

# HISTORIC OTTERBEIN

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## A Parricide in Old Baltimore True Crime, 1838

by David Safier

**ON A WARM JUNE NIGHT**, a middle aged man in an open field on the outskirts of town was shot, then stabbed, then hit with five vicious blows from a hatchet, nearly cutting his head in two and leaving his face unrecognizable.

That description may sound like something out of “Friday the 13th” or a dozen other slasher movies, but this murder scene isn’t the creation of a Hollywood screenwriter. It actually happened in Baltimore almost two centuries ago, in 1838. The victim was Benjamin Stewart, a resident of Cambridge on Maryland’s Eastern Shore who was staying with his brother near the Inner Harbor. And the prime suspect wasn’t a homicidal maniac wearing a fright mask. It was the dead man’s son, William Stewart.

The murder took place in what was known as “the commons,” an expanse of grass and trees in East Baltimore half a mile from where the Johns Hopkins Hospital complex stands today. Four cemeteries were close by. A few houses were scattered around the area. The only business was a rope walk, one story tall and 300 yards long.

Today it’s a typical Baltimore neighborhood — blocks and blocks of row houses and a shopping area along Monument Street. In the early 19th century, the only people you were likely to see were the rope walk workers who manufactured the long, continuous strands of rope needed for ship building and shipping enterprises, a few boys and young men who were grazing their sheep in the abundant grass, and some ne’er-do-wells who wandered around the area out of sight of the rest of society. When evening fell, the rope walk closed, the shepherds led their flocks home and the few people who lived nearby were locked safe in their houses, leaving the open fields mostly deserted. It was the perfect place for a murder.

“**BARBAROUS ASSASSINATION**,” read the headline in The Baltimore Sun the next day. It was big news in the city, and The Sun, which began publication the year before in 1837, covered every aspect of the developing story from the killing in June through the trial and sentencing in November. During the trial, The Sun devoted almost half of each daily edition to a minute-by-minute coverage of the testimony, treating the readers of its four-page, penny-an-issue daily to virtual front row seats in the courtroom. If readers hungered for more, they could buy news extras for six cents apiece to satisfy their appetites.

A newspaper clipping from The Baltimore Sun. The headline reads "BARBAROUS ASSASSINATION.—A most atrocious murder was perpetrated on Thursday night, in the vicinity of the Maryland Hospital. Yesterday morning, the body of a white man was found, lying in an open lot, east of the hospital, and near the Methodist burying ground. On examining the body, it was found that five terrible gashes had been inflicted up-".

A newspaper clipping from The Baltimore Sun. The headline reads "The Trial of William Stewart, for the Murder of his Father, will be published in an extra sheet This Morning, at 8 o'clock, from the office of the Sun. Price six cents for single copies."

An anonymous “gentleman of the bar” with no connection to The Sun published his own version of the testimony, a 60 page pamphlet which went into even greater detail than the newspaper. To my good fortune, the Harvard Law Library republished the pamphlet as part of its Making of Modern Law series, so I bought a copy. Between the newspaper and the pamphlet, I was able to take a deep dive into the details of the murder and the major players in the drama.

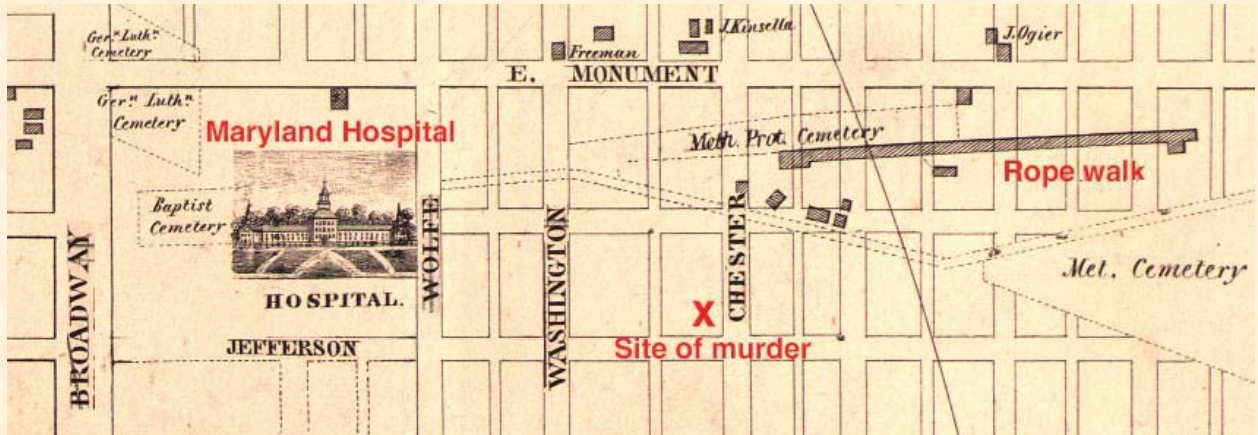
The jury had little choice but to convict William Stewart, the 22 year old son of the victim; all the evidence pointed in his direction. When sentencing him to 18 years in prison, the judge commented on the historic nature of the verdict. This was the first recorded case of parricide in Maryland history.

