

POST BOY

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## POST BOY

Had John Funston been born a century-and-a-quarter later, he no doubt would have been regarded as a "problem child", and well-meaning society would have attempted to guide his erring feet. But as it was, this particular "bundle from Heaven" arrived somewhere around 1803 in a rough squatter's cabin and so well did he thrive that by 1825 he attained the doubtful distinction of becoming Tuscarawas County's first candidate for capital punishment.

No record has been preserved of the exact date or place of John Funston's birth; it is known however, that Nicholas Funston and his large family were squatters on the land a short distance east of Newcomerstown when pioneers first came into that region in 1814. The Funston family lived by hunting and fishing, and no doubt young John early learned the art of killing. Apparently, life in the family circle was not always harmonious, as this excerpt from a biographical sketch in the Tuscarawas County History indicates: "Milton Smith.....was a carpenter and came to Ohio in 1821, working at his trade in Goshen Township. John Funston, the only murderer executed in this county, was his apprentice. Young Funston possessed a violent temper, and had frequent altercations with his father. The latter, in a rage, once threatened to shoot his son, and pursued him through the woods, with that avowed purpose. Mr. Smith, chancing to pass by, prevailed on the irate father to permit the son to work for him. He did not remain a great while, however."

Tuscarawas County was organized in 1808, and within a short time the country had lost its aspect of wilderness. Settlements sprang up rapidly; narrow Indian trails which had wound along the hills or beside the river to connect the red man's villages had been widened to allow the passage of the white man's carts and ox teams. Traced backward, the rutty, winding roads



eventually joined other roads which converged on the pass through the Alleghenies to the east whence all the whites had come. Not only did the roads bring new neighbors to the pioneer families, but they brought itinerant preachers, traders, and finally, the postman.

With their coming, life in a squatter's cabin grew more irksome. People having a legitimate claim to the land arrived to take possession, and their clearings made wild animals scarce and hunting difficult.

Perhaps John Funston found loitering about frontier cabins and taverns preferable to lonely trips through the forest in search of game. No doubt he enjoyed the rough companionship and the raw whiskey which he found there. Along the roads he saw sights strange to one accustomed to the wilderness. He watched from leafy thickets while newcomers, singly or in noisy groups, invaded his hunting ground. And sometimes he stepped aside from the trail to allow drovers to pass. They drove herds of cattle, hogs, or flocks of sheep or even turkeys from the backwoods where they had been fattened, to the markets in Pittsburgh or Philadelphia. The drover had a slow, arduous trip on his way east, but he always returned with a self-satisfied air. Sometimes the money paid him for the stock or poultry was used to buy a load of merchandise. Trading with the pioneers was a profitable business, for such staples as salt, nails or glass were always in great demand. Coffee which could be bought in the eastern cities for a comparatively low figure could be resold in Coshocton for seventy-five cents to one dollar per pound, and calico was often worth a dollar per yard.

But at other times the drover returned by foot or on horseback, and then, even an unschooled brain like John Funston's could discern that the man was carrying money. Murder of drovers for their money was a frequent occurrence,



and John listened with avidity to all the thrilling details of these when quantities of whiskey loosened backwoods tongues. Particularly did he enjoy the tale concerning the drover who, following a night spent in a pioneer tavern, discovered after he had set out on his journey the next morning, that the powder in his pistols had been replaced with wood ashes, and rendered thus defenseless, he had been attacked, murdered, and robbed. Gradually he came to know some of the drovers by name, and to watch for their passage along the lonely, shadowed roads. He envied their air of importance, and unconsciously walked with a swaggering gait, as prowling aimlessly through the forest, he imagined himself the owner of the drover's cash.

Much progress toward civilization had been made in Ohio by 1825. Just that year the Cumberland Road had been pushed across the river to enter the young state. Swearing, sweating crews of men were working from dawn to dusk each day to widen the path of Zane's Trace from Wheeling to the west; this was the route of the new highway which was destined to be for many ensuing decades, the most important road in America.

Twenty miles to the north another road roughly paralleled it through Coshocton, Tuscarawas and Harrison Counties. This latter road had been authorized by the Legislature in 1812 to connect the little settlement at Coshocton with Cadiz, whence another road led eastward. By 1825, Coshocton though not yet incorporated, had a population of between two-hundred and two-hundred fifty people. They were more fortunate than many pioneers in that they already had postal connections with the east. The Postmaster's name was Adam Johnson, and the mail was carried on horseback, by a young man who rode regularly between Coshocton and Freeport, near Cadiz.

The ninth of September of that year must have been much like any other ninth of September here in southeastern Ohio. No doubt the previous night



had seemed a trifle chilly; possibly fog had settled in the valleys and with the coming of morning had lingered on in the shadows of the hills. Perhaps a few gums and tulip trees had already changed from faded green to gold and red in the forests, while scarlet sumac, tarnished goldenrod and tall, purple ironweed made roadside rainbows in every clearing; and all the rolling hills were lightly covered with a veil of blue haze which distance deepened into violet.

