

THE CONFESSION

OF

No. 5.

HENRY M'CURRY,

EMBODYING PARTICULARS OF

HIS LIFE,

Convicted on the 12th of March, 1845,

IN BALTIMORE CITY COURT,

OF THE

MURDER OF PAUL ROUX,

OF MACON, GEO.

WITH A SKETCH OF HIS TRIAL, AND SENTENCE OF DEATH, AS PRO-
NOUNCED BY THE HON. JUDGE BRICE, MARCH 18, 1845.

BALTIMORE:
PUBLISHED BY SHURTZ & WILDE.
No. 12 NORTH STREET.
1845.

Entered according to act of Congress, in the year 1845, by
SHURTZ & WILDE,
In the Clerk's Office of the District Court for the State of Maryland.

CONFESION.

I WAS born in Ireland, county Leitrim, in the month of March, 1819 or '20, more probably in the former year, so that to the best of my knowledge, I was twenty-six years of age last March. My father was an Episcopalian, my mother a Catholic. I never received any religious instruction during my youth or before the commencement of my confinement in this prison. I had never been baptized, so far as I know, before I received that sacrament in this jail at the hand of my spiritual director.

At the age of about eighteen years, I enlisted in the British service, and after having served three years, I deserted from Dublin and took passage from Belfast to New Orleans, where I arrived December 29th, 1840. After a stay of one month in New Orleans, I went to Cincinnati, where I remained in the employ of a gentleman for whom I drove hacks until my departure from that city in March, 1844.

About a month before my leaving Cincinnati, I married a young (Catholic) woman of that city. The marriage ceremony was performed by a magistrate in consequence of the clergyman's refusal to marry us, and his refusal was grounded on certain untrue reports of my having a wife in Ireland. Those reports were entirely without foundation. I was never married before or after the occasion of which I have already spoken.

Knowing that many of my acquaintances believed the report of my having a wife in Ireland, and seeing that they looked upon me with distrust and suspicion, I resolved, with the knowledge of my wife, to leave Cincinnati. The understanding between us was that I would go to Vermont, and that after a short time, I would either return or send for her. This promise I made with perfect good faith, and had no other intention than to keep it. Finally, however, I left Cincinnati without her knowledge, because she wished to accompany me, and I thought it better to go alone. I fully intended to rejoin her.

From Cincinnati I went to Philadelphia, where I was employed in driving hacks about ten months, that is, until December, 1844. I came to Baltimore in the beginning of December and proceeded immediately on to Norfolk, Va., and thence returned to Baltimore after a stay of one week. I stopped at Mr. Nolan's tavern, South Charles street, and remained there until the unhappy occurrence, on account of which I am justly condemned to die.

It is needless to recount all the circumstances connected with Mr. Roux's arrival at the depot on Sunday night, January 12th, his coming to Mr. Nolan's in company with Mr. Nolan and myself, &c., because all these particulars were truly stated by the several witnesses at the trial.

We went up stairs to go to bed about 12 o'clock. Before we got into bed we sat down and talked about ten minutes. Mr. Roux then and there told me that he had gone from Charleston to New York, in search of a sea/captain who had defrauded him of ten

thousand dollars' worth of goods—that he (Roux) had shipped the goods by this captain, and that the captain had sold them in his own name. Mr. Roux seemed quite angry; he swore several times that if he had met with the captain, he would have shot him—that he had taken a pair of pistols with him for the purpose. The thought of murdering Mr. Roux entered my mind for the first time whilst he was undressing to get into bed. What put it into my mind or what object I had in view I am at a loss to state; for I was convinced from his general appearance and conversation that he had very little money about him. I did not at once resolve upon committing the horrid deed—it was at first a mere temptation. The thought of taking human life had never before in the course of my whole existence so much as entered my mind.

The temptation, however, grew upon me, and before I closed my eyes to sleep, I had formed the resolution of murdering the unhappy man. I awoke about 5 o'clock, got up immediately and went into the cellar, where I got the axe. I returned to the bed room and immediately committed the awful crime. He lay upon his left side; with the back of the axe I struck him two blows, the second immediately after the first, and in the same place, about three inches above the right eye; the blows were struck tolerably hard, but not by any means with all my strength. Still my intention was to kill him, and he was killed by the blows that I gave him. Besides the wounds already mentioned, I inflicted no injury on Mr. Roux's person. What I did I did of myself and by myself. None else had any knowledge of what I did nor any hand in it.

