

there just as the court adjourned for dinner, and a person near me observed, "There goes Avery." Three persons were coming down abreast, and I observed that the middle one exactly resembled the man whom I had remarked crossing the bridge; I immediately felt quite serious on the subject. His person and appearance were so exactly the same that I could not discover any difference between them; so entirely alike, that I felt peculiarly.

Cross-examined: I do not swear positively that he is the man, but I say he exactly resembles him.

31. *Annis Norton*.—I live with my father at Tiverton, near Fall River; about 3 o'clock, p.m. on the 20th December, I saw a gentleman coming from the bridge, and he was walking so very fast, that I said to my father, "If that man continues to walk so very fast, he will get to Ohio before night." I thought from his dress that he was a Methodist minister, from Bristol, or the island. His coat appeared to me to be a surtout or box coat, of a dark mixture, nearly black, and he was rather a tall man. Although it was in the dusk of the evening, and he was walking from me, I had a view of his face, and observed that he had dark eyes and hair.

Cross-examined. I believe it was to Col. Harnden that I first remarked he looked like a Methodist minister, and it occurred to my mind that it was Mr. Avery, for I had seen him before; I believe I said at the time, "There goes brother Avery," but I will not swear it was him. He had no whiskers, and I have never said he shaved them off since that time; I may have said since that he shaved his whiskers, because I have heard it said that he did so after he was apprehended. I have observed that he looked very different at Bristol because he appeared pale and emaciated, as though he had broken his rest.

32. *Gardner Colt*.—I am bar-keeper at Lewton's tavern, Fall River. On the evening of the 20th December last about six o'clock, a gentleman came to the bar and said he wanted supper. He did not come into the bar room, but went into the sitting room, the door of which is opposite to the bar. Supper was laid for him in the dining room, and he retired thither. He was a tall man, dressed in a brown or dark colored surtout coat, and had on a flat fur cap. I do not think I could now recognize his features, for I did not particularly notice them. He appeared in a great hurry, and went out immediately after paying for his supper. I should not think Mr. Avery differs at all from the man in height. He bro't no horse with him, or I should have received pay for it. At the Bristol examination I saw a man sitting at the corner of the table who resembled the person I speak of, and he was the prisoner. While he was there the girl came for a glass of brandy for him, for which he paid.

Cross-examined. The girl who attended on him, was Margaret B. Hambley—she appeared to be about thirty-five years of age. There was a pedler in the house at the time, named Alden, but I don't think he took supper with him. I was not present when Margaret B. Hambley testified at Bristol. I saw Mr. Avery, however, when he was brought to Fall River from Rindge, by Col. Harnden; he had then spectacles on and an out-line coat.

33. *John Borden*.—I live at Tiverton. On the night of the 20th December, about twenty minutes past nine, I was on the road from Fall River, and saw a rather tall man at a short distance ahead of me; we were then about half way between Fall River and Stoney Bridge. He was walking at about an ordinary rate. I have not seen him since till I see him now. It could not have taken me more than ten minutes to walk from where I first saw him to my house, and when I had lit a candle, I found it was just twenty minutes past nine.

34. *William Gifford*.—I am the son of Jeremiah Gifford, the keeper of Bristol ferry, and remember putting Mr. Avery across to the Bristol side on the 21st of December, after he had slept at our house. I said to him, "Mr. Avery, I did not know you had a meeting on the island last night," and he replied, "I had not a meeting, but I went to the island on some business of my own." I did not see him when he came over from the Bristol side the evening before. I think he had spectacles on that morning, but I did not observe any bundle or cane. Not cross-examined.

35. *Jane Gifford*.—I am the daughter of Jeremiah Gifford, of Bristol Ferry, and a sister of the last witness. I saw Mr. Avery after he had come down stairs on the morning of the 21st of December last, and shook hands with him; I said, "Brother Avery, I did not know you was going to preach on the Island last night," and he replied, "I did not preach there, I had business with Brother Cook." He added he was sorry he could not get over the ferry the same night, because his family

was sick. There is a John Cook, a member of the Methodist church, who resides about two miles from our house, and a William R. Cook, also a member, who lives near.

Cross-examined. I slept in a room adjoining my father's, and heard him say it was half past nine o'clock.

