

TRIAL FOR MURDER.

ON the 17th day of August last came on the trial of Emerly Jones, for the murder of Oliver Reid, before the Hon. Henry Vanderburgh, one of the judges of the general court at Kaskaskia, in the Indiana Territory, under a special commission from the governor to hold a court of Oyer and Terminer for that purpose.

A very handsome and impressive charge was given to the grand jury by his honor the judge; when after a short retirement, the jury returned an indictment of murder, a *true bill*. The court then adjourned, and the next day the prisoner was brought up and pleaded to the indictment—not guilty; and put himself on his country for trial.

Benjamin Parke, attorney-general of the territory, prosecuted; and Rufus Easton, esq. counsel for the prisoner.

The testimony was clear and positive, that Jones had taken the life of Reid by beating him on the head, with a piece of wood belonging to a loom, on the morning of the 25th July. The facts were these:

A girl of about 17 who had lived with Jones since 9 years of age, had left him without his consent, and was harboured in the house of Reid, who with his wife lived a neighbour to Jones, about 20 miles south of Kaskaskia. Their houses were about 6 miles apart, and there was but one house nearer to Reid's than Jones's, which belonged to a Mr. Boone, 3-4ths of a mile distant. Jones went to Reid on the day before the fatal deed was perpetrated, carrying his gun along with him, and demanded the girl in an angry tone. The wife of Reid refused to let her go; and Reid told him if he would come the next day in a decent manner he might have her. Jones went away, saying in an angry manner, that he would have the girl; and passed over to the house of Mr. Boone, and asked Boone to go with him to Reid's, to procure for him the girl. Mr. Boone being unwell declined; and in the evening Jones went to sleep in the house of Mr. Boone—left there sometime before day. Reid was lying a sleep near to the open door of his log house upon the floor, and his wife and the girl were in bed, all asleep, when Mrs. Reid discovered for the first, Jones in the act of beating her husband, with a stick of the loom then almost lifeless. Jones then seized Mrs. Reid by the hair and the throat, choking her, at the same time dragged her out of the house and beat her with a sugar trough until she lay still; then told the girl to put on her clothes and go with him; his gun standing all the time near to the door. He told the girl that she had been the cause of the death of Reid.

It was proven that he had no particular ill will toward Reid. Jones said he talked pretty clever; but his wife was a bitch. It was proven by the oath of Dr. Duniap, that there appeared three wounds upon the head—two gashes cut in upon the top and one upon the temple. There was no fracture of the skull; and it was his opinion, that the stroke upon the temple gave the fatal wound.

There was nothing on the part of Jones, who was under bad repute, to extenuate; nor any witness at the trial in his favour. None of his acquaintances appeared as his friend. The traverser jury returned a verdict of guilty: and on the day after the conviction, the prisoner was brought up to the bar of the court, when the judge asked him "*if he had any thing to say why sentence of death should not be given against him?*" The following was the sentence:

EMERLY JONES, you have been indicted for having murdered with malice aforethought, a certain Oliver Reid, to which indictment you have pleaded that you were not guilty, and for trial put yourself upon God and your country. An upright, impartial and unbiassed jury, upon a fair trial and clear evidence, have found you guilty. This horrible offence, so enormous in its nature, and so destructive in its consequences, has been thus legally ascertained and fixed upon you, nothing remains but to pronounce sentence of death, the most terrible and highest judgment known in the laws. This painful task so distressing to the feelings of the human heart, is imposed on me by the obligations of duty.

It is now made clear, and established beyond all dispute, that you are no longer fit to live upon this earth, but are to be exterminated as a monster and bane to society. The laws of your country mark you with infamy, and declare from henceforward you shall be out of their protection, and that they will take no further care of you than barely to see you executed. Your credit, your reputation, and the numberless blessings, which under a free and happy government you were in the full enjoyment of, are thus, in a moment, by the wickedness and depravity of your own mischievous heart, to be wrested from you; and by the avenging laws of your country, you are to be precipitated into the presence of the great judge of the universe, where the secrets of all hearts shall be disclosed, and every human being shall answer for his deeds done in this life. With what remorse must you accuse yourself of that fatal rashness and guilty conduct, by which you have provoked your present unhappy fate. Much as I deplore the miserable condition to which you have reduced yourself; sorrowful as I feel for a

fellow creature, who has by the enormity of his crimes rendered himself unworthy of living upon earth; yet when I look back on the dreadful deed for which you are soon to suffer, I cannot withhold my assent from the justice which I believe has been exercised towards you. By the perpetration of this dark & atrocious crime, for which you now stand convicted, you have not only incurred the penalty of death, under the laws of society, but also under those of nature and of God; for God has openly declared, in his divine laws, that whosoever sheddeth the blood of man, by man shall his blood be shed; that the land cannot be cleansed of the blood that is shed therein, but by the blood of him that sheddeth it. Let me then earnestly recommend to your serious attention, the deplorable condition to which your guilty conduct has brought you; let me beseech of you, as I hope for your happiness in the world to come, to endeavour to secure to yourself the friendship and protection of that being, who disposes of events and governs futurity; let the awful interval between your sentence and execution, be employed in such acts of devotion and penitence, as shall tend to increase and strengthen your confidence in Almighty God. Improve the little time you have in discharging faithfully your obligations to the Supreme Being, under a firm persuasion that he superintends and will finally compensate every action in human life.

We all live in the comforting hope, that repentance, if sincere, can never come too late. We hope that by a short repentance, we may obtain pardon for a life of errors and sins. Our blessed religion permits us to believe that there is but one unpardonable sin, and that is hardness of heart and refusal to repent.

I now sentence you to be taken back to the jail from whence you came, and from thence to the place of execution; and there be hanged by the neck, until you are dead! dead!! dead!!! And the Lord have mercy on your soul!

Jones was executed at Kaskaskia, on Monday the 25th August, between the hours of 12 and 3 o'clock.