

"MURRELL!" "HARE!" AND "TURPIN!" SERIES!

PICTORIAL LIFE AND ADVENTURES

OF

MRS. WHIPPLE; & JESSE STRANG,

THE MURDERER OF MR. WHIPPLE.

BY EDITOR OF THE NEW YORK NATIONAL POLICE GAZETTE.

AUTHOR OF "THE LIFE AND ADVENTURES OF JOHN A. MURRELL," "LIFE OF HELEN JEWETT,"
"LIFE OF COLONEL MONROE EDWARDS," "LIVES OF THE FELONS," "LIFE OF
HENRY THOMAS," "LIFE OF JOSEPH T. HARE," ETC., ETC.

FULL OF ILLUSTRATIVE ENGRAVINGS.

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"At length the bell ceased, and rising from his posture with a sigh, the murderous marksman mechanically turned his attention to the lock of his fowling-piece. While thus engaged, his ear was startled with a hiss, and turning, he beheld an adder flattening its head and thrusting forked defiance at him. His reveries were at an end; a desire for destruction seized possession of his bosom, and raising the butt of his rifle, he struck at the reptile, and with repeated blows beat it into mutilation. This brutal divertimento restored him to his congenial purpose, and lingering no more, he set a pane upon the stump, and placing himself a few yards in front, he fired through and hit the mark. He then doubled the glass and the result was the same, and finally having tried it at an angle with its surface, he considered that he had satisfactorily established the fact that a bullet would not glance from a window. The slugs which had been prepared for his experiment being all spent, he returned home, and secreting his gun, awaited anxiously the opportunity to communicate proceedings to his feline confederate, etc."—See page 32.  
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THE LIFE OF
MRS. WHIPPLE,
AND
JESSE STRANG,

THE MURDERER OF MR. WHIPPLE.

CHAPTER 1.

Character of Elsie D. Whipple.—The Fatal Marriage.—Sketch of the History of Jesse Strang.—Amoral Fascination.—A Terrible Proposal.

IN presenting the details of the following extraordinary tragedy to the reader, it is not necessary for us to volunteer an assurance of their authenticity. The horrid particulars are still fresh in the minds of many who witnessed the solemn catastrophe of the crime; and the files of the courts as well as the current accounts of the newspapers of the day, will corroborate for the curious, every circumstance that we have made it our duty to set down. It may not be amiss to state however, so that the moral of no portion of the story be lost upon the mind, that even the conversations and reflective soliloquies of the parties, which appear to be the mere ornamental make-weights of the narrative, are as authentic as the best attested facts—having all of them been carefully compiled from the detailed confession of the murderer himself. Without further preface therefore, we shall now begin our task.

Mrs. Whipple, for such was her title at the time when our story commences, was the wife of a gentleman in comfortable circumstances, named John Whipple, residing at Cherry Hill, in

the vicinity of Albany. She was in the year 1826 a very beautiful woman, and though she had borne her husband a son, her figure still retained all the firmness and elasticity of girlhood. Whipple had not been the choice of her love, and though her careless gaiety, nay almost libidinousness of manner, concealed all evidences of repining or discontent, there festered in her bosom the barb of a broken passion, which was destined to rankle up thoughts of a darker and more hellish hue, than perhaps ever before held empire in a woman's breast. The choice of her affection, or rather of her lusts, for it is questionable if such a fiend could ever have experienced an elevated sentiment of any character, was a young man named Freeman, who resided in New York, and who subsequently kept a thriving public house on the corner of Beaver street and Broadway. With him she had passed her school days, and the interchange of some youthful familiarities, not uncommon among well grown children, had made an impression upon her burning temperament, that was destined to be the fever of her life. Circumstances separated them, however, at the period when man and woman commence to enter upon the active duties of life, but still Elsie clung to her amor, and cherished

unceasingly the hope that fortune would some day place her in possession of the object of her passionate aspirations. Freeman, on the other hand, was equally smitten with his pretty school-fellow, and having taken the suggestion from her mind during their moments of endearment, thought vaguely, but with earnestness, of the time when he could extend and confirm his happiness by making her his wife. Thus affected towards each other, it may be supposed that a separation did not affect their recollections, or relax their amorous resolves. Freeman got himself established in a good retail business with a view to prepare for the responsibilities of marriage, and Elsie waited with impatience for the time when she would be considered as capable of performing the duties of a woman and a wife. Before this came about however, serious changes had taken place in Elsie's condition in life. Mr. Whipple had seen her, and smitten by her extraordinary beauty, had proposed for her hand, and as he was rich, the match was urged upon her with earnestness by all her friends and relations. She submitted, but what the inducement was which made the spirited and wilful girl consent to this proposal from a man so much her senior, and in the face of an existing passion, we are unable positively to determine. In the absence however of any apparent motive, and duly estimating the events which subsequently transpired, we have reason to believe that she yielded to the alliance solely through the cold and devilish calculations of a Borgia, which saw with one glance only the fortune and power of her suitor, and with the other measured the time required to sting him to death in her embraces. She married Whipple, who conveyed her to Cherry Hill, which place he made his permanent residence. In the first year of their connection she bore him a child, but this, though it excited in her the mere animal propensity of fondness for the offspring, did not warm one thought towards him who had contributed to its existence. On the contrary, she

hated him the more cordially, and the dark thoughts which from time to time had flitted in upon her infernal mind, began to take active shape and positive determination. This is the condition in which we find Elsie D. Whipple in the month of July.

In the same month of the same year there came to Albany a man named Jesse Strang, whose vagrant fate had long been floating round the circle where it was doomed to find conjunction with the spirit that was to lead it to destruction. He was the son of poor parents, who had not been able to confer upon him more than the simplest rudiments of an education, and he did not possess sufficient natural acuteness or ambition to remedy this defect by an intelligent observation of mankind. He was in short a dull and stupid fellow, remarkable for nothing except for an indolent disposition, and not even sufficiently vicious to deserve attention as a dangerous character. He belonged to one of the middle counties of the state of New York, where he married at an early age, but being idle and of no fixed habits or principles, he abandoned his wife and went to the state of Ohio. He soon became tired of the active pursuits which are required of all men in the western country, and found his way back to Albany at the period we have specified, penniless in pocket, and bankrupt of all the qualities which make man valuable to society. Finding it necessary to engage in employment, he hired himself out to a Mr. Bates, who kept a public house near Cherry Hill, taking the *alias* of Joseph Orton, to prevent the recognition of his acquaintances, or the discovery by his neglected wife, of his whereabouts.

About the beginning of the month of August, as he was passing through the bar-room, his attention was attracted by the appearance of two females, in full dress, one of whom was strangely beautiful. Strang paused, and the giggling Messalina fixed her lustrous eye full upon him in a manner that riveted his attention. He was as coarse and sensual, as she was libidinous and

dissolute, and when that inexplicable animal fascination, which is the gift of the most vicious animals, glared for a moment upon him from her burning eyes, it surprised his weak and vitiated mind, and subdued it in an instant. Both were conscious of the fascination; but the woman relieved herself from the position by whirling on her heel and pertly turning down her lip. The man, however, continued to evince the utmost embarrassment at the strange prominence which the unexpected circumstance had given in the scene. This was the first interview which took place between two wretched beings whose fates were so shortly to be blended in the darkest and most hideous shades of human destiny.

When Mrs. Whipple left the house, Strang posted himself in a copse, near the gate, to gaze upon her as she passed, but though he expected to enjoy his admiration undiscovered, her rambling eye caught his forlorn and attenuated figure, when, touching her companion with her parasol, she pointed the watcher out, and recognized him with a nod and a mischievous laugh, which bewildered him still more than ever. He returned gloomily to the house. At first he regarded her flip-pant movement as a notice of contempt, but when he learned, upon inquiry, that she was a married woman, and that there were reasons to suppose that she had long been too gay for her husband's honor, he changed his construction of her conduct, and attributed it as a compliment to his personal qualities.

He was not long in informing himself of the exact position of Mrs. Whipple's domestic affairs, and every fresh particular which met his mind, encouraged him the more to rely, that no moral fastidiousness on her part would interfere with the consummation of the unlawful hopes which he had already conceived. He threw himself in her way, and secured a nodding acquaintance, but being unable to progress any further, from the obstacles which naturally grew out of the difference in their position, he resolved to

boldly introduce himself under the same roof, that frequent association might humble her to his level, or at least afford opportunities for the prosecution of an intercourse which could not be achieved by any other means. There was no insurmountable difficulty in the way of accomplishing the first step towards this line of policy. Mr. and Mrs. Whipple at that time resided at the house of a Mr. Van Rensselaer, who, maintaining a large establishment for the accommodation of boarders, required several assistants. Strang offered his services below the ordinary rates of employment, and accomplished his first object by having them accepted.

For a long time no particular intimacy took place between him and the object of his desires. Mrs. Whipple either thought the difference of their position under the same roof as requiring too tremendous a condescension on her part for her to notice Strang, or she was governed by a whim of coquetry not uncommon with women who wish to enhance the ardor of those devoted to them. At any rate, she showed indifference, and perhaps felt it, but the evidence that her neglect did not proceed from a sense of womanly propriety, is plain in the fact, that she did not at once resent the presence of a man whom she could not choose but know, was an aspirant after illicit favors.

By and by, however, it seems to have struck her that her rude and mean admirer might be made serviceable to her devilish desires, and rid her, without the direct exercise of her own hand, of the husband who had so long stood between her and her first betrothed. As soon as this infernal conception had taken possession of her mind, her manner altered to her intended instrument and victim, and she treated him with more and more consideration, giving him an encouraging smile when she passed him, and now and then treating him to a pleasant word. Strang rose with his new prospects, and feeling some elevation from the prosperous state of his affairs, acquired, in despite of himself, a dignity

of manner which seemed to win some actual favor in her eyes.

At length having, as she supposed, tested the serving man's fidelity sufficiently, she determined to place matters on the footing necessary to her plans, wherefore meeting him one afternoon near the end of October, she commenced a conversation in which she displayed enough of wanton levity to induce him to believe that she was desirous of reciprocating his amorous feelings and of yielding to his wishes. Perceiving that she had made him beside himself with a wild infatuation, the wily woman left him to brood over his new hopes until the next day, when, meeting him again, she advanced directly up to him, and laying her hand familiarly upon his shoulder, and looking into his eyes, said, in a soft and confidential tone, "Doctor, I want you to write me a letter."

As hopeful as he was, Strang was not yet sufficiently presumptuous to imagine that she wished him to write to her, but supposing that she could not write herself, and wanted to give him a proof of her regard by entrusting him with the performance of a confidential service, he expressed his readiness to obey her wishes in any way she might command.

"Oh," said she, perceiving his mistake, "I do not wish you to write a letter for any person else, but I want you to write me a letter."

"What, a letter from myself to you!" exclaimed the bewildered suitor, gazing at her as if unable to understand her meaning by any ordinary operation of his mind.

"Yes, a letter to me; a *love letter*!" and pressing his shoulder slightly, as if to give an additional amorous emphasis to the remark, she added, "I desire this, because I hate to write the first one; and I wish you, moreover, to write this very night."

This request was so strange for a person who, if she pleased, might find a hundred ways more easy to communicate with him, that for a time Strang felt inclined to believe it was a design to entrap him, that he might be punished

for the presumption he had shown. The recollection, however, of her manner on the day before, and the infatuation of his own passion, gave him courage to comply. He set to work to conjure forth the tenderest strain of passion, and by dint of three hours' labor he accomplished the following epistle: we give it as an evidence of the character of his attainments in scholarship, and of the ardor and refinement of his sentiments:

"Dear Elsie—I have seariesly considred on it as you requested of me yeasterday and I have concluded two compose a few lines two You and I thought that it was not my duty two right very freely not nowing Your object perhaps it is to get sum of my writing two show two your husband as you ara marid woman, and If that your intenshin It is my wish fore you two let me now it fore it is a thing that I skorn two make a distirbance between you and your husband but If in the outhur hand It is out of pure offections I should be quite hapy for two have the information in your hand riting and I hope that you will not take any offen in my maner of riting two you as we are pirfict strangers two each outhur, but hop that thoes few lines may find free exceptan with you and after I find out your motive I can right mour freely on the subject and as for my offections thay ar quite favorable I shall expect an answer from you If that is your motive, sow I remain your well whisher
JOSEPH ORTON."

This unique epistle was consigned to a place of safety designated by Mrs. Whipple, who possessed herself of it shortly after its deposit, and in an hour after returned an answer back. This answer never fell into the possession of the authorities, as Strang, in faithful obedience to the directions of the writer, destroyed it after its perusal. He, however, describes it in his confession as a letter of the most tender character, commencing with "Dear Doctor," the latter branch of which appellation was his common soubriquet about the house. "She assured him," he said, "that she

had no evil design toward him. Her motive was pure love, excited by the first sight of his beautiful eyes. Since that moment she had enjoyed neither happiness nor comfort. She had waited long, hoping that he would declare himself, and now desired him never to leave the place without taking her with him. She had formerly been of opinion that the passion of love had no real existence; but he had convinced her of her error, and she solicited a continuation of his correspondence, as the dearest attention that could be bestowed upon her. She subscribed herself, in fine, 'Elsie D. Whipple, his true and affectionate sweetheart till death.'"

In answer to this letter, Strang wrote in the most ecstatic strain, and proposed a downright elopement, to escape the obstacles which stood in the way of their happiness; promising, if she would but consent, that he would do all in his power to support and protect her. Elsie D. Whipple, however, had views beyond eloping with Jesse Strang; and though she ostensibly accepted his offer, and declared her willingness to go to the ends of the earth with him to prove her love, she adroitly suggested that there was little use of departing without money, when they might go with it, and therefore declared, that they ought not to think of starting until they had at least twelve hundred dollars. Her object in requiring this sum, she said, was to enable them to go to Canada and set up a public house; "a business which," she added "she always had a penchant for."

Strang remarked that he knew nothing of the business; but the enchantress disposed of the argument by tapping him playfully on the chin, and telling him he had learned to make love easy enough, which was a much harder business to do right, than to pay attention to customers. He, at this repartee, agreed that he might turn his hand to bar tending as easy as to anything else, and suggested, that when they did elope, they should go to Montreal, and remain there till Mr. Whipple became reconciled to his bereavement. When all search had been fore-

gone they were to proceed to Sandusky, in Ohio, be married by fictitious names, and set up the business upon which she had fixed her mind.

All the terms of this project were readily approved by Mrs. Whipple—the more readily that she never for a moment thought of consummating it. Satisfied that she had infused an avacious craving within his bosom that would soon corrupt him to her purposes, she bade him trust to time and her genius for success. Leaving the poisonous thought to do its work, the machinating fiend withdrew herself for a few days from the frequency of intercourse which she had recently encouraged.

The miserable man who was writhing within her toils, became almost frantic at this new state of things. His heart sunk in despair at the tremendous obstacle which a mere word had newly conjured up between him and the fruition of his fond desires. Twelve hundred dollars was a hopeless sum for him to aspire to. He had never even dreamt of possessing the half of such a sum; and as he folded his arms during his meditations on the subject, some dark and vicious thoughts crowded in upon him which made him shudder as they flitted through his brain. The female devil who had stirred these elements of mischief did not fail to watch their progress, nor to know the time when it was necessary to take the next step in her manœuvres. Arresting Strang suddenly one day as she saw him pass in a sad and downcast mood, she bade him be of good cheer, for she had discovered a means by which they could most assuredly possess themselves of the amount that now seemed indispensable to their happiness. She then told him he should forge a check on the bank in Mr. Whipple's name.

Strang paused, thoughtfully, for a few moments, at this proposition. He did not want the will, but the achievement was beyond the reach of his capacity, and he unwillingly acknowledged, after the lapse of a brief interval, that he was not qualified for the task.

"Then assassinate him!" hissed the

infernal temptress in his ear. "Assassinate him, and release us both! You are surely capable of doing that!"

CHAPTER II.

The Temptation.—Nature and Art.—The Strife of the Qualities.—The Revel of the Senses.—The Germ of Evil.—Irresolution.—The Poisoned Tea.—The last Resolution.—Final and Deadly Preparations.

STRUCK speechless at the proposal of the guilty wife, Strang gazed with terror on his temptress as she stood before him; her eye blazing with an unnatural fire, and her form dilated with the infernal purpose which inspired her. He could scarcely credit his senses. He seemed to feel himself the victim of a dream, and stared doubtfully at the figure before him, as if it were an incarnation of the foul fiend come to tempt him of his soul.—But though mistrusting, he could not turn and fly, and he remained spell-bound to the spot with his eyes riveted upon those baleful orbs. It then became the woman's turn to yield. She had roused a repulsion of Great Nature in her victim's breast, before which her unholy power was broken and overthrown, and like the enchanter who tried his art too far, she found herself unexpectedly overthrown, by the very spirit she had raised. Her eyes evaded the reproach of his horrified surprise, and at once her mastering spell was broke. Strang felt the release, and drawing a long and strengthening respiration, exclaimed in a tone deep and husky with his fears—

"What! do a murder? Stain my hand with an innocent man's blood?"

"No, not *your* hand," said the artful woman, adroitly catching at the evasion thus accidentally suggested—"not *your* hand, Jesse; I mean that you should hire some laboring man to do the deed."

"It would be the same," said the serving man with a shudder; "the blood would be upon my soul all the same as upon his. I will not do it, Elsie; I will not do it!"

At this the woman turned a steady look upon him, the meaning of which did not require the aid of words. "I tell you, Elsie," answered Strang in reply to this new assault, "I will not do it. I dare not even think of it. I'll do any thing else in the world you command. I love you, and will work my fingers to the bone to support you, wherever we go, but I dare not—I dare not,—I dare not think of this!"

Uttering this exclamation he hid his face in his hands as if he would shut out the horrible vision which she had conjured up.

This touching and eloquent appeal made no impression upon the icy heart to which it was addressed. The woman did not want his love, save for its devotion to her service; she was not therefore to be moved by an apprehension of its loss. She had calculated like a Borgia, and was neither to be conquered by a sentiment nor discouraged by a rebuff.—One single purpose absorbed her soul and fixed her aim, and she stood prepared to sacrifice every thing that was subordinate in her possession, to effect its accomplishment. In this spirit of devilish philosophy she listened calmly to Strang's final protestation, and reminded herself that the time had come when she must bring to bear that last resource with which women of strong animal fascinations, enslave beyond redemption, men of weak intellects and feverish temperaments.—She had made a slight mistake in her tactics, and she was about to retrieve them. She had assailed his *mind*, and found he had not enough of imagination to take fire: she was now about to apply the torch to his *passions*, and justly calculated to see all their restraining qualities and checks wilt under the consuming heat. The sacrifice necessary to produce this climax might seem terrible to a woman of refinement or true female pride, but our Lucretia had stifled all sense of womanly propriety in the vast abysm of one infernal thought, and the disposal of her chastity was become a mere trick or shuffle in the game.

When Mrs. Whipple took this deter-



STRANG'S FIRST SIGHT OF MRS. WHIPPLE.

mination, her manner instantly underwent a change, and assuming a tender and engaging smile in place of the severe and steady gaze which had so chilled her victim, she took his hand and saying, mildly, "Well Jesse, never mind this subject now; we'll speak of that some other time," led him to her chamber. It will be perceived that here was no faltering from her purpose; no temporary retraction on the pretence that she had but sought to test his love or investigate his disposition. —That evasion might have suited a less keen or less resolved mind. She knew that a recantation would require her to go over all her work afresh, and with devilish sagacity she preferred the surer method of letting it slumber for a time, while she intoxicated his senses with a delirium, which in a little time would render him powerless to denial.

