

Luther C. Smith of Newark, an Old Pioneer of Gratiot County, Commits Suicide - Family Broil the Cause of the Act.

Rumors of Foul Play Without Foundation - The Coroner's Jury Render a Verdict of Suicide by Taking an Overdose of Morphine.

Testimony at the Inquest

Ever since the disappearance of Luther C. Smith from his home in Newark on the 5th, an account of whose family fracas and strange disappearance was published in the Journal at the time, wild rumors have been floating about town that he had been wilely murdered by his son and hid; others, more charitable, suggested that he came to his death from the wounds received at the quarrel mentioned. The majority, however, carried the idea that, grown weary of domestic intensity, he had wandered off and committed suicide; while not a few, his wife and son among the number, thought he was safe and had gone off to some distant relative. In view of these many rumors, public curiosity was excited, and a few days after his disappearance a thorough search was instituted throughout the woods and neighborhood, and many of our citizens turned out in squads of 25 or 50, in their fruitless endeavor of obtaining a clue to the whereabouts of the deceased. After a week had elapsed, however, the search was almost entirely given up, except by his son-in-law, Geo. Allen, who continued the hunt until last Saturday morning when he found the body of the deceased about a mile from his residence, or a mile and a half south-west of this village.

The deceased was 68 years of age, and settled in Ingham county at an early day, about 40 or 45 years ago, while that county was yet in its infancy. He there lost his second wife and married the present Mrs. Smith, shortly before moving into this county in 1855, when he took up what is now known as the Whitcomb farm in North Star, being the south-east quarter of the south-east quarter of section eight. He sold out and opened a blacksmith shop in this village, in 1858, in the place where now John W. Howd's residence is situated. Here is remained until 1862, when he volunteered into service, serving during the war in Col. Church's company. He came back at the close of the war quite impaired in health, and worked at his trade a short time when he traded with Mr. Howd for the farm where now his family resides. Hes home circle was never of the happiest kind, and the oldest residents recollect quarrels of a serious nature between him and his wife, while he was yet engaged in blacksmithing. Since then he left his family several times, in consequence of some fracas, but always returned or was enticed back. The inquest was held before Coroner Jas. W. Howd, and was postponed several times, until finally concluded on Wednesday. The jury consisted of messrs. Silas B. Bowman, C. E. Fink, Aaron W. Wood, L.L.B. Hunt, Geo. B. Andrus, and Wm. L. Phillips; the medical examiners were Drs. Scott, Marvin and DeMay; while the inquest was managed by E. McCall, Esq., assisted on Tuesday by Prosecuting Attorney Whitney. In view of the many rumors and suspicious it is well that the jury sifted the affair to the bottom, carefully weighing all evidence which could possibly indicate foul play, and after obtaining all the testimony they could, their verdict was a natural consequence, viz: that Luther C. Smith came to his death from the effects of a poisonous dose of morphine, administered by his own hands. It is due to say that Burt, the suspected party, delivered his testimony in a straightforward, honest manner, and was fully corroborated by his little sister. Below we give all the material evidence:

Geo. Allen was the first witness on the stand, and testified as follows: I reside in Newark; am 28 years old, and am a son-in-law of Luther C. Smith; reside within 5 rods of where Smith lived, saw him last alive between 26 and 30 rods from his house on Tuesday, Aug. 5, about 11 o'clock, a.m., going north; never saw him again, until I found his body to-day (Saturday, Aug. 16), a mile from his residence, and three-fourths of a mile west and half a mile south of Ithaca. He was lying on his belly near a maple tree that had blown down; I went up within 10 feet of the body, and recognized it as being the body of Luther C. Smith, and immediately went up to Ithaca, and reported the fact to W. W. Russell and others. Smith was not at home, any time, to my knowledge, after I saw him on that Tuesday; think the deceased was about 70 years of age. When I met him on Tuesday, I noticed a bottle in his left hand, a half-a-pint bottle. He

was in his shirt sleeves, which were rolled up, and had no coat or vest on; I thought there was about four inches of dirty-looking black stuff in the bottle. He was about 20 rods from any improvement when I found him dead in the woods. I have commenced searching for him since the Thursday following his disappearance, and continued the search until I found him. There were others, perhaps 70 or 100 men hunting for him, I saw Drs. Marvin, Scott and DeMay and the coroner's jury making an examination of the body at the place where I found him lying. Chas. Churchill, Carley Russell, Eugene Johnson and Hervert Churchill were with me when I found the body.

