

The Darker Side: The Murder of Noah Eaton

By Deanna Natalizio

On the night of February 20th, 1847, Noah Eaton was murdered in his cabin in Toronto Township (now Mississauga) at the age of 65. His cabin, located on Lot 8, Concession 3, EHS, lay in close proximity to the modern day intersection of Derry and Tomken roads. Surviving literature of the crime has implicated James Hamilton as the merciless wielder of the axe that took Eaton's life. Hamilton was eventually convicted of the murder and sentenced to execution. An unofficial confession of guilt (not on record) was said to have been made by the accused. It is suggested that the Eaton and Hamilton were embroiled in a land dispute involving property ownership and money lending.

Noah Eaton was a man of means, as indicated by land records showing him to have granted two mortgages the same year, one of which was to the accused James Hamilton, on Lot 4, Concession 5 in Chinguacousy Township (Brampton). Land abstracts show that Eaton granted a second mortgage in 1831 to a Robert Hamilton, on Lot 9, Concession 5, EHS, property bordering the Etobicoke Creek. There is proof that rent dues collected from property belonging to James Hamilton, oftentimes went directly into the hands of Noah Eaton, establishing a relationship of debtor and lender between victim and accused. James Hamilton's farm in Chinguacousy, the property upon which Eaton had lent a mortgage, was also the subject of a chancery suit between the two; it is unclear as to who played plaintiff and defendant in this land dispute.

Eaton's murder and the extent of Hamilton's involvement have been largely recounted in court proceedings from a primary source, the May 22, 1847 edition of *The Globe and Mail*. The first witness to take the stand was John Brown. He seemed to have been a close acquaintance of Hamilton's. He spent a great deal of the night the murder took place with him and was possibly Hamilton's greatest hope for an alibi. Brown revealed that he and Hamilton had been at Eaton's house the night of the murder. Brown did not discuss what matter it was that had brought them there. He and Hamilton had got twenty yards from the house when Hamilton said he wished to speak to the old man again; he did not tell Brown to either stop or go on; Brown said from where he stood in relation to the cabin, he would have heard any sign of an altercation, but heard nothing. In less than 10 minutes from when he had first turned back, Hamilton returned with an appearance unchanged.

Brown said that Hamilton complained of a headache the day after the murder and had been awake throughout the night trying to fight its effects. This may have been construed as a guilty conscience by the jury. Brown said they first heard of Eaton's death the next day at Montgomery's Inn in Etobicoke, a popular meeting place of the time for the local community and boarding house for travelers. Brown entered after Hamilton had already been informed of Eaton's death by Thomas Montgomery, the tavern's owner.

Brown said Hamilton was first made aware of Eaton's murder at the toll gate of the Humber River. Brown remarked to Hamilton that it was strange the old man had been murdered, and they having been there the night before. Hamilton never answered; he contended he was ill with a headache and muffled up. He muttered something Brown did not understand. Brown afterwards pressed him several times, but Hamilton gave no intelligible answer.

HOME DISTRICT ASSIZES

(Reported for the Globe.)

FRIDAY, May 21, 1847.

The Queen vs. James Hamilton.

JAMES HAMILTON was placed upon his trial, charged with the murder of Noah Eaton, in the Township of Toronto, on the 20th of February last.—The Attorney General for prosecution, Hon. R. B. Sullivan for defence.

The ATTORNEY GENERAL opened for the Crown. We shall not attempt to give any part of his address, as all the points are brought out in the following evidence. The first witness called was—

Patrick Lappin was the first person to find Eaton's slain body. He was a neighbour of Eaton's and testified to living on the same lot. Lappin walked across to Eaton's house on Sunday at about noon and found Eaton lying with his head to the door and feet pointed towards the middle of the floor. A knife lay on the floor to the right of the body; Lappin pulled the door shut and called other neighbours.

David Peregrine, another neighbour of Eaton's, and was called by Lappin at about one o'clock on Sunday to attend at the crime scene. After finding Eaton on the floor, Lappin made a search to check for missing fortune. There was a trunk unlocked, with the key still in it. He found several denominations of money, as well as some gold and silver. He saw a frying pan lying on the sticks; on the fire was a back log not burnt through. Lappin, who had visited Eaton prior to the murder, testified that he was preparing a fire on the hearth with the intention of roasting potatoes. Eaton's corpse was frozen stiff and cold. The murder weapon was four feet from body: Eaton's own axe. Peregrine then testified that the perpetrator inflicted multiple blows to the head; a deep cut across jaw, and one more behind his ear more than two inches deep. The

furniture was not upset; clothes in the trunk were not disturbed, the cabin was virtually untouched. A common table knife (which may have been used in self-defence) was dropped on Eaton's frock coat (a common component of daytime dress).

Duggan, esq., Coroner of Canada West, corroborated the injuries sustained to Eaton's body. Peregrine's testimony illuminated money transactions between the deceased and the accused. It lends itself to reasonable cause for murder; could this have been a simple case of a business deal gone wrong?

In his testimony, Peregrine said he rented a piece of property from Hamilton. He was oftentimes told by James Hamilton to pay his rent fees to Eaton instead, suggesting that Hamilton owed Eaton money and was willing to give up his rent collection to him. Peregrine was given strict orders by Hamilton to not pay Eaton directly any longer after the 1st of January, 1847.

A Mr. Trotier testified to Hamilton commenting days after the murder that the chancery suit the two were involved in would now stop. A Mr. Platt testified to Hamilton boarding at his house two weeks prior to Eaton's murder. He said Hamilton received money from Peregrine in the amount of 20 pounds and he placed it in Platt's care to give to Eaton. Hamilton told Platt with disappointment that one of his farms had been sold. Platt heard him say he could live comfortably if Eaton were dead. Hamilton spoke of plans to go into the country on Friday night; Platt lent him money, and Hamilton said he knew where to get more (from Old Man Eaton).

