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## NEW-YORK LEGISLATURE.

### REPORT

OF THE SPECIAL COUNSEL ON THE SUBJECT OF THE ABDUCTION OF WILLIAM MORGAN—Concluded.

Hiram Hubbard testifies, that application had been made to him by Mr. Coo to drive a party: That upon some one (unknown to him,) telling him to drive to the east of the jail, he drove there, where he found five or six persons standing in the road, who got into his carriage. He was not in a situation to observe them particularly, and did not. He did not know any of the persons who got into his carriage, and did not see or not observe any violence used, or any unusual noise in getting in. He believed he took five persons. It was about nine o'clock when he started; some of the passengers told him to go to Rochester. He drove to a tavern on Rochester road, about six miles north of Canandaigua, where he watered his horses, and some of the passengers got out and took some refreshment. He drove to Victor, four miles beyond, and watered his horses at a public reservoir in the road. Thence he drove to Mendon, four miles further, where he again watered his horses; thence to Pittsford, six miles further, where he went into the public house; and thence to Rochester, eight miles further where he watered his horses at the public reservoir, and where he arrived at about day-break in the morning on the thirteenth of September. After leaving the tavern six miles from Canandaigua, none of his passengers got out until he arrived at Rochester.—There one of them left the carriage, was gone a few minutes, and, as the witness supposed, the same person returned and got into the carriage. He presumes he was told to drive to Hartford's, about three miles from Rochester; as he drove there he stopped to get feed for his horses which he did not procure. He drove about eighty rods beyond Hartford's towards the Ridge Road, where he was told to stop. He did so, and his passengers got out, in the road, near a piece of woods, there being no house much nearer, if any nearer than Hartford's. He there left his passengers in the road, turned his carriage and drove back to Rochester; he observed his passengers very slightly after they got out, but did not see any of them without a hat, nor did he see any force or violence used. Nothing passed between him and his passengers respecting compensation; he did not know any of them, and has never seen any of them since to recognize them. He was paid by Chesebro, some months afterwards, and after the latter had been tried, and while he was in jail. On his return to Rochester he met two carriages, each with two horses, going west, one was a dark color, a green, he thinks; the other was a light color, yellow drab. The curtains of his carriage were down going out; after he turned and before he got to Rochester, on his way back, he rolled them up.

From the testimony of Ezra Platt, given on the trial of Eli Bruce, as furnished me by the district attorney of Ontario county, it appears that about four or five o'clock in the morning of the eleventh or twelfth of September, some one called on him for a carriage to go to Lewiston, and desired it might be sent to Ensworth's (a tavern in Rochester) where the company was. He hailed the driver and sent him with a carriage and horses, soon after. He had two carriages, one a cinnamon color, or yellow, the other a green; he thinks the first was taken. It was gone several days. He supposed it was taken for the use of the commissioners, who were going out to instal a chapter at Lewiston, as he had been previously applied to, to furnish a carriage for that purpose. He did not know and has never ascertained, who the person was that called for the carriage.—He supposed the chapter would pay him for the use of it, but has not been paid, and has never asked any person to pay him.

It is proper here to observe, that it has appeared in testimony on the different trials, that all the persons who went from Rochester to Lewiston and attended the installation there, (excepting B. Smith and J. Whitney,) went either in the stage or in a steam-boat.

By the testimony of Sarah Wilder it appears that about the middle of September eighteen hundred and twenty-six, a certain person came in a sulkey to Capt. Allen's, who was living at Clarkson, about twenty miles west of Rochester on the Ridge road, and had some conversation with him. That in ten or fif-

teen minutes afterwards, a hack drove up to the door, the horses were taken from it, and Capt. Allen's hitched to it; they were taken from the orchard where they were drawing apples; the person who came in the sulkey helping to harness them. The carriage was dark brown, and was closed; stood in the road; no person got out of it or got in; the driver who came with the carriage there, went on with it to the west.—This was about ten or eleven o'clock, P. M. The next day, about 6 P. M. she saw the same carriage return from the west; there were no passengers, and the curtains were up. It was driven by the same person who drove it west the day before. Capt. Allen's horses were taken from it, and those which had come from the east, and had remained in the meanwhile at Allen's were harnessed to it and it drove on towards Rochester. Allen did not keep a public house. It was a very pleasant warm day.