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William was guilty, I'm sure of it, and I'm equally sure he didn't act alone. When his accomplices took the stand during the trial, they implicated themselves in the murder, but they weren't on trial, so William was convicted and they were able to walk out of the courtroom scot-free.

As I read the courtroom testimony over and over, the details of the planning and execution of the murder by William and the two, or maybe as many as four conspirators began to take shape in my mind until it formed into a coherent narrative beginning weeks before the murder. So I decided to warm up this very, very cold case and recreate what I believe really took place on that warm, dark night in June.

**THE SCENE OF THE CRIME**, which you can see on the map below, was mostly uninhabited, open



space. The map is from 1855, but the area hadn't changed much at least since the early 1800s, and it stayed mostly unchanged until the 1870s when developers began to turn it into the neighborhood known as Little Bohemia because much of the original population was made up of Bohemian (Czech) immigrants. In 1838, the commons was a good 20 minute walk from the the beginning of the central city to the west and a half hour walk from the homes in the Fells Point area to the south.

**WE KNOW A FEW THINGS FOR SURE ABOUT THE NIGHT OF THE MURDER.** Between 9 and 10 in the evening, people in the area heard a single gunshot followed by a cry of "Murder! Oh, Murder!" Some thought they heard a few people talking before the gunshot, including a woman's voice. Some heard whistling or whooping a few minutes after the gun was fired coming from different directions, like people were signaling each over a distance.

No one dared go out that night to see what had happened. Who knew what they would find, or what would find them, if they ventured into the fields in the dead of night? So they stayed in their homes, locked their doors and waited until morning.

One question I kept coming back to as I tried to imagine myself on the commons the night of the murder was, What was Benjamin Stewart doing on that desolate stretch of land in East Baltimore so late at night? He was living with his brother on Barre Street a few blocks west of the Inner Harbor, two miles away from the commons where he was so brutally murdered. Why did Benjamin trek across town that night? Was he looking for something? Was he meeting someone?

I found a few answers in some encounters in the hours before the murder.

Two people living in a house near the murder scene testified that a man fitting the description of victim knocked on their door about half an hour before the shooting. He was alone. He asked them, "Does a woman named Adgwith live here?" They answered that they had never heard the name, no one named Adgwith lived there or in any of the nearby houses.

It's likely this Adgwith person didn't exist, or if she did, she lived elsewhere. However, we have some idea why Benjamin might have been interested in finding her. Benjamin believed a spell had been cast on him, and he kept searching for a woman who could remove the spell. Benjamin once walked half



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way to Philadelphia, some 50 miles from Baltimore, to find a conjurer he had heard about. Could this Adgwith have been a made-up conjurer woman used to lure Benjamin to the murder site?

An hour or so before Benjamin knocked on the door asking about Adgwith, he was seen in the company of at least one, more probably two, people by two lads who were grazing their sheep in separate parts of the commons. Both of them testified they saw Benjamin with another man, but their descriptions of his companion were significantly different.

According to one of the shepherds, Benjamin was with a thin young man with little facial hair. Because the lad spent his days alone with his sheep, he said, seeing a couple of strangers walking by was unusual, so he paid close enough attention to remember how they looked and what they were wearing. He was asked to visit the jail a week after the murder to see if he could pick out the man he saw. As soon as he saw William, Benjamin's son, he said, that's the man.

The second shepherd also saw two men together. He was sure one of them was Benjamin, but the other didn't fit William's description. According to the lad, Benjamin's companion was "full in the face, and he had broad black whiskers." When he visited the jail, he had no trouble identifying Tom Gardiner as the other man. Gardiner and two of his companions, a man and a woman, were in jail on suspicion of murdering Benjamin Stewart, because the three of them were known to frequent the commons area, making them likely suspects.