His whole person, except the head, was covered with the bed clothes—I did not touch him or cover his head with the bed clothes after I had committed the deed. After the first blow he opened his eyes, but I did not see that he so much as moved otherwise. I am certain that he was dead before I left the room. After the murder I went out of the room without having touched an article that belonged to him, or without having examined whether he had any money or not. I locked the door after me and kept the key. A little before dinner I returned to the room where I remained five or six minutes. I put my hand into one of the pockets of his pantaloons, where I found a small gold coin and a cent or two, all of which I put back again into the pocket; nor did I ultimately take so much as a cent (in money) that belonged to him. I did not examine any of his other pockets at any time. The watch and the breast pin were the only articles that I took: the latter I found on the floor of our chamber after the murder; in all probability it belonged to him; but I do not know for certain. About two o'clock P. M., I put his watch, (which had remained hitherto on the mantle piece) into my trunk. About four o'clock I put the watch on for the first time and wore it about my person all the evening up to eight o'clock, the time of my leaving in the cars.

It was in evidence that the key of our bed chamber was found in Roux's trunk, and that the key of Roux's trunk was found in the trunk left by me at Mr. Nolan's. All this may be perfectly true, but I had nothing whatever to do with placing those keys where they appear to have been found. When I put his watch into my trunk about two o'clock, I locked the chamber door on the inside, and on going out some few minutes afterwards I forgot to lock the chamber door, so that it remained unlocked from a little after two o'clock, P. M., until my departure in the cars. The key of the chamber was consequently left by me in the door, and as for the key of the unfortunate man's trunk I never saw it, nor did I so much as touch his trunk after having helped to carry it from the depot to the bar-room on Sunday night.

With the circumstances of my apprehension in New York, the public is sufficiently acquainted; I would only mention that the knife with which I attempted to kill myself was not, as has been stated, given to me by the prisoner who was in the same cell with me. When taken into the prison I was searched; but I *found* the knife in the cell into which I was put first, and when put into another cell by myself, I made the attempt to destroy myself.

The ways of Providence are certain to baffle all human calculations, particularly those of the murderer. This is especially illustrated in my case, as the following fact will show. On the day that I arrived in New York, and about two hours after I arrived there,

a vessel left that port for Europe. I could have taken passage in that ship, and designed doing so, but changed my mind and determined to proceed to Vermont. Soon after the vessel sailed I again altered my determination, and instead of going to Vermont I resolved to take passage for Europe in the first packet. How I was frustrated by being apprehended by Mr. Ridgley the public are already aware.

I have concluded my sad recital. I would merely add, that with the exception of the murder of the unfortunate Roux, I never committed any signal offence against the laws. I was not a thief, a robber, or a swindler. I bore the character of a sober, honest, industrious, inoffensive, and good hearted man. This statement I make not with the view of taking praise to myself or exciting compassion, (God knows that I neither deserve nor seek either praise or compassion in this world,) but I make the statement in order that the public may not be unnecessarily shocked and scandalized in me by supposing me guilty of many great crimes that I never thought of committing.

I have nothing more to say than to beg pardon of my God whom I have so grievously offended, and to express my deep regret and contrition for the horrid and unaccountable deed, which in an evil hour of temptation I had the misfortune to commit. I know not what could have been my motive. It was not to obtain money, for I did not suppose that he had any, and no conjecture as to his having money or not ever crossed my mind. May God have mercy on both of our poor souls! The premature death which I have so justly incurred, I accept in a spirit of atonement for my many sins, especially for my great sin, trusting to obtain through the merits of the death of Jesus Christ that eternal life of which I am, indeed, most unworthy.

I beg pardon of this community for the scandal that I have given and the outrage that I have perpetrated in their midst. I ask forgiveness of all, and venture to express the hope that many will have the charity when suing for mercy before the Throne of Grace, to remember the necessities of my poor soul.

I can never be sufficiently grateful to the kind, gentlemanly, and courteous Mr. Sollers, the warden of this prison. May God reward him for his innumerable deeds of kindness to me. I invoke the choicest benedictions of Heaven upon himself and family. To Messrs. Fusselbaugh, Seidenstricker, and the Board of Visitors in general, the former officers of the jail, and to the Deputy Wardens, Messrs. Myers, Roche and Wann, together with those gentlemen who were deputed as special guards in my cell, I return my heartfelt acknowledgement for their unvaried kindness and attention. May we all meet in a happier world!