By the testimony of Silas D. Luce it appears that about the middle of September, eighteen hundred and twenty-six, he saw Mr. M. who resides at Gaines, about fifteen miles west of Clarkson riding a horse and leading another towards the carriage that was standing in the road, from which the horses were taken, and those brought by Mr. M. were harnessed, and he mounted the box and drove the carriage to the west. This was about twelve o'clock. He describes the carriage as dark colored, he should think dark green; he curtains were drawn and the windows of the door up on the side which he passed, and the front and rear were closed; it had been for several days, and then was, unusually warm weather.

Isaac Murdock testifies, that on the thirteenth of September, eighteen hundred and twenty-six, not far from the middle of the day, he was standing at the house of J. L. Perry, about nine miles west of Gaines; he saw a carriage coming westward, driven by — as he supposed, and whom he knew perfectly well; he nodded to the driver, who did not return the salutation, which caused some doubt of his identity; the carriage was closed, it was dark colored, should think a brown or a chocolate color; on the evening of the fourteenth of September, eighteen hundred and twenty-six, he met the same carriage in the street at Rochester, it was then coming from the west. About ten or eleven o'clock in the morning of the fourteenth the witness was at this house, two or three miles west of Perry's, when the same carriage drove up from the west driven by the same person whom he supposed he saw driving it on the day before from the east; the curtains were then up.—The stage for the east was about ready to depart, in which witness was going; as he was about to get into it, J. B. called to him, and handed him a paper to do some business for him at Rochester.

The progress of the carriage west, was further traced by Lyman Turner and Lewis Soper, who describes it as being closed, and of a dark color, and as being driven by the person described by S. D. Luce and Israel Murdock; and they also concur in the statement that it was a very warm day.

Seymour Murdock testifies that on some day, between the 10th and 15th of September, eighteen hundred and twenty-six, and a day on which his son Israel was absent at Perry's, as the eastern stage arrived and the passengers came into the house, one of them, whom he does not know and has never seen since, took him aside and asked him if he was a royal arch mason? Witness said he was not; at the request of this person the witness furnished him with pen, ink and paper, with which he wrote a line to J. B. and sent a boy whom witness furnished, with it. In about half an hour J. B. came to the house, and he and the stranger conversed together on the platform; he did not hear what passed. The stranger, with the other passengers, got into the stage and it drove off to the west. After the witness had got his dinner, and came out to the front door, he saw J. B. coming towards the house on one horse and leading another; he put them under the shed and asked for feed for them, which was furnished. He and witness were on the platform in front of the house, smoking, when witness saw a close carriage coming from the east, driven by the person described by S. D. Luce and Israel Murdock; he was on the box on the near side; there was another man with him on the off side, who was unknown to witness. There were two roads which passed the house, one directly by it, the other about

four rods off. The carriage took the lower road. He was well acquainted with the driver, but no sign of recognition passed between them. After the carriage had passed a few rods, the driver stopped it, and beckoned to J. B. who was standing with witness on the platform. J. B. went to the driver of the carriage, who dismounted from his box, and the two appeared to converse together for a short time, not a quarter of a minute. The driver of the carriage mounted his box and drove on. J. B. took his horses from the shed, mounted one, led the other, and went on after the carriage, which was the last witness saw of him. He describes the carriage as being oldish and dark colored; thought it was a chocolate color; the curtains were closed; he knew the horses perfectly well; they belonged to a certain person in Gaines.

Daniel Van Horne testifies, that the day before the installation at Lewiston, (which was proved by others to have been on the fourteenth of September,) about two o'clock in the afternoon, he was sitting on the front stoop of a store at Johnson's Creek, five miles west of Murdock's, when he saw a carriage, which he thinks was closed, pass to the west, driven by the same person described by S. D. Luce and Israel Murdock; about half an hour after the hack passed he saw J. B. come on from the east and pass to the west, riding one horse and leading another. He knew J. B. well; he lived three or four miles to the east of witness. The day was warm and pleasant.