The second shepherd described an unusual incident when he saw Benjamin and the man who he identified as Tom Gardiner. Benjamin asked where they could find a spring nearby, saying he would pay the lad a quarter if he took them to it. The man identified as Gardiner became furious and threatened to hit the lad if he took Benjamin's money.

The two lads' testimony are believable, especially because they had no reason to lie. Eyewitness identifications tend to be unreliable, though, so it's harder to accept their identifications of William and Tom Gardiner on face value. However, the fact that the two lads, independently of one another, identified William and Tom Gardiner later at the jail is persuasive. It also seems a man like Gardiner, a hot-headed ex-convict, was more likely to threaten someone with bodily harm than William, whom everyone described as a quiet young man who kept to himself.

It is likely Benjamin was with two different people on the commons, which makes it reasonable to conjecture that Gardiner was a partner in the murder, and very possibly Gardiner's two cronies who were arrested with him as well. That would go a long way toward explaining the voices people heard before the murder, including a woman's voice, and the whistles or whoops afterward.

**THE MORNING AFTER THE MURDER**, people who lived nearby gathered around the dead body along with city officers and officials. What they saw was ghastly. Benjamin had been shot in the head with a pistol — the ball entered below his ear and lodged in the vertebrae of his neck — then stabbed multiple times in the back and the groin. Either the gunshot or the knife wounds were enough to kill him, but the murderer, or murderers, weren't through. Five hatchet blows rained down on Benjamin's face, one across the eyes nearly severing the head in two, two across his mouth and one across each cheek.

Even if the onlookers knew the victim, his face was so mangled they wouldn't have recognized him.

A city constable who arrived in the afternoon was the first person to make a positive identification. Although Benjamin's face was unrecognizable, the constable knew the man's clothes and especially his shoes, because the two of them had bought the shoes together a few days earlier.

The constable was Thomas Stewart, Benjamin's brother. Benjamin had been living with Thomas on Barre Street for the past three months.

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If I saw a coincidence like this in a book or a movie, where a constable decides to walk two miles across town to take a look at some random corpse out of idle curiosity and finds to his surprise it is his brother, I would have rolled my eyes at the contrived plot device. But unlikely as it sounds, that's exactly what happened. Unless, of course, Thomas Stewart knew who he would find before he arrived. That would change him from an innocent observer to a conspirator in the murder.

As I reread Thomas's testimony with an eye to his possible involvement in the crime, I found a number of statements made by him and by the accused, William Stewart, which turned my thinking in that direction. I'll be writing more about this later.

Regardless of why Thomas appeared at the commons, his next move was to have Benjamin's body loaded onto a furniture carriage and taken to his house on Barre Street where it would remain until the funeral the next day.

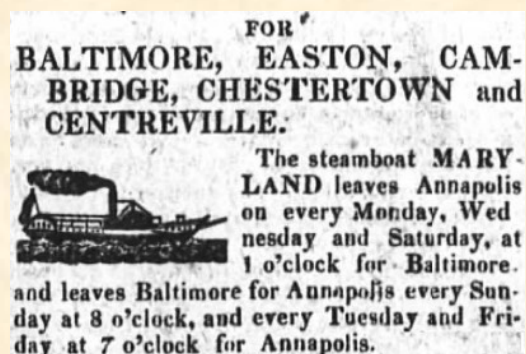
Now we need to jump back in time from the afternoon when Thomas stood over his brother's body to early that morning. While a crowd was gathered around the corpse, William Stewart, who was not a suspect at the time, was keeping himself very busy.

William was also staying at Thomas' house on Barre Street. He left the house at six o'clock that morning and walked to a hardware store on the corner of Light and Lombard, a quarter mile away, where he bought a hatchet for a dollar. Then he walked a few blocks to an auctioneer's shop on Light and Pratt where he left the hatchet to be sold. The hatchet was wrapped in paper and string when he bought it and when he brought it to the auctioneer, a detail which will become an important part of the case against William.

Odd, isn't it, that William would buy a hatchet, then immediately take it another shop to have it sold, most likely for less money than he paid just minutes earlier? It doesn't make sense, unless it was about something more than buying and selling a hatchet.

After William dropped off the hatchet, he walked east on Pratt Street to Pier 5, where the aquarium stands today, and boarded the Steamboat Maryland going to Cambridge where he and his father lived.