I have endeavored to make the best use of that precious time which a merciful God, who wills not the death of the sinner, but rather that he be converted and live, has been pleased to grant to his unworthy servant. I most deeply regret the heinous crime which I am about to expiate; but my sorrow is not that of one who has no hope, because I believe that God, who can and often does draw good out of evil, permitted this calamity to befall me as the occasion of saving my soul, which, in all probability, I should otherwise have lost.

“Father, into thy hands I commend my spirit.”

HENRY McCURRY.*

Baltimore Jail, June 23d, 1845.

WITNESS—WM. A. SCHAFFER.

* This is not my real name, but that which I adopted when I deserted from the British service; my real name it is not necessary to give.

State of Maryland, in City of Baltimore, to wit:

On this, the twenty-third day of June, 1845, personally appeared before me, in his cell in Baltimore City and County Jail, HENRY McCURRY, who made oath, acknowledged the foregoing signature to be his, and the foregoing confession, which was read to him in my presence, to be the true and only *public* confession which he has made.

WM. A. SCHAFFER,

*Justice of the Peace of the State of Maryland, in and for the
City of Baltimore.*

TRIAL OF HENRY M'CURRY,
FOR THE
MURDER OF PAUL ROUX,
OF MACON, GEORGIA.

BALTIMORE CITY COURT,

MONDAY, March 10, 1845.

Present—Judges BRICE, NESBIT and WORTHINGTON.

State's Attorney, GEORGE R. RICHARDSON.

Counsel for the Prisoner, J. MORRISON HARRIS, Esq.

The Court House and vicinity at an early hour were filled with an immense crowd, anxious to get a sight at the prisoner. At 10 o'clock the Clerk proceeded to empanel a jury, but on the calling of Mr. Gross, one of the regular panel, and putting him on his *voir dire*, as was done by all the jury, he stated in reply to a question that he was an Odd Fellow. This question gave rise to a discussion before the Court, as to the qualification of an Odd Fellow to sit upon the jury in this case, the deceased having been a member of that Order, and the Grand Lodge of the institution having taken an active part in bringing the supposed murderer to the bar for trial, while the members themselves have manifested considerable interest in the fate of the deceased. It was agreed to submit the question of qualification to be tried in a manner appointed by law, whereupon Carroll Spence, and John M. Edgar, Esqrs, gentlemen of the bar, were selected to try the question, and summonses were issued for Messrs. Thomas Wildey, Henry S. Sanderson, and John A. Thompson, to testify in the matter.

Messrs. Sanderson and Thompson having responded to the summonses issued for them, Messrs. Spence and Edgar took their seats in the jury box, to try the question of the qualification of Odd Fellows to sit on the jury, and Mr. Harris rose and said, in substance, that the basis upon which the question was advanced, is the fact that the Grand Lodge had offered a reward of \$200 for the arrest and conviction of McCurry.

Messrs. Sanderson and Thompson testified that there was nothing in the rules of the Order which called on its members to have any desire for the conviction of a man charged with the murder of an Odd Fellow, more than of any other member of the community. That they felt bound as a family to interest themselves in the fate of each other; that the feeling was fraternal; and having found a fellow member in a strange city basely murdered, the Grand Lodge felt it their duty to offer a reward for the arrest of the murderer.

On this testimony, with the instruction of the Court, that the triers were to decide only on the indifference of the Odd Fellow, as establishing his competency, after a minute's deliberation they announced their decision that an Odd Fellow was indifferent and competent to act as a juror in this case.

After the disposition of this question, the summoning of talesmen and the empannelling of jurors proceeded without farther interruption. In the course of the day 109 talesmen were summoned, besides the regular jury, out of whom the following gentlemen were at intervals successively selected and sworn:

Jacob Walter, Henry Hanan, Thomas J. Dallam, James Pawley, Jr., James McPhail, George Maris, Frederick Sweeny, Mr. Ridgway, jr., Wm. M. Keys, Joseph N. Toy, Henry Kline, James N. Keys.

The indictment was then read to the jury and they were charged by Mr. Gatchell, the Clerk, in a very distinct and impressive manner, with the trial of the case. The hour of adjournment having arrived, they were placed in charge of a bailiff, ordered to be kept together until they had rendered their verdict.

TUESDAY, March 11, 1845.

Immediately on the opening of the Court, the jury took their seats in the box, and were addressed in a few appropriate remarks by George R. Richardson, Esq., the State's Attorney General, which he concluded by summing up the facts of the case, as he expected to prove them to the satisfaction of the jury.