As Mr. Whipple was away from home that afternoon, not to return till night, she was enabled to act upon her decision promptly, and Jesse Strang left her chamber at the close of day more becrazed than ever, and mortgaged body and soul to an infatuation which was now too fierce and blind to end in any thing short of absolute destruction.

When Mr. Whipple came in that evening, he informed his wife that he should leave home on the second day on a business journey which he had long been contemplating, and which he judged would keep him away about a month. Except as to the time of starting, this information was no news to Mrs. Whipple. Nay, it had been in anticipation of this that she had made her proposal to Strang to assassinate him; intending that he should be waylaid on the road, and never return to his home again. That satanic hope had failed, however, and though the announcement of the journey reminded her of its disappointment, she received it with pleasure, as it left her more at liberty in her libidinous behavior.

Strang rejoiced still more deeply than his paramour at this expected event, for it promised him the full and undivided possession of his mistress for a period, which, measured by the bliss

it would confer, might be considered an eternity. He was almost beside himself until the hour had arrived, and to make sure that he should suffer no deception, he posted himself to see the husband leave the door. He was rewarded for his pains. He saw him appear on the stoop with his wife. He saw the adulteress clasp him fondly in her arms, and with her deceitful lips press a kiss upon either cheek, and he finally saw the duped and deluded man ride sorrowfully away. He then came from his concealment, and lifting his head with an air of triumphant pride, strutted towards the house as if he were its master.

As soon as Mr. Whipple had gone, Strang was installed in his place, and the revel of the senses commenced. Deeper and deeper did he sink in the whirlpool of infatuation, and more closely and helplessly did every passing day weave around him the meshes of the enchantress's fatal power.

"I do not think you love me as well as you might, Jesse," said the temptress, one night, as she was lavishing upon her captive the most maddening caresses.

"Why, Elsie?" said the dupe, commencing a protestation.

"I do not think so," said she, breaking in upon his words, "because you do not feel disposed to take any risks, or to make any sacrifices for me. There was a man—"

"What," said Strang, starting with incipient jealousy.

"There was a man," continued she, not heeding the interruption, "who offered to put Whipple out of the way to obtain possession of me. He was a man of resolution, but I did not love him, and therefore rejected his proposal."

"Who was he?" said Strang, feverishly, and evading the main question.

"Ah, you do not know him," replied the woman, carelessly; "he belongs to Albany, but is now in the west. He suggested that he could easily hire some poor person to take Whipple's life, but promised, nevertheless, that he would take the business in his own

hands, if I would procure my husband's pistols for him. I said he had gone to the west, but I believe he is to be back here in the summer."

Here was the torture of a new fear for the wretched and unfortunate man. Paralyzed by the apprehension of a bolder rival, he sunk into a profound and stupid silence.

The woman saw that the poison had taken, and leaving the spell to work, she started up and made some excuse to separate for the time.

From the time of this conversation until the period of Mr. Whipple's return, which was in January, the artful woman never once alluded to the subject of her husband's murder. She perceived, with consummate penetration, that Strang's moody brow was darkening deeper and deeper every day with the weight of the terrible dispute between his conscience and his passions, and that she had only to wait until the proper moment arrived, to precipitate the decision, and to enforce its exercise, before he had power for reflection.

A great change had taken place in Strang's mind since the time of Mr. Whipple's departure. When the serving man saw the husband go away, he felt a release from a sense of doing wrong in his superior's face, which was excessively embarrassing; but now that he had been pampered by indulgence he knew not how to teach himself restraint, and regarded the man whom he had previously felt ashamed to see, as an interloper and a rival. So strong a title is the title by possession, that the usurper soon regards himself the rightful owner, and feels it a hardship which deserves his hate, if he be ousted even by the lord of the domain. To enhance Strang's discontent, and make him feel the evils of Whipple's presence still more sensibly, Mrs. Whipple, immediately upon her husband's return, treated her lover with a neglect that almost amounted to hauteur. At one step he had fallen from paradise into the slough of despair, and he consumed himself with bitter reflections on the rapturous happiness

which had been snatched beyond his reach.

While his heart was thus festering in discontent, Mrs. Whipple suddenly burst into his chamber where he sat in moody reverie. Her hair was dishevelled; her bright eyes were moist with tears, and her clasped hands betrayed an agony of grief. She cast herself at her simple lover's feet, and dropping her head upon her knees, sobbed as though her heart would break.

"Elsie, dear Elsie, what's the matter?" said Strang, endeavoring to raise the beautiful head that bent before him in clustering confusion. "Oh, my God, Whipple has beat me!"* exclaimed she, looking up imploringly in his face.

"Damn him!" exclaimed Strang, springing to his feet, without reflecting how much she had deserved it; "damn him, I'll have his life!"

"Oh, I am afraid the time is past for that remedy for my misfortunes," continued the enchantress, sobbing still more violently than ever. "It cannot be done, and I am doomed to be his victim for ever."

"You shall not be his victim another day," said Strang, muttering an oath through his set teeth, "for he shall die to-night."

"But how, how will you accomplish it, Jesse?" said the temptress, in a more collected tone, rising as she spoke, and looking steadily at him through her tears.

"I'll waylay and shoot him!" replied Strang, swearing again to keep up his determination.

"But you have no weapons!"

"I did not think of that," said Strang, thoughtfully, and cooling by degrees.

"Well, never mind," said the woman, "I will get you the pistols which I was asked for once before. No one but you shall use them, and no man

* The truth of this assertion of Mrs. Whipple's was never ascertained; but those who were most familiar with the unfortunate husband consider it entirely inconsistent with the known mildness and amiability of his disposition. The probability, therefore is, that it was a sheer fabrication, got up by the wife, to inflame Strang to his destruction.

but you shall ever have the reward which belongs to him who sets me free from this accursed union."

"Never fear me, I am resolute," said Strang, feeling himself wavering as the prospect of his being held to his word began to become certain.

"Well, then, meet me in an hour in the stable, and I will bring the pistols to you," said the woman, seizing his arm with a sudden energy; "and now," added she, "let us separate at once, for fear we may be observed."

The woman was promptly on the spot, with the instruments of death, but Strang came late, and when he did come, it was to falter an excuse for having changed his mind. His composition was not stern enough to retain the heat it had received, and cold terror had again become supreme in his fluctuating temperament. Maddened at his irresolution, but concealing the extent of her anger, Mrs. Whipple then desired him, if he was so faint-hearted and so doubtful of success with those weapons, as to refuse to undertake the enterprise, he could at least procure poison, and she would agree to administer it herself. *That*, she remarked, would be the most trying portion of the job, and if he really loved her, he ought not refuse her so little aid as that. But Strang was entirely unnerved from his design, and refused to prosecute it in any shape. Upon this his mistress broke from him, upbraiding him for his weakness, and joining with her language an expression of contempt.

Strang now became more moody and despondent than ever. He was not sustained by a defending conscience as he had been before, for in this last case he had volunteered the deadly act, and he shrewdly feared that he had trifled with his mistress beyond forgiveness. Nay, it seemed to him as if he had become her tempter merely to mock her in the hopes he raised, and he justly feared that the defalcation of his purpose would be too gross for compromise or for remission.

Matters remained in this condition for a few days, when one morning as

Strang sat moping in the kitchen with declining head, Mrs. Strang passed through with a bowl of milk in her hand. Strang raised his head towards her, when pointing her finger to the vessel she bore, she whispered—"My husband called for this, and if you had got the poison, the thing could now easily be done." She then passed out without saying another word.

Strang was not capable of resisting any consistent and persevering influence long, and though he had refused and wavered, it was but the wavering of the moth around the candle, which, however wide it may sometimes dart away, invariably comes back to the lurid fascination, until it is consumed.

Affairs kept on in this way until the early part of March, when, softening from her neglect, Mrs. Whipple again conferred upon her wretched dupe the full extent of her illicit favors, reaping this time from the harvest of her liberal blandishments the deadly fruit of his murderous consent. Maddened by lust, and rendered furious with a forged account of her imaginary wrongs, he swore to procure the poison which his temptress wanted, and accordingly disguised himself, and went to Albany to obtain it.

Mrs. Whipple received the precious but fatal powder eagerly from her lover's hands, but as she hastily turned to leave him with her treasure, he detained her, and exhibiting great agitation, asked her to pledge with him again, under the most solemn oaths, never, under any circumstances, to betray each other. Vain guarantee! as if those capable of such a crime would respect the sacred obligation of an oath. The devilish protestations were exchanged, and the woman hurried off to examine and gloat over her long-sighed for agent of destruction. She rejoiced for nought, however, for though her husband received the entire of the powder in a cup of tea, it had not the least effect upon him. A result which proceeded doubtless from the cautiousness of the druggist, who having suspected Strang of a desperate purpose, had given him a harmless po-



WHIPPLE FEEDING HIS CHILD WITH POISON.

tion, instead of the subtle enemy of life for which he asked.

Mrs. Whipple, as was natural under the circumstances, suspected her confederate of having duped her intentionally, for the purpose of claiming the miraculous escape of her husband as an intervention of Providence against the deed he did not wish to do; but when she observed the tortures of suspense and fear with which he awaited the operation of the poison, and witnessed the unfeigned surprise and involuntary joy with which he received her assurance that it had done no harm, she was convinced that he had only made a mistake. The mistake, however, had to be retrieved, and after two or three days had cooled the fever raised by the first attempt, and the sentiment of regret at failure had a chance to gain the ascendancy over exultation at miscarriage, she reminded him again that his protestations of sincerity could not be otherwise established to her satisfaction, than by his purchase, at another druggist shop, of a fresh potion of double the size of the previous one.

This direction was obeyed. Strang procured another lot of arsenic, and gave it to the woman as before, who dividing it into three parts by his advice, so that their victim's death might not be so violent and rapid as to excite suspicion, determined to administer it in as many doses of sulphur, that it might be well disguised. Having thus arranged the matter, a week elapsed before Mrs. Whipple could persuade her husband that he was sufficiently unwell to require medicine, but having at the end of that time accomplished this preliminary object, she prepared the deadly mixture and handed it to him with well-affected tokens of concern. Both the poisoners then awaited with the most extreme anxiety the working of their agent.

The next morning Mr. Whipple exhibited signs of physical debility and distress, but refused to take a second dose of the poisoned sulphur proffered by his wife; the first having, as he said, cramped his stomach, instead of having done him any good.

She told him that the griping was merely preliminary to its good effects; that it had served her the same way, and he had but to persevere, to find a supreme relief from all his pains. Thus urged, he thereupon took the cup; but after eating a portion of the mixture he turned to his chair and commenced feeding the remainder to his son. This was a terrific trial for the woman. Demon though she was, she was yet a mother; but though it tore her tough heart strings almost apart to behold the child, whom she really loved, feeding upon death, she dared not remonstrate. Snatching the boy out of the room, however, as soon as she could do so unobserved, she bore it to Strang, and briefly telling him what had occurred, asked his advice what course to follow. He recommended her to give the child salt by way of antidote, which direction she followed, and which, in consequence of the small quantity of the drug that he had taken, happily proved successful. Neither the father nor the son were harmed.

The double experiment and the double failure had now perfectly familiarized the mind of Strang to the execution of his bloody project, and the extreme agitations to which they had subjected him, had consumed entirely all the repugnant horror which his inferior composition was able to supply for one subject. His softer nature which had so long struggled against the stern task demanded of it, being once conquered, yielded absolutely to the sway of the murderous frenzy, and he became as eager for the consummation of the leading object, as the iron hearted woman who had instilled it. Indeed, so anxious did he become to complete the work in which he had been so long engaged, that he fretted at the time that had been lost, and more than once even mistrusted that Mrs. Whipple had been deceiving him with a pretence of sincerity, and had not administered the poison at all. In connection with this doubt came the thought of the rival suitor who was to return to her in the summer, perhaps to renew his offers of assassination, and perhaps to be ac-

cepted in preference to himself. So little confidence has guilt in its confederates.

Stimulated by these contemplations to an effort on his own account, he, without the knowledge of his paramour, applied to a female slave named Dinah Jackson, and after ingratiating himself with her in a manner which we do not care to describe, broached his purpose, and told her if she would poison Mr. Whipple he would give her the sum of five hundred dollars. The negress gave him no direct answer at the time, but on the following day being applied to again, she replied with a strong expression of horror—"That she would not do it; that she had had horrible dreams all night, and that if she did it, she would have no comfort afterwards;" concluding with the firm and impressive declaration, "that though she was black she had a soul to save, and would not sell it to the devil for all the world." "What a moral contrast," says the reporter of this portion of Strang's confession, "between this miserable and degraded negress, and the young, beautiful and gifted Elsie Whipple."

April had now come around, and business again demanded Mr. Whipple's presence in Vermont. The occasion seemed apt, and once more the guilty wife solicited her paramour to waylay her husband with a club, or an axe, and slay him. Strang, however, upon calculation, declined the proposition. He reflected that Mr. Whipple's absence would of itself give him full possession of the woman; that chance or accident might deprive him of life during his journey; and failing that, the business could be better accomplished on his return. He gave for excuse therefore, that as Mr. W. was going on a collecting tour and would bring considerable money home, it would be in every way better to postpone his assassination till that time. For the first time Strang had given a reason for his refusal, and the woman recognized its force and yielded to it.

During Mr. Whipple's absence the adulterous pair carried on their abominable intercourse and mutually encour-

aged each other in their murderous intentions--Mrs. Whipple even going to the extent of writing two letters, ostensibly to different men, offering each five hundred dollars if he would assassinate her husband. These were of course not intended to be sent, but were only prepared to deceive Strang, and to confirm him beyond peradventure of relapse, in his desperate intentions. As may be supposed they were not without effect, and persuading he to burn the letters, the duped and infatuated wretch entered a sacrilegious oath in the face of heaven, that she should not find him wanting at the proper moment.

As soon as Mr. Whipple returned, the wife claimed the attention of her lover to their bloody compact, and bringing him one of her husband's pistols desired that he would shoot him through the window as he sat at tea. Strang replied that a pistol would not do, as the aim was not true enough, and that he could get along with nothing but a doubled-barrelled gun. Upon this, she gave him money for its purchase, but finding on arriving at Albany, that the price of a good weapon of that description, exceeded the means he had brought with him, he purchased a rifle in its stead. He conveyed it home and concealed it in the loft of the privy, and being now nearly all prepared, he reported in the house, that for the last few nights he had seen strange men lurking about the premises, who, from their suspicious manner, seemed to be actuated with some evil design. Having done this, he sat down and penned a letter to his female confederate, stating, that "everything was ready, still if she was disposed to say the word, he would go no further." But she was too far gone in crime and too determined in her purpose to stop in the high road to her hellish wishes, when another step would lift her to the apex and crown the long period of her infernal toil. She promptly sought out her lover as soon as she had perused the letter, and complimenting him on the manner in which he had made his arrangements, asked to see the weapon

he had bought. He directed her where to find it, and profoundly interested in every particular of the dark drama, she proceeded to the place and examined the gun with all the coolness and nicety of a connoisseur in arms. Returning then, she informed the assassin that a difficulty had struck her which must be solved before they proceeded any further. "She had read," she said, "of an attempt to shoot a man through a window, which had failed, because the glass had glanced the ball. They must not miscarry now, and she would on the next morning, which would be Sunday, furnish him with some panes of glass, and powder and ball, with which he might go into the woods to make the experiment.

True to her promise, on the following day, when all dressed, and ready to start for church, she found a moment to run out and deposit the necessary articles behind a pile of brush wood, on which her sloven lover sat hacking away with his jack-knife. Though she harbored a purpose that would have disgraced the blackest fiend in hell, she looked as rosy and as guileless as a seraph, and from her dancing locks and rustling robes as she skipped lightly back to take her husband's arm, there floated a perfume that seemed to belong to nothing less than paradise.

Strang watched her as she leaned tenderly upon her husband's arm as they proceeded along the road to church, and when the pair became lost to view he picked up the glass, the powder and the ball, and taking his gun from the rafters, turned with a sigh to the woods, to have a morning's lesson in shooting with the devil.

CHAPTER III.

The Murderous Marksman.—Conference in the Barn.—Final Arrangements.—The Appointed Hour.—The Signals.—The Crawling of the Serpent.—The Sting of Death.—Flight of the Assassin.—Concealment of the Evidences of Guilt.—Confusion and Terror.

THE tolling of the holy Sabbath bell which summoned the atrocious wife

to church, beat time with the alternate steps of the murderer as he crasped through the undergrowth to the densest shadows of the woods to select a fitting place for his experiment of hell.

He paused at times to see if he was followed, and then strode on again, lingering only now and then when the solemn voice of that religious monitor reminded him of the innocent days when his boyhood had listened to its tones without reproach.

Finding, at length, a jungle to his mind, he laid down the glass and ammunition on a stump, which he selected for his target, and leaning on his rifle gave himself up to reflections which kept forcing themselves in upon his mind. Save the church bell, which still kept faintly booming upon the air, the morning enjoyed a holy stillness that evoked a sympathetic mildness from the human mind; softening the just and generous to repose, but making the reflective villain sad. With Strang, the latter was the case. The sunlight which bathed the tree tops and flooded the soft landscape round, was to him only an artificial disk across which the dark phantasmagoria of his thoughts seemed to flit in hideous distinctness.

At length the bell ceased, and rising from his posture with a sigh, the murderous marksman mechanically turned his attention to the lock of his fowling-piece. While thus engaged, his ear was startled with a hiss, and turning, he beheld an adder flattening its head and thrusting forked defiance at him. His reveries were at an end; a desire for destruction seized possession of his bosom, and raising the butt of his rifle he struck at the reptile, and with repeated blows beat it into mutilation. This brutal divertimento restored him to his congenial purpose, and lingering no more, he set a pane upon the stump, and placing himself a few yards in front, he fired through and hit the mark. He then doubled the glass and the result was the same, and finally having tried it at an angle with its surface, he considered that he had satisfactorily established the fact that a



STRANG PRACTISING AT A PANE OF GLASS.

bullet would not glance from a window. The slugs which had been prepared for his experiment being all spent, he returned home, and secreting his gun, awaited anxiously the opportunity to communicate proceedings to his feline confederate.

When Mrs. Whipple returned from church she hurried off her walking dress, and seeking her paramour, eagerly inquired the result of his experiments. He informed her of their successful nature, stated "that he had thoughtlessly spent all his lead, and unless he could procure some more at once, the murder would not be performed that night."

"Well, there need be no postponement on that account," said she quickly, after a moment's thought; "you have alarmed Mr. Whipple by your report, with the idea that there are strange men lurking about the premises, and he informed me on our way from church, that he would load his pistol as soon as he got home; so wait a moment, for I think he is about it now!" And saying this she abruptly left him and hurried up stairs. In a few minutes she returned with a bullet in her hand, and handing it to the man, remarked, "*It was as I expected. I found him loading his pistol to defend his life, and I have brought you the last ball he had left, to take his life away. What a wicked creature I am!*"

Scarcely had she concluded this expression when Mr. Whipple came down stairs, and finding Strang in the entry, interrogated him afresh as to the probable intentions of the men whom he had seen lurking about the place. Strang replied in the same alarming terms that he had used before, whereupon Mr. Whipple with some petulance, inquired why he had not shot them if he considered their purposes so desperate."

