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THE TWO-FINGERED ASSASSIN.

BY SYLVANUS COBB, JR.

I was on my way from Jackson to Greenboro, in the State of Mississippi. At Lexington I left the great stage road, and struck off to the right by a less frequented way. One evening—a pleasant evening in summer—I arrived at quite a village where I must pass the night. Upon entering the Inn I found quite a number of guests there, and soon learned that court was in session in that place.

The next morning was dull and drizzly, and I resolved to stop over one stage and attend court, as I learned that one or two important cases were to be tried. I entered the court room, which was built for town purposes, with a lawyer whose acquaintance I had made; and through his influence I got a good seat. The place was literally crowded within ten minutes from the time the doors were opened; and I hence judged that an important case was to come off. And I was not disappointed.

The first case was one of murder. The prisoner was brought in, and placed in the rough box which had been fixed up; and when I examined his features I made up my mind that if he did do the deadly deed he must have done it in a moment of maddening passion; for really, had I been told to select the murderer from all that throng, the prisoner would have been the last one selected. He was four-and-twenty, small and delicately framed; with large, mild blue eyes; flaxen hair; with features perfect, regular, and marked by a spirit of good will and intelligence. He looked pale and haggard now; and seemed to shun the gaze of the assembled multitude.

The murder had only been committed two days before. But the coroner had found a verdict at once; an indictment quickly followed; and as the court chanced to be in session at the time, the case, being so clear, was brought on.

From the opening of the prosecution I learned the following facts:

The man who had been murdered was a wealthy planter, forty-eight years of age, named Owen Payne. On the evening of the murder he had started from a lawyer's office on horseback, to return to his plantation, about five miles distant; and an hour afterwards he was found weltering in his own blood, upon the roadside, within a piece of woods two miles from the village. The prisoner at the bar was named Thomas Watkins Roby; and he was a step-son of the planter. Payne had married his mother some four years before—had lived with her until two months of the present time, when he had turned her out of his house, and forbidden her even to enter it again. She had returned to the village, where her son, the prisoner, had since supported her.

Thomas had never liked Payne, he knew him to be a hard drinker—a bad man and a libertine, and he had done all in his power to prevent his mother from marrying him. He could not bear the thought that such a man should be the husband of his mother. But the marriage took place, and the result was as we have seen. The poor wife pined away beneath her husband's brutality and neglect; and finally, because she would not give up her own couch to a creole slave girl, he beat her, and then he turned her out of doors!

It appeared in evidence that Owen Payne had come to town on business with his attorney.—When he married with Mrs. Roby he made a will in her favor. Since then he made one in favor of his favorite slave, whom he had set free. In an hour of passion he destroyed this second will, and made one in favor of a drunken companion of his. In three months this was destroyed, and another made in favor of a second creole. Lately, however, a nephew of his, a son of his brother, named Richard Payne had come to visit to him; and all former wills were revoked, and a new one giving everything to his nephew. How long that would have stood had the planter lived is not clear; but probably not long, for Richard Payne was a loose, sporting character, and very ugly when drunk. And it afterwards appeared—but never mind! We shall come to that soon.

Presently a man named Christopher Grutt was called upon the stand. He was an honest-looking drover, of middle age, and seemed sorry that he was obliged to testify. But he did so, and as follows:

He and his companion were on their way afoot to the town. Just at dark they came to the cypress wood, where the road is built over a small swamp, and just as they entered this wood a horse came galloping past them with saddle and bridle on. Their first impulse was to catch the horse, but they thought that his rider had been thrown and hurt, so they hurried on to find him. Near the end of the wood they saw a man stooping over something with his back toward them. They hurried up and found the prisoner at the bar just in the act of pulling a bowie knife from a deep wound in the breast of a man who lay be-

neath him. They at once took him into custody, and then hurried to get help.

The next witness was another drover named Henry Page. He had been with Grutt, and was the companion spoken of. His testimony was the same as the last. Only he was further questioned concerning the prisoner's behaviour upon the occasion. He said the young man was very frightened when they took him, and couldn't talk at all, only very incoherently and wildly.

These witnesses were not cross examined as the prisoner informed his counsel that they had spoken truly.

The next testimony elicited was important.—It was to the effect that just at the fall of sunset, while the shadows were longest, and the sun hung redly upon the horizon, young Roby, returned from a fishing excursion. At the Inn he learned that Owen Payne was in town.

"No," said the hostler, who had just come in, "he has started for home. He was pretty drunk, so I guess he will reach home by morning."

Upon this Roby started up and declared that he would go and overtake him. His words on the occasion, as sworn to by no less than five persons, were:

"I'll find him, and I'll have satisfaction! He shall either make to my mother the fullest reparation, or I'll take reparation myself."