36. *Mrs. Harriet Hathaway*.—I reside at Fall River and knew Sarah M. Cornell. She boarded with me. The last time I saw her alive was on the evening of the 20th December. She changed her frock, putting on a better one than she usually wore; and having fetched her cloak and calash, she went out saying, she was going to Joseph Durfee's, and should, perhaps, return immediately, but that, if she did not, she should be home by nine o'clock. I waited up for her till ten, and then went to bed leaving a light, and the door unfastened. The next morning I heard from Seth Darling that she had been found dead. She worked at Mr. Anthony's mill the usual hour of leaving which is half past seven, but on that evening she came home much earlier. She had been unusually cheerful throughout that day. She had boarded with me three weeks, during which time no one had visited her. I delivered her trunk and hand box to John Durfee, the key of which was found in the pocket she had on. I should know the comb she usually wore from its having lost two of its end teeth, [comb produced and identified.] I have seen in her possession three letters; one pink, one straw colored, and one white, [letters produced.] These appeared to be the same; she never, that I know, read them aloud in the house; no other person boarded with me. She was not in the habit of being out in the evening, except on sabbath and class meetings. I never saw the contents of her trunk or hand box before her death, and I am not aware that she had a pocket book.

Cross-examined. I saw the letters lying in her lap, and I think I could swear these are the same; I noticed that the direction on the white letter was written in a larger hand than the others. I saw her with them about a week before her death, and said something concerning them to my daughter Lucy.

Lucy Hathaway.—I am the daughter of the last witness. I worked in the same mill and in the same room with the late Sarah Maria Cornell; on the afternoon of the 20th of December last, she informed me of her intention to leave work earlier that evening than usual, as she had a particular engagement, and she accordingly left at half past five; she had been remarkably cheerful that day, for she was generally very sad, and held little conversation; she was particular so on the Tuesday preceding the Thursday on which she died, for the expressed fears that she would not be allowed to leave the mill early enough on Thursday to fulfil an appointment she had in the evening; but she added, "I am determined to go, whether they will permit me or not." On that evening, about five minutes before she went out, she came to my window to comb her hair. I know this to be her comb, [produced] but it was not broken then. I knew her a week before she came to board at our house; she came on the 1st of December, and the reason she assigned for changing, was that she wished to be more retired; I did not know her situation at that time. On the afternoon of the Saturday following the day she came to my father's, I recollect her having receiving a letter. She went that day to the post office to enquire for one, and on her return, she held it up and showed it to me; it was written on white paper; I afterwards saw the writing inside, which was not more than two or three lines, but did not read them. It was marked one cent postage. [The white letter produced and identified.] I also saw her with two other letters, I pink, and the other yellow or straw colored; I afterwards casually saw the contents of these, but did not read them. [These two colored letters were produced and identified.] When she showed them to me, I remarked that one of them appeared to be written in a hand more like a lady's than a gentleman's; but she replied they were both written by one person. [Upon some rule of evidence urged by the prisoner's counsel, which we neglected to note, the admission of this last answer was objected to, and the court ruled it out.] When she showed me the colored letters, she broke open an envelope in which they were sealed, and put the white one with them. The day before her death I saw her with a pocket wallet; one of the girls came to borrow some money of her to buy an apron of a pattern she had just seen; Maria Cornell said I will have one too, and addressing me said, "and you have one, for then we shall all have them alike." She said if I would wind a bundle of yarn for her that evening, she would make the aprons, which she said she should have time to do whilst her loom, which was out of order, was being repaired.

Cross-examined. I saw the string with which she was strangled; I never saw a

string of that size used for hanging up the harness of the looms.

Direct resumed.—I know from observation, and her own communications to me that she was out of health, and was so confidential as to tell me that her illness was of a kind that could afflict females only. I knew that her periodical appearances were wanting, but did not infer her real situation; I thought she had taken cold, and asked her why she did not take medicine, and she replied she had taken pills of Dr. Wilbur. She afterwards said she had not been well since she went to the Thompson Camp-meeting, and that something had occurred there to cause her ill health. She did not state what it was, but I began to have some doubts. Maria Cornell never went out evenings, except to meetings, whilst I knew her. (This young woman sustained this painful examination with an unaffected modesty and firmness combined, which won the respect of everyone who heard her.)

After she had resumed her seat beside her mother, she replied to a question of the counsel in the following words: "I will never go there any more—I know some very disgusting things which took place there, between a minister and a church member, and that minister too a married man."—"And now," said the witness, much affected, "you know as much about it as I do."

The Court then adjourned to Monday morning, having at the request of the Jury, consented that they should walk out during Sunday for exercise, if constantly accompanied by sworn officers, and the officers were sworn accordingly.

SEVENTH DAY.

Monday, May 13th.