On the trial of John Whitney, Eli Bruce was called as a witness on the part of the defendant, and testified as follows: Some six or eight days before William Morgan was brought to Niagara, a gentleman from Batavia told the witness that Morgan was willing to go away from Miller; and the gentleman wanted him (Bruce) to assist in getting him away; which he declined. A short time before Morgan came to Niagara, he (Bruce) had been requested by Mr. T. to prepare a cell for him in this jail; and was told that Morgan would be there that night. On the evening of the thirteenth of September, eighteen hundred and twenty-six, he was first apprised that William Morgan was coming on the ridge road. He was then informed of it by Burrage Smith and another person, then living at Lockport, at that place. They told him Morgan had come, and was going into Canada, voluntarily; they said he came peaceably; and wanted witness to assist them in getting him along. He demurred, but finally went to the house of Solomon C. Wright, on the ridge road, two or three miles north of Lockport. He came there between 9 & 10 o'clock in the evening, and saw several persons there not belonging to the house. As he was going to Wright's, he met several persons on foot, on the road to Lockport. At Wright's he found a carriage which he got into, together with William Morgan and David Hague, who is now dead. There were no other persons in the carriage; it was driven by a person whom he knew. The curtains of the carriage were closed, and the windows of the doors were up. They drove on to Molyneaux's tavern (about six miles from Wright's, as appears from other testimony.) When they arrived there, another person rode up on horseback, soon after; he did not stop, and witness does not know what became of him. They drove on to Lewiston, where another carriage was procured, and the same persons who came on from Wright's got into it, and no others. From Lewiston they went to the ferry at Youngstown; on their way, another person got into the carriage. The testimony of Corydon Fox, relating to this part of the transaction, is perfectly correct. The object was to get Morgan away from Miller, into the interior of the country, on a farm. At the ferry, he crossed, with Morgan, into Canada; four persons, besides himself, went over; they went in the usual ferry boat. The arrangements in Canada for the reception of Morgan not being completed, they returned. It was thought best to wait a few days. Morgan was brought back to this side, and put in the magazine, which was in Fort Niagara, to await the preparations on the other side to receive him. Witness left him in the magazine some time before day.—It was past midnight. He has never seen him from that day to this, and has never had any communications from any person as to what was done with him.

The conversation he had with Morgan on the way, was, that he was going

among his friends; he was easy and said nothing. He did not actually see Morgan until their arrival at Lewiston.—When he got out of the carriage, he locked arms with the two men who were witnesses; he did not appear feeble.—He then supposed that Morgan went voluntarily. They did not drink anything but once, which was at Molyneaux's. Morgan had a handkerchief over his eyes while with witness; and had a hat on. Witness supposes and was informed, that the object of putting a handkerchief over his eyes, was, that he should not discern those who rode with him.

Robert Molyneaux testifies, that in September, eighteen hundred and twenty-six, he lived on the ridge road, thirteen miles west of Murdock's. On the night of the thirteenth of that month, he was called up by Eli Bruce, who wanted a pair of horses to put before a carriage that stood in the road to go to Lewiston. He got horses from the pasture and assisted the driver of the carriage in harnessing them. The horses that came with the carriage were taken off and put into the barn. The horses were driven to the west, by J. R.—The carriage was closed. Bruce got into it; witness could not see whether there were other persons in it or not. There was another person about the carriage who had a horse, whom witness did not know. When he rose in the morning he found his own horses returned to the stable, and those which came from the east, with their driver were gone.

William Molyneaux testified, substantially, to the same leading facts.

The testimony of Corydon Fox is given at large in the Appendix. He was in the employ of Samuel Barton, at Lewiston, as a stage driver; about the time of the installation of a chapter, at that place in 1826, and the same evening or the evening before, he was directed by his employer to put a pair of horses to a carriage, and bring them to a tavern, called the Frontier house. He harnessed his horses, and drove to the stage office, from which he started to go to the Frontier house, when Eli Bruce met him, got upon the box of the carriage with him, and directed him to drive around to a back street, near another carriage; he drove up to a hack that was standing without any horses before it, in the road leading to Youngstown. One or two persons were standing near, about the carriage, as he drove up.—Some persons got out of the carriage without horses into that which he drove; he believes three got into his carriage. He did not get off his box. He has no recollection of seeing any one with a handkerchief, or any thing singular, about his head; or observing any thing singular in the manner of the persons getting into his carriage, nor any thing singular in their manner, in other respects, that he recollects. This was between ten o'clock, P. M. and midnight. He had been asleep. He was told by Bruce to drive to Youngstown, which he did. Just before he got there, Bruce told him to stop at Col. King's, and he stopped there accordingly.—Bruce got out of the carriage, called to King, and rapped at the door. King came down, opened the door, and had some conversation with Bruce. While Bruce was standing at King's door, some one in the carriage asked for some water, in a voice like a woman's voice; it was not harsh as a man would speak. Bruce answered, and said, you shall have some in a moment. Colonel King and Bruce both got into the carriage. Witness asked Bruce whether he should stop at Philips' tavern, and which was a little below King's. Bruce said no; drive on to the Fort. He drove to near the burying ground, where he was told to stop. He did so, and his passengers got out, and went off, four of them in a row, and appeared to him to lock arms. Witness immediately asked Bruce if he should wait for him. He said no; you can go back about your business. He turned his carriage round, and went back to Lewiston. He did not observe any thing singular in the manner of the persons who got out of his carriage; they got out on the west side, which was next to the river; he turned his carriage round on the other side. He said he never drove up into the back street and took out passengers, on any other occasion than that to which he has now testified.