Something was further said about his taking a horse.

"No," he returned, "I know how he rides.—I can overtake him before he reaches the swamp. It will be a dearly reached swamp to him if I do!"

Others were found ready to testify that they had frequently heard him make threats against Owen Payne's life!

Surely all this looks dark. At this point a side door was opened, and a litter was borne into the room, and upon it the body of the murdered man! The two drovers were asked if that was the body over which they had seen the prisoner. They said it was. A knife was then shown them, and they identified it as the one taken from Roby. Others swore that it was Roby's knife.

Finally the prisoner was allowed to tell his story. He struggled awhile with his feelings, but at length managed to control his emotions sufficiently for speech.

He said that the witnesses thus far had all told the truth with the exception of one point. The knife produced was not his. He had lost his bowie knife a month before. His mother had bought two knives some years ago, gave one to him and kept the other herself. The one she kept for pruning vines, and cutting fruit, she had left at Mr. Payne's, and had not seen it since. On the evening in question he started after the planter as had been stated. His idea was either to induce him to make some provision for his mother who was his (the planter's) true wife, or else to challenge him.

He had meant, on former occasions, when speaking of revenge, the same—to challenge him and fight him. That was all he meant at the Inn. When he left the village on that occasion he started on an easy trot which he kept up until he reached the cypress wood. He had just entered the cypress woods when he saw a man rush out towards him, and, at the distance of some three rods, plunge into the woods. He kept on, and in a few moments more he came to where a man was lying upon the ground by the roadside. He stooped over, and found it to be Owen Payne. He saw that he had been murdered, and also saw the knife handle projecting above the heart. He drew it out; and just then two men came along, both of whom he now recognized in the witnesses who had testified to seeing him there. He owned that he was startled, for the thought of his position flashed upon him with all its bearing circumstances. He remembered his known hatred for the deceased, his many seeming threats, and the remarks he had made not an hour before. He called upon God to witness that he would have withheld the assassin's hand had he seen it in season, for he could not even see an enemy suffer unjustly.

After this, much testimony was introduced to prove the prisoner's previous good character.—For all the Jury knew that, for they all knew him, and knew how steady, upright, and industrious he was.

The prosecution introduced one more witness as a sort of rebut. This Richard Payne, the nephew of Owen, and now supposed to be his heir. He was a dark featured man, of about thirty; tall and stout in frame, with black, crisp, curly hair, and black eyes; and wearing a look of deep dissipation. It required but a single look to prove that his mother was a mulatto or a quadroon.

Richard Payne swore that his uncle had several times told him that he was afraid of Thomas or Tom Roby. The witness upon being asked why, had been told that the young fellow had not only threatened to kill him [Owen] but had once before waylaid him in that very wood, and

that to assassinate him; but the fleetness of his horse saved him. This witness gave his testimony very emphatically, and with a spice of vengeance in it. He stood erect carrying his hands, which were gloved behind him.

"Mr. witness," said the prisoner's counsel, "you are the heir of your uncle Owen's estate?"

"Yes, sir."

"He has made a will to that effect?"

"Yes, sir."

"You are probably aware that he was rather erratic in this respect? I mean you knew that he made several wills before this one?"

"Yes, sir."

"And didn't you ever fear that he might make another?"

"No—sir" Rather confusedly.

"Suppose I were to tell you that he had made another will?"

"I—I know he didn't!" the witness stammered, turning pale as death, but recovering quickly.

"Do you know, sir, that I am the lawyer whom he came to see on the day of his murder?"

"I know he came to see one, sir."

"Yes, sir—I am the one. Curious that I should be his attorney and administrator, and also counsel for the man accused for his murder, isn't it?"

"I—I—don't know, sir."

"Tell me didn't you get very drunk on the evening before your uncle came to this village?"

"Me, sir? No, sir!"

"Ah—beware. I have the proof. You won't make anything by lying. Now weren't you drunk?"

"No—not drunk, sir. I had drunk some I will admit."

"Aye—and you had a quarrel with your uncle?"

"No, sir. Not a quarrel. He blamed me some for what I did."

"And you struck him?"

"Struck him?"

"Aye—you struck him."

"Not a regular blow. We had a little brush."

"Yes—I understand. You struck him, and under that provocation your uncle came here and had me make a new will! It was made, signed, sealed, and witnessed and duly registered before he left for home! What do you think of that?"

The witness grasped the little round railing in front of him for support, and his face turned a dark ashen hue. He trembled in every joint, and it was some moments before he could speak.

At length he managed to gasp—

"It's false! He did not make a new will!"