At the close of his remarks, J. Morrison Harris, Esq., the prisoner's counsel, requested that the witnesses should be left out of court, and called in only as they were wanted. This was accordingly done, and the case proceeded as follows:—

Mr. Nolan, sworn.—On the night of the 12th of January, at 11 o'clock, I went to the Depot on the arrival of the eastern cars; while I was there, a gentleman stepped from the platform and coming up to me said, "Do you know a moderate boarding-house at which I can stay for the night?" I told him I did, and said he might come to my house; and he agreed to do so; he then gave me his check to get his trunk, and went over to the house; I waited for the check being called by the conductor, and when it was given out of the car I received it; when I had received the trunk, on stooping down I saw McCurry alongside, who offered to assist me with it; I said, "No, McCurry, don't trouble yourself;" he said, "two can carry it better than one," and took hold of it and helped me over to the house with it; when he got there took two chairs, one for the stranger and one for himself, and sat down by the fire; after I had shut up the house, I took a candle and said to McCurry, "show this gentleman to bed, he will be in one room with you to night;" they went to bed, and that was the last I saw of them that night; in the morning McCurry got up earlier than usual; and I remarked to him that he was up early; he looked at the clock, and said "yes;" said he was going away this morning; I said, "going away? why you didn't say any thing about it last night;" he said, "no, he didn't make up his mind until after he had gone to bed;" I then said that it was time for the Washington cars; and asked him to stay while I went to the depot; when I came back, I said, "it is time for the gentleman to get up;" "O," says he, "he is got up and gone out, and said he shouldn't be in to breakfast." When we sat down to breakfast, McCurry said he had made up his mind not to go till 8 o'clock in the evening; he said he was going to see two brothers of his who were in Vermont, one a gardener and the other in a machine shop, and said he intended to return on the 13th of February. (Mr N. then testified to having gone out with McCurry after breakfast; and spent several hours in looking for a cloak pattern, which the latter bought and presented to Mrs. Gill, for her little girl.)

We got back again at very near 1 o'clock; I then said, "why McCurry, this gentleman has not come in yet; he said "no, I met him up town, and he said he had loafed his time away, and could not see his friend, and so he should not go away till Wednesday;" after dinner he went out again, and while he was out, there was a new trunk came home by a porter; after he came in, I remarked to him that the time was drawing nigh, and he had better be getting ready; I then offered to assist him to carry up his trunk, and he said, "no, he would not let any body see what he left in his trunk;" he then went up stairs; he was up some fifteen or twenty minutes perhaps; when he came down, he brought his new trunk in one hand, and his old trunk in the other, and when he got down to the first landing, he called me, and gave his old trunk into my charge, I took it and put it on a table in my room; he took the new trunk down and left it in the bar.

Afterwards I went over, carried his trunk and got his ticket; he gave me a \$5 gold piece, and I brought him the change; he then went to the cars, Mr. Gill and Mr. Leonard and me going with him, and bid us "good-bye" very sociably, and went off with the cars. Between 7 and 8 o'clock the Washington cars generally arrive; on that evening a gentleman from Georgetown, named Mr. Donohoe, who generally stays with me, came on; he went over to the house, and then I told Mrs. Nolan to change the sheets on McCurry's bed, for Mr. Donahoe; she went up to do so and found the door locked; she then came and told me that the door was locked, and I went and tried it; I said, sure he hasn't gone and carried the key off; Mrs. Nowlan then got her bunch of keys, which I took, and the key that fitted the room over the kitchen I found unlocked the door; I had a candle, and when I went in I first saw a man's cap on the foot of the bed, and the clothes in such a way that I said, "Mary, here's somebody asleep here;" I looked up to the head of the bed and there I saw a coat on the bolster, and turning the clothes further down I found a man with his throat cut, and lying in a pool of blood; the terror I was in led me to think that the man had done it himself; I directly went down to Mr. Leonard and Mr. Donahoe, and said, "gentlemen, come here;" they came up stairs and I showed them the body; "now," says I, "gentlemen, I don't know what I'll do;" and after some time