Other corroborative testimony has been given, relating to the manner in which the passengers got out of the hack into Fox's carriage, but it is not deemed material to detail it here.

From the evidence of Hiram B. Hopkins, and from other testimony taken before the grand jury of Niagara, it appears that, during the installation at Lewiston, on the fourteenth, it was known to several persons assembled there, that William Morgan had been carried through, and was at Fort Niagara; that

a messenger was sent by a certain person at Youngstown to Lewiston, on that day, with direction to tell Colonel King, or the jailor from Lockport, (D. Hague) that the man in the Fort was making a noise or disturbance, and that some of them must come down. He met Hague at Lewiston, and delivered the message. Hague said he would go down there, and started off.

Before the same body, the confessions of a person who has not yet been tried, were proved. So much as tends to the implication of himself, is here omitted. This person stated that a man had been brought to the Fort and confined there, in September, eighteen hundred and twenty-six. The man was in charge of —, until the latter went away temporarily; when the man was put in charge of —, who had the care of him for several days; until one morning (believed by witness to be the nineteenth of September) the man confined in the Fort was missing; he was gone. The person making the confession denied that he had any hand in getting away the person in the Fort.

A witness examined before a grand jury previous to the death of Colonel King has testified that sometime after the abduction of William Morgan, and he should think at least two weeks and not longer than six weeks thereafter, he learnt that the dead body of a man had been found, which had floated upon the beach one or two miles below Fort Niagara, and that a coroner's jury had been called to view it. At the time he met Colonel King at Lewiston, he was passing to and fro on the steps of the Frontier House. He called to witness who went to him, and Colonel King said, Doctor, don't you want a subject? The witness said he did not. King said there is a body floated on the beach—a coroner's jury is about to be held—it will be buried—you can take it to the Fort, you know there is no body there but —, and you can have any room you please. The witness replied, that the body would not be of any use, as it had been probably spoiled by the water. King said, Uncle Kelly, (the coroner,) has summoned me: I told him I had business at Lewiston and could not stay; I am afraid it is the body of Morgan; should it prove to be so, we shall hear to night. You must go to night & take it up and hide it; and take care of it; you must put it where it never can be found. King was extremely agitated, and the witness was alarmed for him, as he evidently believed it was the body of Morgan. Witness answered, if you have got into any difficulty, you must work your way out; I will have nothing to do with it. King turned to witness and said he must go. Witness said he should not, he would have nothing to do with it. Upon this the manner and appearance of King became changed and he said, as if in a jocose way, I guess it is Morgan, and laughed quite heartily, as if he had passed a joke upon the witness. The witness did not think it was a joke by any means. King knew him to be a mason. No further direct judicial evidence has come to my knowledge respecting the fate of William Morgan, except the testimony of a witness given before a grand jury, who has been excluded from testifying on the trials of some of the parties implicated, on the ground of his religious disbelief, and which therefore does not seem proper to be embodied in this report.

From all the information which has been received, I am persuaded that (the death of William Morgan, of which little doubt is generally entertained,) was not contemplated until after he was brought back from Canada. Indeed no very definite purpose appears to have been originally formed. The immediate exigency seems to have been his removal at all events, and his final disposition probably did not enter into the calculation of those who were concerned in carrying him to Lewiston.

The fact has appeared in the various trials and investigations which I have conducted, that all the persons who had been in any way implicated in the outrage upon William Morgan, from its commencement at Batavia to its termination at Fort Niagara, belonged at the time to the masonic fraternity, with the exception of Hiram Hubbard and Corydon Fox; and that those who are charged with having taken the most active part, belonged to the degree of royal arch masons. Having ascertained this fact, it appeared a solemn duty to object to any royal arch companions sitting as jurors upon the trial of any indictments against their brethren, for that offence. At the last of those trials the objection was accordingly made, in two instances, and in both the verdicts of the triers were against the indifference of the jurors check-