William only stayed in Cambridge one night. When he returned the next evening, an officer walked on board the steamboat, put William in handcuffs and told him he was under arrest for the murder of his father.



## THE EVIDENCE AGAINST WILLIAM WAS OVERWHELMING.

The strongest piece of evidence was the hatchet used in the murder. It was found lying on the ground a hundred yards from the scene of the crime covered with blood on the blade and the upper part of the handle.

The first thing today's police investigators would do with the hatchet is check for fingerprints, but fingerprinting wasn't in the police arsenal in 1838. It would be another 80 years before it was used in the U.S. But the investigators had another angle to explore. The hatchet looked new, so an officer went looking for a shop that sold that specific make and model.

Matthew Drake, who owned the hardware store on Light and Lombard which William visited at six the day after the murder, was one of the few people in Baltimore who sold that particular hatchet. Drake recalled that on the morning of the murder, a man he later identified as William Stewart came into his shop around ten o'clock and bought a hatchet. He also remembered he had asked William if he wanted it wrapped. No, William replied, I plan to use it.



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It's hard to imagine William making a stupider or more incriminating remark given the fact that he intended to use the hatchet to bludgeon his father to death that very night. It's one of many instances where William showed he was neither a smart nor a cunning young man.

William's purchase of a hatchet the morning of the murder brings his purchase of an identical hatchet the next day into better focus. It was a clumsy attempt to cover his original purchase of the murder weapon by pretending he only bought the hatchet to sell it. To make it even clumsier, William had the storekeeper wrap up the second hatchet after making a point of not having the hatchet wrapped the day before.

The bloody hatchet was found lying in a shallow ditch west of the site of the murder, the direction William would have headed to go home. There was no attempt to hide it from view, which was William's most serious error. If he had buried the hatchet somewhere or, even better, dropped it in Jones Falls or the harbor on his way home, he may never have been linked to the murder. The discovery that William bought a hatchet the morning of the murder was the reason an officer boarded the Steamship Maryland and put the young man in cuffs.

The hatchet was just the beginning of the incriminating evidence piling up against William. When he was arrested and being driven to the magistrate's office in a hired carriage, he was asked if he had the watch his father was wearing at the time of the murder. William said he didn't have it, and when he was searched at the magistrate's office, it wasn't found on him. But once again, William was sloppy. A day later, a man found a broken watch on Pratt Street and brought it to the magistrate. It had a paper inside identifying it as the dead man's watch. It is likely William dropped the watch out of the carriage window when he was asked about it.

At the magistrate's office, William was asked if he had his father's will. He said no, he didn't know anything about a will, and it wasn't in his pockets when they searched him. But when they looked into his hat, they found the will folded up in the lining. William who lied easily, and badly, exclaimed, "What? How did that get there?"

William not only knew about the will. He and his father went to a lawyer a few weeks earlier to have it drawn up. Benjamin, who was insolvent and in debt at the time, had only one valuable asset, 50 acres of land on the Eastern Shore. The will left the land to William.

That brings us to the pistol used to shoot Benjamin. Two small screw-barrel pistols which belonged to William were found in Thomas's house on Barre Street. One was loaded and ready to use. The other was empty, and according to an expert at the trial, the powder residue indicated it had been fired recently. When the ball fired from a pistol was dug out of Benjamin's skull, the investigators found it was distorted in a way that conformed to the shape of the gun barrel. Once again the conclusion was easy to draw. The shot fired the night of the murder came from a single shot pistol owned by William Stewart..



**19th Century Screw-barrel pistols**

The hatchet. The watch. The will. The pistol. They all led back to William. The only problem was, the evidence, though damning, was circumstantial. None of it proved beyond a reasonable doubt that William was the person who actually killed his father. Our legal system doesn't much like convicting people on circumstantial evidence, especially when the crime is as serious as murder.

I wrote earlier that the jury found William guilty of murder, but I left out one important detail. They found him guilty of murder in the second degree, which means they determined it was not premeditated. The state's attorney specifically asked for a verdict of first degree, premeditated murder, and

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that was the verdict the public expected as well. People were surprised when the jury went with the lesser crime.

But there was a reason. Five of the twelve jurors refused to vote for a first degree murder conviction, which would have resulted in the death penalty. They deliberated for fourteen hours to reach their compromise verdict of second degree murder, which resulted in an 18 year prison sentence. Their only other choice would have been to tell the judge they were unable to reach consensus.