I went up to Justice Penington and stated that a man was dead in my house; he told me to go for Mr. Hare, the coroner; went to three or four places to find him, but could not; I then went up to the watch-house and found that somebody had been there after coroner Greenfield; I and Mr. Greenfield went in a hack down to my house, and by this time, nearly 12 o'clock, Justice Penington had got a jury empannelled; and Mr. Greenfield went up and held the inquest; when Greenfield came down stairs he brought an axe down with him. (Axe produced.) This is it; it is my axe; I had used it on the Friday before, and had left it in the cellar; had not noticed it since until then; I did not see the body of Paul Roux; they would not let me in. McCurry had been living at my house 4 weeks and 5 days; he said if he did not return by the 15th February I should hear from him; he said about ten days before he went away that he was going to Vermont, but gave it up on finding out what it would cost; he showed a watch on the morning that he went away; showed it to Mr. Morris, Mr. Leonard, and myself; I never saw him have a watch before; it was a splendid gold watch; it had a fob chain with a seal key, and a neck chain that went round his neck; the trunk of Paul Roux was left in the bar-room; the coroner took possession of it, and of McCurry's trunk; on moving McCurry's trunk Justice Penington found that it was not locked; when I went to the cars in the morning I was gone only about 10 minutes; beside that I was not out of my house at all.

Cross-examined by Mr. Harris.—When I went to the house with Mr. Roux, there was no one there but him and me, McCurry and my wife; there was a conversation going on between McCurry and Roux; I did not notice what passed between them; I did not observe that they were talking courteously together; when they went out I saw them go up stairs, through the parlor to the foot of the stairs, and that's the last I saw of them; Mr. Leonard and his wife slept in the room adjoining mine, on the first floor; and I slept in the room over the bar; the black woman slept in the garret; I put Mr. Roux in the room with McCurry because I thought a two bedded room would be more suitable to put a respectable man in than a room in which there were four or five beds, and sometimes filled by strangers; in the morning, after I got up, McCurry came down, and I remarked that he was down earlier than usual; I noticed the trunk of the stranger, before I went to the Washington cars, standing near the trap door at the end of the counter; it was very near 8 o'clock when I came back from the Washington cars; we breakfasted at 8 o'clock; there was no conversation at the table about Mr. Roux; McCurry eat his breakfast as usual and talked as usual; Mrs. Nolan did not say any thing about the stranger; McCurry went out to the bar-room with me; we went out of the house at about 9 o'clock, and when I got back it was between 11 and 12 o'clock; our dinner hour is 1 o'clock; Mr. Leonard and his wife were at the dinner table; McCurry appeared cheerful as usual; he went out after dinner; he was not in when the new trunk came home; at the supper table Mr. and Mrs. Leonard and me and my wife and McCurry were there; McCurry sat there laughing and joking, talking about going away and coming back again. He paid me \$6 before for board, and paid me two \$5 gold pieces the morning before he went away; he did not pay me in gold before; he gave me a \$5 gold piece to get the ticket with; I paid the gold away that he gave me; I did not pay it for rent. There is a trap door at the end of my counter which goes into the cellar; there are six or eight ale casks standing down there between the steps and the front of the cellar; the axe was lying under the steps; any body could see it there; it is light enough to see it; he has gone down to draw ale sometimes; he might see the axe unless he shut his eyes. McCurry always appeared to be a good-hearted, sociable sort of a man. After the body of Mr. Roux had been removed I asked Mr. Penington what I was to do with the bloody clothing; he said I might do what I liked with it, and I burnt it; I burnt it because I had n't the heart to put any body to sleep in it.

By Mr. Richardson.—There are three ways of getting into the cellar, one from the kitchen, one from the bar-room, and one from the front of the house; when you go down from the kitchen you can get into the front cellar from the back; it is all as one cellar.

Thomas Leonard, sworn.—I saw Nolan and McCurry bring over the stranger's trunk on the night he arrived, and Roux walked over; McCurry handed him a chair, and he sat down, and McCurry sat down with him; I stopped, I believe, four or five minutes, leaving them both together at the stove, and a few minutes afterwards heard them go by my door up stairs, talking, to the room over mine; I saw no more of the stranger until I was called by Mr. Nolan, me and Mr. Donahoe, up stairs to see the body the next night; during that day I breakfasted at the table with McCurry, took dinner and supper with him; he seemed to behave about as usual; about dinner I heard McCurry talking to Mr. Nolan in the bar-room, something about, as I understood it, that he had seen the stranger on the street, and that he had got too late to see his friend and get money, or something to that effect; Mr. Nolan, Mr. Gill, and me, went with McCurry to the cars when he went away; Nolan and Gill carried the trunk; McCurry said to Nolan that he would be back on the 15th of February, or there would be a letter for Nolan at

