind of woman once tainted, and the corruption is irremediable. The fountain of her thoughts once poisoned, and there is no purity can ever flow therefrom. Once chained to crime, and her fetters are riveted for life. As I have the beautiful sentiment of an author unknown to me, — “When the drear winter throws his mantle over nature, and strips the verdure of the forests and the plains, and binds his icy fetters on the limpid stream, there is a melancholy, but not without its happy anticipations of returning verdure and wonted freedom. The season of flowers will come again—the streams will flow gracefully and lightly as before—the trees will gain toss their cumbrous load of greenness to the sunlight—and by mossy stone and winding rivulet the young blossom will start up, as at the bidding of the

fairy guardians. But the heart of woman has no change like that of nature. It has no second spring time. Once blighted in its hour of freshness, it wears forever the mark of the spoiler. The dews of affection may fall, and the gentle rain of sympathy be lavished upon it, but the sore root of blighted innocence will never again waken into life, nor the cherished flowers of hope blossom with their wonted beauty.”

A large experience in criminal practice, has taught me that in a majority of cases, where offenders are exposed before our human tribunals—the object of all earthly penalties—which are, or ought to be, only inflicted for the *prevention*, and not the punishment of crime—is obtained in a favorable number of cases, when judiciously administered to man, but that woman, once arraigned, seldom concludes her iniquitous drama until death draws the curtain upon her.

My diary presents to me many appalling evidences of the irresistible truth of my conclusions, and as I have received them from the living impress, so have I recorded them, with nothing extenuated, and surely I may add, “nor aught set down in malice” to the sex.

MARY STEWART was arrested, upon information privately conveyed to the mayor of the city, upon a charge of *Infanticide*.

She was a woman of no particular character of feature, but in her carriage and demeanor, exhibited an attractive dignity and peculiarity of manner, that won for her, from everyone who beheld her, the most favorable prepossessions. Very respectably attired, and giving evidence of some considerable refinement in her conversations with the officers of justice, she soon excited a lively sympathy in the breast of everyone who heard her. She professed herself to belong to the family of a respectable farmer in an adjacent county, from which she had long been estranged, in the prosecution of her apprenticeship to a trade in this city, and her after settlement in the responsibilities of business for herself. She early requested that no publicity should be given to her unfortunate situation, that might excite a suspicion in the mind of her friends, and urgently prayed to be allowed to meet the dreadful charge alleged against her, with such assistance only as could be commanded by her from the sympathies of strangers. To answer this request, the mayor concluded upon a private examination of the case, and with her approval, and with a generous desire to afford every opportunity to the prisoner, despatched an officer for me, to request my attendance as counsel for her. I met the prisoner immediately, and had a full and confidential interview with her, before I announced my readiness to enter upon the examination of the cause of her arrest. What was disclosed to me in this interview, was never, and never will be, divulged by me, except so far, as it will hereafter appear, her own voluntary act gave me the permission.

The magistrate handed me a letter directed to him, which contained the first intimation of any charge against the prisoner received by him, and on which had opened his investigation. The following is a copy of that letter:

Philadelphia, _____
_____, Esquire, Mayor, &c.

It is under feelings of the greatest excitement, I convey to you the intelligence which this note will open to you, and I feel that nothing but the solemn pledge given by me to a friend while on her dying bed, could force me to make myself instrumental in the disclosure of a crime so horrible as the one which I am compelled to aid in bringing to light. Mrs. S——, who died on the twelfth of last month, sent for me to visit her a few hours before her death, and converse with her on a subject that rendered her miserable beyond hope, and without revealing which, she felt that her soul was writhing in anticipated retribution. I accordingly waited on her, and learned from her the following facts, which, in obedience to her request, and my pledge to her, I now briefly impart to you.

Mary Stewart, a young lady now living in —— street, No. —, about six months since was a resident in the house of Mrs. S. While there, she gave birth to a child, which she, in the most cruel and horribly unnatural manner, destroyed, and secretly disposed of, and from the force of her persuasions and entreaties to the deceased, and another inmate of the house, the only persons who discovered her crime, prevailed on them to withhold the disclosure of their knowledge from the world, and thus partly to participate with her in her demoniac criminality. The only living witness of this deed, now resides in —— street, No. —, from whom you can obtain the full information requisite for a judicial investigation.