I imagined I was one of the jurors and asked myself, how I would have voted? I believe I would have been one of the holdouts. The trial left a cloud of doubt hanging over the courtroom. The fact that the verdict depended on circumstantial evidence was problematic, but it was more than that. Something didn't feel right. William didn't come across as a calculated, cold blooded, sadistic murderer, especially after the defense lawyer put a number of character witnesses on the stand, some of whom had known William since he was a child. They had nothing but good things to say about him, agreeing that he was a quiet, industrious young man with good moral character.

Of course, we've seen recent instances of mass murderers whose neighbors recalled, "He was such a nice young man. He would mow the lawn for neighbors when they were sick. We never suspected he could hurt a fly." William may have been one of those quiet people harboring a deep sickness inside him. But it's just as likely he was a weak willed soul who was manipulated into participating in a murder by others.

Was he guilty of participating in a murder? Definitely. But guilty of cold blooded, sadistic, premeditated murder? That was not easy to accept.

**WHO, THEN, WAS INVOLVED IN THE MURDER** along with William? I plan to make the case that: Thomas Stewart, constable and brother of the victim, was the brains behind the operation, though he was nowhere near the scene of the crime; that Thomas persuaded William to participate in the planning and execution of the murder; and that Thomas paid Tom Gardiner and his cronies to carry out the murder, with William either assisting them or standing by and watching.

Below is a plausible narrative of the plot to kill Benjamin Stewart beginning weeks before that night in June when he was murdered on the commons in East Baltimore. I based my narrative as much as possible on information from the trial, though there are times when I had to depend on my imagination to fill in the gaps.

Before I get to the narrative, here are some pieces of information I haven't mentioned but are vital to understanding who did what, when and where. Feel free to skip the added information and move straight to the narrative if you wish.

## **THE CHARACTERS**

### **Benjamin Stewart: the deceased.**

- Benjamin lived in Cambridge on the Eastern Shore, but he had been staying in Baltimore with his two brothers, Athol and Thomas, for the past four months, most recently with Thomas. Both brothers declared that Benjamin was mentally unstable — they used terms like “insane” and “deranged” to describe him — and difficult to live with.
- Benjamin had recently declared insolvency, owed a considerable amount of money and was in danger of losing his one asset, 50 acres of land on the Eastern Shore, to pay off his debts.
- Benjamin believed a spell had been cast on him. He kept looking for women conjurers who could remove the spell.



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- Based on the footprints at the scene of the crime, an investigator said Benjamin staggered six steps backward after he was shot.

## **William Steward: Benjamin's son**

- William had recently completed his apprenticeship as a harness maker on the Eastern Shore. Soon after he finished, he got married.
- A month before the murder, William and his wife moved to Baltimore to live with his uncle Thomas, where Benjamin was also living. William had plans to “go west” with his wife to start a new life.
- A few weeks before the murder, William and his father Benjamin went to a lawyer to make out Benjamin's will, which said he was leaving everything, including 50 acres of land on the Eastern Shore, to William.
- On the night of the murder, William was wearing tight fitting clothes, which would have made it difficult for him to conceal the hatchet used in the murder. The pistols were small enough to fit in his pockets.
- When William was in jail talking to a warden, he came close to incriminating his uncle Thomas. He said Thomas “likely don't care much about me,” and continued, referring to Thomas, “There is a man making himself busy about the murder who would be drawn into it himself if he did not take care what he was about.”
- Later in the same conversation with the warden, William turned to the wall, went silent for a minute, then said, more to himself than to the warden, “The land is the cause of it all.”

## **Thomas Stewart: Constable, Benjamin's brother, William's uncle**

- When Thomas was on the stand talking about his decision to go to the commons to see the corpse, he made a statement he wished he could take back which implied he might have known about the murder beforehand, and immediately tried to minimize its impact. Thomas testified he was informed about the corpse by another constable around noon. “I said to the constable, that I believed I would go and see the corpse, as I had understood it was very much cut up and possibly I might recognize it.” Catching himself, he added, “I don't know why I thought I might recognize the corpse.”
- Thomas testified he had been on the commons a week or so before the murder.
- The morning after the murder, Thomas tried to convince William to leave town that day and head out west, but William insisted on first going back to Cambridge.

