

## Tobias Martin

( - 28 Jun 1826)

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*The National Intelligencer, June 29, 1826*

After this paper was prepared for press, the information reached us of the violent death of our neighbor, Tobias Martin, whitesmith by trade, who was wantonly shot at and killed by a person living on the borders of the city, by the name of Devaughn. The murderer is not yet taken, and we are authorized to offer Fifty Dollars Reward for his apprehension.

The funeral of this worthy, ingenious, and industrious citizen, will take place at 5 o'clock, this evening, from his late residence, near to the office of the National Intelligencer. The circumstances of his death will be more fully stated in our next.

*The National Intelligencer, June 30, 1826*

### **Murder of Mr. Martin**

As our city possessed no man more respectable or more useful in his sphere of life than Tobias Martin, whose death was announced in our last, and whose mortal remains were yesterday attended to the grave by a great concourse of indignant and sorrowing townsmen, and with military and masonic honors, some of the particulars of his tragic fate will not be unacceptable to our readers.

At the distance of something more than a mile North of the General Post Office building, and without the bounds of the city, resided a person by the name of Devaughn, who cultivated a field or two there. Into these fields, last Sunday, strayed several boys from the city, in search of blackberries, among whom was a son of Mr. Martin. They were pursued by Devaughn, roughly handled, and the hat and basket taken from young Martin, with the declaration that they should be detained until some money was paid for their redemption. Mr. Martin sent a note out to the man on Monday, asking him to let the hat and basket be returned; of which no notice was taken, he not being at home at the time. On Wednesday evening, Mr. and Mrs. Martin walked out cheerfully together for exercise, and thought they would walk as far as Devaughn's place and persuade him to give up the property he had seized. With this view they went to the house, within the enclosure, and very civilly requested he would return these articles. They were rudely answered with brutal language, and, on Mr. M's expostulating with the man, his sharp and furious dogs were set upon the unoffending couple. Mr. and Mrs. M. were endeavoring by flight to escape from them, when, one of the dogs having seized Mr. M's coat, he had turned around to defend himself against him, and at that moment received a load of slugs in his breast from a musket deliberately aimed and fired at him by Devaughn. He turned to his wife, who had by this time reached the fence, exclaiming, "I am a dead man!" and, taking her hand, bidding her affectionately "Farewell!" he soon breathed his last. The poor afflicted widow made the best of her way home, herself the bearer of the distressing intelligence. It was not till nearly ten o'clock that the news was known, when several neighbors rode out to the place. The miscreant, who knew his murdered victim lay but a hundred paces from him, had coolly undressed for bed; but, hearing the tramp of horses, jumped over his fence into the lane, taking his musket with him, which he had the audacity to fire at the party, as they came up the lane, fortunately without effect, and then made his escape amidst the gloom of the night and under cover of the adjoining thickets. His musket being loaded with slugs, and every circumstance of the case, establish the animus necandi on the part of the hardened villain. He had no sooner fired the fatal shot, than he loaded again, as if determined to doubly do the horrid deed, already consummated.

Thus perished our neighbor whose place to his family, and as an excellent artisan, cannot be supplied. At the time of his death, and for some months past, his mechanical ingenuity and skill had

been employed in the construction of a power press, for the use of the proprietors of this paper -- which was so far advanced and previously tested by a small model, as to leave little doubt of its entire success and efficiency had he lived to complete it. The press was an original invention, neither he nor any one concerned in it ever having seen one on that principle, the pressure being produced, as it is in the English presses, by a revolving cylinder.

Devaughn, the murderer, is represented to us to be a man advanced in years, perhaps sixty, of a stout rough frame, 5 feet 8 or 10 inches high; his hair and whiskers gray, and his face remarkable for the uncommon projection of his under lip. It is hoped that this description will be sufficient to lead to his apprehension.

Since writing the above, we have learned that the verdict of the Coroner's Inquest, after examining, besides other witnesses, the wife and little daughter of Devaughn, was willful murder by said Devaughn.

*The National Intelligencer, July 1, 1826*

We learn that Devaughn, the person charged with causing the death of Tobias Martin was apprehended yesterday afternoon, and, after examination, committed for further examination today.

*The National Intelligencer, May 9, 1827*

#### **Sentence of Devaughn**

On Saturday last, sentence of death was pronounced at Alexandria, on Jonathan Devaughn, by His Honor Chief Justice Cranch [R45/208]. The following is the address of the Judge to the criminal:

Jonathan Devaughn: You have been convicted of the murder of Tobias Martin, by the verdict of a respectable and impartial jury of your fellow citizens, and upon evidence the most conclusive.