Harvey Harnden.—I live at Fall River; I was present at the examination at Bristol, as one of the committee appointed to investigate the circumstances attendant on the death of Sarah Maria Cornell. On the Saturday evening of the first week of the examination, I called at Frank Smith's store, requesting him to let me have what was remaining of a ream of letter paper which had been in his store on the 8th of December. I received this paper. [Produced.] There is more here than I received. I think I received nine half quires, and one whole one. At the time Smith handed me the paper, he had the half sheet I wanted in his hand. [Half sheet produced and identified, by the pencil mark "half sheet," written on it.] I produced it to the Court at Bristol, and I there compared it with the other half sheet of paper. [Letter on half sheet produced.] I found them agree perfectly. I examined the pieces with a microscope. The fibres of the paper pass from one part to the other; in the water mark there is a very striking resemblance with the paper at Smith's. In some sheets there is no difference; the water mark is only on one side of the sheet. The half sheet I produced in Bristol was left in court. I know this memorandum, [produced, written "6 quires, 14 sheets and a half."] I arrested Mr. Avery after he left Rhode Island, in the town of Rindge, N. Hampshire, just above the Massachusetts line, at the house of a gentleman named Mayo. (The witness sketched its style and appearance.) It was a large two story house. There were six persons with me; one of whom (Mr. Foster) accompanied me into the house; the other five remained outside at different points. I went through the house into the room in which the family live. I would here remark that this room was in a porch built on the one of the house, instead of back as is usual; and that the front of the porch was parallel with the front of the main building, although thrown back perhaps six or eight feet, so as to give a window in the end of the main building into the front room. When I entered, I enquired for captain Mayo; and, on one of the gentlemen declaring himself to be the same, I asked if he knew a person of the name Ephraim K. Avery. He denied any knowledge of him, and then said I must search the house. At this moment the lady who sat in the room, and whom I afterwards found to be Mrs. Mayo, got up, went out into another room without a light, and closed the door after her. I very soon heard a person who came to the house with me, and whom I had told to be careful and see that no one left it, rap on the window with his fingers, I took the only light there was in the room, and passing through the same door by which Mrs. Mayo had gone out, found myself in a small room back of a front room, with a door opening into the same front room. I entered and went through the front room into the front entry, and from thence up stairs. On arriving at the head of the stairs, I discovered the door opening into the chamber over the front room opposite to the one I have named, to be open. On looking in, observed that there was a low fire on the hearth, and a light stand before it, with a candle on it, the wick of which was ignited as if it had that instant been blown out. I entered but saw no person. I there saw a

be which had been tumbled, and found by placing my hand in it, that some one had recently left it. I then went into a bed room at the back of the chamber, and found no one there. I then returned into the front entry chamber, and there saw Mrs. Mayo standing in the other front chamber. I then went into that, while she passed me into the entry chamber. I searched that chamber, and then two smaller rooms at the back of it. After this I returned into the front entry chamber, and thence went up the garret stairs, which led from it. On entering upon the stairs, I found there was trap door over them at the garret floor; I turned it up, but to no purpose. I then returned to the entry chamber, and from thence into chamber in which I first made search, but did not find Mr. Avery. (The witness entered into some further descriptions, and deposed.) On arriving again in the front entry below, I discovered that the door into the front room was not entirely closed, though I distinctly recollected that when I passed up it was shut. I then placed my hand against the door, and found there was a gentle pressure on the other side, and in withdrawing my hand, the door would return gently to its former position. I opened the door with one hand, holding the candle in the other, and behind the door I discovered Mr. Avery. He stood quite motionless, and from his appearance, was more agitated than any person I ever saw. He had on either a surtout or pea-jacket and held in his left hand a cap, which I have no recollection of seeing afterwards: When he left the house, he had on both a pea-jacket and surtout. Since I had last seen him, which was two weeks, he had let his beard grow, except on the front part of his face, (witness described,) which very materially altered his appearance. I presented my hand to him and said, "Mr. Avery, how do you do?" He attempted to speak, but his utterance failed. I then took him by the hand and said, "do endeavor to suppress this agitation; you need fear no personal violence; you shall be kindly treated;" and requested him to step into the entry where there was more air. He did so; and then said, "I suppose you cannot legally take me from this place without a precept from the Governor of New Hampshire. I replied I had no such a precept; but supposed I had a warrant sufficient for the purpose, which I procured from a Justice. He then stated that his counsel had told him he could be taken from no state without an application to its Governor. I told him by a reference to the laws of New Hampshire, I found it otherwise; that if he would go into the other room I would show him the precept; and that if I should fail of convincing him that the arrest was completely legal, I would leave him and go without him. After some further conversation, the precept was read to him by Mr. Foster, the deputy from Fitz William. Mr. Avery was satisfied of its legality, and said he would return with me to Bristol.

I then mentioned to him that the precept directed the Sheriff to carry him before some Justice in that county for examination. To this he demurred, and wished the privilege of returning without that ceremony. I consented that it should be waived if he would sign a request to that effect, together with an agreement that he would hold the Deputy harmless for disobeying the precept. He consented. We left Captain Mayo's between eleven and twelve and went up to the tavern in Rindge, where Mr. Avery shaved, having previously expressed a wish to do so. His face then appeared as it had done at Bristol. (This witness brought Mr. Avery to the line of Rhode Island, where he delivered him to the agent appointed to receive him by that State, on Friday, January 25th.)