Chas. Churchill, being duly sworn, testified: Am 14 years old, reside in Emerson; was acquainted with the deceased in his lifetime; was with Geo. Allen when the body was found; it was found on section two, Newark, as stated by Allen; I was one of the three boys who stayed there and watched the body while Geo. Allen went to town; Carney Russell, Eugene Johnson and Herbert Churchill remained there with me; did not go up to the body, staid there until the parties making the examination came; saw two bottles lying at his feet; no one disturbed them until the jury came; no one disturbed the body until the jury came to make the examination.

Dr. Scott - Reside in Ithaca; am 37 years of age and a practicing physician; was acquainted with (XXXXXXX need copy XXXXXXX) of Luther Smith; but supposed it to be his. Drs. Marvin and DeMay assisted me in the examination. The coroner's jury was present at the time the examination was made. Found the body lying by a large log, far advanced in decomposition; had on at the time a pair of pants, shirt, hat, stockings and stouchy pair of slippers. A pocket-knife and a tobacco box, containing a little tobacco, we found in his left pants pocket. The pocket-knife was shut. Two bottles (shown in court, one a pint bottle and the other a small vial) were found lying at his feet. Examined the body as far as we could, but could not ascertain that he came to his death by any external bruises or violence; have examined contents of bottles; the larger one contained water, and the small one morphine; have made a chemical examination in connection with Dr. Marvin and Dr. DeMay. It is my opinion that he came to his death by taking a poisonous dose of morphine; should judge he was dead about ten days; the position in which he was lying indicated that he came to his death by taking a poisonous dose of morphine. There were several holes in his body - on his arms and back, caused by worms. From two to five grains would produce the death of persons unaddicted to the use of morphine. There were larger holes on the left side than on the right, because he was lying more on that side, and hence giving the worms a better chance to work. What appeared a gash in his throat was caused by decomposition.

Dr. Marvin was sworn: I reside in Ithaca; am a practicing physician; am 55 years of age, was acquainted with the deceased; assisted in making an examination of his body on the 16th, in presence of the jury; could not identify the body as being that of Luther Smith; have heard the testimony of Dr. Scott given in this case and fully coincide with him. The holes found in the body were made by large bugs, rather than worms; I saw three or four of those large black bugs fairly imbedded in the skin. Worms naturally take to the dark, moist side, and that is the reason there appeared on the left side more and larger holes, that side being nearest the ground and hence shaded and moist. I have no doubt his death was caused by morphine. Another reason why the poison was morphine is because the bottle of water was found quite full, while any other poison would have irritated the stomach, causing him to yearn for water, and he probably would have emptied the bottle.

Dr. DeMay was next on the stand, who testified as follows: Reside in Ithaca; am 28 years old; a practicing physician; was not acquainted with Luther C. Smith; assisted in making examination of a dead body on section 2, Newark, on the 16th, with Drs. Scott and Marvin, in presence of this jury. Have heard testimony given by Dr. Scott and fully coincide with him. It is my opinion he came to death by an overdose of morphine. Morphine, having taken water very soon afterward, would cause paralysis; he probably died within 3 or 5 minutes after taking the morphine. It is probable that he laid himself down before becoming quite unconscious.

E. McCall sworn: Reside in Ithaca, am 44 years old; was acquainted with Luther C. Smith, lately absent. About the close of the last June term of the circuit court in this county, Luther Smith was at my house, asking me what I thought of the Park case. I told him I thought from the evidence that it was a case of suicide, whether Park had anything to do with it or not there seems to be no evidence of importance except his statement, and he (Park) denied all knowledge of it prior to her death, when Luther remarked, "Mack, there is something queer about this suicide business; you needn't be surprised if you hear that I turned up missing before long, or some of these times. I have been tempted to commit suicide myself, and have had hard work to resist it." I remarked to him "Uncle Luther, I guess there is no danger of killing yourself, is there?" That is the substance of that conversation. At some other time, it occurred to me since, I recollect he was talking about his troubles and he made the remark that he never would become a county charge when he got out of money, and at another time he also said that he should disappear suddenly and nobody will be able to find him.