## **Tom Gardiner, Flick Hall and Ann Egleston: suspects picked up the day after the murder**

- Tom Gardiner had been in jail for a month before the murder, on suspicion of, in his words, “destroying a child five days old with some others.” He was released without charges three days before Benjamin's murder.
- Flick Hall had served time in prison with Tom Gardiner. Ann Egleston was Gardiner's regular companion.
- Gardiner testified he had been on the commons on both of the two days before the murder, but said he was not there the day of the murder.
- A woman on the stand planned to testify that the day after the murder, she heard Gardiner say, “Flick Hall had committed a murder and tried to blame it on me; but damn him, I'll kick him to hell.” However, the lawyer for the defense made an objection which was upheld, so we only know about her statement from the discussion between the judge and the lawyers when the jury was out of the room.

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- A man who knew Gardiner testified he talked with Gardiner the day after the murder and Gardiner said to him, “There had been serious thoughts about Flick Hall was suspicioned as he had been seen in company of the murdered man the evening before.”

**Here, then, is my narrative of the conception and execution of the murder.**

## **BENJAMIN HAD LONG OUTSTAYED HIS WELCOME AT HIS BROTHERS’ HOUSES.**

Athol and Thomas had put up with him for four long months, and he showed no interest in returning to his home in Cambridge. He had no real prospects there. The fact was, he was on the brink of insolvency, in debt to a number of people and in danger of losing his one asset, 50 acres of land on the Eastern Shore.

Meanwhile, Benjamin was showing signs of increasing mental instability. Athol complained Benjamin “was pretty well crazy” and couldn’t stay on one topic for more than a few seconds. Once when Athol had struggled to put his brother to bed, “he came and jumped into bed with me and my wife. I carried him back to his bed again.”

The two brothers weren’t keen on the idea of Benjamin shuttling back and forth between their homes for, who knows how long. But where else would he go? It was a problem with no clean, simple solution.

Benjamin’s son William came to stay at Thomas’s house with his new wife. William had recently finished his apprenticeship in harness making on the Eastern Shore and was planning to go “out west” with his wife to settle permanently. However, Benjamin kept putting roadblocks in the way of William’s leaving. William, passive, pliant, acting the dutiful son, allowed himself to be persuaded to stay.

William and Thomas talked together about Benjamin’s deteriorating condition. They worried he would return to Cambridge and sell his land to the first con man who came along and be left with nothing but a pile of debts. They considered two options. The first was for Thomas to take ownership of the land, which wasn’t likely to happen. The second was to have Benjamin make a will leaving his land to William when he died. But when William took Benjamin to a lawyer in Baltimore to make the will, Benjamin insisted he wanted it executed in Cambridge, so they left the lawyer’s office with an unfinished will, further frustrating William’s desire to head west.

Thomas was feeling desperate. He began looking for another option.

Three days before the murder, Thomas saw an opportunity. As constable, he knew what went on in the underbelly of Baltimore society. He heard that a particularly nasty reprobate, Tom Gardiner, had been released from prison that day after a grand jury could not find enough evidence to hold him on the charge that he and others ended the life of a five day old infant.

Gardiner was a free man with no money, few prospects and fewer scruples. Thomas Stewart knew Tom Gardiner liked to wander around in the commons area of East Baltimore, so he went there and found Gardiner with his frequent companions Ann Egleston and Flick Hall. Thomas made a proposition to the three of them. He would pay them to kill his brother on the commons sometime in the next few days. When Gardiner agreed and said they needed weapons to carry out the job, Thomas assured them he would supply what they needed.

Thomas arranged to meet Gardiner the next day at Marsh Market, the three-blocks-long marketplace north of the pier where the Steamboat Mary docked. At the bustling market, he and Gardiner could hide in plain sight, unnoticed as they discussed their murderous plans.

That night after making the deal with Tom Gardiner and his cronies, Thomas sat down with William while Benjamin was wandering aimlessly around the city, as usual. Thomas hoped to manipulate his weak-willed, not-too-bright nephew into participating in the murder plot. There is no way to know



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what Thomas said to persuade William. He might have emphasized how difficult and unbalanced Benjamin had become. He might have made William fear he would have to support his father for as long as the old man lived. He undoubtedly dangled the prospect of William gaining title to the 50 acres on the Eastern Shore after his father's death.

You don't have to do anything, Thomas may have said to William. Just supply the necessary weapons to a certain Tom Gardiner, bring your father to the commons at night, and Gardiner and his cronies will take care of the rest.