Yours, &c.,

In consequence of the reception of this letter, the mayor had sent to the direction of the witness therein referred to, and found a person whom he believed to be the one alluded to, and had her brought before him. At first, the witness disclaimed any knowledge of either party mentioned in the letter, but when the assurances of perfect harmlessness to her were given, with the expression of a determination to have the matter most thoroughly investigated, by the officers of the law, she at last yielded, and confessed her full knowledge of the whole transaction. She being detained, an officer was immediately despatched to arrest the unnatural mother, who was found at the place described in the letter, and immediately conducted to the office.

If I was prepared, the mayor announced to me, the investigation should proceed, and the witness for the first time, be introduced before the prisoner. I signified my client's readiness for the *ex parte* hearing, and everything was arranged as for the most solemn denouement.

The door of the private room of the police was opened, and the witness, an interesting woman of yet youthful appearance, came forward and confronted the prisoner. I had expected at this meeting to witness a scene of no ordinary excitement, and had nerved myself to meet a burst of agonizing apprehension from the prisoner. But she sat, fixed and unmoved in even a muscle of her face, and her dark and piercing eye flashed in [indescribable] glances at the person of the witness, as she approached to take the Bible from the hand of the clerk, who rose to administer the oath to her. Being sworn, she, under great agitation and with much apparent reluctance, deposed in substance, to the following effect.

Mary Stewart, the prisoner, was an inmate with her in the house of Mrs. S., about nine months since. One morning, Mary had remained an unusually long time in her chamber, with the door locked on the inside, and, from the noise she made, appeared to be unusually engaged. About

noon she came down stairs and went out of the house, apparently by the back door, with something carefully concealed in a basket, that hung upon her arm. In a few hours she returned, and immediately retired to her chamber, which had been locked in her absence, and the key taken with her. A short time after her return, Mrs. S. and the witness went to the door of her room and demanded admittance, which was, after some delay, and with great reluctance, granted to them. On entering, they immediately discovered that Mary had been engaged in washing something like blood stains from the side wall of the chamber, and, in the quickness of womanly apprehension, Mrs. S. exclaimed, "Mary, where is your child?"

Mary faltered a moment, and, the tears gushing from her eyes, she threw herself at the feet of Mrs. S., and clinging to her, prayed her secrecy and forgiveness. She had been playing with her child in her arms, she said to us, and in an unlucky accident, had let it fall with much force against the wall, by which it was killed. She feared to disclose her unhappy carelessness to any one, lest it might excite unjust suspicions against her, and had secretly conveyed the body of her dead infant to distant common, and, with her own hands, had dug its grave and covered it over again with the green sod which she had disturbed, intending to tell the family that she had left it out to board, whilst she should engage again in the business of her trade. She was now discovered, and she had resolved, in the event of our exposure of her, to prevent her public degradation by the deprivation of her own life.

Under her strong appeals, and the threats of personal destruction, which she frequently made to us, we were constrained to pledge ourselves to secrecy upon the shocking events which were disclosed to us.

A cross-examination elicited but few additional particulars. The prisoner had been married, by her own representations, and her husband—the father of her child—had been dead near a year. She had frequently represented his death as peculiar, and very sudden, and such as to excite in her mind strange suspicions, at the time of his decease. She had no company visiting her at the house of Mrs. S, save one male friend, an Italian, who had been the boon companion of her departed husband, and who was the only friend that stood by her, and assisted her in discharging the last duties of affection to his remains. The examination closed.

A consultation with the benevolent magistrate induced me to advise a disclosure, on the part of the prisoner, of the spot where she had deposited the corpse of her infant. This advice, the professional man will readily observe, was based upon a calculation of the force of the defendant's confession of the death, and the means thereof, as an entire evidence, and the derogating circumstances attending the concealment of the body. If no other evidence appeared, but such as was derived from the lips of the prisoner, then, whilst from that source the commonwealth derived the information, and the unfavorable suspicions which hovered around the concealment of the death; so, from the same source, by the principles of the law, must they receive the evidence of the means by which that death was effected. This had been fully and firmly stated by the prisoner in her every acknowledgment; and such being the case, it would exhibit, on her part, a frankness and honesty of dealing with the prosecution, which must weigh heavily in her behalf, on her future appearance before a jury of her fellow beings. An interim of an hour or two transpired, during which the prisoner remained in the private office of the police. On returning with the mayor, after a short absence, we found that the officers despatched for the

purpose, had succeeded in exhuming the body, and had brought it with them. The remains were immediately submitted, in their decayed state, to the scrutiny of intelligent men of the medical profession, and the result of their examination was greatly unfavorable to the prisoner. The left side of the skull, or temporal bone, was largely fractured, and the interior of the head, especially the brain, was in a state of great disorganization. This, however, it was generally admitted, might have been occasioned by the instruments, used in searching for the body, coming in contact with the head, and particularly so, as the corpse was found in the earth, unsheltered by a coffin, and in a state of entire nudity.