When James Hamilton finally took the stand, he testified to Eaton letting him some money on a mortgage upon the farm in Chinguacousy. Old Eaton was to come into town on the following Thursday to conclude the business. This was the topic of an hour discussion the night of the murder when Hamilton had visited Eaton's cabin. Hamilton said all of this was discussed in front of Brown and contrary to Brown's testimony, he never returned to the cabin to speak to Eaton privately. After leaving Eaton's on Saturday, he went out to Halliday's in Trafalgar Township, Halton County. He had some business there as there was a man named John Wilson, who owed him a dollar and a half from 6 years previous. This may be further evidence of Hamilton being in financial straits to be collecting on past due amounts from 6 years prior. On their way home on Monday, Thomas Montgomery told Hamilton that Eaton was murdered, which was the first he heard of it. Hamilton asked Montgomery to borrow one of the horses to go out to the inquest and attend the funeral.

Janet Smith was the only witness called by the defence. Her and husband Thomas lived nearly opposite Eaton's house. She saw a burst of bright light coming from his house the evening of the murder at around 9 o'clock. It was not the light of a candle; it was stronger, like a handful of wood shavings had been thrown on the fire. This was to prove that Eaton could not have been dead at the time that light was seen, and moreover that Hamilton could not have murdered him as he would have come and gone by 9pm. The prosecution dismissed this by saying that the grease from Eaton's tilted frying pan had likely fallen into the fire, causing the burst of a flame, and reconfirming the time of death.

On May 22, 1847, after a deliberation of only twenty minutes, Chief Justice Sir John Beverley Robinson read a verdict of guilty, citing:

"The prisoner Hamilton has not as yet made any formal confession; but in private has acknowledged himself guilty of the crime of which he is to suffer. He does not accuse any one as his accomplice. He declares that when he entered the house, he had no intention of committing the murder; but that everything being so favourable, he got quit of Brown in the way stated by evidence, he turned back, and the door being slightly open, he seized the axe, and making one step forward, struck Eaton on the back of the head, and then after two or three cuts on his neck, threw down the axe and quitted the house. He says that instead of three and a half minutes, he was not above two in committing the deed."

James Hamilton was sentenced to execution on June 22, 1847. This alleged confession, as it was not made publicly, could have been a complete fabrication or made by Hamilton under duress. There is evidence of dissenters who maligned *The Colonist* for not printing a verbatim confession:

"*The Colonist* says that a correspondent has written to him, complaining that he had not published James Hamilton's confession. Our contemporary now sees what he has brought himself to. He has imbued the minds of his readers with such a taste for horrors, that they actually expect him to publish murderers' confessions whether they have made them or not." (June 16, 1847 edition of *Globe and Mail*)

"Whether they had made them or not" is an interesting choice of last words. As Hamilton had not publicly confessed to anything, is this an admission that the confession was doctored? *The Colonist* may also have taken the higher road of moral propriety (as if it were in bad taste to publish any murderer's confession) to quiet those impugning the verdict.

As recorded in the Canada Death Penalty Index, "James Hamilton was hung June 22, 1847: Went to the home of Noah Eaton in Toronto Township on February 20, 1847, and killed him with an axe." Perhaps it was that simple?

Noah Eaton was laid to rest in Bethany Methodist Cemetery; Concession 6 East, Lot 4 ½, land since taken over by Pearson Airport. William Perkins-Bull was the first historian to transcribe Bethany United in the 1930's. "The cemetery contains one stone unique to the county: Noah Heaton, who was murdered Feb 20, 1847 aged 65 years. One wonders what horror story is concealed behind these brief, not to say abrupt, words."

William Britnell recorded the cemetery again in 1976, after the stones had been moved due to the expansion of the Airport grounds. The move occurred after 1956, and the surviving stones are now part of Riverside Cemetery at the intersection of Royal York Road and Lawrence Avenue. Britnell's transcript clearly identifies stone # 35 as that of Noah Heaton's; unmistakably with an H, as follows:

"Noah HEATON who ----- Feb 20, 1847 aged 65 years"

The confusion over the spelling of Eaton's surname underpins this story as he is referred to as "Eaton" in newspaper records, but "Heaton" in land abstracts and cemetery records. For the purposes of this tale, he has been referred to as Eaton. As written documentation and official birth records were either scarce or non-existent at the time of his murder, the transfer of

information was often subject to oral re-telling, and the nuances resulting from the subjective interpretation of the listener may have produced the variation. The first attempt at a nominal census of Peel County took place in 1851, an unfortunate 4 years after his murder. At the time of Britnell's recording, the stone must have been partially eroded. It is assumed the stone must have been totally illegible by the time the cemetery was next transcribed by the Halton Branch of the Ontario Genealogical Society in 1996 as there is no mention of "Noah Heaton" in the transcription proper. A cairn erected at Riverside Cemetery in honour of the uprooted graves reads as follows:

"The graves surrounding this memorial are of the pioneers of South Malton & their descendants; moved to this location from Bethany Cemetery due to expansion of the Malton Airport. Erected in loving memory by the congregations. God's glory continueth -- May they rest in peace."

This is likely all that is left to mark the life of Noah Eaton/Heaton. The uncertainty surrounding the spelling of his surname and his tombstone's disappearance from the traces of physical memory seem almost fitting for a death equally shrouded in mystery. Was James Hamilton really the cold-blooded murderer history has made him out to be? What was the true nature of Hamilton and Eaton's relationship?