By the evidence it appeared, that a son of the deceased, a lad of about fourteen years of age, with his two younger brothers, on Sunday afternoon, the 25th of June last, went into the country to pick some blackberries, and were found by you in an enclosure belonging to Mr. Moore, in which there was no grain or valuable grass which could be injured by them, but which was over-run with briars. Upon your approach, the two younger boys fled; but the elder, unconscious of guilt, suffered you to seize him. When in your power, you beat him severely, deprived him of his hat and basket, and sent him home. On the next day, the father of the boy sent a letter or note to you, requesting you to deliver them up. It did not appear positively, that this note ever came to your hands. It was not produced at the trial, but there is no reason to suppose that it contained anything which could have provoked or palliated the act which you committed on the Wednesday following. There was evidence produced by your counsel, and derived from your own statements, that on Tuesday morning, before daylight, some man had called you up out of your bed, and insulted and provoked you, but that you took ample revenge by beating him and driving him into the ditch, where he lost his hat, which you took into your possession; and that you still bore malice against that man; threatening to kill him if he should return; and that you suspected that man to be Tobias Martin. On the evening of Wednesday, the 28th, a little before sunset, you informed one of the witnesses that you had prepared some slugs, that you had procured a gun, and that you would kill Martin. The witness warned you against using these slugs, informing you that they would certainly kill him. Thus prepared, and thus forewarned, the unsuspecting victim of your malice, with his wife, came to your house, and in the most peaceable and mild manner, informed you they were the parents of the boy whose hat and basket you had taken on Sunday, and requested you to return them. They did not even reproach you for your violence to the boy. In a fierce and angry manner you falsely answered that the hat and basket were at Mr. Moore's, where they might go and pay the damage, and get them. Upon Mrs. Martin's asking what the damage would be, you fiercely answered that they might go to Mr. Moore, and they would know, ordered them to go off immediately, threatened to shoot them,

set your dog upon them, and went into your house for your gun. They ran with precipitation down the hill, with the dog after them. Mrs. Martin fell in the ditch, but recovered, and ran about twenty yards further to the fence, when she looked around and saw her husband contending with the dog, with his face towards the house. At that moment she saw the flash, heard the report, and heard you say, repeatedly, "Take that, you rascal, and run." Her husband said he was shot; she ran to him; he was throwing blood from his mouth; she led him to the fence where his strength failed; he said he was killed; she laid him down, and ran to the City for medical aid. The report of the gun, and the savage yells and execrations, were heard at the distance of two hundred and fifty yards, by two very respectable witnesses, Mr. Dashiell and Mr. Heall. Mr. Dashiell being alarmed, and fearing that some mischief had been done, ran over to your house, and found you reloading your gun. He asked you what innocent person you had been shouting. Your reply was, "I put it to him." "I have given him his own." It was after sunset, but so light that a man might be distinctly seen at the distance of two hundred yards. Upon the alarm of murder being given, you fled; and, after two days' search, you were taken by surprise in the edge of a wood.

Even if express malice aforethought had not been proved, and if you had not avowed your determination to commit homicide, the rash and reckless manner in which you shot at the deceased, even if it had been in the dark, would have evinced a disposition so regardless of human life, and a heart so fatally bent upon mischief, as to amount in law to that degree of malice, which is a necessary ingredient in the crime of murder.

I have briefly recapitulated the facts of your case, not with a view of exciting the popular indignation against you, or of torturing your feelings -- but in the hope that a deep sense of your guilt may lead you to a hearty contrition; that you may obtain forgiveness of Him who alone can search the heart -- whose judgments only are unerring, and who is ever ready to receive humble and penitent sinners. And I exhort you, by all your hopes of everlasting happiness in a future state of existence, and by all your fears of eternal and unutterable woe, to devote the few days which may be allowed you here on earth, to prepare for that awful tribunal before which all hearts must be opened, and from which no secret can be hid.

The painful duty remains to pronounce that solemn sentence which the law of your country has affixed to the crime of which you have been convicted. That sentence is --

That you be taken hence to the place from whence you came, and thence to the place of public execution, and that you there be hanged by the neck until you are dead. And may God Almighty have mercy on your soul.

This sentence is to be executed on the last Wednesday of June next, between the hours of 12 and 3 o'clock of that day.

*The National Intelligencer, June 23, 1827*

The sentence of the law was yesterday carried into execution at Alexandria, on the body of Jonathan Devaughn, convicted of the murder of Tobias Martin, a respectable citizen of Washington; his trial having been removed, by a change of venue, from this place to Alexandria. The execution took place about half a mile North of the town, about 2 o'clock, in the presence of an immense concourse of people. To the last moment he preserved the same hardihood and unmoved or unfeeling spirit which he has displayed from the moment of his apprehension. A more desperate and irreclaimable criminal perhaps never expiated his crime on a scaffold.