Strang replied that he did not feel authorized to take a man's life on mere suspicion, but that if he, Mr. Whipple, considered it to be justifiable under the circumstances, he would do as he directed, remarking in conclusion that

there was a gun hanging over the door that could be used for the purpose.

"Very well," said Mr. Whipple, "you can use it if you find them hanging about as you have seen them before; only be sure if you do fire, to hit and hurt them so that they may not get away." Mr. Whipple then left him, and Strang went to an outhouse where his weapon was concealed. He was soon joined by the wife, who after ascertaining the purport of the conversation between her paramour and her husband, inquired if he, the former, had yet loaded the rifle. He answered in the negative, but informed her that he was about doing it as she entered.

"That is right," said she, "lose no time, for the sooner all things are ready the better. Remain here, I shall be back in a few minutes."

She came again after a brief lapse of time and asked to see the rifle.

He handed it to her without a word.

"Is it loaded?" inquired she, taking it in her hand.

"It is," he replied.

She dropped the butt of the piece upon the ground at this reply, and drawing the ramrod, ran it into the barrel and measured the charge. She finished her scrutiny by examining the pan, when handing the weapon back, she said, "Well, now that every thing is ready, let us understand exactly how things are to be done. From what position do you intend to fire?"

"I shall get on the shed where I can look in the window of your room, and you must have him sitting near the window, so that I do not make a mistake or miss my shot."

"I will attend to that; but let me caution you again not to be too eager and by no means to attempt to fire until I give you the signal by pinning up one corner of the window curtain."

"I will be careful; but Elsie, I shall need your India rubber over-shoes, so that I shall make no noise on the shed."

"They are too small."

"Well, then I must have a pair of socks at any rate, for his ears are pricked up by the stories I have told, and if

he should detect me on the roof, our purpose is done forever."

"Your caution is correct," said the woman. "I will slip into your room in the course of the afternoon, and place a pair of woollen socks under your pillow. But the gun—what will you do with the gun after you have fired?"

"I shall throw it into the river—or the well."

"Throw it in the river," said she promptly, "the farther away the better."

Some further conversation ensued between the atrocious pair, in the course of which it was decided that the murder should be committed on the following night, it being found necessary upon a thorough re-examination of all the circumstances, to make farther arrangements for imparting signals to the main perpetrator, as to the whereabouts of all the members of the household, that no accident might intercept his flight.

Having now thoroughly digested the minutiae of the affair, it but remained for the devilish enchantress to confirm again the determination and the fidelity of her infatuated associate. To a woman so profoundly versed in all the various arts of feline policy, and so bountifully qualified by nature to perform them, there could be no question as to the readiest mode to impress the heaviest sense of obligation on a lover, so flinging her arm around his neck, she drew him to a recess in the building, and lavished upon him the last of those maddening caresses which had turned his brain, and which now composed the final instalment in the purchase of his soul.

Stupid from the dull subsidence of delirious passion, the besotted profligate reeled from the place where he thus made his last trist with death; while the arch temptress, who had thus prostrated him, regained the dwelling with a strong and an elastic step.

From the moment of this separation, there occurred no opportunity for a direct intercourse between Strang and Mrs. Whipple, but concerned for his

prudence, she wrote a note which she slipped into his hand as she passed him in the kitchen on the following morning, directing him again to throw the gun as far away as possible, if after he had fired, the sudden appearance of any of the family should interfere to prevent him from carrying out his original intentions of sinking it in the river. Strang nodded an affirmative answer to the billet as soon as he had read it, and destroying it according to the rule he had invariably observed with all the letters of his mistress,* he set out for Albany to wile away the afternoon and evening until the hour appointed for the commission of the deed.

At half-past nine in the evening he returned to Cherry-Hill, unshaken in his purpose, and somewhat inflamed with liquor, which he had drunk in the course of the afternoon to maintain his courage. He had been informed by Mrs. Whipple that there was a probability that her husband would go out to spend the evening, as he had received an invitation from the folks next door; it had therefore been agreed between the assassins, that if such were the case, she would give him notice of the circumstance by hanging an old shoe upon a stick by the door. It having further struck them that Mr. Whipple might feel indisposed and go to bed at an early hour, Strang requested her to change the signal in that case, by hanging a white cloth on the stick instead of the shoe.

Though the early part of the evening had been bright moonlight, the clouds for the last hour had been gathering fast, and when Strang entered the court-yard of the house, it threatened every moment to rain. He was nearly out of breath, for he had run every step of the way in the hope to

* We omitted to mention, in its proper place, that most of the letters which Mrs. Whipple wrote to Strang—and they were numerous—were superscribed to "Mr. John Whipple," so that if they had fallen into the husband's hands, she could have accounted for the expressions of affection they contained, by representing them as the tender recreations of her leisure hours. This course protected her, also, from Strang, should he feel disposed to show the letters. It gives a remarkable evidence of the profound cunning of the woman's character.

secure, in case he were suspected, the advantage of the testimony of the druggist, in whose shop he had made a purchase at the moment of starting, of the fact of his having been in the city at the hour of the murder. On entering the yard, the assassin crept cautiously to the kitchen window, and looking in, saw Mrs. Whipple sitting by the fire with two of the females of the family, chatting with apparent unconcern about indifferent matters, and occasionally exchanging a word with the servant wench who sat smoking in the chimney corner. It was a scene of domestic comfort and apparent innocence, and no chance observer who might have looked upon the beautiful female that was the most striking figure of the group, would have ever dreamed its delicate outline was the incarnation of a fiend too black for hell, and at that moment gloating upon the contemplation of a murder. Strang passed from the kitchen window, and went to the door to observe if any signal had been given for his direction, but the stick leaned idly against the house, as he had left it. This told him that Mr. Whipple was at home, and that he had not yet gone to bed, and a signal on the other side of the house, acquainted him that another female of the household, whom he had not seen in the kitchen, had retired to her chamber for the night. He then went to the barn, which was close to the house, and climbing into the hay loft sought to look in Mr. Whipple's room. He saw that some one was there, but from the distance, and from his angular position he could not distinguish who it was. Having now reconnoitered to his satisfaction, and finding his purpose of destruction still firm, he went to the stable, and possessed himself of his rifle. He then proceeded to the southwest corner of the lot adjoining, and divested himself of his pea-coat and boots, which, together with a bundle of cloth that he had purchased in Albany in the afternoon, he deposited in the corner of the fence. Finally, drawing on the soft woollen socks with which Mrs. Whipple had furnished him, he took

up his rifle and proceeded stealthily back to the dwelling.

Mr. Whipple was in the room in company with a Mr. Abraham Van Rensselaer, with whom he was arranging some accounts. He had just obtained a very advantageous contract on the Delaware and Raritan canal and was busily engaged also in making out his estimates and reviewing his calculations. He sat at the west of the table about eight feet from the window and with his back partially turned to it; a position which had been fixed for him by his atrocious wife, who placed his chair to afford facility to the assassin. Mr. Van Rensselaer sat opposite, within view of the window.

The doomed man was in excellent spirits, and when his wife, whose extreme concern in the murderous business of the night kept taking her in and out of the room at frequent intervals, passed near him, he would address her with a cheerfulness of manner which showed that he was unusually elated in his hopes and feelings. As the moment approached when she might expect the return of Strang, she consummated the final act which finished her share in the assassination, by going to the window and pinning up the corner of the curtain that the murderer might look in and make sure of his aim. Going to the door, with the expression of "Well, my dear, I suppose you will not want me for some time," she retired from the apartment and left him to his fate.

Having properly prepared himself for the commission of the deed, Strang crawled stealthily back into the yard, and laying his rifle down, after a moment's pause, took a box about four feet high, and placing it on end, climbed up upon the shed. Creeping along with the utmost care, he reached the window, and raising his head carefully to the level of the sash, at the corner where his paramour had pinned up the curtain, he looked inside. The glance was satisfying. Mr. Whipple sat within sure shooting distance, and the presence of young Van Rensselaer at the opposite side of the room, gave an as



STRANG SHOOTING WHIPPLE.

surance that he could not gain the outside of the house for the purpose of pursuit, as soon as he, the murderer, could reach the ground, and get away. Being now apprised of the exact condition of affairs, Strang dropped down, got his rifle, and went back to the window.

The two watchers had not moved from their positions, and Whipple, with his back to the window, sat most advantageously disposed to receive the fatal bullet. The murderer opened the pan of the weapon, and took away a piece of paper which he had laid within it to keep the powder dry. Then cocking the lock, he raised the murderous instrument to his eye, and placing the muzzle close to the glass, levelled it deliberately on the body of his victim. At this moment the rain came pattering heavily down, and rattling against the glass, attracted the attention of young Van Rensselaer. He looked towards the window, and was startled with the apparition of a man's face, with something which glistened in his hands. He could not distinguish the object with any certainty, but connecting its appearance with the recent alarming visitations to the premises, he sprang to his feet and uttered an exclamation of terror.

No sooner had he uttered it, however, and before Whipple could move from his position, than the fire from the weapon belched through the glass, and the deadly messenger which it bore upon its wings of flame, lodged deep in the body of the wretched man to whose destruction it had been so long devoted.

As soon as Van Rensselaer heard the report of the gun, he turned and fled to the door. The murdered man rose to his feet and made for the same direction, but the bullet had sped too vitally within his frame, and with an ejaculation of—"Oh Lord!" he fell down and expired at the head of the stairs.

As soon as the assassin had discharged his piece, the false courage which had sustained him, vanished, and he retreated suddenly towards that portion of the shed where he had got up. He retired too precipitately, how-

ever, for he missed his footing and fell to the ground.—Springing to his feet and feeling himself but little hurt, he picked up his rifle which he had thrown away when he found himself falling, and ran to the place where he had left his clothes.—Seizing them in his arms and not stopping to put them on, he fled towards the woods, making no pause except to mount the fences and pick up the bundles which he was obliged to cast over before him, that he might climb over without difficulty. He soon came to a wet ravine, in the bottom of which a large quantity of sandy mud had become deposited from the washings of the sides. Here he buried the rifle and stamped it under, covering the place with an armful of leaves that he gathered for the purpose. Having done this, he pulled off the socks in which he had done the murder, and put on a coarse pair that he carried in his pocket, and left the place. He had not gone far before he recollected that he had left behind him the muddy socks, whereupon he turned back and regained them. He was about to bury them alongside the weapon, but something startled him at the moment, and he ran off. He buried them, however, in another ravine, and then prepared to return to the house.

He cautiously advanced towards the neighborhood, and when he arrived within a few rods of the dwelling, he crawled through a fence and gained a stable, from whence he could observe the scene of the murder. It was as he supposed. The house was alarmed. Lights were dancing to and fro; men were seen moving from window to window, and several people were running over the hill to the turnpike, in the direction of the dwelling.—It was therefore time that he should show himself, so hurrying along he pushed through the crowd in the gate of the court-yard, and knocked violently at the door.

The summons was answered by the female slave who stealthily scrutinized her visiter before she ventured to open the door further than on a crack. Recognizing Strang after a moment's ob-

servation, she hung it quickly open, exclaiming—

“Oh, is that you, Doctor? Oh, come in, Massa Whipple has been shot!”

CHAPTER IV.

The Assassin and the Corpse.—The Search of the Grounds.—Arrangements for the Night.—The Meeting between the Living and the Dead.—The finding of the Inquest.—The Arrest of the Murderer.

STRANG hesitated, and hung back with a failing heart, when the wench would have led him directly up stairs to gaze upon the body of the murdered man; and, with a desire to reassure himself, and to recall his courage, he laid his hand upon her shoulder, and sought to detain her with inquiries of the particulars of the affair. The simple woman was, however, too much engrossed in the grand result of the catastrophe to travel back over the preliminary details, and evading the questions with a brief reply, that she would tell him all about it by-and-by, she guided the assassin in the direction of the corpse.

The body of Mr. Whipple laid at the head of the second landing, at a few feet distant from his room; and though he had not been able to quite reach the stairs, his feet protruded over them, in consequence of the efforts which, even in his dying struggles, had writhed him still further on in the direction of escape. At the time of Strang's approach, the ghastly object was surrounded by most of the household, among whom Mrs. Whipple, claiming pre-eminence in grief, stood foremost, near the body, wringing her hands in an apparent phrenzy of despair, and raining her tears upon it with a disconsolate profusion, that seemed incompatible with anything but the deepest sincerity of woe.

In spite of all his efforts, the murderer could not retain his self-possession as the horrified circle opened to admit him. When his eye fell upon his victim, his face was bleached like paper, and his frame was seized with a trem-

bling which shook him like an ague. The new-made widow scrutinized her lover closely, through the masses of dishevelled hair which she held wildly to her eyes; and apprehending danger from his weakness, came to the rescue with a wild shriek, that drew the observation from him. She then riveted the attention to herself by falling upon the body of her husband in a pretended swoon. The relief was opportune, and bending down to raise her from the corpse, the adulterous confederate received a reassuring press from her fingers, which restored him almost immediately to his self-command.

In a state of seeming lifelessness, the wretched woman was lifted up by Strang, Van Rensellaer, and another of the bystanders, and borne, amid sympathizing exclamations from the weeping females, who followed close around her, to a chamber, where she was placed in charge of a physician and her pitying friends. Strang then returned to the spot where centred all the interest and terror of the night's catastrophe, and by inquiries on all sides, pretended to seek a thorough history of the affair. He was answered eagerly by all; but when his informants paused, he declared that it was no more than he had expected ever since the prowling of suspicious men about the place. Upon this remark, it was proposed by Van Rensellaer that Strang and he should arm themselves, and proceed carefully about the grounds in the hope of discovering some of the lurking assassins who had done the deed.

Glad to escape from the reproachful presence of the corpse, the murderer readily acceded to the proposal, and together, he and Van Rensellaer made a careful and thorough search of the premises. It resulted, as may be supposed, unsatisfactorily, and on the return of the two scouts, there was nothing left to do but to establish watches for the night, and after that, for those who were exempt, to go to bed. Strang and Van Rensellaer both found themselves excused, whereupon the latter, who did not appear to be entirely convinced of his safety from danger, proposed to

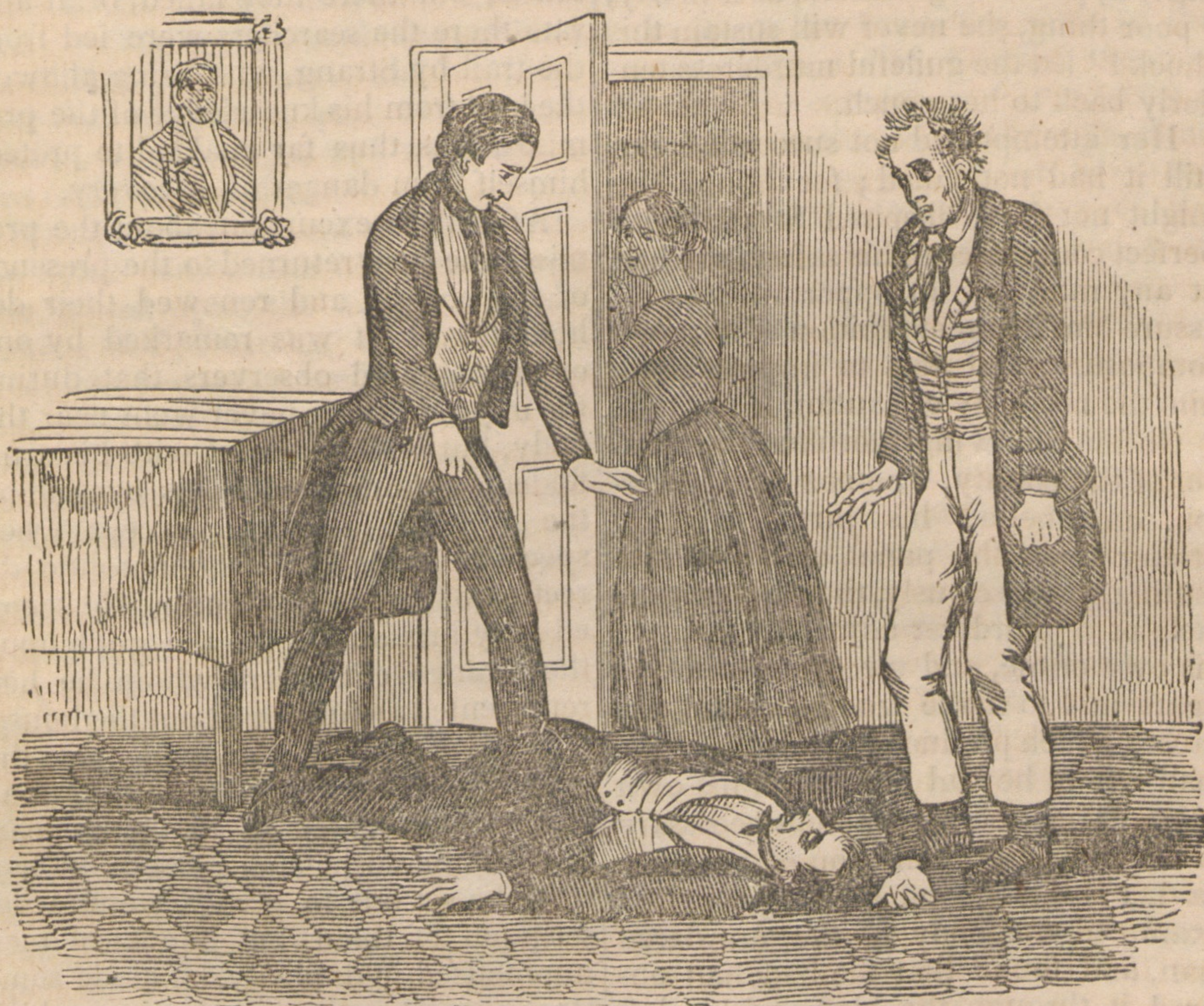
Strang that they should sleep together. This proposition was agreed to by Strang, though he was privately averse to it, as he had intended to rise during the night and proceed to Mrs. Whipple's chamber, in the hope to gain an opportunity to counsel with her upon the dangers of the morning—a hope which now seemed to be foreclosed entirely. In the course of the night, however, the assassin endeavored to rise from his young companion's side; but just as he was about drawing himself from the bed, Van Rensselaer awoke, and asked him what he was about. Making an off-hand and natural excuse, he threw himself again upon the cot, and gave up the idea of leaving the room until justified by the summons of the dawn.

Mrs. Whipple, it appears, was actuated by the same intentions; but though the female watchers who had been awarded to her bedside rendered her design less feasible even than her lover's, she did not despair of eluding their watchfulness. The weakness displayed by her paramour at first sight of the body of her husband, had seriously alarmed her; and she felt that it was worth a risk to endeavour to inspire him with confidence. Another such exhibition from him might invite the idea *that he had cause to be afraid*, and it remained in her shrewd bosom still a doubtful thought, whether a composition of such base material as his, could hold true in the face of its own destruction. A low nature cannot endure the pangs of punishment alone, and a coward can find a wretched and deplorable consolation in the assurance that another must share his pains or perish with him. "Misery loves company," though a wholesale adage, is only partly true. It applies to those alone who are miserable in a sense beyond mere mental grief—miserable in manhood and in soul, and not to the brave and generous and proud. A noble nature when condemned to perish, finds an almost perfect solace in the reflection that its sacrifice affords remission to others, who are liable to the same peril.