Upon this evidence, I felt myself compelled to submit to a binding over. The character of the crime precluded the admission of bail, and Mary Stewart was finally committed to await her trial, at the next term of the *Oyer and Terminer*, on the charge of INFANTICIDE.

The humanity of the keepers and inspectors of the prison, enabled her, at my solicitude, to obtain the situation of assistant nurse in the female hospital, during her incarceration, so as to relieve her from the nauseous and contaminating associations of the felon inmates that thronged the prison.

In two weeks after her commitment, the grand inquest presented a “true bill” against her, and the succeeding day was appointed for her trial. She was accordingly brought into the crowded court room, and in a firm and solemn tone, responded to the interrogatories of her arraignment—“*Not Guilty.*”

By permission of the court, she was removed from the criminal dock, and allowed a seat by me in the centre of the forum. Her dignified demeanor, and the effect of a neat attire of the deepest mourning, in which I had caused her to be dressed, told with great force upon the sympathies of all around her, as well as upon the jury [empaneled] to try her case.

The evidence was heard in full. The case was opened and concluded, on the part of the commonwealth, by the able attorney general, with much power and eloquence, and I, in my place, exercised all the pathos and ability I possessed, in making the defence. The jury received the charge of the court and retired to meditate upon their verdict. An hour of fearful and dreadful suspense elapsed before the jury returned. At last the stillness around was disturbed by the stentorian voice of the attending officer calling out to “make clear the passage for the jury.” They came in. The foreman handed the indictment to the clerk, and in answering the interrogatory—“How say you, Guilty or not Guilty?”—spoke in so low a tone as to allow the word *Guilty* only, to reach the ears of those immediately around him. For the first time in all my relation with the defendant she gave evidence of deep sensation. As the word “*Guilty*” fell upon her ear, she uttered a piercing shriek and swooned away upon the floor. “*Not Guilty,*” repeated the foreman of the jury, in a louder tone, and the breathless suspense which had riveted all around in the stillness of death, was relieved by loud acclamations of satisfaction from the bystanders. But it was a long time ere the defendant could be sufficiently recovered to understand the true issue of her fate. As soon as practicable she was placed in a carriage, under the care of a person who had been provided to take charge of her, and removed to a retired part of the city, to remain until she could make arrangements, by her own desire, to leave the city.

The next day I waited on her, and found her much relieved. She placed in my hands a sealed packet, and expressing, with much apparent feeling and sincerity, her gratitude to me, requested me to receive as the only recompense she could make to me, the enclosed evidence of her confidence in me, which she enjoined on me to retain unbroken in its seal, until I received positive intelligence of her death. "When I am gone," said she, "you may give the world the benefit of my experience in the bitter fruits of a wicked life."

In a few weeks after her acquittal, I heard of her departure for the West, in company with her Italian friend.

Before a year had elapsed after the departure of Mary for her new abode, I opened the morning paper, and in perusing it, was startled with an account of "A shocking Murder and Suicide" which had been perpetrated in the Territory of ————. Two new settlers, an Italian and his wife, who had resided in ———— settlement for several months, and had won the affection and respect of the neighborhood by their urbanity and hospitality, were the subjects of the bloody drama. The husband had conceived a jealousy for his wife, on account of the repeated visits of a wealthy neighbor, and, returning from a revel at a neighboring town, under the influence of intoxication, and finding his wife absent, sought her, and discovered her on her way returning, in company with the object of his suspicions.

Without exchanging a word, he plunged a large knife which he carried, into her breast, and felled her, lifeless, to the ground. He immediately commenced a pursuit after the fleeing and affrighted companion of his wife, and finding himself outstripped by his object, he halted in despair, and buried the unsheathed blade, yet reeking with the warm red current of his victim's heart-blood—deep in his own heart.

