

The Mysterious Highwayman

The following strange narrative appeared in a volume called the "Theory of Presumptive Proof," published some sixty years since, and now not often met with:

A gentleman traveling to Hull was stopped late in the evening, about seven miles short of that town, by a single highwayman, with a mask on, who robbed him of a purse containing twenty guineas. The highwayman rode off by a different road, full speed, and the gentleman pursued his journey. It, however, growing late, and he being already much frightened and agitated at what had passed, rode only two miles further, and stopped at the Bell, a rode-side inn, kept by James Brunell. He went into the kitchen to give directions for his supper, when he related to several persons present his having been robbed, to which he added this peculiar circumstance, that when he traveled he always gave his gold a particular mark; that every guinea in the purse he was robbed of was so specially marked, and that probably the robber, by that means, would be detected. Supper being ready, he retired. He had not long finished his repast when Mr. Brunell came into the parlor. After the usual inquiries of landlords of hoping the supper and everything was to his liking, etc., "Sir," says he, "I understand that you have been robbed not far hence this evening." "I have, sir." "And that your money was marked?" "It was." "A circumstance has arisen which leads me to think that I can point out the robber." "Indeed!" "Pray, sir, what time in the evening was it?" "It was just setting in to be dark." "The time confirms suspicions." Mr. Brunell then informed the gentleman that he had a waiter, one John Jennings, who had of late been so very full of money he had had many words with him about it, and had determined to part with him on account of his conduct being so suspicious; that long before dark that day he had sent him out to change a guinea for him, and that he had only come back since he, the gentleman, was in the house, saying he could not get change; and that Jennings being in liquor, he had sent him to bed, resolving to discharge him in the morning. That at the time he returned him the guinea, he, Mr. Brunell, did not think it was the same which he had given him to get silver for, having perceived a mark upon this which he was very clear was not upon the other; but that, nevertheless, he should have thought no more of the matter, as Jennings had so frequently gold of his own in his pocket, had he not afterwards heard—for he was not present when the gentleman was in his kitchen relating it—the particulars of the robbery, and that the guineas which the highwayman had taken were all marked; that, however, a few minutes previously to his having heard this, he had unluckily paid away the guinea which Jennings returned him to the man who lived some distance off and was gone; but the circumstance struck him so very strongly that he could not, as an honest man, refrain from giving this information.

Mr. Brunell was thanked for his attention and public spirit. There was the strongest reason for suspecting Jennings; and if, on searching him, any of the marked guineas should he found, as the gentleman could swear to them, there would then remain no doubt. It was now agreed to go softly up to his room; Jennings was fast asleep; his pockets were searched, and from one of them was drawn forth a purse containing exactly nineteen guineas. Suspicion now became demonstration, for the gentleman declared them to be identically those of which he had been robbed. Assistance was called, Jennings was awakened, dragged out of bed, and charged with the robbery. He denied it firmly, but circumstances were too strong to gain him belief. He was secured that night, and the next day carried before a neighboring Justice of the Peace. The gentleman and Mr. Brunell deposed to the facts on oath; and Jennings, having no proofs, nothing

but mere assertions of innocence to oppose them, which obtained no credit, was committed to take his trial at the next assizes.

So strong were the circumstances known to be against him, that several of his friends advised him to plead guilty on his trial, and to throw himself on the mercy of the Court. This advice he rejected, and when arraigned, pleaded not guilty. The prosecutor swore to his being robbed; but that, it being nearly dark, the highwayman in a mask, and himself greatly terrified, he could not swear to the prisoner's person, though he thought him of much the same stature as the man who robbed him. To the purse and guineas which were produced in Court, he swore—as to the purse positively, and as to the marked guineas, to the best of his belief, and that they were found in the prisoner's pocket.

The prisoner's master, Mr. Brunell, deposed to the fact, as to sending the prisoner to change a guinea, and of his having brought him back a marked one in the room of the one he had given him unmarked. He also gave evidence as to the finding of the purse, and the nineteen marked guineas in the prisoner's pocket. And what consummated the proof, the man to whom Mr. Brunell paid the guinea produced the same, and gave testimony to his having taken it that night in payment from the prisoner's master. Mr. Brunell gave evidence to his having received of the prisoner that guinea, which he afterwards paid to this last witness. And the prosecutor, comparing it with the other nineteen found in the pocket of the prisoner, swore to its being, to the best of his belief, one of the twenty guineas of which he had been robbed by the highwayman.

The Judge, on summing up the evidence, remarked to the jury on all the concurring circumstances against the prisoner; and the jury, on this strong circumstantial evidence, without going out of the court, brought in the prisoner guilty. Jennings was executed some little time after, at Hull, repeatedly declaring his innocence to the very moment of being turned off. This happened in the year 1742.

Within a twelvemonth after, lo! Brunell, Jennings' master, was himself taken up for a robbery done on a guest in his own house; and the fact being proven on his trial, he was convicted, and ordered for execution. The approach of death brought on repentance, and repentance confession. Brunell not only acknowledged the committing of many highway robberies for some years past, but the very one for which poor Jennings had suffered.

The account he gave, was that he arrived at home by a nearer way and swifter riding, some time before the gentleman got in who had been robbed. That he found a man waiting to whom he owed a little bill, and that not having quite enough loose money in his pocket, he took out of the purse one guinea, from the twenty he had just got possession of, to make up the sum, which he paid, and the man went away. Presently came in the robbed gentleman, who, while Brunell was gone in to the stables, and not knowing of his arrival, told his tale, as before related, in the kitchen. The gentleman had only just left the kitchen when Brunell entered it, and being there informed, amongst other circumstances, of the marked guineas, he was thunderstruck! Having paid one of them away, and not daring to apply for it again, as the affair of the robbery and marked money would soon become publicly known—detection, disgrace and ruin appeared inevitable. Turning in his mind every way to escape, the thought of accusing and sacrificing poor Jennings at last struck him. The rest the reader knows.

The Plymouth [IN] Democrat, February 17, 1870

Reprinted as

“The Mysterious Highwayman: A Strange Story of Circumstantial Evidence” in
The Louisiana Democrat, April 27, 1870