William agreed.

The next morning Thomas waited until Benjamin got up, then told his brother that a well respected conjurer, a woman by the name of Adgwith, could help rid him of the evil spells plaguing him. She lived near the commons in East Baltimore, Thomas said. William will take you there tomorrow, where you'll meet a man who will show you where to find Adgwith.

Benjamin, always on the lookout for a good conjurer, readily agreed.

When Thomas met Gardiner at the Marsh Market that day, they discussed the plan. Meet my nephew here at noon tomorrow, Thomas said. He'll bring you the weapons you need to do the job, and you can arrange to meet on the commons that night.

At 10 o'clock on the morning of the murder, William walked into a hardware store on the corner of Light and Lombard and bought a hatchet, telling the owner he didn't need it wrapped, he planned to use it. From there he walked the few blocks to Marsh Market, met Gardiner and handed him the hatchet. William wasn't about to give this questionable character his pistols, so he said he would bring them to the commons himself. Gardiner cast a suspicious eye on William, then said, Well, in case you don't bring them, I always have a knife with me. I can use that if I need to.

That evening at six, William and Benjamin walked to the commons to meet with Tom Gardiner. On the way they passed a lad tending his sheep.

William took Benjamin to the spot under a tree where Tom Gardiner was waiting. Gardiner said he knew where the conjurer Adgwith lived, and he'd take Benjamin there..

William said he would wait for them by the tree.

Gardiner led Benjamin toward a random house he decided would be the home of the fictitious Adgwith. As they walked, they passed another shepherd. Benjamin was thirsty, so he asked if the lad could take them to a spring and offered him a quarter for his services. Gardiner, always surly but especially angry at the thought that Benjamin would give away the money he planned to make his own that night, threatened to hit the lad if he took any of Benjamin's money.

Gardiner pointed to a house and told Benjamin that Adgwith was waiting for him inside. Gardiner stood behind a tree out of sight and waited. When Benjamin knocked at the door, the people who lived there told Benjamin he was mistaken, no one by the name of Adgwith lived there. Benjamin muttered and asked a few confused questions, then left to rejoin Gardiner.

They returned to where William was waiting and told him Adgwith apparently didn't live around here anymore.

*To this point, I've been using the facts and the testimony from the trial to narrate what I believed transpired in the time before the murder, adding details to fill in the gaps. Now, though, we arrive at the moment of the murder. No one but the perpetrators knew what transpired during those few ghastly minutes and they weren't talking, so I am combining what I know from the autopsy with my own imagination to create the events as they might have happened.*

Benjamin, William and Tom Gardiner were talking together when they saw Ann Egleston and Flick Hall walking toward them. Benjamin, who had been talking to William, turned his head to watch

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the approaching couple. Gardiner glared at William, eyebrows raised, and formed his hand into the shape of a gun, prodding William to act. William nodded his head, pulled a loaded pistol from his pocket, placed the muzzle below Benjamin's ear and fired.

Benjamin screamed "Murder! Oh, murder!" and staggered backward toward Gardiner, who grabbed Benjamin around the neck from behind, pulled out his knife and stabbed Benjamin multiple times, then shoved him to the ground. Benjamin fell on his back nearly dead, his eyes open in horror, his lips moving spasmodically, sounds gurgling from his throat.

Benjamin's accusing eyes and attempts at speech infuriated Gardiner. I'll shut you up! he muttered. Taking out the hatchet hidden under his coat, he stooped over Benjamin and brought the blade down viciously, first chopping through Benjamin's eyes to close them, then through his mouth and cheeks to shut him up. The mutilation of Benjamin's face was testament to the force Gardiner used.

Gardiner and his cronies rifled through Benjamin's clothes, took everything they found of value, then ran off, heading in different directions. They planned to meet up later after signaling one another with whistles when the coast was clear.

Standing alone over his father's body, William was in a state of shock mixed with horror. He saw the bloody hatchet lying on the ground and decided he had to get rid of it. As he bent down, he noticed the criminals overlooked his father's watch, which William had always coveted. He pocketed the watch, picked up the hatchet and headed toward Thomas's home two miles away. After he had taken a few steps, he looked down and noticed the blood-soaked hatchet in his hand, as if he were seeing it for the first time. His body recoiled, his hand opened and the hatchet fell to the ground. William doubled his pace and raced home where Thomas was waiting to make sure everything had gone according to plan. William assured Thomas that Benjamin was dead.