But Strang was not of this latter

stamp, and Mrs. Whipple knew it; and though, perhaps, she did not reason as we have done upon the subject, she arrived at the same conclusions, and was therefore forced to endure a vague mistrust which she sought in vain to stifle in her breast. It was after midnight before the two females who shared her bed fell asleep. Then, however, the chance arrived for which she had so patiently waited; and getting cautiously out of bed, she unlocked the door and slipped into the entry before her absence was detected. The passage was dark, but she stepped promptly forward in the gloom, until striking her foot against the corpse which lay, stiff and grim across the way, she recoiled with a slight shriek, or rather an audible shudder, which broke from her involuntarily. Her first impulse was to turn and fly. She imagined that she felt the icy fingers of the corpse grasping her garments to hold her to account for her share in the sad business of the night, and for a moment the horror of the thought was overmastering. She crouched backward in the darkness as if she would have crawled, rather than run to her room, but gathering her skirts, and finding herself free, she regained her self-possession in a moment, and rising to her feet, pressed forward with more confidence even than at first.

With a free motion she stepped lightly over the ghastly body of her husband, and proceeded up stairs till she reached her lover's door. Lifting the latch with care, she pushed it slightly open; but just as she was about to advance inside, she caught the eye of Strang, who, raising his head slightly from his pillow, motioned her back. She paused a moment as if doubtful whether to obey; but a noise below admonished her that her position was a perilous one; and contenting herself with laying her finger impressively upon her lips to enjoin caution and secrecy, she withdrew backwards from the room with her baleful and serpent gaze fixed upon him until she had entirely vanished. There was need for her to go. She had been missed by the females who



STRANG'S FIRST SIGHT OF HIS MURDERED VICTIM.

shared her chamber, and they were searching the passages of the house to find her out. She heard the footsteps, and guessing their motive, stole hastily down to the landing where lay the corpse, and kneeling quickly by its side, buried her face in her hands, and commenced rocking herself sadly to and fro above it.

The seekers found her in this position, and shaking their heads at each other in piteous agreement, as if to say, "poor thing, she never will sustain this shock!" led the guileful murderess tenderly back to her couch.

Her attempt had not succeeded, but still it had not failed; for though she might not have inspired Strang with perfect confidence in his safety, she had at any rate had an opportunity to reassure him by an exhibition of her own composure, and also to impress upon him the necessity of caution in his talk.

On the following morning, the coroner of the county, Thomas L. Pemberton, empanelled his jury, swearing Strang upon the panel, and thus presenting, unconsciously, the strange spectacle of a murderer adjudicating upon his own crime, and swearing to investigate and to make true report, of the causes which produced the death of the man whom he had slain with his own hand. The preliminary steps necessary to the proper organization of the jury having been taken, the inquest first examined the body of the murdered man, and found that the ball had entered it through the blade of his left shoulder, cut one of the principal arteries of the heart, and lodged in the right lobe of the lungs. They next examined the room which was the scene of the murder. There was the shattered glass through which the assassin had sped the fatal bullet; the window frame was blackened and scorched with the flash of the weapon which despatched it, and from that section of the window the curtain was pinned up, suggesting the idea, that perhaps that little circumstance, in itself, had, by the facility which it afforded for an aim, invited the assassin or assassins to commit the deed. The chair of Mr. Van Rensel-

laer stood in its place, and but slightly shoved back from the table; that of Mr. Whipple laid sideways on the floor, it having been upset as he bounded from his wound. A handful of papers which perhaps he held at the moment, were scattered near. On the outside, the assassin's footsteps, apparently in stockings, were plainly discoverable on the shed. From thence they led through the yard to the direction of the stone fence; but there they failed, or at any rate there the searchers were led from the trail by Strang, who being allowed the lead from his knowledge of the premises, was thus far enabled to protect himself from danger of discovery.

After their excursion about the premises the jury returned to the presence of the corpse, and renewed their deliberations. It was remarked by one or two shrewd observers, that during the inquest Strang never went near the body, but walked about with his arms folded, without turning his eyes upon the reproachful sight, except when specially induced by the absolute direction of some fellow juror. He seemed very anxious to fix the guilt upon the strange characters whom he had represented as lurking about the house, and gave it as his opinion that the murderers were laborers on the canal. Being interrogated as to the appearance of the suspicious persons he had seen, he set out to give a minute description of them, but like most men unpractised in duplicity, he made some strong contradictions in his story, which were not lost upon the minds of those who had thoughtfully noted the other peculiarities of his conduct. Nothing was said of these evidences at the time, and the inquest brought its deliberations to a close by a verdict of "murder committed by some person or persons unknown."

As soon as the coroner's jury were discharged, the members who had inwardly remarked Strang's conduct as suspicious, went to the police office to communicate their suspicions to the magistrate, while Strang, rejoiced at his release from the long and trying dissimulation he had undergone, sought

out the woman whom he had risked his life and soul to make a widow.

Mrs. Whipple received her lover with a smile and a clasp of the hand, by which she meant to express her gratitude for the firm and judicious manner in which he had borne himself, but dropping his hand after the first salutation, and changing her look to one of grave concern, she asked him if he had secured "the piece" and "the socks." He answered that he had. "'Tis well," said she; "then the difficulty is all over, and we have now only to remain quiet and be prudent for a few days, and we shall be free to do as we please."

Strang, whose bosom was torn with the fierce contentions of remorse and fear, gazed upon the woman's superhuman self-possession with astonishment, but becoming lost in the contemplation of a character so far above his comprehension, he dropped his eyes to the ground, and heaving a deep sigh, exclaimed, "Ah, Elsie, if I had known before what a dreadful thing it was to take an innocent man's life, I never would have attempted this business. You think we are safe, but I tell you, Elsie, I fear——"

He was interrupted at this moment by the entrance of a constable, who brought him a summons to attend forthwith at the police office, in another examination in the business of the murder. Strang cast a meaning glance upon his mistress as the officer made known his errand, but before he could speak, she stepped forward and remarked, "I am sorry, sir, that you are about to take the Doctor with you, as I was just going to ask him to do something for me, but I suppose he must go, and I only hope that he will be enabled to return as soon as possible."

"I shall come back as soon as the magistrate is done with me," said the assassin, thus relieved from his confusion, and with a "God be with you, madam!" he bowed clumsily to the widow, and retired with the officer.

The magistrate subjected the serving man to a rigid examination touching the persons said to have been seen

about the house, but though his contradictions and misrepresentations were apparent, they were not thought to be sufficiently grave to warrant his arrest upon suspicion. A weak and foolish man, desirous of being considered as an oracle for a time, might have said as much; it was therefore thought proper to let the doubt of his motive fall in his favor, until, at least, subsequent revelations should give it a stronger color.

In the mean time, the news of the murder spread like wild-fire through the adjacent country, and in the city it seemed to be the sole occupation of all minds. The papers of the following morning laid a brief history of the bloody drama before the public, with such comments and appeals to indignation as were proper for the occasion. The Albany "Argus," after detailing the horror in succinct and striking terms, made the following remarks: "Mr. Whipple was in the prime of life; industrious, and enterprising, and fair in all his transactions. He has been cut off in the midst of his usefulness, leaving a bereaved widow and an interesting young son to lament his untimely fate. As it may be well conceived, an affair so atrocious and so unusual amongst us, has excited great feeling and indignation, and no effort will be spared to detect the assassin. The Corporation, as soon as they were informed of the affair, promptly offered a reward of two hundred and fifty dollars for that purpose."

The excitement at Cherry Hill increased with the stubbornness of the mystery, and the first surmise, in relation to the strange men, not being sustained by any rational concomitants, soon began to lose its hold.

There is a principle of retaliation in the human heart, which, however indistinct and obscure in its operations, never fails to vindicate itself in practical results upon those who stimulate others to unjust expectations. Strang had placed himself in this dilemma. He had raised suspicions against certain supposed parties on vague and illusory bases, and when the excited

inquirers who pressed upon the mystery at his inducement, grasped their eager fingers only through a mist, they turned in anger and for revenge on him who had set them about their foolish and their fruitless task. Then came the sudden question, "*Why* did he tell us this?" and in that question lurked the token of his ruin. The statements which he had made upon the jury, before the magistrate, and to various other persons in conversation, were compared anew; it was hinted by some bold reasoners that there had been a very peculiar intimacy between him and Mrs. Whipple, which might, perhaps, account for motive on his part; and further, it was ascertained that he had purchased a gun in Albany some days before, which recently had disappeared. The black woman, Dinah, also, finding the assassin's name bandied about all day in a suspicious whisper, challenged her recollection, and recalled to mind that he had once asked her to poison the deceased, and notwithstanding, she stated, that upon her refusal, he had laughed outright, and said he had only been in joke, the circumstance fell with tremendous weight upon the already stimulated minds of those who heard it. The footsteps on the shed were next measured, and found to correspond exactly with Strang's stockinged feet, and while this last piece of evidence was being produced before the magistrate who had the investigation in charge, one of the druggists, whom the serving man had visited in Albany some weeks before, came in and testified that he had some time back purchased poison at his place. All these things put together made a case, and it was decided that Strang should be arrested on suspicion of the murder.

While these things were going on, Mrs. Whipple had been an attentive observer of the proceedings of the day. It had not escaped her that the elements of danger were gathering around her and her paramour, and she was enabled to ascertain, by what she gained through the officiousness of friends, that Strang would surely be taken into

custody. She heard also of the disgraceful connexion of their names together; but though the ominous conjunction struck a terror to her soul, it did not disarm her of her composure. With a devilish philosophy, she decided that the most that could be done with bad news was to turn it to the best account, and therefore devoted herself at once to seek her confederate out, and put him on his guard. She found him in the kitchen, alone, about four o'clock in the afternoon, when, looking carefully around to see that they were unobserved, she proceeded hastily up to him and said, "Jesse, they suspect us."

"What!" said Strang, starting, as if shot.

"They suspect you and me," continued the woman, "and talk of taking us up. Now remember, and be firm, and that if things come to the worst, and either of us is condemned to death, the other shall confess, that we may both die together."

No sooner had she done speaking, and before Strang could reply, than young Van Rensellaer came into the kitchen, and beckoning Strang out, told him he was wanted at the police office. The countenance of the assassin turned deadly pale at the summons, but he followed on, and when he found two constables at the gate to take him into custody, he dropped his head and walked between them without offering a word.

Mrs. Whipple watched him from the window till he and his conductors were lost to view by a turning in the road; when, with her hands clenched and her features desperately set, she turned away and walked slowly to her room. The cup was not to pass from her as she had hoped.

CHAPTER V.

The phantom Terror.—The Widow and the Corpse.
—The Examination.—The agony of Remorse.
—The temptations of Jealousy.—The Confession.

ANXIOUSLY did the wretched murderer pace up and down her chamber

floor for the two hours subsequent to the arrest of Strang—now and then moving with a quick and feverish gait, and anon pausing suddenly in agonizing revery, as if some strong and overpowering terror had paralyzed her faculties from any other action than remorse. A dreadful panorama ran before her eyes, but ever returning in the dismal train came one stony, freezing horror, peering upon her with a keen gaze of reproach and piercing her, despite her more than human resolution, to the inmost soul. Turn as she would, those rigid features and those fearful orbs pursued her, until at length the overpowering horror seemed to take a more defined shape, and in the delineation of a threatening phantom, mingled with the deepening shades of the apartment and chased her about the room. With her head turned over her shoulder that she might evade it, she circled swiftly around the walls until at length her reason whirled, and flinging open the door she uttered a shriek, and rushed into the passage to escape the ghostly illusion which pursued her. She was seen at this moment by one of the females of the family, who testified in court as to her appearance on the occasion. By a singular vagary—perhaps the effect of a sudden resolution to test the actuality of the vision, the widow, after having paused a moment, proceeded directly to the room where laid the corpse, and finding it still there, and stiff, and grim, and powerless in death, she seemed somewhat tranquilized in mind. Her staring agitation gave way in a flood of tears, and a feeling of contrition appeared at last to have taken possession of her soul. She wept bitterly at first and then wildly, and flinging up her arms with frantic vehemence, burst into exclamations of extremest grief. The female who saw her go in the room still stood at the door, and thus describes her manner when she came out.

“When Mrs. Whipple came out of the room where her husband laid, her hair was streaming over her shoulders, her hands were clasped, and her looks were wild. As she stepped into the

passage she exclaimed, ‘Oh, I have lost my best and only friend. How forlorn I am! My father is dead, my mother is dead; my grandfather is dead, my grandmother is dead; now my husband lies a corpse, and I shall never live to see my boy grow up!’ and wringing her hands all the while, she went down into the kitchen.” It was afterwards thought by some of the family that this conduct was only assumed by the widow, that she might not be called, in an examination which was then going on in the back room before Justice Cole.

Shortly after the widow had gone into the kitchen, a man came in and told her that Orton had been committed to jail on the charge of murder, and a few minutes after the reception of this information, she uttered the exclamation of “Oh, Orton! Orton! my John! my John!” and fainted.

The derangement which this circumstance occasioned in the household, put an end to the examination, and Mrs. Whipple was borne off to her room. She recovered in a brief time, however, and rising from her couch, went wandering about the house uttering all sorts of incoherencies. Meeting with Miss Maria Van Rensellaer about nine o’clock in the evening, she went with her into her brother’s room, and there asked him “whether Orton had been cross-examined? whether he had differed any? and whether they had found anything in his trunks.” This latter question was doubtless prompted by an anxiety to know whether any of her letters had been discovered in that dangerous repository.

Van Rensellaer replied in the negative; at which she inquired of him what cross-questioning meant, saying, “If you know, tell me, that I may know too. Tell me something, and then cross-question me about it, that I may understand it!”

Mr. Van Rensellaer evaded these requests by a private direction from his sister, whereupon Mrs. Whipple, probably observing that her artifice had succeeded, burst out into another rhapsody of words, exclaiming, “I am go-

ing to die with John ! I am going to be buried with John ! I am going to die with him to-night ! I am going to be buried with him to-night !”

On Thursday (10th May) the funeral took place. It had been delayed to this period to give time for the arrival of Mr. Whipple's relatives, who lived in the northern part of the state. They arrived on Thursday in time for the ceremony. Mrs. Whipple immediately perceived, from the cold and severe reception she met with at the hands of this branch of her family, that the worst against her was suspected ; so without attempting to overcome their prejudices or opinions by a direct appeal, she contented herself with maintaining the policy which for the last three days had protected her from the annoyance and the danger of interrogations. She went wildly about the house, exclaiming, “My father is dead, my mother is dead ; my grandfather is dead, my grandmother is dead ; now, my husband lies a corpse, and I shall never live to see my boy grow up. Every body looks lowering on me ! The grave must be dug wide enough for two ; I am going to be buried with my John !” She received no heed, however, in all her lamentations, except from the stranger guests who visited at the sad performance, and the shrieks which burst from her when the clods rattled upon the coffin-lid of her victim, were attributed, by those who knew her best, not to the impulses of torn affection, but to the arrows of remorse.

On the return of the family to the house after the solemn ceremony was over, Mrs. Whipple assumed a greater degree of composure than before, and finding herself alone with a nephew of her husband, a young man named Melancthon Whipple, she remarked while taking off her things—“Melancthon, I have understood that they have let Orton go, and that they have taken a man they caught somewhere in the woods with no boots on.”

The young man replied “he thought that was not so ; and that they were not likely to let Orton go so soon.”

“Oh as to that,” said she, “I know he is innocent. I am going to be sworn to-morrow, and I will swear that he is innocent.”

“That is a great deal to swear to in any case, and most particularly in this one,” said the young man.

“Yes, I know it is ;” replied the widow ; “but I'll swear to it, for I know that Orton was one of John's best friends.”

Here the conversation ended, and Mrs. Whipple having divested herself of her walking apparel went down into the kitchen. She there obtained a piece of news of a somewhat threatening character, and one that connected her with Strang in the business of the murder more directly than had all the other incidents of their illicit intimacy put together. It will be recollected that on the morning of the 3d of May, she had given Strang money to buy the rifle with which to shoot her husband. That money was a twenty dollar note, which she the same morning had obtained as a loan from a Mr. Philander Fobes, a friend of her husband's. Receiving the bank note from her, Strang had given it to the gunsmith and returned her the change. The gunsmith had testified to the purchase of the rifle, by Strang, and produced the twenty dollar note as the money he had received. As soon as this was seen, it was recognized by Mr. Fobes and his barkeeper, the latter of whom had handed it to Mrs. Whipple but a few hours previous to the serving man's possession of it. This, as we said before, brought the widow and the serving man in direct connection with each other in one of the main strata of the bloody drama, and unless the circumstance were satisfactorily cleared up, it must confirm the darkest surmises which had been raised against her. It was necessary therefore that she should act boldly and promptly in the matter, and having brought her thoughts to a conclusion, she the next morning sent for Mr. Fobes. Concealing from him for a time the true purpose of her message, she pretended that she desired his advice in relation

to some of her husband's affairs, but watching a proper opportunity she alluded to the subject of the twenty-dollar note. She stated that on the day in question, Orton came to her and entreated her for a loan of sixteen dollars, promising faithfully to return it on the following Saturday night. That yielding to his earnestness she had let him have it, though she wanted the money very much herself, but that he had not kept his word, and she supposed that now she should lose it altogether. This, she urged was the true character of the circumstance which placed her in such strange suspicion, and she hoped Mr. Fobes, if he considered himself her friend, would not mention it again. Mr. Fobes promised, and the interview was at an end.

There was, however, another danger which sprung up at this moment, that was no less formidable than the last, and which threatened to defeat all her protestations of innocence of any illicit intercourse with the suspected assassin.

On the 14th of April, (the previous month,) during the absence of her husband, Mrs. Whipple made arrangements to take a jaunt to Kingston with her paramour, and to pass the night with him at a public house. Making an excuse that she was going to Troy to visit a friend, she set out, and being met by Strang with a wagon, was conveyed to a tavern kept by a Mr. Hill, where she guiltily passed the night with the serving man. This circumstance had accidentally become known at Cherry Hill, and the attendants of the tavern being brought to where they could privately observe the two culprits, readily identified them as the travellers who on the occasion spoken of, had made themselves so very much at home at the inn.

When Mrs. Whipple learned that this great fact had been established against her, she was depressed with feelings of despair. She knew it would be impossible for her to disprove it, and that she must confine herself thenceforth only to minor denials. Her horoscope was darkening fast, and she

never glanced upon the lowering future without a shudder of indefinable fear.

On the 14th, which was just a week after the day of the murder, Justice Cole, with some intention to arrest Mrs. Whipple as the accomplice of Strang, but with a determination at any rate to put her under examination, whatever might be the condition of her mind, arrived at Cherry Hill, and asked an interview with her. It was granted, and the Justice commenced a searching conversation, which, though not elicited under oath, was taken down in memoranda, and subsequently reduced to the form of an affidavit, and subscribed and sworn to by the female culprit.