Surely William Cartmell, the Coshocton post boy, must have been aware of all the beauty around him that Friday morning as he left Freeport, homeward bound. His route lay up and down among the hills by way of Westchester, across the corner of Tuscarawas County south of the little settlement of Newcomerstown, and entered the Tuscarawas River valley somewhere near the Coshocton County line. His trip though long, was never lonely, for each year more pioneer cabins dotted the hills; (they still feared malaria in the valley). On this particular morning he was joined by another traveler - a man named Johnson, who said his home was in Steubenville. Young Cartmell had come to think of John Booth's cabin south of Newcomerstown as the half-way point in his journey. The road past Booth's descended a long hill and dipped into a narrow valley, where having crossed a little stream it began the ascent of the last range of hills to be crossed before reaching the river. There was a spring at the foot of the hill, and Johnson decided to stop for a drink. Cartmell rode on, no doubt believing his companion would soon rejoin him. Had he paused with Johnson, his life would probably have been saved; for as it was, John Funston believed him to be a drover named Smeltzer.

Johnson heard the shot and hurried to the place where his companion had fallen. As he was bending over the dead post boy a rough-looking man approached through the bushes at the side of the road. They conversed at



some length and finally decided that the best procedure would be for Johnson to ride back to Booth's while the other man would go in the opposite direction to Morgan's cabin, so that both would bring help. Johnson kept his word, but the other man did not reappear and as no other person had been present, his story was not believed. After a week of indecision during which no trace could be found of any other murderer, Johnson was jailed in New Philadelphia on September sixteenth. So insistently did he maintain his innocence however, that a peculiar legal procedure was decided upon; it was due entirely to Johnson's assertion that he would know the other man if he ever saw him. This procedure was called "posse Comitatus" or "power of the county", and by it, every able-bodied man in the southern part of the county was required to appear at New Philadelphia on Sunday, September twenty-fifth. There they were lined up in a row near the court-house, the prisoner was brought out, and began his inspection. One can imagine the painstaking care with which he regarded each man's face, then his hands. And what relief must have been in his voice as, finally pausing before John Funston he cried, "This is the man!"

Funston of course, denied any knowledge of the murder, but others who had come with him from Oxford Township that morning remembered the reluctance with which he had consented to join the party. Johnson had told his captors that as the stranger had stood beside him in the road by the post boy's body, he had noticed a long, jagged scar on the forearm in which the man cradled his rifle, and now, as the sheriff turned back Funston's sleeve, this scar was revealed. Funston was instantly jailed and Johnson freed. Later it was discovered that a ten-dollar note which the murdered boy was known to have had, had been used by Funston to pay a gunsmith for repairs to his rifle.

The trial began on November 16, 1825, with Judge Alexander Harper of Steubenville presiding. The old Ohio Constitution provided for a President Judge who was a trained lawyer and who served a circuit embracing many counties and three Associate Judges from each county, who acted in their own court



with the President Judge. The Associate Judges did not necessarily have any legal training, but were just leading, influential citizens who held their office for a term of seven years "if so long they behaved well". Historical accounts of the Funston trial show that only two Associate Judges were present.

The trial was of short duration. It began on Wednesday, was given to the jury on Friday, and on Saturday Funston was condemned to death. The date for the execution was set for December 30, 1825.

The night before Funston was to be executed, he attempted suicide by hanging himself with his suspenders. They broke however, and he was severely bruised in the resulting fall. The next morning Judge Patrick, one of the county's most influential citizens and publisher of the Tuscarawas Chronicle, obtained a full confession of guilt from Funston. It was in this way that his intention to kill ~~Abilade~~ the drover, Smeltzer, was learned.

The day of the hanging was cold and disagreeable, but a large crowd gathered at New Philadelphia to witness the act. Soon after noon an itinerant preacher, Rev. Parker Williams, gave Funston what spiritual aid he could, and a short time later, the trap having been released when Sheriff Walter Blake cut the rope supporting it, Funston was dead. His body was placed in a coffin, loaded into a cart by his two little brothers, and brought back to his father's home east of Newcomerstown. There the elder Funston dug a grave for his twenty-two-year-old son in the midst of a grove of trees, and having buried him, felled the trees over the scarred ground. Soon after this the Funston family left Oxford Township and went far into the western wilderness.

For many years passengers riding on the trains between Marietta and Cleveland saw not far from Newcomerstown, a tiny cluster of buildings - a

school, a general store, and two or three houses - tucked down between the rolling hills. And perhaps they were puzzled as the train, chugging along to make the grade into the tunnel, slowed almost to a stop at the little depot, for the name on the signboard was "POST BOY".