

TRIAL OF REV. MR. AVERY.

A FULL REPORT

OF THE

TRIAL OF EPHRAIM K. AVERY,

MURDER OF SARAH MARIA CORNELL,

BEFORE THE

SUPREME COURT OF RHODE ISLAND,

AT A SPECIAL TERM IN NEWPORT, HELD IN MAY 1833.

With all the incidental questions raised in the Trial carefully preserved, the Testimony of the witnesses neatly verbatim, and the Arguments of Counsel, and a correct Map and references of all the Localities described in the Testimony, prepared expressly for this Report alone.

REPORTED BY BENJAMIN F. HALLETT.

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MAY, 1833.

A Sample of the Trial Testimony

BROOKS SHATTUCK, [young man] sworn. Resides in Lowell. In 1829 or 1830, knew a young woman in Lowell, called Maria S. Cornell. She worked in the room where I was overseer. At one time in 1829, she was gone a year, and came back again, and I employed her. She was first discharged for injuring her loom. I took her back. I do not know what her general character was. She worked four weeks, and I discharged her, because I was satisfied she was not a good character. She acknowledged to me that she had had intercourse with one or two individuals in the place. As many as two. She wished to remain. I knew her to be a professor of religion. I told her she ought to go and make acknowledgment to Mr Avery, the Meth-

odist minister there, and she agreed to. But did not, and I made known to him what she had confessed. She then went away. Mr. Avery sustained a good character in Lowell. Never heard any thing to the contrary. He was there two years.

Mr. Randolph. What denomination do you belong to?

Ans. The Congregationalists.

Cross-examined. Cannot fix definitely upon the second time she left the Mill. My impression is, it was in September or October, 1831.

NATHAN HOWARD [young man] sworn. Resides in Northbridge. Know Maria Cornell from 1829 to 1831, in Lowell. At or when I first knew her, she remarked to me, she had been charged with theft, in consequence of which she had been tempted to destroy herself. She was a stranger to me.—As near as I can recollect, she was speaking of the trials she had passed through in a religious conversation. This was near the first of September 1829. Knew nothing of her character being bad in 1830. It became bad from reports. I brought charges against her of fornication and lying, before the Committee of the Methodist Church, and she was expelled. Mr. Avery was then the Minister. Saw her next in June, in the meeting-house. She confessed herself guilty of the charges I had preferred, and that she had powerful temptations to destroy herself, or kill herself, and that she thought she should at a future period. I have no recollection of any other conversation with her. I noticed some flashes in her eyes which appeared different from what it was when I was acquainted with her before. A short time prior, I noticed a number of times in her walk, something peculiar. She could not walk regular. Also in conversation with any one she couldn't stand still. She appeared as though she was not rational.

Ques. How?

Ans. Her eyes appeared fiery, and looked red.

Mr. Mason. Was there any appearance of wildness?

Ans. Yes, sir.

Mr. M. Can you state any thing else?

Ans. I know nothing more of her appearance, and have never seen her since. When at Lowell she regularly attended the Methodist Church, and was deemed by me a member, until she was expelled. I did not communicate the disclosures she made respecting her charge of theft. I did not consider it my duty from her standing then in the Church, to make any disclosures. The charges were preferred in October. The trial and expulsion were in her absence. The witnesses were Mr. Chaddock and Mr. Avery. He made them out and I preferred them. I did not move forward first. Mr. Avery put them into form, and accordingly they were preferred in my name. The first I knew any thing about it was, from a person boarding with me, now dead.

Ques. How came it that if you heard these reports in July, nothing was done till October?

Ans. It is not my practice to give credit to reports, until they become incontrovertible proofs.

Ques. Does not the discipline of your Church require that the accused and accuser should be brought together and confronted?

Ans. There is such a rule.

Ques. Why was it dispensed with?

Ans. In relation to myself I did not reside in the same part of the town.

Ques. Did she go to the same Church you did?