The Justice commenced by telling Mrs. Whipple, that she was suspected of being the accomplice of Strang, and that her illicit intercourse with him was ascertained beyond a doubt. She burst into tears, and confessed that she had been deluded and seduced by Strang, but denied all knowledge of the murder with the most passionate appeals to heaven, adding that she could not even swear that she thought Strang guilty. The Justice told her that the proofs against him were conclusive, and if she would recall to mind the fact that he had tempted Dinah, the wench, to poison Mr. Whipple, saying he would furnish her with arsenic given him by the wife for that purpose, that she must of necessity hold the same opinion of his guilt. Mrs. Whipple denied ever having given Strang any arsenic for such a purpose, with the utmost show of horror. The Justice then ingeniously intimated that Strang had told a great deal more than she had any idea of, whereupon she seemed seized with a sudden alarm, and admitted that he had said two or three times to her that he would poison Mr. Whipple; that he also told her he would waylay him and take his life, and if found out, he would get her as deep in the mud as he was in the mire. She had told Mr. Whipple of this, but he laughed at it, and said he was not afraid. The Justice then asked her

how she came to have intercourse afterwards, with a man who had expressed such dreadful sentiments. She replied that her husband had treated his threats with so much levity that she herself was induced to think there was nothing in them, and being under an infatuation, she made the arrangement to go to Kingston with him without knowing what she was doing.

There was but one other question which the Justice asked, and that was, "how came the window curtain to be pinned up just in front of Mr. Whipple's chair, and from that part of the window through which Mr. W. was shot?"

"Mr. Whipple turned it up himself," said the widow, composedly—"he turned it up to have light in the morning to look over his papers, and the assassin very naturally shot through the spot where he could have the fairest sight." At this point she appeared to be overcome with the recollection of the catastrophe, and burst into tears afresh. The examination ended, and the magistrate having fully noted down every thing that she had said, retired with a polite smile that gave her encouragement that he had gone away with a favorable impression.

In the meantime, Strang had been firm, and had denied with spirit every allegation made against him and his mistress. He was not destined to hold out however, without a single dereliction from his purpose, for when a paper was shown him on the following day, purporting to be the affidavit of Mrs. Whipple, in which the illicit intercourse in the jaunt to Kingston was acknowledged, he confessed to it likewise. He was then fully committed to answer for the murder.

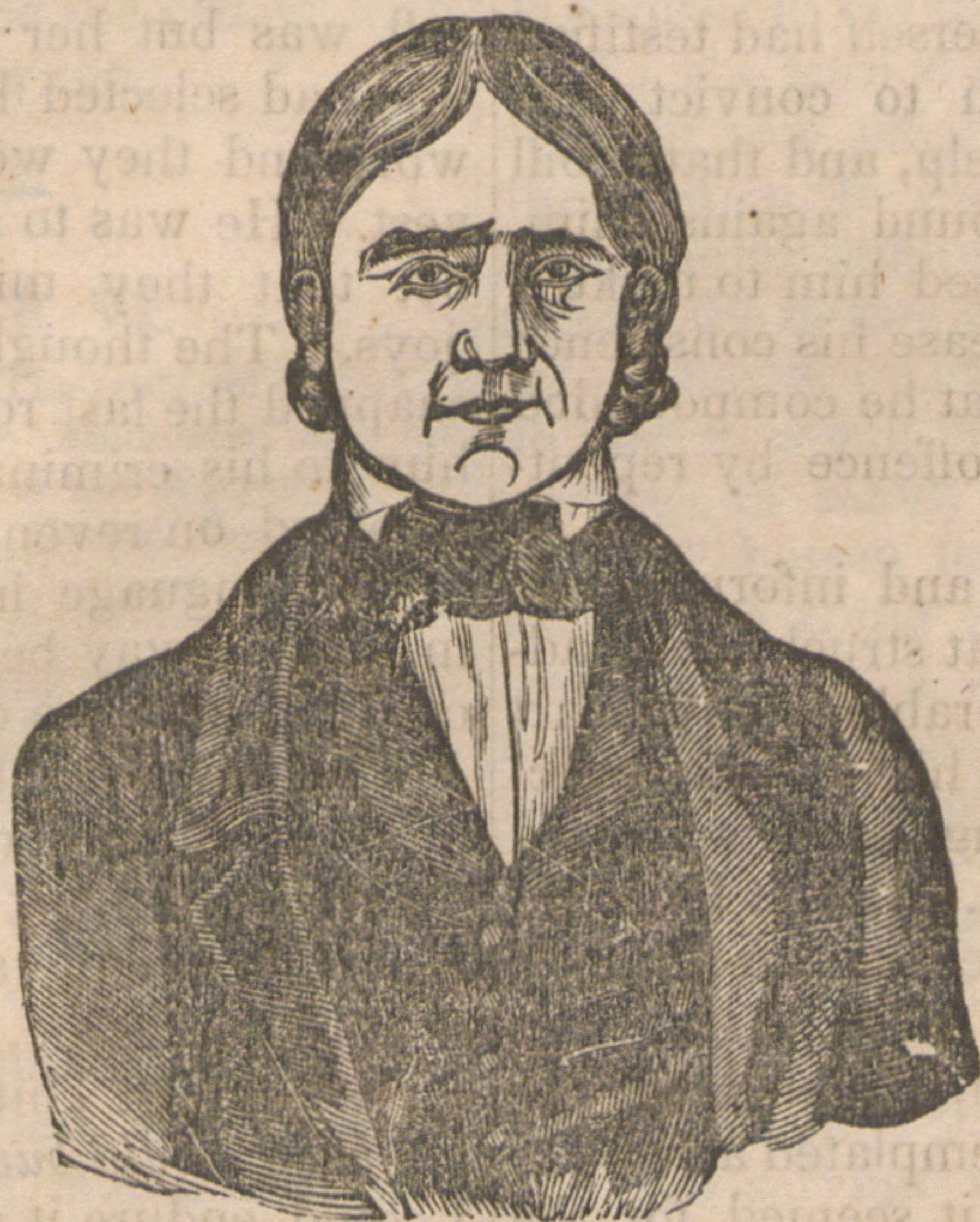
Immediately upon this circumstance he sent for Counsellor J. N. Yates, and disclosed to him his right name, and asked him to become his counsel. Mr. Yates, however, after hearing some further circumstances of his case, declined to act for him. Strang applied in the next resort to Calvin Pepper, Esq., who agreeing to become his advocate, the murderer communicated to

him a confession of his guilt under the false impression that a full knowledge of the case would enable his counsel to defend him with the more skill.

Having thus placed himself upon understandable terms with his counsel, he described to Mr. Pepper the exact place where he had buried the rifle, and urged him earnestly to go there and remove it, as he was apprehensive it might be found, or become exposed on the surface of the ground by the cattle walking over it. Mr. Pepper declined the service, however, telling the wretched and ignorant man that his position of counsel would not warrant him in becoming accessory after the fact, by aiding him to hide the instrument of death.

About this time the aged parents of the murderer, to whom he had written, describing his condition, arrived at the prison and underwent a woful meeting with their felon son. They asked him as to his innocence or guilt, whereupon he called God to witness that his hands were entirely unstained, and begged of them to employ additional counsel to aid in his defence upon the trial. The aged pair trembling with joyful agitation at being convinced of the innocence of their son, bade him be of good cheer, and assured him that of their little store no money should be wanting to get him the assistance that he so much needed. After some further talk, it was then concluded that they should endeavor to obtain the assistance of the Hon. Thomas J. Oakley, of Poughkeepsie, the result of which determination was, that in a few days Mr. Pepper received a letter from that gentleman acquainting him with his consent to be an associate counsel in the case.

In this condition, things remained until the 26th of May, when Mrs. Whipple being called upon by the magistrate again, was shown the notes of her former conversation made up in the form of an affidavit, and requested to sign and swear to them. Finding no means of evasion except such as would lay her liable to the heaviest adverse constructions, she consented.



STRANG, THE MURDERER OF MR. WHIPPLE

and the paper was filed away for the use of the grand jury at the ensuing term.

On the second Tuesday of June, the grand jury of the Albany sessions, met, and taking the case of Mr. Whipple's murder the first under their consideration, went into an industrious investigation of the proofs.

After a pretty thorough examination of the paper, the grand inquest in a body visited the prisoner in his cell, and several of them called privately upon him in his cell, and told him that the proof of his guilt was manifest; that Mrs. Whipple herself had testified enough against him to convict him without any other help, and that a bill already had been found against him. They therefore advised him to make a full confession, and ease his conscience at the same time that he compounded with heaven for his offence by repentance and prayer.

Of these appeals and informations, the piece of news that struck the deadliest chill to the miserable felon's heart was that which told him of the defection of the seducing fiend who had lured him to his ruin. At first he could not realize it. He recalled to mind, to disabuse the horrid thought, the moments of her passion, her pledges, her terrible crime—contemplated and committed evidently, as it seemed, for the sole purpose of removing the great obstacle to their continuous enjoyment, and lastly he dwelt upon the solemn oath which they had both registered, that if one should fall in irremediable peril for the joint offence, the other should confess, that they might die together. He recalled these things to mind, and for a long time found it difficult to entertain the first notion of his mistress's treachery. It struck him however, that a woman who was base enough to plot in cold blood the murder of a husband at the instance of her lusts, would be base enough to betray the paramour whom she cared no longer to enjoy, and while thus brooding, there suddenly flashed across his brain a thought that sent his blood racing through his veins, and made

him as madly positive as he was before mystified and doubting. He recollected some shameful improprieties of conduct that he had seen Mrs. Whipple indulge in before male society on one or two occasions, and in connection with this thought came the remembrance of her having drawn letters to two different men, proposing her hand as the reward for just such a bloody deed as he was now to make such sad account for.

These men then must have been her paramours, and he, the poor, despised and betrayed tenant of a murderer's cell was but her tool and her dupe. She had selected him to do the bloody work and they were to reap the harvest. He was to swing from the gibbet that they might revel in lustful joys. The thought was madness. It snapped the last rotten link that bound him to his criminal delirium, and he resolved on revenge. A brief extract of the language in his confession will in its own way better express his state of mind than we can explain it.

"I cannot describe the effect which the thought of her treachery had upon me. I was almost beside myself with a desire for revenge, and my secret pressed so hard within me, that in the forepart of the evening of Thursday, *I felt as though my body would burst with it.* At length I could endure it no longer, and about ten o'clock, I sent for Mr. Becker the jailer, and confessed that I was guilty of Mr. Whipple's murder, but that *Mrs. Whipple was the instigation of the whole of it.* Mr. Becker betrayed the utmost astonishment at my manner, but I made him sit down and told him all about it.

Strang then informed Mr. Becker where to find the rifle and the socks, and where the glass and the balls with which he had tried the experiment, could be found. Mr. Becker sought for the articles on the following morning, but not finding the socks and the glass, the prisoner was taken from his cell about eleven o'clock in the day, and conducted by the police to Cherry Hill. Then in presence of a large number of people, he went into the

woods and showed them the fragments of glass lying by the stump, and pointed out the spots where he had lodged the balls in the tree. The balls were cut out in his presence, and he then went to the ravine where the rifle had been found, and then to the deep ravine in the field where he had buried the socks. The search at this last place was not successful however, and the posse and the prisoner returned to the jail.

But the murder was out, and the murderess that very afternoon was cast into a cell in the same prison with her paramour, to stand the ordeal with him for her infernal crime.

CHAPTER VI.

The Letter to Freeman.—Thoughts of Flight.—The Prison Cell.—The Murderess and the Child.—The Windings of the Serpent.—The Relapse of Hate.—The Forged Letter.—Approach of the Trial.

Just previous to the arrival of the officers at Cherry Hill to arrest her, the murderess had heard of the confession of her paramour, and of his visit to the woods; but though she had not learned the details of the disclosures, and consequently knew not whether the revelation involved an implication of herself, she dreaded the worst with all the agonizing sharpness of terror to a guilty soul. The day had been a whirl of fear—nay, almost madness. Wildly had her feverish steps paced up and down the floor, with no respite from the weary penance, but a brief interval which had been occupied by writing a letter to the young man Freeman, who had been the first to win her love, and for whose possession she had so deeply steeped her hands in blood.

She had contemplated the writing of this letter since the hour her husband had been disposed of, but her agitation had delayed her purpose, while hideous phantoms haunted her presence and mocked her from the task. At length however, she overcame these vagaries, and spurred by the threatening aspect of events, she sat down to

the performance. In a few minutes it was done. It rapidly rehearsed her danger, her vehement love, and wound up by declaring the necessity that she should fly from Cherry Hill and find a refuge in his arms. Having finished it she consigned it to her bosom, and then with folded arms sat moodily debating the details of her flight.

Restless with guilt she rose involuntarily, and again commenced pacing up and down the floor. At length she paused wearily before the window, and after poring vacantly upon the city spires in the distance for some moments, she turned her eyes and caught sight of two officers advancing along the road in the direction of the house. Her gloomy stupor vanished in a moment; the nature of her danger flashed across her brain, they could come for no one now but her. With practical presence of mind, she thrust her hand into her bosom to destroy the letter. Before she could accomplish her purpose, however, a knock was heard at the door, and, forced to relinquish her intention, she gave admission to the wench, who came with a message of trifling import from one of the members of the family.

While engaged in the conversation which was thus produced between her and the servant woman, the officers came up stairs and took her into custody. It was needless then for her to attempt to dispose of or destroy the letter; the orders of the officers that they should not allow her out of their sight were peremptory, and were adhered to with a strictness which even forbade her the privilege of changing her dress, unless she did it in their presence. Finding matters in this condition the widow assumed to treat them with indifference, and with expressions of confidence in her release, she put on her hat and shawl and gave her arm to one of the constables.

No friend walked by her side to bid her be of good cheer, or offer consolation to her misfortunes. She was alone with her own guilty heart, walking bravely in the face of destiny.

The strange epistle—that chronicle

of delirious love, foul thoughts, and fouler deeds, still lay upon that bosom, whose lovely surface had so often proffered hollow solace and treacherous repose to the confiding victim whom its inward resolution had cruelly consigned to death.

On being conveyed before the magistrate, Mrs. Whipple refused to be examined without the presence of her legal adviser. She was therefore committed directly to prison, but by thus postponing the examination she succeeded in evading that searching of the person commonly visited upon high criminals, and which, if applied to her, would have been attended with the most dangerous consequences.

The day was near its end when the dungeon door closed upon the murderess. She shrunk with terror as she peered into the heavy gloom of the apartment, but not forgetful of her leading purpose, she listened anxiously to the retreating footsteps of the jailer. When they had died away, she plucked the letter from her bosom and commenced tearing it into fragments with feverish rapidity. Though the jailer was soon to return to her with a light, she would not wait for the more effectual aid of the lamp to accomplish its destruction, for until the record was beyond the power of telling tales she lived in constant fear of the secret it contained.

The jailer soon returned, bearing an armful of bed clothes and other articles necessary to the frail prisoner's comfort, and he was accompanied by his daughter Eleanor, a little girl of thirteen, who bore the lamp.

As soon as Mrs. Whipple saw the child, a means suggested itself to accomplish the desire which had presented itself to her mind several times during the brief period that had elapsed since the moment of her arrest. This was the wish to obtain an accurate account of Strang's condition, and to have the means of communicating with him. She therefore clasped the child in her arms, and covering it with kisses, asked her if she would sleep with her that night. The child hesitated, where-

upon she entreated her again with still more earnestness, and at length gained her object by promising presents of a valuable character. The little girl was thenceforth the constant sleeping companion of the murderess till the day of her trial.

Mrs. Whipple could not learn much from the child in relation to the state of mind of her imprisoned paramour. She prattled of the thrilling events of the morning; the public visit of Strang to the woods; the finding of the rifle; of the socks, and the story of the broken glass about the stump, where the people said that Orton and the devil had practised—whole days together—in shooting at a mark. That moreover some people said that Orton had long ago sold himself to the Evil One, and that he had killed a great many other persons before he shot Mr. Whipple, and the only reason why he had never been found out was, *because he had eat them, and their bones could never be found.* She remarked, however, that she did not believe he had eat them, or any such thing, for she had been to his cell several times, and *he did not seem that kind of a man.*

Mrs. Whipple humored the child by agreeing with all she said, and anxious to learn about herself, asked whether she had ever heard that Orton had charged any person else with being an accomplice in his last crime.

She received the answer that Strang had confessed everything, and had told how Mrs. Whipple had been the cause of all of it.

The worst was now revealed, and in the acme of her wild despair, the guilty woman buried her face in the pure bosom of the innocent child, and burst into a flood of bitter tears.

The heart of the child was touched with pity, and while her cheeks were also bathed with sympathy, she raised the head of the weeping Magdalen, and kissing her tenderly, sought to make amends for the sorrow she had caused, by saying—"but I didn't believe it, ma'am! Indeed, I didn't believe it!"

On the following day, Mrs. Whipple

had an opportunity to ascertain her exact locality in the prison, and to calculate the chances of a communication with her associate. She found that she and Strang were the sole occupants of the third story of the building, and that they were lodged at the opposite ends of the corridor, with but two cells intervening. If, therefore, she could but obtain the privilege of being allowed to walk outside, she could converse with him under the door, and in that way obviate the dangerous experiment (first thought of,) of having notes carried by the child. There are two roads to favor; one is opened by money, the other by flattery. Mrs. Whipple could command the one and exercise the other, and having an important object to gain, she probably combined them both. At any rate, after the lapse of a few days, her cell door was allowed to stand open during the heat of the day, and though she was cautioned not to step outside, there remained no person to observe her except the child over whom she had already gained a controlling influence.

One day, when the little girl had fallen asleep with fatigue, the murderess stole softly from the cell, and gliding along the corridor, reached the apartment of her paramour. The door of the dungeon contained no aperture by which she could look through, but it was hung high from the floor, to afford an opportunity for a circulation of air. Yielding to the necessities of the case, the widow flung herself prone upon the floor, and laying her head close to the crevice, looked in and saw the wretched tool and partner of her crimes sitting in the centre of the cell, chained heavily to the floor. His hands were clasped and resting on his knees, his haggard eyes were fixed upon the ground, and he rocked himself sadly to and fro, as if tortured with some agonizing thought.

"Jesse!" hissed the murderess in a whisper, the husky harshness of which even startled herself.

The assassin started in his chains, and looked around the cell.

"Jesse! Jesse! It is me!" repeated the woman earnestly.

"Where!" said the felon, turning his head timidly, as though he feared to confront some horrible vision with his gaze.

"Here, beneath the door—here!"

"Who are you?"

"It's *me*, Jesse! It's *me*! Lean down to the floor; it's Elsie—your Elsie!"

"Avaunt! Get thee away! Get thee away—*devil*!" exclaimed the wretch, shrinking within his chains, with an expression of the deepest horror, and lifting his manacled hands to his eyes as if he would prevent the appearance of the woman's image.

"Nay, Doctor, it's me, I say," repeated the widow. "It's Elsie—your Elsie, who has risked every thing that is dear in life, that she might give herself to you."

"You lie!" said the prisoner coarsely. "You betrayed my soul for your lusts, and made me a tool for another lover. *I know you!*"

"Oh, Jesse, who has been telling you these dreadful things!" said the woman, bursting into a mock paroxysm. "Is this the reward for the agonizing hours I have spent for you since you have been here? Is this the reward, for all the love I bear you, and for the devotion which induced me, notwithstanding I was told you had betrayed me, to come here of my own accord and be a prisoner with you?"

"What do you say?" said Strang, beginning to be interested. "You came here of your own accord?"