Dr. Marvin was recalled, who testified that if there had been any signs of violence they could have been easily detected. Broken bones, a fractured skull, or wounds injuring the lungs or heart would have been detected by the examining physicians. I should think by the shape of his head and general appearance there is no doubt it was the body of Luther C. Smith.

The inquest was here postponed until Monday, and was again taken up at 2 o'clock of that day. Geo. Allen was recalled, who testified as follows: The bottle I saw deceased have was not the bottle that I thought was almost half full of some dark-colored stuff. The bottle produced at this inquest containing water I don't think was the bottle deceased had. Deceased was dressed the same when he went away as when I found him. The deceased had a quarrel on Tuesday, the 5th day of August, about 9 o'clock a.m. with his son Burt, at his house. The first I saw of deceased on that day, he was coming toward the house. Burt was about a rod behind him. He was walking pretty fast, but Burt was gaining on him. They came to the door and passed out of my sight. When I next saw them, Burt had hold of Luther's shoulder or arms. Deceased pushed Burt back a trifle, and I think Burt let go, when deceased reached and caught up a stick that looked like a hoe handle. At the time deceased picked up the hoe, I think they were clinched; deceased struck Burt twice with this stick with his left hand. Burt put deceased down on the ground, when he struck his father about five times, I should think. The wife and daughter (Carrie) of the deceased were there, I heard deceased cry out once or twice while Burt was striking him. Did not understand what he said. The girl Carrie seemed to be striking deceased. She would kick him two or three times and then turn around and scream. The old lady kept saying "Burt, Burt," and reached down to take his hands loose from his father. She had hold of Burt's hands some little time, I think, when Burt had his father down and was choking him by the throat. Then Burt let go and got up, and the old man also got up. Deceased then took Carrie by the hand and led her through the house and out into the road about a rod from the gate, when he let go of her. She started back to the house and came right out and started for town. Deceased seemed to be talking to her but I could not hear what he said. Deceased then went to the barn, back of the house. I there saw deceased pitching some straw off from the wagon. While thus engaged, I saw Burt pick up a pitch-fork and go near his father. Deceased was turning around the team hitched to the wagon. I then went into my house and started for Ithaca. I then saw deceased turning around and come out toward the gate. The team was sloped with their heads to the road, and deceased and Burt were standing 10 feet apart, each with a pitch-fork drawn in a position to strike; deceased spoke up and said that if he (Burt) laid hands on him, he would let him have it with the fork; Burt replied "You'll get mine." They were both talking fast and loud, but I could not tell what they said. I started for town and after I had gone not quite half a mile, I saw deceased coming toward Ithaca with the oxen and wagon. Did not see Burt at this time at all; I staid in town about an hour and started back for home. I then saw Burt between 80 and 100 rods north of their home near a gate in the Jeffery estate pasture. When I first saw him (after my return home) he was on the east side of the road, he then crossed over to the west side to a fence corner. There was not a word passed between us. Burt had a pail or brass kettle on his arm, and I think he also had a knife, but can't tell what kind it was. After going about 20 rods I met deceased but did not speak to him; and this was the last time I saw him alive. About 2 1/2 hours after this time Burt came down to my house and said to me: "I understand you have

been up town blowing about our fighting. Carrie says you have been telling Jake Huffman of it. If I hear any more about your blowing, I want you to understand I am man enough to back what I say." I replied that if he kept away from me and left me alone he would have nothing to back. This is all I recollect at this time. On Thursday evening following, in the road about 20 or 30 rods north of the house of deceased, at the place where I last saw him, I again had a conversation with Burt, and I asked him where his father got over the fence. Burt said he passed me about one rod further, and got over the fence on the west side of the road. I then asked him which way he went. He replied deceased when out this road, where you must have met him. He said further there was no use of looking for deceased, as he had probably gone over to another son of his. This is all the conversation I had with him. Mr. Bovee of Ithaca was about a rod from us, and I think he could have heard our conversation. The day I found the body, I saw Burt and his brother Arthur between Ithaca and my house, and had a conversation with them. Arthur asked me how far it was from where I found the body, and I told him it was a mile from the house. Burt then spoke up, "If you hadn't meddled with that which was none of your business, you would have been thought just as much of." I met my wife about ten rods from the house and she said that "If he had bid me good by I should have been glad." Burt replied, "He had a g____d ____n good reason to come and bid you good by." and I spoke up "Lets have no words about it." After Burt had got to their gate he remarked, "I don't give a g____d ____n what any one said, I have used father as well as anybody could this summer." On the night following the departure of the deceased, I saw light in the house and heard a noise. About daylight Burt went by my house south and got over the fence on the west side of the road into the pasture field. About an hour afterwards I saw Burt come back by my house.