"Well—never mind now whether he did or not. I know, however, that you feared he would make a new one."

"I—I—"

"Ah—no falsehood! I know of what I speak."

After this, the counsel, whose name was Parkhill, and who was accounted second only to Prentiss on murder trials, turned to the court—

"May it please your honor, and you, gentlemen of the jury, I have urged the keeping of the body of the deceased here because there was something upon it which I wished examined in open court, and before the jury. I have two eminent surgeons here, and with your leave will proceed with the examination."

"Shall we keep the witness on the stand?"

"Yes, sir, I may wish to question him."

By this time every eye was turned upon Richard Payne; and I could easily perceive that the opinions of the people were rapidly changing.—Before all had looked upon the prisoner with that mysterious kind of sorrow which is partly made up of wonder and condemnation; but now, their suspicions were turned upon the dark nephew, and when they regarded Tom Roby, it was with pure sympathy.

The body of the murdered man had been covered with a black pall, and when that was removed the body was left bare to the waist.—The crowd pushed forward to gain a view of the wounds—there were four of them; but the officers soon succeeded in restoring order. Mr. Parkhill caused the body to be turned over, and then pointed out to the physicians two marks—one upon the neck and one upon the right shoulder.

The one upon the neck had the stains of blood, but the other was only the mark made by some kind of a grip. Now you can give them a careful scrutiny, and of course be governed somewhat by what you can clearly remember of their appearances before."

"I would say, gentlemen of the jury, that we noticed these remarks when the first examination was held, and you remember the result as given in the doctor's testimony. The deceased must have struggled hard, for there were evidently many blows aimed by the assassin ere he bit; and that the wounds upon the breast-bone were made first we know from the fact that it was from the deep wound that the prisoner was seen to pull the knife. These marks are evidently —. But I won't anticipate. Doctor give me your opinion."

"These marks," answered the elder of the two doctors, "were made by the grip of a hand. The first grip must have been upon the shoulder, and only separated from the flesh by the thin shirt, as Payne had his coat thrown across his saddle bow. The stricken man must have broken from his hold, for we find the shirt torn over that spot—"

"Here," said Parkhill, producing the bloody shirt, and showing the rent upon the shoulder.

"Before the assassin caught his man again he had got his hand bloody, for two of the wounds upon the sternum separated large veins. With that bloody hand the assassin caught him by the back of the neck—you can see the blood mark plainly as it has been very carefully shielded from contact with anything."

"But that don't look like the grip of a human hand," said the doctor; "and here is the mark of the forefinger; and here is the mark of the little, or fourth finger."

"Yes—it may be," returned the bothered jury; "but what are them marks?"

"Them," alluding to where broad blotches between the two finger marks, and some two inches below their ends. It was a curious looking mark for the impression of human hands, and no mistake.

"It must have been the left hand," resumed the doctor, "as you can see by the relative position of the thumb."

"If it is a hand," suggested the jury. "But I must say as how it don't look like a hand to me."

"Suppose," remarked Parkhill, calmly and distinctly, "I should tell you that the hand which fastened its grip there had lost its two middle fingers?"

"O—oh—yes, yes. Now I see. O, yes.—That's it—that's it. Now it's plain. Let's have a look at the prisoner's fingers!"

"O—he has his fingers all safe; but here is a man, who I think has not."

Thus speaking the attorney turned to Richard Payne, and bade him remove the glove from the left hand. The witness did not do it; nor did he refuse to do it; but he sank back and leaned against the judges' bench for support. The sheriff was directed to do the work, and he proceeded at once to perform it. The witness gave a convulsive start as the officer placed his hand upon him, and drew his left hand away; but it was quickly taken and the glove removed. The two middle fingers of this glove were found to be made of some kind of pliable material, so that the motion of the adjoining fingers would move them. But the hand was sadly mutilated. A pistol had exploded in his grasp some years before, and had carried away from his left hand the two middle fingers! The glove was an ingenious contrivance to conceal his mishap in company.

Upon this discovery, Mr. Richard Payne fainted entirely away, and was taken in charge by the two doctors, who soon revived him. The effect upon the spectators was electrical. They started up with one simultaneous shout, and for several minutes such howling, stamping, and cheering prevailed as I never heard before nor since.

At the suggestion of Mr. Parkhill four officers were sent off to Payne's plantation to make search for future evidence.—Having been thoroughly instructed by the counsel they hurried off and the court meanwhile took a recess, the people retaining their places for fear of losing them if they left.

In just two hours the officers returned. They brought with them a pair of pantaloons, a shirt, and vest—all marked with the name, "Richard Payne," and dabbled with blood. They had been conducted to the nephew's chamber by an old negro woman, and these clothes they found in the bottom of his trunk.