"Yes," replied the artful woman, "they told me you had confessed, and charged me with being the cause of all—but they said that no one would believe it, and that I might remain at home for a few days if I pleased, until I could give bail to appear at court—more as a witness than any thing else—but I would not be a witness against you, Jesse; no, no, no, not for all the world; and I told them that if they wanted to arrest me, they must take me to the prison at once, for I had nothing to say against you—and now

that I have made this sacrifice—now that I have come here to tell you, I will die with you if necessary, you turn me off and curse me. Oh! oh! oh! Jesse! it is more than I can bear! more than I can bear! more than I can bear!” And she burst into another flood of tears.

“I had been told that you had borne witness against me!” said Strang sullenly.

“It was false; as false as hell!” said the woman with energy. “You should know me too well for that, Jesse!”

“Well, it did not seem natural-like,” replied the prisoner. “But I tell you Elsie, that they showed me your affidavit, telling all about it!”

“Did you read it?” said the woman.

“No, they told me what it contained, and as I saw your name at the bottom of it, I thought that that was enough.”

“And on their word, without knowing any more, you have betrayed a woman who loves you to distraction, and who, notwithstanding you have deserted her has come to deliver up her life for your sake.”

“If they have deceived me, I’ll have satisfaction on them for it!” said Strang, grasping his chains menacingly—“but,” continued he, after a thoughtful pause—“they told me of things, Elsie, which the affidavit contained, that could not have been known unless through you. I mean about what passed between us at Hill’s tavern.”

“I had no choice left;” quickly replied the widow. “It came to the ears of Justice Cole, and he sent for Mrs. Hill’s people, and had you and I pointed out when we were not aware of it. When I found this out, I knew there was no getting out of it, so I admitted the truth, and said you had seduced and deluded me. If I had denied the visit, they would have proved the lie against me, and if I had not charged the ruin of my virtue upon you, they might have suspected my motives. It wouldn’t have been natural for me to have blamed myself, and when people do things that are not natural, they are very apt to be suspected of some secret reason for it.”

“Ah, I see! I see!” exclaimed the

simple minded man. “I have been duped and fooled, and have sold myself to perdition. I am ruined! I am ruined! Oh Elsie, if you had only have let me know—”

“Ah, Doctor,” replied the widow, “if you had only had more faith. You knew what I had sacrificed for you, and you ought not to have believed any one but me. If you had only waited, and held your tongue for a while, both of us could have got clear. As it is, I fear we shall both be condemned. But I do not wish to reproach you, Jesse; I forgive you with all my heart, and will prove how unjust have been your suspicions by dying with you!”

Strang only replied to this declaration by agonizing sobs, but as the widow was about to speak again, the voice of little Eleanor Becker was heard calling to her to come away, as she was doing wrong, and her father would come and catch her.

The widow instantly retreated to her cell, but told the child that she must not watch her again, for if she did, they would take her to the court and make her be a witness.

In two or three days after this, Mrs. Whipple obtained another interview with Strang, after the fashion of the last, but she found him to her great chagrin relapsed into his hostile humor. He upbraided her with having told him falsehoods when she came to his cell before, as he had found out from his counsel, who had since informed him she had been arrested on an indictment from the Grand Jury, and had had no choice to stay at home and give bail, as she had falsely represented. That finding her false in this, he believed her false in every thing else, and that she need not flatter herself that she would be allowed to see him suffer and escape herself, for he would stick to the confession he had made, even if he had to swear to it in open court. The widow wept and implored him to change his mind, but his reply was, that if she was sincere in her protestation that she was willing to die with him, she could not complain at

what he had said; for say what he would, she could not more than die."

"True, Jesse," said the enchantress, with the most subtle skill, "but though we willingly die for those we love, it is worse than ten thousand deaths to perish by their hands. It will be easy to die with you, Jesse, if you love me; but if you hate me—oh, if you hate me, Jesse, it will drive me mad, and I shall rave myself to death, and never be allowed to share your trial, your sufferings and your grave. Leave me to my own will, that I may show you the sacrifices a true woman can make for the man she loves, and do not, I beseech you, do not deprive me of the poor consolation of proving my devotion on the scaffold. You have done me a wrong, and the only way that you can repair it, is to give me the sole chance left to prove its injustice."

"I don't know what to say, Elsie," said Strang, irresolutely, and touching the corners of his eyes with his sleeve—"I don't know what to say—I sometimes think—"

"That you have done me wrong!" said the widow, catching the word. "Yes, I *know* you must think so. You *cannot* forget the happy hours we have spent together; the sacrifices I have made to furnish you with means; the letters that have passed between us. Oh, Doctor, recall the past, and when I leave you, instead of brooding over cruel thoughts, sit down and write me one of the letters that you used to write, and let me come and get it, that I may keep it with me in my cell as a consolation for my wretchedness." Strang murmured a promise, but just as the smile of triumph appeared upon the lips of the woman as she heard it, she was warned away by the approach of footsteps, and starting up glided to her cell.

On the following day she got a letter from Strang, and two days after that she obtained another, but being detected in the visit, her privileges were broken off, and her cell door being thenceforth kept closed, she was debarred from any further communication or intercourse.

Sustained no longer by her plausible encouragements, nor kept up above his wretchedness by the artful stimulations of delirious passion, Strang sank again into the sullen and peevish mood which for a few hours the siren of his fate had charmed him from. The barb of jealousy which pricked him to his confession, still rankled in his soul, and when left to impartial solitude again, a patient review of all the particles of doubt connected with the mystery, soon convinced him that his suspicions had been correct. His counsel, too, had heard of the letters to the widow, and took pains to warn him against the guileful tongue which had won them from him. Moreover, his parents, who shudderingly regarded the widow as an incarnate fiend, joined their prayers with the advocate's commands, and advised their son to shun the woman as he would the foul fiend, and to shut his ears against her dangerous accents, as though she were the serpent whose subtle temptation had betrayed a world to perdition.

"From this time," says Strang in his confession, "I felt very anxious that her guilt should be made manifest as clearly as my own, and I do freely and cordially admit, that I falsely stated to the District Attorney, who visited me about that time, that I should be able to produce against her, one or more of her original letters to me; and I further admit, that for that purpose, having pen, ink and paper in my cell, I did for some length of time endeavor to imitate her hand-writing, though I, at the same time, intended to write nothing more than she had in fact written in some of her letters to me, which I had destroyed. Finding, however, that I could not imitate her hand, I then wrote in my own hand a copy of the letter I had written to her on the 4th of May, and when Mr. Pepper came in, I desired him to throw the same into the vault of the back-house at Cherry Hill, telling him I would request the District Attorney to cause the vault to be searched, where the letter would be found, and be supposed to be flung there by Mrs. Whipple. Mr. Pepper

took the letter without any remark, and on the next day came into my cell with the District Attorney. The District Attorney then told me in an earnest, solemn and emphatic manner, that I must not think of testifying against Mrs. Whipple in the least hope or expectation of being pardoned, or of receiving any favor whatever; that he knew that I was guilty, and ought to be convicted; that I deserved to die, and he would be the last person in the world to recommend me to any favor whatever. This dispirited me extremely, but a new thought restored my mind, and I concluded to stand trial, and have, if possible, my confessions rejected. I determined also to maintain my zeal to convict Mrs. Whipple, in the hope, that if she should be condemned with me, the powerful influence of her friends and my own together, might induce the Governor to commute our punishments. Then I, as well as she might escape the public execution."

This was the state of things a few days previous to the trial of the wretched pair.

CHAPTER VII.

Popular Speculations.—The Rival's Death.—The Murdered Horse.—The Dead Alive.—Preparations for Trial.—The Widow in the Court.—The Trial.

THE confession of Strang; the horrible particulars which it detailed of the preparations for the murder; and the peculiarly solemn manner in which he was conducted from the prison to indicate the places he had visited and used in the commission of his crime, inflamed the public mind to a pitch of excitement that almost amounted to frenzy. Nothing seemed to command any interest in and about Albany county but some new item in relation to the assassination, and even in the remotest portions of the State, the most trifling rumor on the subject of "the Whipple murder," claimed attention in preference to any other news. The most extravagant speculations were

indulged in as to the early history and probable crimes of the murderer and the murderess, and not a few worthy and far-seeing people racked their recollections, to find instances of persons who had lived in association with either of them, having suddenly died, or mysteriously disappeared. These surmises and investigations did not result in the fixing of any previous horror on the career of the female; though it was said that a beautiful young girl who had affected Mr. Whipple just previous to his marriage, and whom, it was supposed for a time, he intended to espouse, suddenly died while in full health, without any apparent reason for it, whatever. Those who told this tale confided it in a deep whisper and rounded off the story with a concluding item, that within one week after the death of her rival, Elsie Lansing* and Mr. Whipple were married. This story, however, did not gain very much credit even from the inflamed and horror-loving imaginations of the residents in the immediate neighborhood of Cherry Hill, and those good folks who had been so earnest in fishing up something to add to what was already an almost unequalled tragedy, were forced to content themselves with a few tolerably accredited instances of Mrs. Whipple's amorous indiscretions. In relation to Strang, however, a circumstance was found that was more tangible to the horror-mongers, and though the story tumbled at its climax, and ended in something very like a joke, it warranted the wiseacres in shaking their heads most gravely, and in saying that "there was more in the circumstance than most people thought for."

The circumstance was this. While Strang was in prison, and subsequent to his confession, a stranger, impelled by curiosity, called in casually to see the assassin about whom such a tremendous excitement existed. As soon as this person's eyes fell upon the prisoner, he started and shrinking backward as if he had seen an apparition, he uttered the name of "Orton?"

Strang looked at the visitor who ut

* Lansing was Mrs. Whipple's maiden name.



MRS. ELSIE D. WHIPPLE.

tered this word which he had not heard so long, for a few moments in a sort of stupid surprise, and then as if he had suddenly gathered his recollections, he exclaimed, "Ah, W——, is it you?"

The stranger nodded his head in acquiescence as if he could not speak; but after a few moments' pause, he said in a tone which from its faltering accents proved that he had been deeply agitated, "I—I—I thought you were dead!"

"Not yet," replied the assassin gloomily—"Not yet, though I suppose I soon shall be."

"Why, we found your horse and your hat—and—"

"Yes, yes, I know—I know," said the prisoner waving his hand impatiently, "but I don't want to hear any more about that, now—I've other things to think of!"

The stranger took the hint, and being somewhat flurried in his feelings, was not inclined to continue the conversation. He therefore stepped out of the cell, but before he went away, the jailer and a gentleman who had been a witness of the scene, obtained an explanation of the strange interview they had witnessed.

"I should as soon have expected to see one risen from the grave," said the stranger, commencing his recital. "This man, about three years ago, came to the village of Canton, Ohio, where I reside. He remained there about eighteen months, working off and on for one person and another, and part of the time tending a country store about a mile and a half away on the north road. He was lazy, and being given to drink withal, did not seem to get along very well. At the end of that time he had a fight with a young fellow in the place, about a girl, in which he got severely whipped. Three or four nights after this, he suddenly disappeared, and a horse which belonged to his employer was gone with him. The following day passed away without any search being made for him, but another night running around without his making his appearance, a number of the neighbors were requested to make inquiries after him where-

ever they went, and measures were taken, also, to have him advertised for stealing the horse. Before his description was given out for publication however, a couple of our neighbors came in with the news that he had been found; or rather, that his fate was known. About seven miles from the village, in a dark jungle on the banks of a stream, the missing horse was discovered lying dead with his throat cut half off. A handkerchief which belonged to Orton was found at a little distance; and still a little further off, was picked up a hat, which had a ragged cut on one side, that seemed as if it had been made with the bruise of a loaded whip or a heavy stone. The mystery seemed unravelled, and the town-folks at once concluded that the wretched man had been murdered. Instead, therefore, of pursuing him as a thief, they moralized over him as a victim. Conjectures began to fly about as to who could have been the perpetrator of the infernal deed. Orton had nothing to tempt a sordid mind, and it seemed, therefore, plain that the hand which had smitten him, must have been directed by revenge or hate. The case seemed strong against the young man who had fought with him a few days before, but his character was so excellent that it was necessary to proceed in the business with much circumspection.

A brief inquiry soon established the fact that the young man who was suspected had not been out of the village one hour from the time of Orton's disappearance, and the case, therefore, relapsed into hopeless mystery. From that time out, concluded the stranger, "we never heard anything of the missing man, and the common belief in the village has ever been that he was basely murdered. You can now judge my surprise, in seeing him here, as a murderer himself."

"But are you sure he is the same man you speak of?" said the jailer.

"Sure!" exclaimed the stranger; "didn't you notice that he recognized me by my name?"

Strang was subsequently spoken to

on this subject by his counsel, but after refusing, for a time, to answer the interrogatories that bore upon it, he turned his face up with a smile, and said that it was all correct as the stranger had represented, with the exception of his having been actually killed. He had, himself, cut the horse's throat, by way of getting even with his employer, who owed him some wages that he refused to pay, and it had subsequently struck his mind that he might have some satisfaction out of his rival by making it appear that he had been murdered, and leaving it open for him to be suspected. It was with this view that he had cut his hat, and it was with the same view that he cast upon the ground the handkerchief with which he had wiped his bloody hands.

This story, and others of a purely fabulous character, relating in about equal proportions to the widow and her paramour, was the food which occupied the hungry imagination of the public during the interval between the confession and the trial. The feelings, the judgment, and the indignation of the public was not, however, so equally partitioned, for on all sides, and almost without an exception, the widow was thought to have been the devil who had contrived the whole mischief, and instigated Strang to its commission. She was regarded as fiend almost too diabolical for hell itself. When her name was mentioned by the men, it was with an execration, and it never fell from female lips without an accompanying shudder.

She was truly alone in her infamy. No friend visited her; no soul offered her consolation or comfort; no doubting mind suggested ever so distantly that it might be possible she was not as bad as represented. Her desolation was absolute. Her image without relief. Her very name had become so dark a thing that its mere mention cast a shadow on the heart, which made it shrink with an unearthly coldness.

From this depth of degradation and despair, who could have calculated upon her ever rising into the level of

domestic or social regard and human sympathy again? Yet even so it was to be!

The time for the trial of Strang for the murder of Mr. Whipple, was set in the morning of the 26th of July, 1827.

The court of "Oyer and Terminer" opened at nine o'clock, the Hon. W. A. Duer, as the presiding Judge. As a proof of the intense feeling aroused by this atrocious case, the whole of the civic authorities of Albany, and as many of the public as could possibly be admitted, were crowded into the anxious assembly. The vast apartment, the assembly chamber, had been prepared for the occasion. The carpets had been removed, the cushioned desks thrown back into a wider circle, and their places occupied with chairs and benches. In the centre of the room, immediately in front of the speaker's chair, and elevated on a level with it, a temporary bench was erected. In front were the seats and tables of the counsel—forming a semi-circle; on the right were the seats of the reporters; and on the left were those of the witnesses. All other parts of the chamber, and the lobby and the gallery were crowded with a dense body of spectators.

At about half past nine, the prisoner, Joseph Orton, alias Jesse Strang, was brought into court, attended by constables, and placed at the bar. His appearance was sullen and dogged—but though abashed at first, he soon assumed an air of unconcern and self-possession. He watched keenly the jurors as they were called, and when so disposed, promptly interposed his challenge.

Mrs. Whipple was also in court. She sat in the rear of the room, very near the reporters. She was dressed in deep mourning, and closely veiled. Though for the day, in a subordinate capacity, she was the "observed of all observers." She sat motionless, and fixed as a sable statue in her seat. She was still a graceful woman in person, but though voluptuous in figure as the "lovely Thais," the fire of sensuality,

lambent and slumbering on her very lips, and eye, and front, spoke the living Messalina of her sex.

Overpowered by her menacing situation, and the position in which she and her wretched paramour, the prisoner at the bar, now stood, she remained spell-bound on her seat, pale, wan, anxious and excited, but still advantageously displaying the beauties of her person, which she knew produced a silent effect in her favor, upon the spectators, if not upon the court.

After the brief directions of Judge Duer to the jury, Mr. Livingston, the able district attorney, opened his case. As it is concise and pointed, we shall insert its substance as reported in the *Argus*.

"Gentlemen," said he, "in a case in which so intense an interest is felt throughout this community, evidenced by the great assemblage of citizens which crowds this hall; of a character so new in our country; and in which the prisoner at the bar has so deep a stake, it is not wonderful that I should rise to address you under such a peculiar weight of embarrassment. I will endeavor, as far as it appertains to me, to give him a fair and impartial trial; and will not attempt to give an undue force or effect to any fact which shall appear against him. The prisoner stands charged with **MURDER**, which is the unlawful killing a reasonable creature, with malice aforethought, either expressed or implied. It will not appear that the prisoner at the bar had a quarrel with the deceased, but the probable motive to the commission of this atrocious crime, may be traced to a criminal connection which existed between the prisoner at the bar and the wife of the deceased.

"I will now state to you the evidence which will be adduced on this trial as briefly as possible, and without comment; because I would rather that you should receive your impressions from the testimony of the witnesses, than from any statements that may be made in the opening of the case; if necessary, the evidence will hereafter be commented upon."

The district attorney here detailed the facts which would be shown on the part of the prosecution, and exhibited also a plan of the premises. He then concluded by remarking—

"If we show these facts, I cannot see how you will be able to acquit the prisoner at the bar. I will not attempt to excite your feelings, as your duty will be sufficiently painful, and will only say that all I ask of you is a true verdict; one, such as will satisfy your consciences, and meet the claims of impartial justice."

CHAPTER VIII.

The Trial.—The Chain of Testimony.—An extraordinary Scene in Court.—Charge of Judge Duer.—Verdict of the Jury.

As soon as the district attorney had concluded his brief and concise address, he called Abram L. Van Rensellaer, who has already figured so prominently in previous portions of our narrative, as his first and main witness.

Mr. VAN RENSELLAER stated that between the hours of nine and ten o'clock on the evening of the 7th of May, he was in a room on the second floor of the house at Cherry Hill, in company with Mr. John Whipple, now deceased. Mr. Whipple was sitting at a table arranging some accounts. "He sat," said the witness, "on the west side of the table, while I sat at the same time on the east side of it. The table stood some seven or eight feet from the window, and opposite it in nearly a straight line. While sitting thus, I heard it rain, and raising my eyes towards the window, saw a man's face. I sprang to my feet and uttered an exclamation, and as I did so, I heard the report of a gun. On the report, Mr. Whipple rose from his chair and exclaimed, "Oh, Lord!" whereupon I ran down stairs. He turned to follow me, but he staggered, and I heard him fall upon the second step, where he expired almost immediately. I seized a gun that was hanging over the door in the hall, to go in pursuit of

the murderer, but I was prevented from going out by the family. I then returned to where Mr. Whipple fell, and found him gasping his last breath. The face I saw at the window was white; the person wore a black hat, and held something shining in his hands. I did not recognize him as Strang, and I could form no opinion of his features, except that his face was white. The prisoner at the bar had previously told me that there were persons lurking about the house for no good. He said he had seen them at the court-yard gate, and at other places, and he thought they came after Mr. Whipple, because it was known he often came home late at night with his pockets filled with money.

"About fifteen or twenty minutes after the murder, I saw Strang at the foot of the stairs where the dead body lay. He had just been let in the front door by the wench. When he approached the body and looked upon it, he betrayed the utmost agitation, and turned as white as a ghost. From that moment I suspected him. I was the more disposed to this suspicion, because the family owned an excellent watch-dog, that would not let a stranger approach the house, and even kept off the laboring men about the place, unless they got very well acquainted with him. This dog had given no alarm against the assassin, though he was on the premises; as five or six minutes after the report of the rifle, I saw him sitting on the back kitchen stoop. The wench called to him at the time, but he refused to move."