the post office; McCurry told me that he was going to Vermont in the course of the day; when Mr. Nolan called me, with Mr. Donahoe, up stairs, I did n't know what it was for, and when I went into the room Nolan threw the clothes off, and said, "look at the wretch, what he has done," conveying the idea that he had committed suicide; when the magistrate, Mr. Pennington, came, and I went up again, he said, "the man has been murdered;" I said "No," seeing the man's throat was cut, and thought he had committed suicide; but when he turned the clothes down, and I saw his hands that they were clean and not bloody, I thought he had been murdered. I saw McCurry, during the next day, unlock the new trunk and put in two handkerchiefs; that was the trunk he carried off with him; I heard him talk of going away previous to that; he said he had \$500 in treasury bills, and he was going to deposit them, and take only money enough to carry him to Vermont and back; I never saw a watch with McCurry until I saw him have one on the afternoon that he was going away; it was a gold watch, with a fob chain, and a neck chain and seal; he said he had swapped a horse for it worth \$100 in Cincinnati, but that the watch was worth \$150. (Watch produced.) It was exactly like that; I believe in my heart that's the article.

Cross examined.—I was in the bar room when Mr. Nolan and the others came in from the cars on Sunday night; I remained a few minutes; while I was there Nolan was preparing to close up his house; McCurry and Roux were conversing pleasantly together; I do not remember to have heard, while I was there, any thing said about their sleeping in the same room; I had been in my room about one or two minutes when I heard their voices and footsteps go up stairs; I am confident that two persons went up stairs, and that one of them was McCurry; the other I had heard speak but a few words, and of course could not speak positively as to his voice; I don't remember how long I laid awake, perhaps but a few minutes, perhaps half an hour; I heard no noise during the night; in the morning I got up at about 7 o'clock, I believe, and went down and passed through the bar room out of the house; Nolan was in the bar room; when I came back Nolan and McCurry were in the bar room; some time before I heard him saying that he should go to Vermont, and on the Sunday evening before the murder I heard him say that "if it costs \$100 to go there I am not going there—I had rather stay here and pay my board;" I have gone down into the cellar to draw ale; the back part is rather dark when the door going up to the kitchen is closed. I don't know that I had seen the axe, but on the day that McCurry went away, Mr. Nolan was out somewhere, and I went down to get some wood and looked for the axe and could not find it; I don't remember to have seen the axe laying about; I did not go into the cellar often.

By a juror.—I did not say anything to Mr. Nolan when I could not find the axe; he was out at the time.

By Mr. Richardson.—The bed of McCurry looked as if a man had been merely laid down on it a little while; it was not tumbled much; I believe that is the watch that McCurry had; I do not say positively that it is; it is like it; he said he wound it up at night and kept it in his trunk.

Mrs. Leonard, sworn.—I never saw Mr. Roux alive; never saw the body until it was brought down into the dining-room and laid on the cooling board; I was gone up stairs to bed when they came in on Sunday night; I heard two persons, one of whom was McCurry, going past my door up stairs to the third story; in the morning when I came down stairs I saw McCurry in the bar. I heard McCurry during the day tell Nolan that the young man was not coming home to dinner; that the banking hours were over and he could not get any money; I saw him bring down two or three handkerchiefs, one of them a white silk handkerchief, which had a few drops of blood on it; the girl said she did n't know how to wash a silk handkerchief, and asked me to do it; I said no, I would have nothing to do with it; I saw him take up a new trunk during the day; it was after dinner; I heard McCurry call Nolan to help him up with a trunk, or down with a trunk, I don't know which; Mr. Nolan offered first to go up with McCurry and assist him, but McCurry refused, saying that he did not wish any one to see what he put in the trunk.

The cross-examination of Mrs. Leonard elicited nothing new.

Squire Pennington, Coroner Greenfield, and Morris Giddleman then testified relating to the position of the body, and to the holding of the Coroner's inquest; that a key which unlocked Roux's trunk was found in the old trunk which McCurry left at Nolan's, and that a key which unlocked the room door was found in Roux's trunk, which still remained in the bar-room. They also testified to having found the axe under the bed, stained with blood. Mr. Pennington said that he had authorized Nolan to clean up the room, but had not told him to burn the bed clothes.