Burt Smith was next called upon the stand and testified as follows: Am 19 years of age; am the son of Luther C. Smith lately deceased; have been away from (XXXXXX need copy XXXXX) trouble with my father. We were drawing out the bottom of a straw stack, and when we got down to the bottom of the stack where it was rotten, I said it wouldn't do to draw it on the stubble; it would be better to draw it on the corn ground. Father said he shouldn't draw it out on the corn ground, but on the stubble. (The remainder of Burt Smith's testimony was not taken down in writing at the time, but is substantially as told to us by one of the jurors at the inquest). Burt then said if he wanted it drawn on the stubble he'd have to draw it there himself; he'd be d____d if he'd draw it there; he then went and helped his father get out one load. They got into a little controversy, when the deceased told Burt he had better leave home, to which Burt replied that he had two years yet to stay, and he thought he should stay; he had as good a right there as his father had. He then unhitched the chain off the wagon and laid it across the tongue. This enraged the old man, who started for him with a fork in his hand, when Burt took it away from him and threw it out into the cornfield. They both then started for the house, Burt a short distance behind, and when they got up close to the south-east corner of the house, the old man grabbed a hoe and struck Burt on the head with it, breaking it off near the ferule. He struck at him again, hitting Burt on the left arm, which he threw up to ward off the blow. Burt then clinched his father and threw him down, but when they fell on the ground the old man put his arms around Burt's neck and drew him right down to him. Mrs. Smith then came out and said very excitedly, "Why, Burt," and Carrie, coming out about the same time, cried out, "Oh, papa," and jumped up and down as if not knowing what to do. Mrs. Smith then tried to pull Burt off, but being unable to do so, she tried to loosen his hands from off Burt's neck. Burt finally extricated himself, but while trying to get up, the old man got Burt's fingers in his mouth, when Burt choked his father, thus compelling him to release his fingers. They both got up and the old man went to the well to wash off the blood, which had come there from the wounds on Burt's head; then he went back drawing manure, and soon afterwards Burt went out to the barn to help him. But his head ached so that he couldn't work, and he went into the house. Getting a brass kettle, he started north of the house on the east side of the road, and crossed over to the west side, and went towards the fair grounds berrying, stating that he would stay awhile, until the old man got over his "pet". He staid about two hours and returned home at half past 12. Mrs. Smith asked him if he saw anything of his father. He replied no, he hadn't. She then told him he had left, going in the direction of the fair grounds. He remarked to his mother that he thought his father would be back in a little while, as soon as he got over his "pet." When he started berrying he met Geo. Allen on the road, but did not see his father at the

time. To the question whether he passed by Allen's house early next morning, he relied in the negative; he also denied having had a knife of any kind, as claimed by Allen.

Carrie Smith, daughter of the deceased, was next called upon and testified substantially as follows: Am 12 years old, and am a daughter of Luther C. Smith, lately deceased. Father went away about half past 11 o'clock a.m., and the last I saw of him I saw him climbing over the fence into Dr. Scott's field, then going across the field into the Jeffery woods towards the fair grounds. I was coming from the well when I saw Burt and father fall down; Burt did not strike father; I did not kick father; I saw father strike Burt with the hoe handle (She particularized the fracas at the house, and fully corroborated Burt's testimony.) After the fuss father went out and split some wood to get dinner with, and called me out to carry it in. Father then went upstairs and got a bottle that had some medicine in, which he rinsed out at the well and filled with water. Then he came in the house and called me into the bedroom, and kissed me good-bye, and said he was going way and was not coming back again. Father also told ma that if she wanted to bid him good-bye she could, for he was going away and not coming back.

Leroy Peck next testified that he saw deceased on the Tuesday in question, between 8 and 9 o'clock a.m., but did not notice any blood on his shirt. He had neither coat or vest on.

Della Allen, a daughter of the deceased and wife of Geo. Allen, was next called upon, but her evidence threw no new light upon the case. She said that such quarrels as the one mentioned were of frequent occurrence in the family.

This concluded the testimony, and after a short consultation, the jury brought in a verdict of suicide, as stated above.