My suspicions were immediately excited upon this intelligence, and I sought and received from the most positive sources the confirmation that the parties in this transaction were—my late client and her Italian friend. I was now at liberty, and broke the seal of the packet which had been, as it were, bequeathed to me by Mary Stewart. Written in a neat female chirography, I read the following:

"This brief confession of my sinful course is prepared by me, in the solitary moments allowed me in my prison, to be read by you, after my mortal dissolution—an event, which something within informs me is close at hand, even should I escape my present impending danger."

My proper and maiden name is Agnes ————. I was educated and raised in New England, where all my kindred reside. At an early age I was placed at a boarding school of great celebrity, in the east, and entered upon a course of tuition the most comprehensive. At the age of seventeen, I had nearly closed the period of my scholastic probation, and was initiated, to some small extent, in the mazes of the world's society. I was precocious in the affairs of love, and had around me a host of professing admirers. From the number of these I had selected one, as the object of my devoted attachment. My destiny, afterwards linked with his, proved, by the events I am about to disclose, to be twin-fettered to disgrace and crime.

My first love, for such I then often termed him, was an exile from France, whose representations made him a patriot martyr to the cause of freedom, in the revolution which had then recently disturbed that restless people. To him I wholly consigned myself, and, wrapt in his idolatry, I made my heart but as the dial-plate, on which his finger should point out its tone and sentiment. I heard with rapture his protestations, and, in return, freely disclosed to him the isolation of his power over me. Never, however, shall I now forget the sentiment he often expressed to me, as if to rebuke the unchecked fervency of my adoration—*On garde long-temps son premier amant, quand on n'en prend pas un second.*

The discovery of our attachment by my friends and family, met with the most decided rebuke. I was removed from school to avoid him, and for a time, was debarred from every opportunity of seeing or hearing from him. I was at the village of H——, under the strict guardianship of a maiden aunt, whose rigid principles were esteemed the best panoply for my susceptibilities.

One evening a stranger stopped me, while returning from a visit to a neighbor in the village, and placed in my hands a note, directed to me, in a hand I quickly recognized.

I hastened home, and flying to my chamber, kissed the seal for the hand that I knew had impressed it there, and eagerly broke it to devour the contents it shut from me. It was from my Charles—and he waited at the foot of the village by the bridge that stretched across the little stream that skirted our town, to speak with me. To fly to him was resolved as instantaneous as the thought. We met in the full gush of feeling that two hearts so wrapt in each other alone can appreciate.

He quickly informed me he had come for me, and I must elope with him immediately. It was a hard struggle for me to decide between the certainty of parental affection, among the friends of my childhood, and the venturesome dependence upon the love of a stranger, in a strange land. But the devotedness of my affections, as I gazed upon their long lost object, again before me, braved me to the resolve to hazard every thing for him.

A chaise was close by, prepared for us, and we were soon hurried away on our road to Albany. At Albany such provision was made for me, as supplied the deficiency of a deserted wardrobe, and we were formally united in the holy bands. We immediately resumed our travel, destined to this city as the fixed place of our abode. A short time found us comfortably situated in a retired part of one of the adjacent districts, and many months passed away in one undisturbed revel of affection and enjoyment. My husband's intelligence of the country made him the friend of many foreigners, who gathered around him, and constituted the exclusive society in which we mingled.

Among the number of these, were, an old fellow-countryman of his, of reputed wealth, who afterwards became an inmate of our house, and the young Italian, referred to by the witness examined before the mayor, at the time of my arrest.

As the first year of our connubial course drew to a close, my husband's resources began to fail; and, without the means of resuscitating them, we beheld poverty and want gradually making their inroads upon our prospects of domestic happiness. Day after day, we strove to invent some plan by which we might escape the gripe of penury that was closing, finger by finger, upon us,

but without success. Every useless and dispensable article of furniture that had ornamented our little eyry, went to procure our daily sustenance. At length, these were exhausted, and day after day passed in absolute want of the necessaries of life. Charles could endure this situation of things no longer, and after many restless nights spent in ineffectual efforts to devise some honest plan to regain ourselves, a new thought seemed to flit across his brain. He rose earlier than usual, and paced the chamber with a quick and impatient tread. After a long time of silence, I endeavored to stir into some warmth the smouldering ashes of our hope, by the promises of better days—but no—no—it would not do. “*The deed must be done!*” exclaimed Charles, as his eye-balls dilated into a gorgon fierceness. “What deed?” I exclaimed, terrified at the unnatural appearance that had come over him. “St. P—— must die,” continued he. “He is old, and will soon go without my assistance. He has the means of supplying comfort to us—yet he has stood by and seen the finger of hunger draw those lines upon that cheek, whose blooming fullness was first pressed by a stranger’s lips, when I vowed to supply a bounteous parent’s place—he has seen our house stripped, piece by piece, of the little luxuries that surrounded us, when he first came into it, and he has not had the soul to say—take this pittance until you can return it again to me. St. P——, I say, must die.”