Ans. She did, I believe regularly. I am not able to say. I understood she left the place to go to a Camp meeting on the Cape. The charges were preferred against her in her absence. I have no means of knowing whether Mr. Avery was more active in it than I was. The proceedings were regular on the Committee, except her absence. I did not know that she had notice. Mr. Avery said she had. He observed that after her confession to him, he advised her, as the charges were of a delicate nature, to leave the place, and not be present.

Mr. Randolph. Is it usual where the party confesses the charge that they should be present?

Ans. That depends upon the circumstances and the sex.

Chief Justice. Is it not usual to discipline members in the presence of the Church?

Ans. It is not common, not as a general rule. It is either before the Church or a Committee. The member has an appeal, if not satisfied with the decision of the Committee.

Atty. Gen. Did you ever hear from Mr. Avery the object of her journey from Dover to Lowell?

Ans. Not from him. I heard Wm. Boyden speak of it the next day. The object was to make acknowledgements and get a recommendation to get into the Church where she was.

Ques. By whom was it signed?

Ans. I heard it was signed by the classes. I have heard it was not signed by Mr. Avery. I would observe this was given on condition that her conduct was good in future. I recollect no intimation whether she was satisfied or not.

MARY ANNE BARNES [a young woman] sworn. Resides in Lowell

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know Maria Cornell, or Maria S. Cornell, five years ago, working in the same Factory I was. In 1830, I asked her, if reports I had heard were true. She said they were not all true. I interrogated her more, and she confessed more, that she had behaved improperly with men. She named one person, and by interrogation she stated as much as three or four. She said she did not do so at her boarding-house, but went often to a village near Lowell, Belvidere, where she could stay a night whenever she pleased. She said she rode out with a young man one Sunday she was absent from the communion. They went to a public house, in a chamber, and she drank so much wine she did not know what she was about. She did not say it in so many words, but her countenance intimated that there had been improper conduct. She named that she had been to Dr. Graves, but did not say for what. She came to my boarding house, and wished me to forgive her, and showed me the copy of the letter she had written to Mr. Avery, containing her confession. She burst into tears, was much affected, and said she thought the Lord had forgiven her. I told her I could forgive her, if she conducted better. In her letter she confessed the charges of lowd conduct and lying. A physician called at the house, inquired for her, and went into her room. She told me, he asked her to pay his bill and that she refused. She appeared very much agitated, irritated, and said she would not pay him a cent. She then went out, and, as she told me, fastened herself in a room in another house. The doctor and sheriff came and could not find her, and the stage called to take her out of town, and she was not to be found. I was sent for to go to the house where she was, and went there, and found her in a room, fastened. She let me in, and wished me to hear her read the letters, which she did. They contained confessions of lying and fornication—and said she had been accused of a bad disease, but she did not know whether she had it. She had had very bad humours. Did not know but it was that. The letters were copies of what she said she had written to Mr. Avery. They were as bad as bad could be. She said that she had been to Mr. Avery and confessed, and he asked her for the certificate he had given her to join the Church, before her character came out. She told him she had lost the certificate, but that she had not, and she then showed it to me and read it. Afterwards, she told me Mr. Avery had written, demanding the certificate, and threatening her no further if she conducted so, and she must act from her own judgment. When she spoke about the doctor seeing her, she appeared frightened and alarmed. Very much agitated and irritated. She looked wild, and moved about. Could not sit still. Mr. Avery's character was good in Lowell.

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Cross-examined. I was not intimate with Maria. She attended Class meeting where I did. She continued to be a member of the Church while at Lowell. This was five years ago. Never heard any thing against her character until just before she left Lowell. She had been there three years. Joined the Church by a certificate from the Church at Dorchester. She said she would not pay the debt to Dr. Graves, because it was an unjust debt. That she did not owe him but half a dollar. The charge was \$10. The first conversation about the certificate was in 1830. When she told me she had sent it to Mr. Avery was in 1831. There was a number of the Class leaders who signed a certificate; she had asked their forgiveness, and they signed it. I do not know that Mr. Avery signed it, or in whose hand writing it was. But two or three had signed it when I saw it. I know nothing of her since that time. I should say I had heard Mr. Avery say he had received the letters of which she read copies to me. I have heard that he did from good sources.