DR. JOEL WING testified that he had extracted the ball from the body of the deceased, which he found lodged in the right lung. He heard the prisoner say that he presumed the deceased had been shot by some one down the river—some canal man, with whom deceased might have had a difficulty.

DINAH JACKSON, black, testified that after the report of the gun, she went out in the yard and called the dog, and tried to get him to go after the person who had fired, but the dog refused to stir. The dog was very watchful, and

never permitted strangers to come near the house. In reply to a question if Strang had ever asked her to poison Mr. Whipple, she replied, that a good while previous, one day while she was preparing dinner, Strang, while sitting in the kitchen, did hint such a thing to her, but she answered that she would not do so for the whole world, nor for all the state. He then laughed, jumped up, and went away. The witness further recollected that Strang and Mrs. Whipple were out from home on a certain night, during Mr. Whipple's absence on a journey.

L. S. PENDLETON, the coroner, testified that previous to the inquest at the house, he made examination of the tracks of a stocking foot which led off to a fence at the distance of one hundred and fifty or two hundred yards. He summoned Strang as a juror. On the inquest the prisoner behaved strangely, and was very anxious to direct the suspicions of his fellow-jurors to persons alleged to have been lurking about the house. His conduct was indescribable, and he was the only person who seemed to have no desire to see the ball with which the dead man was killed. The blood came and went in his face pretty freely; he never went near the body, but walked most of the time uneasily about the room with his arms folded.

EDWARD FAY—testified to selling the prisoner, on the 3d of May, the rifle which was produced in court, and to receiving a twenty dollar note in pay.

JOHN BECKER, jailer, testified that he found the rifle identified by Fay, the gunsmith, concealed in a ravine which the prisoner had indicated to him as the place of its deposit.

FRANCES HILL testified that she kept tavern on the turnpike road, between Schenectady and Troy. Early in April a man and woman arrived at her house one afternoon, and put up there as man and wife. She recollected the afternoon well, on account of the remarkable thunder-storm which had driven them to her place for shelter, and which was raging at the time of their arrival. She had no doubt but

the prisoner was the man. When asked if anything had occurred to impress his features on her mind, she gave a slight shudder and replied, that he fixed his eyes on her with such an unnatural glare that he frightened her exceedingly, yet she could not take her eyes away.

At this moment an extraordinary scene took place in court, one which, were it not authenticated by every report of the case, would scarcely receive credit for a single instant. As Mrs. Hill was describing the effect of the prisoner's baleful gaze, her eye turned furtively towards him, but as it caught his glance again, it suddenly paused and remained fixed upon him. The prisoner at this moment was slightly raised from his seat, but his head was bent forward and his steady orbs were riveted intensely upon hers. He took a stealthy step forward, and seemed about to glide towards her like a serpent fascinating its prey—his eye never releasing its basilisk spell for a single instant. The female was equally absorbed, but she betrayed the utmost agitation. Her breast heaved; her form was crouched back from the advancing demon, but still her eyes were held by a tyrant fascination, against which she seemed to have no power to strive. Her agitation increased every moment; she seemed choking with horror; when happily she was relieved from the infernal spell through the prisoner being arrested in his progress by one of the officers. The witness then dropped upon a seat and burst into a flood of tears. The court, like the audience, had been electrified by this extraordinary scene, and Judge Duer, as soon as the change had broke the spell, addressed the witness in a tone that betrayed much agitation, assuring her that she need not be afraid, as he would take her under his protection, remarking, "you are an innocent woman, and have nothing to fear." He then ordered the prisoner to resume his seat, which command, Strang, after turning upon the woman a demoniac smile, obeyed.

Resuming, then, she stated that the

week previous to the court in June last, she saw the same prisoner in jail, and she knew he was the same person that came to her house with Mrs. Whipple. She also saw Mrs. Whipple in jail, and she had no doubt she was the same woman. They staid all night at her house and went away the next morning, and in consequence of what Mrs. Whipple said to her, she had conducted them into the same room to sleep. There were two beds in the room, but only one had been occupied or disturbed during the night.

NANCY MONTGOMERY stated that she resided with Mrs. Hill, and she thought Strang was the same person that came to the house with Mrs. Whipple one evening in April, in a one-horse wagon. They passed themselves as man and wife, and appeared very fond of each other.

MARIA VAN RENSELLAER, who resided at Cherry Hill, stated that Mrs. Whipple was absent on the night alluded to by the two last witnesses, and when she left home she said she was going to Mr. Fobes'. The prisoner was also absent the same night. This witness also stated that in a conversation in the kitchen, previous to the murder, respecting the villains who were said to lurk about the house, the prisoner said to the persons present, "Were I to shoot at any one, and it should turn out to be Mr. Whipple, will you stand the law for me, or stand between the law and me?"

JOHN S. VAN RENSELLAER stated that on Friday, the 11th of May, he assisted in the examination of the prisoner, and he denied everything. On Sunday he went to the prison and advised prisoner to make the best use of his time, when he answered, "If I am hanged, they will hang an innocent man," and he also uttered similar protestations of innocence.

JAMES McKOWN, recorder, stated that prisoner made no confession under examination, but no threats nor promises were offered to induce him to make any statement.

JOHN O. COLE, police magistrate, stated that the day after the murder

the 8th of May, the prisoner was sworn and examined by him as a witness on an inquiry relative to the murder; and that on the 10th of May he was examined as a prisoner, charged as a party to the murder, but he made no confessions.

Several witnesses were sworn to prove that Judge Van Rensselaer told the prisoner that he had better confess, as enough was known to convict him.

JOHN BECKER, the jailer, then testified that on the evening of the 15th, after the indictment against prisoner was found, he sent for him and made a full confession of the murder. His rifle was found the next day, where he had hidden it, from this confession.

ANDREW RUSSELL testified that he was one of the grand jury who found the bill against prisoner. After its finding, the grand jury, in a body, visited Strang in prison, and examined him on oath as a witness against Mrs. Whipple. One of that body, Joseph B. Moore, endeavored to get him to confess, and added, "Strang, you will confess before you go to the gallows."

REV. WM. B. LACEY, (Rector of St. Peter's Church, Albany,) testified that he visited the prisoner after his commitment, and previous to his indictment, and told him that if he was guilty he knew it, and it would be better for him to confess his guilt.

ABEL FRENCH, Esq., who was foreman of the grand jury that found the indictment, was then called to testify; but he asked the advice of the court whether he could conscientiously do so? As a grand juror he had been sworn to keep the counsel of the people, himself and his fellows, and should any inquiries be made of him, his answers might conflict with the obligation he had then solemnly assumed. He wished the court to advise him as to his duty in such a case.

Judge DUER replied, that the witness must judge for himself as to his duty; but added, that the oath he had taken as a grand juror, was to promote, not to impede the ends of justice, and that he was not bound to disclose anything which would have the latter effect.

The witness then merely stated that whilst the prisoner was examined by the grand jury, he was repeatedly cautioned that he was not bound to criminate himself.

Stephen Van Rensselaer, jr., and Andrew Russell, grand jurors, were also called, as to the remarks of grand jurors to prisoner in his cell.

The district attorney then called John Becker, the jailer, and proposed to examine him as to the confessions the prisoner had made on the 15th and 16th of April.

Mr. OAKLEY, one of the prisoner's counsel, objected to the testimony of the jailer, as any confessions his client had made could not be deemed *voluntary*, and therefore should not be admitted as evidence against him. He contended, that although no threat or promise had been resorted to in a technical sense, yet it was evident that considerations more powerful had been used, and had influenced the mind of the prisoner, and therefore the admissions could not be deemed a free and unbiassed confession of guilt. The rule was, that if *any* degree of influence had been exercised, immediate or prospective, that would produce an effect upon the mind, the testimony was inadmissible.

Mr. FOOTE, for prosecution, conceded that admissions of guilt were only receivable in evidence when produced from an awakened conscience; but he contended that no testimony had been shown here, that any inducements had been held out to prisoner, and therefore the court should not speculate on the question, whether prisoner's inducements may not have influenced his confessions; but the inducements should be shown manifestly to have produced that effect.

It now being eleven o'clock at night, the court adjourned without deciding the question.

On the following morning, at the assembling of the court, John O. Cole, Esq., was again called to the stand, and stated, that in his intercourse with Strang, he had cautioned him, that whatever confessions he had to make, he must make them voluntarily. This

was also confirmed by Welcome Esleeck, Esq., who was present with Mr. Cole.

Judge Duer then proceeded to deliver the opinion of the court upon the question raised by the prisoner's counsel the day previous, relative to the admissibility of Strang's confession. The court said, that to exclude confessions, they must be shown to be *consequent* upon the inducement held forth, not merely *subsequent*. That the cases cited by counsel for prisoner, when confessions have been excluded, were when the confessions were immediate upon the inducements; and thus confessions of a like import subsequently made are excluded. In this case, the confessions were long subsequent to the inducements, and from the facts and circumstances of the case, the court could not say they were consequent. The prisoner had been cautioned to say nothing against himself, and the court were satisfied the confessions were not consequent upon the inducements, if any had been held out.

JOHN BECKER, the jailer, was then called, and testified, that on the evening of the 15th of June, Strang said, "he was so full he was obliged to make a confession or burst." He then stated, that he purchased a rifle for the express purpose of shooting Mr. Whipple. That he had had the plan in view for about six months. He took the rifle home, loaded it, and kept it in the stable, and on the evening when he shot Mr. W. he went down to town to keep the public mind from suspecting him. He purchased cloth for pantaloons, and oil of spikenard. That within ten minutes after he left the apothecary shop, he went home, took the gun and shot Whipple. That when he got home he went into the yard and saw a light in the room where Whipple usually was, and thus supposed he was there. That he then went to the stable and got his gun, and returned to the house, and placed the box against a shed. That he then pulled off his boots and climbed upon the box, and laid his rifle in the eaves of the shed. That he then crawled **on** the shed, and stepping towards the

window, saw Whipple in the room sitting down. That he then stepped back and reached his rifle, returned to the window, took deliberate aim, fired, and heard Whipple exclaim, "Oh, Lord." That he then went to the end of the shed, threw down his rifle, jumped down himself, almost broke his neck, picked up his rifle, and ran as fast as he could and hid it. That he then went to the Whitehall road, came to Pearl street, and fell in with the crowd, and went to the house. That he stated, further, that he had purchased arsenic to poison Whipple; and in all his confessions to witness, he stated, moreover, that Mrs. Whipple was at the bottom of the whole of it; and that the rifle that he shot Whipple with, was purchased with money borrowed of Mrs. Whipple.

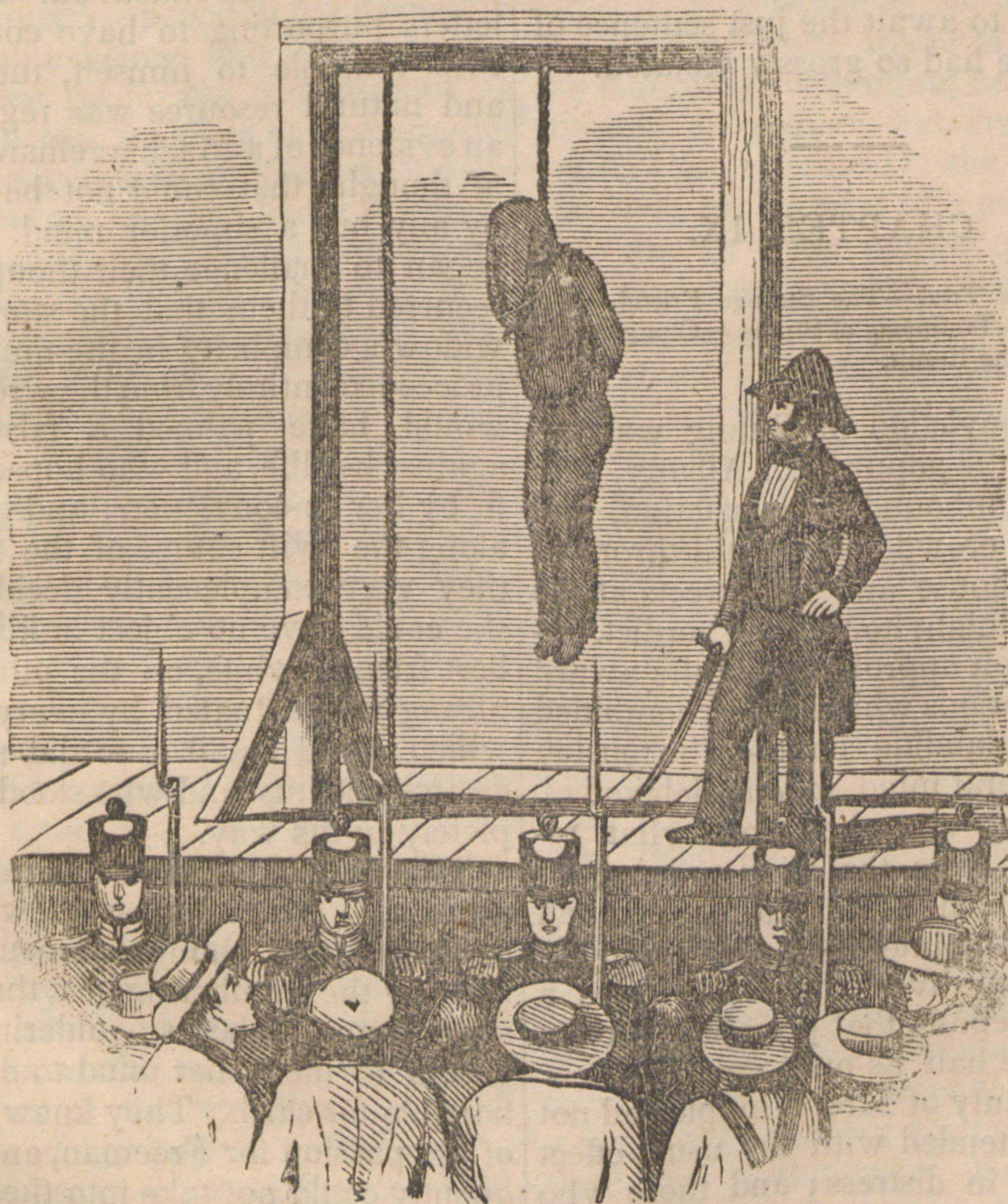
JOHN N. WILLIAMS, testified, that he asked the prisoner why he stood out so long before he made his confessions; and he told him that he had kept them back in hopes Mrs. Whipple would make the discovery herself; but finding that she was not going to do so, he got so full he could not refrain from telling the facts.

JOSIAH SHERMAN stated, that on the 19th of June, he was informed that the prisoner underwent great exercise of mind; and he went to the prison, and found him with the Bible in his hand, and in tears, and under strong compunctions of conscience. He had great exercise of mind, which arose from having made the confession of guilt, for which he upbraided himself. He said he should not have confessed it but for extreme weakness, produced by imprisonment and loss of appetite.

The witness was stopped at this point by counsel on both sides, and the district attorney stated, that counsel for the people here rested their testimony.

The court called on the counsel for prisoner for their defence, when Mr. Oakley responded, that they had nothing to say; and Mr. Pepper added, that they had done every thing which it was their duty to do.

Judge Duer then proceeded to charge the jury, and after such prefatory re-



EXECUTION OF JESSE STRANG.

marks as were necessary upon the law and the enormity of the crime, he took up and examined the extraordinary chain of testimony which had been adduced by the prosecution; and traced it link by link to the fatal conclusion.

The jury retired at a quarter past eleven o'clock, and after an absence of twenty minutes, returned into court with a verdict of GUILTY.

The wretched prisoner was remanded to his cell to await the just sentence of the law he had so grossly violated.

CHAPTER IX.

The Widow's Trial.—The Strange Friend.—The Reaction.—Testimony of Strang.—Charge of the Court.—The Result.

THE conviction of Strang was received by the populace of Albany, with the most unbounded satisfaction, and the eager crowds which still thronged the court-house and the streets at the almost midnight hour of the verdict, expressed their approbation of the award in exclamations which almost combined into an applauding shout.—The tension of the general mind, so long delayed of satisfaction, was then somewhat relaxed, and from the blind craving for revenge which before that moment had fixed its absolute requirements upon two human lives, there succeeded a gratified repose, that prompted a reaction of one half its purpose.

The beauty of Mrs. Whipple had not been unattended with the usual effect of beauty in distress; and those who at the outset of the case had nerved themselves to glare upon her as a misleading fiend, transferred their commiseration by degrees from her dupe, to her fascinating and resigned despair. The interesting simplicity of her appearance, the widow's weeds which added such respectful grace to her condition, and the coarse contrast of the dull and sensual ruffian in the prisoner's box, all seemed at war with the theory that she had been the main agent in the tragedy; and after the strange scene that occurred between Strang and

the female witness in the court-room an impression at once spread about that the deluded widow had been the victim to a still greater extent than Mrs. Hill, of that wonderful power of his evil eye. The capacity of the assassin rose at once in the public estimation. His ignorance was supposed to be assumed; his rudeness was ascribed to a masterly duplicity; and when it transpired that he had endeavoured to forge letters purporting to have come from Mrs. Whipple to himself, the trifling and natural resource was regarded as an evidence of a Machiavellian subtlety of thought, that could not be evinced by any but a superior mind. People began to challenge their thoughts. It recurred to them that the story of the widow's complicity in the murder had proceeded entirely from the wretch who would have palmed a false paper against her life, and who hoped to profit by her co-conviction; and galloping along the swift course of the reaction, they very complacently decided that she could have no object in killing her best friend; while, on the other hand, Strang was actuated by every motive which could assail a sordid spirit, to destroy the husband who stood so completely in his way.

This train of ideas was plausible, but those who entertained it knew not the depths of that shining serpent's soul, nor saw the slumbering lust, that, like a spark from hell laid smouldering in her bosom to incite her mind to deeds too horrible for earth. They knew nothing of the passion for Freeman, and consequently could not take into the account that monstrous motive which had been the secret engineer of the whole machinery of her crime.

The sympathy for the widow (although she was properly condemned for her adulterous intercourse with Strang,) gradually became general; and immediately upon the conviction of the assassin, it took a bolder form, and evinced itself in outright expressions of her innocence of the murder. Indeed, the reflux was so strong, that it even affected the minds of the prosecuting officers, and, as will be seen in the course

of the subsequent proceedings, was not without its effect upon the stern philosophy even of the court itself.

On Monday morning, the 30th of July, the day but one after the conviction of Strang, Mrs. Whipple was summoned from her cell to appear before the bar of the court, to answer the awful charge of having been accessory to the murder of her husband.

The court re-opened in the Assembly chamber as before, and long previous to the hour set for the unfolding of its doors, all the avenues to the capitol were thronged with multitudes anxious for admission. At ten o'clock the doors were opened, and almost instantaneously after, the spacious chamber, with its galleries and lobbies, was filled. Presently Mrs. Whipple was brought into court from an adjoining room. Her appearance, though sufficiently dejected, was not so forlorn and desolate as before; for by her side there walked a friend on whom she leaned, and whose pale and anxious countenance evinced the deep concern which he felt in her condition. That friend was Freeman.