Dr. Bryarly, sworn.—Was summoned to Nolan's house about 12 o'clock, and proceeded to examine the body; on going into the room I asked which bed it was in, for there did not appear to be anybody in either; the bed was designated, and I then turned down the clothes and found the

bolster over the head; the throat was cut, the windpipe severed just under the prominent part of the throat; the left jugular vein was cut but neither of the carotid arteries were severed; I found the head was mashed; I then drew the attention of the jury to the fact that from the position of the body no resistance had been made to the cutting of the throat; on examining the wound in the head I found that the scalp was cut about an inch and a half, over the fracture of the skull; the wound extended from the right ear to the crown of the head, then down to the eye, covering an angle in that extent; there were fourteen pieces of bone broken; such a blow would have caused instant death, without even a struggle; it was such a wound as would be likely to be made with the butt or side of the axe; I do not think the cutting of the throat would have produced instant death; he could not have spoken after it, but he might have got up and gone down stairs to get aid; the death could not have been so instantaneous as to leave the body in the composed position it was, had that been the only wound; the injury on the head was not such as a man could inflict upon himself; a man may butt his brains out, but not get into bed afterwards.

Cross-examined.—There was a partial effusion of blood from the scalp; I could not say positively that the wound was caused by an axe; it might have been by another instrument; the hair was somewhat matted with the blood; from the position of the wound I should think the temporal artery was cut; it is the nature of that artery when severed immediately to contract and cease bleeding; the blood might have been caused by a single jet; I discovered the number of pieces broken, in the week before last; I went to Green Mount to examine the body to learn the extent of the injury.

Edward Bishop and *Francis McKenna* testified to having been requested to call at Mr. Nolan's house by him for Roux's trunk, prior to the departure of the Norfolk boat, in which he had said he intended to leave the city on the morning after his arrival. McKenna called for the trunk on Tuesday morning, and McCurry told him that he had met Roux in the street, and he had said that he could not get his business arranged; and that he told him that he would be too late for the boat any how, and he would have to stop till Wednesday.

Archibald G. Ridgeley then testified to his pursuing McCurry to New York, his arresting him just as he was about to leave for Liverpool, his subsequent attempt to commit suicide in the Tombs, and his final delivery to the authorities of Baltimore.

Lewis Blake, sworn—I became acquainted with Mr. Paul Roux in the latter part of December, 1844, or the beginning of January, 1845, in Savannah, Ga. He was a small slight man; he was born in St. Mary's, Florida; he was doing business at Macon, Ga., where he had been burnt out but a short time before; I knew him in Georgia; his name was Paul Roux; I saw his corpse in Greenmount cemetery; it was the corpse of Paul Roux.

Cross-examined—I saw him last January, for a week from about the 1st January, perhaps every day; walked out with him and talked to him. I left Savannah about the 20th January. It takes 5 or 6 days to come from Savannah to Baltimore.

Mr. Treadwell, sworn.—Is a jeweller of No. 1 Astor House; this watch, and a chain similar to it, I sold to Mr. Paul Roux in July last; of the watches we sell, we keep a record of the number, the maker's name, &c.; the name of the firm is now different from what it was then; we always take the name of the purchaser; I knew Mr. Paul Roux; had a business acquaintance with him; he was a very small man; I saw the account of the murder of Mr. Paul Roux in the Morning Courier of New York, and recollecting that I had sold him a valuable watch, I referred to our book, copied a description of it, and carried it to the police office. I was here afterwards, and saw the body of Mr. Roux at the cemetery; I identified the corpse as the body of Mr. Paul Roux.

The State here rested the case, and the following witnesses were called.

FOR THE DEFENCE.

Mr. Gill, sworn.—I have known McCurry for four or five weeks prior to the murder; he seemed to have money; I had a very good opinion of him; on Monday, the 12th January, he was at my store, at about 10 o'clock in the morning; he seemed to converse freely as usual; he said he was going away that evening to Vermont; he had previously talked of going away; I saw him again in the afternoon at about 5 o'clock, and again at 6 o'clock; he went away with Mrs. Gill, and I went when I had shut up, soon afterwards, down to Nolan's, McCurry having invited me to take a glass of punch; took tea with him, and went with him to the cars; here Mr. Nolan said he had forgot something, and ran back to the house and brought a package of watches, which he handed over to McCurry on the platform.

Mr. Edward Erath was summoned for the defence with regard to an examination of the locks and keys, as was also Brantz Mayer, Esq., but nothing of the slightest importance was elicited, calculated in the least to weaken the array of testimony offered by the State.

Here the case was closed, and it being considerably past the hour of adjournment the jury were at once placed in the custody of a bailiff, and the court adjourned.

WEDNESDAY, March 12, 1845.

Mr. Richardson commenced with an eloquent and touching allusion to the character of the murder, indicating its terrible atrocity, and the brutal inhumanity necessary to its perpetration. He spoke of it as having been committed in the night when the world was asleep; at such a time one single blow, dealt with such force and precision, as if it had been a thunderbolt from the Almighty, launched the soul of the sleeping man into eternity.