The case was given to the jury, and in just three minutes they returned with a verdict of "Not Guilty"—the foreman stating that the verdict was founded upon the fact that the true murderer had been discovered!

The scene that followed can be easily imagined by any one who is acquainted with the manners of that section. Thomas Roby was taken up by stout men and borne out of the house, and carried to his home, where his mother, who could not bear the scene of the court room, was eagerly awaiting news of the result.

But the return of her noble boy was not all. In a short time Mr. Parkhill arrived, and informed the widow that Mr. Payne had made a new will, by which all his property was once more given to her!

"He came to me on that fatal day," said the lawyer, "and told me he must make one more will. He said that Richard was a villain and a gambler. He had struck him only the night before in a drunken fit. The planter said he had wronged you, and he would make you all the restitution in his power. His intention was to get rid of his nephew, and then coax you back to live with him—to live with him only so long

as he should be kind and true. He told me he hadn't seen a moment of real comfort since you left him. And he also told me that he had reason to believe that Richard entertained the thought of killing him to prevent his making another will. The villain did the deed; but he sadly missed his mark."

Richard Payne was tried for the murder of his uncle, and convicted; and on the day of his execution he made a full confession. He said he felt sure his uncle meant to make a new will, and he had killed him to prevent it. The reason he did not take more pains to hide the evidences of his guilt was that he was sure Roby would be convicted. He was near enough to see all that transpired between the youth and the two drovers over the dead body, and he was sure that this unlooked for circumstance would be the means of drawing all suspicion from himself. But he was sadly mistaken.

And so all evil-doers are apt to be.

REV. DR. CAHILL.

ON THE CATHOLIC CHAPLAINS AND CATHOLIC SOLDIERS IN INDIA.

(From the Dublin Catholic Telegraph.)

Being favored with a correspondence in which I place implicit confidence: and resting on an authority which I cannot doubt, it is stated that an advice from the highest quarter has been sent to India, to remove all cause of complaint against the Indian government on the part of the Catholic bishops and the Catholic soldiers. And I am further informed that this decision is not to be delayed by any official forms of routine; but that the desired provisions of this necessary reform are to be sincerely and promptly carried into immediate practical effect. I gladly communicate this important news to the Irish people, and to the friends of Catholicity throughout the British empire. If the entire code of British rule in India must be revised and improved in all civil and military departments in that country, there can be no doubt that a similar searching inquiry, and improved toleration are essentially demanded in all the Catholic relations with the government of the entire Eastern empire, both in India and Australasia. And when this desired alteration shall have honestly taken place, the Catholics of this country and India will forget all the past difficulties they may have encountered, will be grateful for the new favors about to be conferred, and shall by redoubled allegiance, and by unflinching fidelity pay back the boon extended to the ministers of the Catholic church, and to the Catholic soldiers, and the Catholic children belonging to the service of the East India Company. I shall, therefore, briefly place before my correspondent in a condensed form, the principal grievances complained of by the Catholic church in India. And in order that the fullest information may be acquired on this subject, I beg also to refer him to two pamphlets written expressly on the entire case—viz., one published by the Right Rev. Dr. Hartman, Bishop of Bombay, and printed in London, 1857, by Burns and Lambert, Portman-square; and the second, written also in 1857, by Very Rev. Dr. Fennelly, Vicar-General of Madras, and printed by Mr. James Duffy, Wellington-quay, Dublin.

PASSAGE TO INDIA.

In all cases where any officer in the civil or military service of the government is sent to India, his passage is paid, and he is provided with all the necessary support till he arrives at his destination as it may be in the most remote part of India; while the Catholic priest with his limited means is obliged to proceed unaided as best he can through the lengthened difficulties of sea and land.

CLERICAL EDUCATION.

The clergy of the various denominations officiating in the service of the East India Company are educated in their various Universities free of expense without any personal cost: while the priests who leave Ireland or England to minister to the spiritual wants of the faithful Catholic soldiers of India, are generally educated at All Hallows in Ireland, or at other private Seminaries in England or Ireland, where their pensions and other collegiate expenses are hardly borne by their poor friends, and their distressed parents at home. Up to the present time, it was a pitiable case for the peasantry of Ireland to send their children to bleed and die in the service of England; and it was more than pitiable for the farmer class to educate their sons for the clerical ministry there, since the return made by the government to the first class was palpable persecution, while the second class were systematically treated with open injustice, and undisguised insult.

PAYMENT OF CHAPLAINS.

In almost all cases the payment of the Protestant and Presbyterian Chaplains varies from £600 to £1,000 a-year: whilst the salary of the Catholic priest is almost uniformly £100 a-year.