To be brief—I spent the succeeding day and night in unabating efforts to dissuade him from his horrid purpose. But the struggle seemed over in his mind—it was to make the resolve, and that having been accomplished, nothing could shake him in his resolution. His purpose became mine, and we now only sought to devise the safest plan for its accomplishment. Charles had grown intimate, amid the numerous scenes of crime which prevailed in his native country, during its dark period of revolution, with various admixtures of ingredients, that were known in pharmacy to produce the *closest* assimilation to nature, in securing the death of their victim.

To this knowledge he applied himself; and I was supplied with the position that was to effect our hellish purpose, to administer, in what way my ingenuity would best suggest. St. P—— was soon taken suddenly ill and a few hours only, told the certainty of my success. This being in the period when the Asiatic cholera was at its height in the city, the sudden and violent death excited no suspicion in the neighborhood, but seemed, more effectually to close the door to scrutiny. St. P—— was publicly buried, and Charles and myself soon possessed of the means of present relief, though to a far less extent than we had anticipated.

The stain of guilt was now on my soul—the virus had been instilled by the hand that should have preserved my purity, and my heart was changed. Upon his soul rests the fatal consequences which followed after. The affection which I had entertained for him, through all our trials, unshaken, now became chilled, and the fountain of pure love from which I poured out my adoration for him was now dried up. We strove hard to brighten our past happiness into the show of present lustre, but the spoiler had lain his blight upon our hearth, and we were cheerless and miserable. Our Italian friend still visited us, and soon discovered the change which had taken place in our demeanor towards each other. His suspicions immediately attributed this to the ready cause of the inconstancy of woman’s love, and he soon addressed to me attentions of so unequivocal a character as to leave me no room to doubt his desires. For a long time I sustained myself against his wiles, but my heart was already polluted by the worst of crime—my husband had robbed himself of all the attributes that rendered his province sacred—and I at length fell into the snare that had been ingeniously laid for me.

We carried our illicit intercourse to such an impious extent, as to lead me into a new infatuation, and to render my husband's society odious to me, as it placed a temporary restriction upon my indulgence in the vicious course of my perverted affections. At length, I worked myself into the resolve to rid me of his longer presence. But how was this to be effected? Alas!—he himself had taught me to think of it—the potion that destroyed St. P—— would put him to rest as quietly. My resolution was fixed, and my [paramour] associated with me in my new purpose. Charles died suddenly—and I, involved in the deepest apparent grief, followed him, amid the sympathies of surrounding friends, who had been won to us by our urbanity as neighbors, without suspicion's faintest breath upon me—to the grave. It now became necessary for me to put on, for a time, the closest observance of fresh widowhood. I broke up my little household, and took board with Mrs. S——, alluded to on my trial, receiving occasional visits only from my confederate. Soon after, I gave birth to my first child. But oh! how different did I look upon my babe, from that soul throbbing and [ecstatic] glance with which a virtuous mother first beholds the pledge of her connubial bliss. I felt as though there was no life-stream in my breast for it, and cursed the first heavings of its little chest, that gave the token of animation. I persisted in the strictest seclusion from all society, and I mistake not that I excited unfavorable suspicions of my maternal tenderness, in the family around me.

Soon after the birth, I fell into a broken sleep—I dreamed my dead husband—my murdered Charles—came to my bedside and demanded my babe. He grasped it, and I wrestled with him for its possession. In the terror of this struggle I awoke. The dim light of a flickering taper cast its undulating shades over the room, and I fancied every moment I yet saw the figure of the departed father hanging over his child. I was lost in frenzy and madness. I knew not what I did. My brain was on fire, and my heart felt like some molten load within me. I seized my babe by the feet, and with a giant's strength—whirling it round my head—dashed its little frame against the wall, and sunk upon the floor, with its smoking brains bespattered over me.

The sequel of my history you know.

Burton's Gentleman's Magazine, page 107, February, 1838.