[The Attorney General said they had a right to have the letters produced. They were proved to be in possession of the prisoner.]

Witness proceeded. The letters she read contained the particulars of her misconduct, but not the names of persons, or when. I was intimate in Mr. Avery's family. I have heard of Maria being there, but never saw her there. Should say she was not very intimate there.

Attorney-General. What was this disguise you speak of?

Ans. She borrowed a calash of Abigail Bigelow, and took off her dress and put on a common one of her own. She was a member of the Church at Lowell, when Mr. Avery came there.

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MISS LUCY DAVOL [middle aged.] Resides in Lowell. Knew Maria S. Cornell seven or eight years ago in Dorchester. When she came from Dover, she came to me to forgive her, and wished me to sign her certificate, in Lowell, in 1831. She confessed that the charges of lying, fornication and theft were true. She acknowledged what she had done and wanted me to forgive her. She told me she had been tempted to make way with herself, and thought she should do it. She said she came from Boston in the stage with a gentleman, and agreed to ride with him on Sunday, when he called for her, and they rode to a tavern in Andover [where the same scene occurred as described by a former witness.] She also related the same occurrence with the same individual on another occasion, and that she went with him to Belvidere once a week for some time. She also stated similar occurrences with three or four others. She said she had taken things that did not belong to her, and that when she was accused of it, she had been tempted to make way with herself. She said she had written to Mr. Avery to forgive her, and that he would not. She said she would have

her revenge on him, and he should not only suffer for it, but the whole Methodist church. She said, her appearance was so, that a great many people liked her, and she meant to get into the church in spite of him.

Mr. Randolph. Can you state any thing of her being artful and cunning?

Ans. She appeared to be, I can state nothing in particular. She said she had lived a lewd life ever since she was 15 years of age. Mr. Avery's character was good in Lowell. She mentioned she had taken things in Dorchester, and been brought before the church, but they could not prove it, and that was the time she said she was tempted to make way with herself.

Cross-examined. She made the confessions to me when she came to me to get her certificate.

Attorney-General. Why did she make her threats against the whole Methodist Church; when she was applying to the Class leaders for a certificate?

Ans. She said she had been to him to get a certificate. I do not know whether he signed it. I did not sign the certificate then. I never heard that she visited at Mr. Avery's. I belong to the Methodist Church.

MISS LYDIA PERVERE. [Young woman.] Of Lowell, knew Maria S. Cornell five years ago. She asked me if Mr. Avery was going to be at Weston Camp meeting in 1830; if he was, she did not wish to go. She also declined going to a class meeting where Mr. Avery was going to be, and said she did not wish to go where Avery was, because some one had told him about her. [She also confessed to this witness the same improper occurrences with three persons, as related by preceding witnesses.]

Mr. R. Can you show the state of her mind?

Ans. She said nothing to me about the state of her mind.

Mr. R. Have you seen her do any thing?

Ans. She came into the Factory one day dressed in white, and screamed and cried, and I thought her mind was disordered. I talked to her, why she come in, in such a manner, and so, and she put her arm round my neck, and screamed and cried, and I was disgusted with her. She went out and changed her dress. I never saw any one come in with a white dress to work in the Factory. I never thought any thing more of it.

Mr. R. Can you state any acts of artfulness?

Ans. Well, I don't know as I can, only what I thought.

Cross-examined. She was in regular standing in the Church, up to the Camp meeting in Weston, which was in August, 1830. It was after the Camp meeting I asked her about the charges against her. I believe they had been known to the church members. Was at Eastham Camp meeting with her, on the Cape. Saw nothing improper in her. Was intimate at Mr. Avery's family. I never saw her there but one evening, a short time, before the charges were preferred. I once saw Mr. Avery read a letter and then burn it.

Adjourned to Saturday Morning.