Cross-examined.—Heard the statement made by the prisoner's counsel at Bristol, offering sureties for his appearance at the March term of the Supreme Court of Rhode Island. (This witness was cross-examined at length as to the proceedings of the Committee of Vigilance at Fall River, as whose appointed agent he had acted in arresting Mr. Avery.)

[TO BE CONTINUED.]

Mr. Jones' Widow.—It happened to Mr. Jones, worthy man, to die, and after a few months, left for propriety's sake, Mr. Wilkins, paid a visit to the widow; and remembering Hudibras' rule he made known his business at once. The widow Jones was flattered with her neighbor's good opinion, but Mr. Smith had called two or three weeks previously, and she had engaged to marry him. Mr. Wilkins bore his disappointment like a philosopher, but when Mr. Smith died, he took occasion to call on the widow on the next day after the funeral, and renewed his offer. The widow felt grateful for sympathy for the loss of one husband, and the offer of another, but neighbor Walters, a distant relation of her late husband had, walking to the grave with her, extorted from her something like a promise. Mr. Wilkins knew the value of a promise, and waited patiently till

neighbor Walters died, and procured an appointment to walk to the grave with the widow. As he was going along to the mansions of the dead, Mr. Wilkins renewed his petition—a little too late—Deacon Holmes had called to comfort her and the family, on the very day of Mr. Walters' decease, and had taken the opportunity to offer himself with the consolation. Mr. Wilkins began to think that there was a chance of his not succeeding in his views of making the lady Mrs. Wilkins, but not to omit any proper opportunity, he, while they were returning from the burial, whispered into the widow's ear, that he hoped she would remember his offer should any thing happen to the Deacon.

Powerful tones of Birds.—It is difficult to account for so small a creature as a bird making a tone as loud as some animals a thousand times its size; but a recent discovery has shown, that, in birds, the lungs have several openings communicating with corresponding air bags or cells, which fill the whole cavity of the body, from the neck downwards, and into which the air passes and re-passes in the progress of breathing.—This is not all; the very bones are hollow, from which air pipes are conveyed to most parts of the body, even into the quills and feathers: this air being rarified by the heat of the body, adds to their levity. By forcing the air out of the body, they can dart down from the greatest heights with astonishing velocity. No doubt the same machinery forms the bases of their vocal powers, and at once solves the mystery.—*Gardner's Music of Nature*.

During the American revolution, While General Reed was president of Congress, the British commissioners offered him a bribe of 10,000 guineas, to desert the cause of his country. His reply was, "Gentlemen, I am poor, very poor; but your king is not rich enough to buy me."

A deputation of 339 persons, from different parts of England, in favor of the immediate emancipation of negro slavery, within the British dominions, met in London on the 18th of April.—They had a meeting with the ministry on the subject. Resolutions were passed, declaring that all persons held in bondage in his Majesty's dominions, ought to be forthwith emancipated, and that the people of England will cheerfully bear the expense necessary to make a fair reparation of the West India planters for the loss of their slaves.

FOREIGN NEWS.

EIGHT DAYS LATER FROM EUROPE

The packet ship *New York*, Captain Hoxie, arrived yesterday morning from Liverpool, whence she sailed on the 1st May.

The Editor of the *Courier and Enquirer* has received by this conveyance, London dates of the evening of the 30th April, and Liverpool of the 1st, ult.

We learn from these papers that the British Ministers have unexpectedly found themselves in a minority in the House of Commons. Sir W. Lubbock having introduced a resolution that the duty on malt be reduced from 20s. 8d. to 10s. the quarter, it was carried by a majority of ten, in a house consisting of 314 members, the numbers being 162 to 152. This result notwithstanding the declaration of the Chancellor of the Exchequer, that it was utterly impossible, consistent with the state of the finances, to consent to the proposed reduction, caused Earl Grey, on the following morning according to established etiquette, to wait on the King, and tender his resignation, which was not received. Ministers then determined on adopting the line of conduct developed in a debate which ensued. If they have carried their motion, (which was to come before the House on the evening of the 30th) declaring, that the reduction of the duty on malt and other reductions which would naturally follow—such as that on the house and window-tax—could only be supplied by a general tax on property, and would occasion an extensive change in the financial system which would be inexpedient, then they have retained their places, and it may be presumed that their defeat on Sir W. Lubbock's motion was a consequence of the thinness of the House, not much more than half the members being present.

It is evident, however, whatever may be the strength of the Ministers in the House of Commons, that they have become extremely unpopular throughout the country. Too much has been expected from a reformed house of commons. Relief from severe taxation, and a diminution in the national expenditure, which the ministers have found it impossible to bring about. The amount of the public debt and the entire financial system of England, is so forced and unnatural, that if it be touched with a rule hand the whole fabric must crumble into atoms, and hence Lord Grey has not dared to, could not introduce, those measures which the voice of the people and their necessities called for. We should think that a change in the cabinet would ensue were