In relation to the law, Mr. R. stated that the legislature had made a distinction in the grade of murder, murder in the first degree being wilful, deliberate and premeditated, it being the intention to kill; or if a party was killed in an attempt to rob, to commit arson, &c.

The prosecuting attorney then pursued his argument with an able and searching analysis of the evidence.

FOR THE DEFENCE.

J. Morrison Harris, Esq., the very able, and now, certainly distinguished counsel for the prisoner, then rose to the performance of the duty which his position had imposed upon him. Of his speech we believe there is but one opinion, and that expressive of unqualified admiration. Rarely, if ever perhaps, did a young lawyer make his debut in a case of so much importance, involving the consequences of life and death. Yet rarely, if ever, we doubt did a young lawyer acquit himself with more credit in every branch of the intricate duties of his profession, than has the counsel for McCurry in his arduous, responsible and thankless office.

The case being given into the hands of the jury, they retired to their room at 25 minutes past 3 o'clock, and remained up until 4 o'clock, when the Court adjourned until 5½ o'clock.

On the meeting of the Court again at half past 5 o'clock, the jury came down, having agreed at ten minutes after 4 o'clock, and the prisoner was placed in the bar. He appeared more than usually pale, and turned a look of inquiry towards the jury, but soon withdrew his eye.

Mr. Gatchell, the Clerk, rose and asked if they had agreed upon their verdict.

Mr. Walker, the foreman, responded "We have."

"How say you, is Henry McCurry guilty of the charge whereof he stands indicted, or not guilty?"

"GUILTY—OF MURDER IN THE FIRST DEGREE."

On the 18th of March, 1845, the prisoner was brought into Court to receive the awful doom of the law, and, in the midst of a crowd of witnesses of the solemn scene, the Honorable Judge Brice pronounced the sentence of death; the prisoner being first asked whether he had any thing to say why sentence of death should not be pronounced against him, and signifying that he had nothing to say.

The following is the

SENTENCE.

Henry McCurry—You have been convicted by a jury of your own choice, after a patient examination of the case submitted to them, of the crime of murder in the first degree, which, by law, exposes you to the punishment of death; and, in obedience to its command, it has become the painful duty of the Court to pronounce the awful sentence. It is therefore ordered and adjudged, that you be removed from hence to the place from which you last came, and from thence to the place of execution, and there be hanged by the neck until you be dead.

We think it unnecessary, for your own benefit or that of others, to enter into any detail, or make any comments on the revolting facts proved in this case, as all the circumstances attending this most diabolical act, and the wicked motives which prompted its commission, are of too recent date to authorize a presumption that any portion of them has passed from your own memory, or that of the bystanders.

It is proper, however, to warn you, that in all probability this sentence will very speedily be carried into execution, and that you will thus make your atonement to society for the violation of its laws, made for the protection of its citizens in the peaceable enjoyment of their lives.

This atonement will soon be consummated; and "if it were all of death to die," you and your crime would speedily pass into oblivion and be buried in the same grave. But that is not the case; you will find that this grim messenger, Death, will only conduct you to the world of spirits, and before the awful tribunal of Almighty God, to answer, amongst other delinquencies, for the usurpation of his divine prerogative in daring to take upon yourself—what only belongs to Him—to terminate the life of a fellow being.

It is not for this Court to pronounce what fate awaits you; but we feel warranted, by the

highest authority—drawn from the pages of holy writ—in saying to you, and warning you, that if, before you leave this world, you fail to obtain an interest in the atonement of the Lord Jesus Christ, and his advocacy with the Father, your lot will be with the wretched outcasts and reprobates forever.

It therefore behooves you, as you value your immortal soul, and hope for mercy, to use all diligence, by the use of all the means of grace, to prepare for this awful event, so momentous, for weal or wo.

With these few general remarks, the Court will now take their leave of you, and consign you to the care and holy offices of the reverend gentleman who we hear has so kindly attended to your instruction from the time of your imprisonment, and is so much more capable than we are to unfold to you the awful denunciations pronounced in the scriptures against the unrepenting sinner, and also the many gracious promises of forgiveness to the sincere mourner and repentant transgressor, to guide your steps in the right way, and assist, by his holy offices, to prepare you for your last sad moments.

Prisoner! your time is short—improve it!

The Governor subsequently appointed the 27th day of June for his execution.