Thomas wanted William as far away as possible so he didn't do or say anything stupid. He told William to pack his bags and "go west" with his wife on the morning train. But William wanted to go back home to Cambridge one last time, maybe thinking he could have his father's will executed while he was there so the land would be officially his when his father was declared dead. He folded up the deed and put it in the lining of his hat for safe keeping.

Early the next morning, William bought another hatchet at the same hardware store where he bought one the day before, had it wrapped and left it, along with his own inexpensive watch which he no longer needed, with an auctioneer a few blocks away. Then he headed down Pratt Street to board the Steamboat Maryland before its seven o'clock departure.

That day Thomas kept his ears open for any news about a murdered man on the commons, waiting for someone to inform him his brother was dead. He learned the corpse's face was so mangled, no one was able to recognize it, and he realized he was the only person who could make a positive identification. If he didn't, the story of the unidentified corpse would continue to make news, and that could mean trouble. So he went to the commons and identified the body, feigning shock and grief at the discovery of his dead brother.

He was satisfied things were moving in the right direction.

When the bloody hatchet was traced to William, however, everything changed. William was certain to be charged with the murder, and Thomas thought he might be implicated as well. The smartest thing to do, he decided, was to acknowledge William was the killer and provide as much evidence against William as possible to avoid becoming a suspect himself. So when William was arrested, Thomas, acting the part of constable, accompanied the arresting officer and William to the magistrate's office, asking William incriminating questions along the way, then went home and retrieved William's pistols and brought them to the magistrate, sealing William's fate.



# HISTORIC OTTERBEIN

Thomas's main fear was that William, or Tom Gardiner and his cronies who have been arrested the day after the murder, would name him as a conspirator in the murder. He was confident Gardiner and the two other ne'er-do-wells would know enough to keep their mouths shut and maintain their innocence, which is what they did. They were released two weeks later for lack of evidence. But he wasn't sure about William.

Thomas visited William in jail and explained to him, if you say anything about me, you'll be admitting your own guilt. Right now you stand a good chance of being found innocent when you go to trial, but if you incriminate me, we'll both end up in jail.

William kept his silence except for one time when he was talking with a prison warden. Frustrated with and distrustful of Thomas, William said to the warden, "There is a man making himself busy about the murder who would be drawn into it himself if he did not take care what he was about." Moments later, he turned to the wall and moaned to himself, "The land is the cause of it all," thinking about how Thomas used the land to tempt him into participating in the murder scheme, something he would never have done on his own.

When William was found guilty of second degree murder, Thomas was holding his breath, worried that William might think he had nothing to lose by incriminating his uncle. To Thomas's relief, William continued to profess his innocence, which meant Thomas, like Tom Gardiner, Flick Hall and Ann Egleston, walked away free.

**I CAN'T ATTEST TO EVERY DETAIL OF MY NARRATIVE**, but it fits the facts presented at the trial better than maintaining that William Stewart acted on his own. But we'll never know. The truth is buried along with all the citizens who once lived in Old Baltimore.

**THE PARTICIPANTS IN THE CRIME MOSTLY DISAPPEARED FROM THE RECORD** after the trial was over, but I found a few interesting references to them in The Sun.

A little over six months after the trial, Thomas Stewart lost his position as constable when he was caught accepting a \$50 bribe from a man he arrested for "playing thimble," a version of today's shell game. Fifty dollars was a lot of money in those days, worth about \$1,500 in today's dollars.

I found no mention of Tom Gardiner in The Sun after the trial, but four months before the murder, he was arrested for stealing a man's watch. He managed to escape from the guard taking him to prison, but he was caught and arrested two days later.

Flick Hall, one of Gardiner's cronies, was regularly in and out of trouble, and prison. In an article in The Sun, we learn that he was "brought up and educated in the best manner, with every prospect of future success in honest industry, but he suffered himself to be led away by dissipation . . . and plunged headlong into the practices of the most depraved outcasts."

Ann Egleston, the third malefactor, was arrested for assault seven years after the trial. The Sun described her as "rather wolfish, as this is the second time she has been brought up in a few days."

As for William Stewart, he died 7 years into his 18 year sentence, but his death wasn't mentioned in a news story. It was in an ad in the paper trying to sell the remaining copies of the 60 page pamphlet about the trial, the one written by the "gentleman of the bar," for twelve-and-a-half cents apiece.