All eyes were turned upon the pair, but those who gazed with a mysterious interest upon the man who thus so suddenly appeared in this singular connection, little dreamt of the strange influence which he had passively exercised in the production of the drama that so absorbed their wonder. He knew it, however, for he had long been familiar with the wretched woman's passion and her hopes; and when the details of her crime were first received, he easily ascribed the motive which had baffled all searchers else. He had at first resolved to hold himself aloof from the subsequent and actual stages of the tragedy; but when the final crisis came, he yielded to a sympathy for her sorrows, and gave her the consolation of his presence. Her terrible devotion had appealed to his better feelings. It had wrung a personal respect which obliterated his horror for her crime, and roused his pity, if it did not quite restore his love. The end was now approaching. Alone, deserted, execrated, and condemned, she, who had already

braved so much, was now about to suffer death for him; and brute were he indeed, if he would not seek to aid her in her extremity, or to solace her dying hour.

Mrs. Whipple seemed to be conscious of the favorable change which had taken place in the public opinion in relation to her, and as she moved slowly through the avenue which the officious officers opened for her through the spectators, she made the most of the ceremony by bending her head and sobbing as though her heart would break. She appeared in the same dress she wore on the trial of Strang, which was one of deep mourning, and she was also deeply veiled. She took her seat among the witnesses as on the former occasion. Strang, accompanied by his father, was also in court as a witness, and sat at a little distance from the widow. The convict bent his eyes upon the partner of his crime as she advanced, and though it could not be detected whether the widow recognized his presence, that shrouded form seemed once or twice to shrink, and to recoil as if wounded with his bitter and malignant gaze.

It was not until one o'clock that Mrs. Whipple was arraigned. When summoned by the clerk, Freeman gave her the assistance of his arm, but so great was her apparent agitation, that she made two efforts ere she could rise, and when she did and advanced faintly towards the bar, she wept aloud. When it became necessary to interpose the challenge to the panel, her veil was removed that she might confront the juror, "and then it was," says the reporter of the Argus, "that she displayed a countenance once lovely, but now inflamed with weeping and suffused with tears."

The remainder of the day was spent in the attempt to form a jury.

On Tuesday morning, the court opened at nine o'clock, and Mrs. Whipple appeared dressed as on the day before. During the preliminary proceedings, she assumed much more composure, than on the previous day, but while listening to the opening of

the district attorney, and of his recital of the facts, she evinced more than usual agitation. She had listened with much more patience and composure to the same horrid detail a few days before on the trial of Strang, but at that time it was not her cue to be so wildly moved. Strang was in court as before, and watched the whole of the proceedings with the most intense and feverish anxiety.

The remarks of the district attorney were brief. They embraced a succinct history of the murder, but they were marked throughout with a temperance of tone, a pity for the prisoner, and a pre-apologetic appeal for the necessities of his duty, which plainly marked the extent to which he had been swayed by the temporary public opinion. Having concluded, he called upon Abraham Van Rensellaer, to relate the history of the murder as he had detailed it in the case of Strang. Before Mr. Van Rensellaer could begin his testimony, however, Mr. Van Vechten, one of the counsel for the prisoner, rose and objected to such testimony being given, insisting that the prosecution could not adduce any evidence, whatever, affecting the accused, she being charged *as an accessory to a murder committed by Jesse Strang*, until the conviction of Strang was shown, and contending that such conviction could only be shown by the production of the record. He cited authorities to sustain his position, and added that "the trial and finding of the jury in the case of the principal, being proceedings in a court of justice, must necessarily be matters of record, and being thus the highest and best evidence the nature of the case admits of, must be produced against the accessory, ere the trial of the latter can proceed." This was opposed by the district attorney, and a discussion of some length ensued, in which all the counsel on both sides joined. The court after hearing all the arguments, decided with the counsel for the defence, that the conviction of the principal must be proved before the accessory can be put upon trial.

The district attorney then produced, and read the record of the trial and conviction of Strang, including all the proceedings down to, and including the finding of the jury. Mr. Williams, on the part of the defence, objected to the record as defective, as it included only the conviction, and not the judgment or sentence, and he contended that the record which the law required in the case, must be a record of attainder as well as of conviction. This point was urged at considerable length, and various authorities were cited in support of it; but it was contended on the other hand, by the counsel for the prosecution, that the record of attainder or sentence was not necessary, the finding of the jury and the record of conviction, as such, being alone required. It being at this time two o'clock, P. M. the court took a recess of one hour but upon re-opening, Judge Duer decided that the record of the trial and conviction previous to the judgment was a proper record as far as it went, and that the trial might be proceeded with, without the judgment of the law upon that conviction.

The examination of witnesses then commenced, but during the interrogation of the first, the demoniac countenance of Strang attracted the marked attention of Mr. Van Vechten, who suggested that the convict should be removed and placed somewhere, other than within the hearing of the examinations. The court thereupon directed his removal, and he was recommitted until he should be sent for, his downcast countenance, as he was led out, betraying the extremity of disappointment and despair.

During the remainder of the day, Mr. Van Rensellaer, Justice O. Cole, Esq., and other witnesses, were under examination, and every incidental point which arose was argued and disputed with the utmost force and subtlety on both sides.

On Wednesday, August 1st, the examination of the witnesses was resumed, and Maria Van Rensellaer, Charles Concklin, Getty Sanford, Francis Hill, Nancy Montgomery, Catharine Beran

ger, Elenor Becker, Henry Schoonmaker and Philander Fobes were called in succession. Justice John O. Cole was then called again to prove an examination of the prisoner, taken before him on the 22nd of May, in which she made certain confessions, but the introduction of this deposition or examination was objected to by the counsel for the prisoner, inasmuch as it contained declarations made by her when she had not been advised of what she might say as respected herself; that no declaration or statement made by a party, unless the same were made understandingly, could be given in evidence against that party; and that an attempt to give the examination of a prisoner under oath as evidence against such prisoner, could not be sustained. Arguments succeeded pro. and con., after which Judge Duer decided that the examination was inadmissible under the circumstances and excluded it accordingly.

At the re-opening of the court in the afternoon a little episode took place, which, though not directly connected with the case, is of sufficient interest to detail. During the trial of Strang, Judge Duer issued an order prohibiting the reporters, and all persons else, from publishing any portion of the testimony taken on the trial of Jesse Strang, until the trial of Elsie D. Whipple should be completed. It appears that this order had been violated by the *New York Commercial* and the *New York American*, and those papers having found their way to Albany were distributed throughout that city, and found their way into every hand. It was during the recess that Judge Duer learned this fact, and accordingly on resuming the bench, he stated that Edmund V. Sparhawk and Charles King, who had been, on application, admitted within the bar for the purpose of taking notes of the trials, had, in contempt of the court, authorized publications in newspapers circulating in Albany. The Court would therefore direct that Edward V. Sparhawk and Charles King, show cause why an attachment should not be issued against

them for this contempt, and that in the meantime they be prohibited from taking notes of the present trial. As soon as an order was made, Mr. Sparhawk entered and justified himself, by stating that his notes had been published contrary to his express direction, whereupon the court released him from the attachment, and on the following Saturday, Mr. Stone and Mr. King accomplished the same release.

The court then proceeded to the regular business of the trial.

On Thursday evening the District Attorney announced his intention of calling Strang as a witness against the prisoner, but upon the objection of the counsel for the defence, a long argument ensued, which lasted till the adjournment of the court.

On Friday morning, Judge Duer pronounced his opinion upon the question, and stated that upon an examination of the authorities, the court had come to the conclusion that a person though convicted of a crime, is a competent witness in all cases, until the judgment upon that conviction is pronounced against him. It had been the common opinion that the conviction alone rendered the criminal incompetent, but such an idea was erroneous, as it was the *judgment* of the court, and not the *conviction*, that rendered the disability in such cases.

But though a convict was by law a competent witness, it addressed itself to the discretion of the court, whether on a principle of public policy, or furtherance of public justice the person convicted shall be permitted to testify against the accused. From the evidence before the court in this case, it appeared that Strang was the principal, that he meditated the murder for the space of six months, and had had illicit intercourse with the prisoner at the bar. That he was a man of thirty years of age, not deficient in experience, but on the contrary artful and deceptive, and the character in which he appeared before the court, was that of the seducer of the prisoner to get possession of her person and her property. The prisoner at the bar was, on the

other hand, a young woman, now about twenty-five years of age, married at the early age of fourteen or fifteen, of a character light, frivolous, weak, vain, imprudent, and guilty to a certain extent; a fit instrument in the hands of a designing man.

Had the case been reversed and the testimony shown her as a woman of experience, of strength of mind and energy of character, who had lived unhappily with her husband and expressed a determination to get rid of him—who had selected as her paramour a youth of inexperience, and by the seductions of her person and her fortune induced him to commit the murder, the court, in the exercise of their discretion would not have hesitated to have admitted him as a witness, and on a full disclosure of the facts to have recommended him to mercy. His case, however, rested on very different grounds, and the court must now say whether the advancement of justice requires that Strang should be admitted to testify at the hazard of entitling him to a pardon from the punishment which his crime deserves. If he is admitted, he has a ground of claim upon the court for their favorable interposition. But to recommend him to mercy was not what the court felt disposed to do. They would therefore refuse his testimony, and if in this decision they had erred, they would have the consolation of knowing that they erred on the side of mercy.

When the Judge had concluded, a strong expression of approbation at the decision, manifested itself throughout the auditory.

A pause then occurred of some minutes during which the prosecuting officers were debating among themselves as to how they should further proceed. Without knowing it, however, they were overwhelmed and converted by the tremendous tide of the reaction in the prisoner's favor, and seized by the new current now so strongly determined by the language of the Judge, the District Attorney rose and observed, that upon consultation he and his associate had come to the conclusion from

the facts already adduced, and the remaining testimony in their power to produce, being of so slight a character as not materially to affect the case, *the jury would not be warranted in convicting the prisoner*, and inasmuch as under the decision of the court, the testimony of Strang could not be admitted, *they would abandon the prosecution*.

Judge Duer, then, after intimating to the District Attorney that it would have been more seemly for him to have rested on the facts already adduced, than to abandon the case entirely, addressed a few words to the jury, and without recapitulating the testimony, submitted the case to their consideration. He cautioned them to look only to the evidence, and as to the testimony which had been adduced, showing her criminal conduct in other respects, he advised them to say to her, as the Court were disposed to say, and as the Saviour of the world had said to one like her, "Go and sin no more."

The jury upon receiving this charge found a verdict of "NOT GUILTY," without leaving their seats.

Again an expression of approbation was manifested by the audience; but it was immediately restrained. The dejected widow received the verdict leaning forward with her face resting upon the table. She neither looked up nor seemed moved by the abrupt transition in the aspect of the trial, though she held a handkerchief to her face and wept profusely. When the first flurry of excitement consequent upon the rendition of the verdict was over, all eyes were turned upon her shrouded form. The Court seemed fascinated with the rest, but recovering his self-command, the Judge in feeling terms admonished the spectators on the duties of propriety, and charged that no curious and unfeeling eye should attempt to penetrate the thick veil which concealed the countenance of the unfortunate woman from general observation. The acquitted murderess then rose, and with slow and feeble steps moved out of the chamber, surrounded by officers on all sides, and leaning on the arm of the man whom she had now completely

won, through blood, against the face of heaven, and in the world's despite.

CHAPTER X.

The Judgment.—The Widow and her Lover.—
Passing Hours.—The Fall of the Drop.—Re-
morse.—Misanthropy and Death.

ON the morning succeeding the almost miraculous acquittal of the widow, and before the strange infatuation of the public had a chance to cool, her unfortunate paramour was conducted into court to receive the sentence of the law for his share in their conjunctive crime. He entered, chained and guarded between two constables. His head drooped upon his bosom, his eyes were profoundly downcast, and his whole demeanor spoke a sense of guilt and a predominating apprehension of his fate. He had been hitherto sustained by the excitement of the occasion, the lapses and fluctuations in the testimony, and by the revengeful stimulations of the prospect of appearing as a witness against Mrs. Whipple; but the unexpected exclusion of his testimony, the perverse hypothesis of the judge that he had been the tempter instead of the betrayed, and the consequent prompt acquittal of the widow, had revolutionized the scene and completely dissipated and abased all the hopes and hates in which he had so feverishly indulged. The heavy curtain in life's drama had fallen between him and the future, but though there was no solace left him but to walk through the valley and shadow of his fate with decent composure, his craven composition was not equal to the task. He wept aloud as he advanced feebly up the aisle, and during the interval between the coming in and the organization of the court, his handkerchief was scarcely a moment from his eyes.

At eleven o'clock the district attorney moved for the sentence of the prisoner, and upon the motion, the Court rose and thus addressed itself to the condemned.

"Jesse Strang, you have been indicted by the grand inquest of Albany

county, for the murder of John Whipple. To that indictment you pleaded 'not guilty,' but a jury of your country have passed upon the issue, and have found against you. It now remains for you, if you have anything to say why the sentence of the law should not be pronounced against you, to offer it to the consideration of the court."

A profound pause here ensued, but the prisoner giving no sign of his intention to speak, the judge resumed and proceeded to address him, at length, on his past course of life, remarking that in respect to the feelings of his aged and respectable parents, whose bosoms he had so deeply lacerated by his misconduct and his crimes, his body would not be delivered over to the surgeons for dissection, but would be given into the charge of the old people for burial.

Then, with an additional solemnity to his manner, he concluded—"The sentence of the law is, that you, Jesse Strang, otherwise called Joseph Orton, be taken hence to the place whence you came, there to remain in the custody of the sheriff of Albany until Friday, the 24th of August, instant, on which day, between the hours of twelve at noon and of three thereafter, you are to be brought forth by the said sheriff to some proper place, to be by him selected for the purpose, *and there to be hung by the neck till you are dead!* And may God have mercy on your immortal soul."

The unhappy man received the sentence standing, and holding a handkerchief to his face, while every now and then a low convulsive sob would obtrude upon the solemn tones of the sentence. The court itself, and likewise the auditory were sensibly affected, and when the impressive ceremony was over and the prisoner, amid a universal silence, had been led out of court, the throngs silently and decently dispersed.

In a few days after this sentence, Mrs. Whipple, now possessed of a large fortune by the death of her husband, left a few directions with her lawyers

as to matters of business, and took passage for New York. Her money acquired for her a respect which she could not otherwise have obtained, and she secured a decent refuge in the house of a relation. There she received the visits of her lover Freeman without restraint; and while her convicted dupe and paramour was sinking on the ebb of life, nearer and nearer to the gallows, she was improving the rapid interim for the main object of her hopes, by evening strolls along the crowded promenades and pleasant gardens of the metropolis. Unscrupulous and inflexible utilitarian! The first great obstacle overcome by a murder; the second and subordinate obstruction, in the person of her instrument, swept from her path by the remorseless sharpness of the law, and already ere the season of blood had fully passed, she was busy in making preparations for her harvest-moon.

For some time after the sentence, Strang remained sullen and abstracted, denying all consolation, and refusing even to listen to the voices of those who proffered themselves as his spiritual comforters; but during the few days immediately preceding his execution, his manner changed, and he became accessible to spiritual counsel. The labors of the clergymen were at length attended with full success, and the wretched man, in addition to expressing a profound penitence for his crimes, made to one of them, the Rev. Mr. Lacy, a full and minute confession of all the circumstances connected with his illicit intercourse with Mrs. Whipple, and of the remorseless murder to which she had instigated him. Having thus unburdened his soul, he resigned himself to his fate, and earnestly prepared for death.

THE EXECUTION.

The 24th of August, 1825, the day set for the finale of the tragedy, at length came round. The city of Albany was filled with strangers, who had been flocking in from all directions for several days previous. Early in the morning, and until the hour of exe-

cution, every avenue leading to the city was thronged with vehicles. The steamboats that came up during the morning, as well as the ferry-boats from the other side of the river, "were," to use the expression of the *Argus*, "literally crammed with human life;" while the streets and the side-walks were so filled by the passing crowds, as to render it impossible for tradesmen and mechanics to pursue their ordinary avocations out of doors. So immense, indeed, was the concourse, that it was deemed expedient by the sheriff to call out a military force, and accordingly, between eleven and twelve in the forenoon, thirteen companies formed and marched to the place of execution.

The scaffold was erected in the valley which stood at the head of Beaver street, directly west of the jail, and about a quarter of a mile from the capitol. From this valley, which then formed a narrow flat, the hills upon three sides rose abruptly to a considerable height, forming by their position and connection a vast and convenient amphitheatre. The scaffold in the centre could therefore be observed from all sides, and every movement connected with the awful performance of the day distinctly seen by every member of the multitudes that filled the sides and swarmed to the summits of the surrounding eminences. The numbers present were variously estimated at thirty and fifty thousand, while all agree, that at least one-fifth were females. Around the immediate vicinity of the scaffold was drawn a circle of considerable magnitude, the inner line of which was guarded all round by files of military three deep, to prevent the burst and intrusion of the too eager of the crowd.

At a quarter past one o'clock, the prisoner, dressed in his shroud, passed from the prison, and accompanied by the clergymen, the sheriff and other civil officers, proceeded forward, on foot, with a slow and solemn tread to the foot of the gallows. He did not appear to have suffered any considerable debility by his long imprisonment, but ascended the scaffold with a step

evincing strength and firmness. On reaching the platform, the sheriff adjusted the rope, which being done, the wretched man turned to address the vast multitudes whose concentric gaze all found a focus on his person.

[At this moment, as was afterwards accurately ascertained, Mrs. Whipple was enjoying the fine weather in New York, by a lounge through Broadway.]

The address of the dying man was short. He said that, "he perceived a great many people had come to witness his execution, and he hoped they had not come in vain, but that the spectacle would lead them to reflect upon the results of sin and lust, and induce them to shun those errors for which he was now about to suffer a painful and ignominious death." Then holding out a pamphlet which some grasping and sordid wretch had thrust into his hand for his dying "puff," he said, "This contains a full confession of the great transaction for which I am about to die, and all I have to say now is, that every word in it is true."

He then handed the pamphlet to the Rev. Mr. Lacy, who attended him, and indicated that he was done.

The prayers prescribed by the Episcopal church were then read, the condemned joining in them earnestly. The clergymen, the sheriff, and the jailer, then separately took a final leave, and the condemned giving the signal, the sheriff drew the cap over his eyes, the drop fell, and after a few contortions in the air, the spirit of the convict passed away. All that remained of the wretched creature for human care or contemplation was—*dead*.

Thus perished one of the murderers

of John Whipple. The other did not remain in New York more than a few days after his death; for some of the city newspapers had noticed her appearance in Broadway on the day of execution, and her cruelty and cold indifference became the subject of remark. Her situation began to be uneasy, and by some was considered to be dangerous, so she yielded to the solicitation of a relation who resided in Onondaga county, and accompanied him to his home.

There she resided for a period of fourteen months, keeping up in the meantime, a constant correspondence with her lover, and at the end of that time receiving his hand for her pains.

As soon as the marriage took place, the strange pair removed to Metuchen, New Jersey. There they resided for five years, at the end of which time Freeman died.

The double widow then went back to Onondaga county, and again took up her residence with her half brother, the relation whom she had previously found refuge with, during the interval between the execution and her marriage.

But she was an altered woman; the violence of her passions had consumed her energies, and left her but vigor sufficient for remorse. She became a moping, sullen misanthrope, and sought refuge from the inflictions of conscience in the oblivion of the bowl and the continuous stupefactions of opium. Under this combination of assaults her system sank, and she died a few years ago, a pitiable victim, not of the retributions of human laws, but of the vengeance of an offended God.

THE END.

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