

THE STATE }
vs. } Indictment for Murder.
THOMAS WELLS. }

Sentence was passed on the prisoner at the Bar, by his Honor Judge CLAYTON, as follows :

" We have now arrived at that stage of your prosecution where I am called upon to perform the last solemn duty that belongs to my part of this tragic case: after which we separate to meet no more. This impressive consideration urges me to seize the only occasion now left in your misfortune to draw your reflections to some temperate & penitential exercise, and to offer your example, wherever your crime may be known, in the affecting language of warning.

" It often happens that high handed offenders sink into the most forlorn and friendless condition, and are bowed down by the indignation of an incensed community. But in this there is nothing unreasonable: If crime yield no pity it does not deserve it—If malice yield all generosity, it must not expect it—if revenge renounce the feelings of sympathy, it surely has no right to claim them. Then when from atrocious guilt the tender and benevolent associations of moral feeling are withdrawn, it is a just requital for those opposite and graceless impulses by which it has been directed. When you review the dreadful scene through which you have lately passed on that side of it connected with your revenge, inflamed by your rage, and distorted by your hatred, you are ready to exclaim how cruel has been your fate! but when it is presented to you in its real aspect by the stern and dispassionate verdict of conscience, how eagerly should you release the delusion that spells your reason, and cleave to that only ray of hope that leads to relief over the boundary of time. How melancholy must be the reflection, that in your thirst for another's life you have sported away your own! But remember it is not taken from you without time for preparation—it is not taken from you without putting you on a fair defence—it is not taken from you in the bosom of a peaceful and unsuspecting family—it is not taken from you with a pleading infant at your feet*—it is not taken from you amidst the screams of a distracted household. Your course was rash, daring and revengeful; but the force which crushes you is mild, sedate and just. Desperate indeed must be that train of thought that

* It was in evidence that when Capt. Wells came to Capt. Perry's previous to the commission of the murder, Capt. P. was in his house with his family, and was engaged in rocking one of his children.

could conduct an individual to the perpetration of an act that violated the sanctity of habitation, outraged the principles of generous courage by wresting from a fellow being, unarmed and undefended, his existence; robbed a family of its support; and deprived society of a citizen. But what character shall be given to that delinquency that seeks to accomplish these objects by the total overthrow of the present and future peace of its author? Was your horrid purpose so unalterably fixed that neither reason nor humanity could for a moment interpose the image of the complicated wretchedness that would succeed the revolting deed? Did the affliction of friends, the anguish of kindred, the disgrace of your innocent and tender offspring, the sufferings of a dungeon, the reproaches of conscience, and finally the terrors of an ignominious death never cross your imagination? Do you not now too late discover that you have been driven by a tempest of passion, from a safe and easy shore, into a current where you have drifted beyond the reach of temporary help? The heart-shuddering work in which you have been engaged is blackened by a complexion which no circumstance can deepen by aggravation, no crime can whiten by comparison, and no guilt relieve by contrast. It has produced a catastrophe at which, though men may weep, devils smile, because it utterly contemns the regards of sympathy, and equally defies the laws of God and man.

“What an admonition is offered to those who do not subject their passions to their reason, and their reason to the sway of moral and religious sentiment. The indulgence of wayward and self-willed desires never fail to lead their subject to a conflict with the most varied disasters, and these as surely meet him unfortified against their assault, as they certainly leave him unprepared for their effects. This lamentable truth you can confirm to the eager crowd that seem to hang upon the issue of your crime in such anxious expectation—They will draw near and listen to the silent story of your misfortune, and learn how fugitive is the pleasure of a satisfied resentment, how unsubstantial is the enjoyment of a glutted revenge, and above all how futile is an individual arm opposed to the defences reared around human rights by steady and inflexible justice! They will learn that you have purchased the gratification of a remorseless purpose at a price far above ordinary barter, in which human lives have been the currency, and the most unmingled ruin the consequence.

“But this foul act fraught with the most beggarly misery, presenting, as it does, a dark and bloody picture, shaded with the drooping and withered prospects of domestic peace, and grouped with widows and orphans, has yet to receive its finish from a scene of the most awful consequence to you. A few short days and you must enter upon another defence, and at another Bar, compared with which, the one you leave shrinks into nothing—Will you be entreated to make preparation for that solemn trial? Will you be earnestly conjured to consider how different from the present will be the end of that investigation, if you meet it unsupported by that advocate who plead even for an executed malefactor, and whose causes have never been plead in vain? Do not consider this as idle mockery—You have already experienced that life is a treacherous season; you are shortly to realize that death is an honest hour; and while it closes the concerns of Time, it uncovers the mysteries of Eternity—Let not then an unbending perverseness of heart, a fatal pride of infidelity and an ardent excitement of guilt and horror overwhelm you with despair: There are fetters that can be dissolved in an instant by the touch of divine compassion. Treading as you do, upon the very verge of an unknown and hideous gulf, pursued by the fury of a violated law, and pressed by the resentments of an injured community, with no furnished guide to direct your course and no friendly hand extended to draw you back, how ought you to be concerned at the peril of your situation, and to implore that aid which is alone equal to the exigency of your case! To this end, look no more to the world for support; resign its faithless charms, for it can now neither flatter your wishes nor soften your cares; seek of pious men a direction of the way and do not despise their intercourse: they will advise you to lay down the weapons of resistance and no longer defy a God or dare his vengeance—they will admonish you to surrender all your vicious affections at discretion and fly to the “rock of ages” the scriptures of truth—they will tell you to bend often and low at the throne of pity and mourn deeply over your offence—to prostrate yourself in the dust, and while your heart is melted in humble supplication, let your streaming eyes wash off that crimson stain upon your hands that so frightfully betokens the enormity of your crime, and which if unremoved will seal the forfeiture of all your future hopes—This do in the earnestness of sincerity and with a constant recollection that a life with its infinite destiny is at stake, and you may yet feel the efficacy of that sacrifice and the confidence of that promise which

* Was purchased with a dying groan,
“And ratified in death.”

The court then proceeded to pass the following sentence.

“You Thomas Wells, shall be taken from the Bar of this Court to the place from whence you last came, where you shall remain until Saturday the twenty first of the present month (October) and on that day you shall be taken by the Sheriff, of the county, or his lawful deputy, with a rope about your neck, and be by him conducted to the common place of execution at or near the town of Watkinsville, then and there between the hours of ten o’clock in the forenoon and two o’clock in the afternoon of that

day, you shall, by the officer aforesaid,
on a gallows to be erected for the pur-
pose, be hanged by the neck until you
are dead—and may the lord have mercy
upon you.¹⁷