

1815

# The Trial of Moses Adams, High-sheriff of the County of Hancock, before the Supreme Judicial Court of the Commonwealth of Massachusetts, on an Indictment for the Murder of his Wife from Minutes taken at the Trial by John Bulfinch

John Bulfinch

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THE  
**TRIAL**

OF  
**MOSES ADAMS,**

*High-Sheriff of the County of Hancock,*

BEFORE THE SUPREME JUDICIAL COURT OF THE COM-  
MONWEALTH OF MASSACHUSETTS,

ON AN

**INDICTMENT**

FOR THE

***MURDER OF HIS WIFE.***

=  
[From minutes taken at the Trial by John Bulfinch.]  
=

**BOSTON:**

PRINTED AND PUBLISHED BY E. B. TILLESTON,  
No. 8, Congress Street.

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1815.

DISTRICT OF MASSACHUSETTS, TO WIT :

*District Clerk's Office.*

BE it remembered, that on the tenth day of July, A.D. 1815, and in the fortieth year of the Independence of the United States of America, John Bulfinch, of the said district, hath deposited in this office the title of a book the right whereof he claims as proprietor, in the words following, to wit:

"The Trial of Moses Adams, High Sheriff of the county of Hancock, before the Supreme Judicial Court of the Commonwealth of Massachusetts, on an Indictment for the Murder of his Wife. From minutes taken at the Trial, by John Bulfinch"

In conformity to the act of the Congress of the United States, entitled, "An act for the encouragement of learning by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the times therein mentioned:" and also to an act entitled "An act supplementary to an act, entitled, An act for the encouragement of learning, by securing the copies of maps, charts and books, to the authors and proprietors of such copies during the times therein mentioned; and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints"

JOHN W. DAVIS, { Clerk of the District  
                          { of Massachusetts.

## TRIAL.

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ON the fifteenth day of June, in the year of our Lord one thousand eight hundred and fifteen, at the Supreme Judicial Court holden at Castine in the county of Hancock, in the state of Massachusetts,

### MOSES ADAMS

was arraigned upon an Indictment, of which the following is a copy :—

#### *Commonwealth of Massachusetts.*

THE Jurors for the said Commonwealth, upon their oaths present, that Moses Adams of Ellsworth, in the county of Hancock aforesaid, Esquire, not having the fear of God before his eyes, but being moved and seduced by the instigation of the Devil, on the twelfth day of May, in the year of our Lord one thousand eight hundred and fifteen, with force and arms, at Ellsworth aforesaid, in the county of Hancock aforesaid, in and upon one Mary Adams, the wife of the said Moses Adams, in the peace of the said Commonwealth, then and there being, feloniously, wilfully and of his malice aforethought, did make an assault; and that he the said Moses Adams, with a certain deadly weapon called an axe, of the value of one dollar, which he the said Moses Adams, in both his hands then and there had and held, the aforesaid Mary Adams, in and upon the right side of the neck and through the jugular vein and vertebra of her the said Mary Adams, then and there feloniously, wilfully, and of his malice aforethought, did strike, penetrate and wound, giving to the said Mary Adams, then and there, with the axe aforesaid, in and upon the aforesaid right side of the neck, through the jugular vein and urethra of her the said Mary Adams, one mortal wound of the breadth of three inches and of the depth of six inches, of which said mortal wound the aforesaid Mary Adams then and there instantly died. And so the Jurors aforesaid, upon their oaths aforesaid, do say, that the said Moses Adams, his wife the said Mary Adams, in manner and form aforesaid, feloniously, wilfully, and of his malice aforethought, did kill and murder against the peace of the Commonwealth aforesaid, and contrary to the form of the statute in such case made and provided.

The prisoner pleaded *Not Guilty*; and the following day was assigned for his trial.

SAMUEL S. WILDE and PRENTISS MELLEN, Esqrs. were assigned by the Court, as counsel for the prisoner, at his request.

On the 16th of June a Jury was empannelled, viz. :—

NATHANIEL HARLOW....*Foreman*,

*Josiah Ames,*  
*John Burgess,*  
*Samuel Farnam,*  
*John McGlathry,*  
*Robert Means,*  
*Martin Paterson,*

*Prescott Powers,*  
*John Park,*  
*Jonathan L. Stevens,*  
*William R. Ware,*  
*Thomas Stevens.*

The whole number of Jurymen peremptorily challenged, and objected to for cause, was twenty-one.

PEREZ MORTON, Esq. the Attorney General, briefly stated the case, as he expected it would appear in evidence; and explained the nature of presumptive and circumstantial evidence, on which the prosecution was founded, and the principles of law applicable to such evidence; and then proceeded to call the witnesses in support of the Indictment.

JESSE DUTTON, sworn.

*Question by the Attorney General.* Will you relate to the Court and Jury, what you know relative to the body of Mrs. Adams? *A.* I was called as a Coroner, to summon a Jury of Inquest, on the body of Mrs. Adams. We arrived about two hours and a half, after I was informed that the body was found dead, and saw the body lying on the bed; we then took it to the parlour, where we examined it, and found a wound on the back part of the head, on the right side, about three inches in length and three quarters in breadth; the shoulder was broken, and a wound on the right side of the neck, six inches in length, or perhaps not more than three or four inches, which wound, we concluded, was done with an axe—there were pieces which were entirely cut out of the neck, and separated, which we concluded were cut in the same manner. *Q.* Were the jugular vein and vertebra cut through? *A.* Yes; and pieces of the bone entirely off. *Q.* Were the pieces of the comb in her head? *A.* Yes; I pulled a piece of her comb from her head.

*Court.* Was the wound on her head a cut or a bruise?—

*A.* It was a bruise, and I concluded it was done with a boot-jack.

*Attorney.* Was the wound open to the bone? *A.* Yes.—

Q. Had you any acquaintance with Mrs. Adams? *A.* Yes.

Q. What was her disposition? *A.* She was remarkably mild, amiable and discreet.

The Attorney General then proposed to inquire as to the general deportment of the prisoner towards his wife. This was objected to by the Counsel for the prisoner. The Court after hearing the Counsel on both sides, decided that the Attorney could not go into such an inquiry. They observed that possibly in a future stage of the proceedings, and after evidence should be produced, if any such existed, tending to prove that the prisoner perpetrated the deed, it might be proper to prove his conduct towards the deceased at or about the time of the transaction. But that if the evidence now proposed were admissible, the prisoner must come prepared to prove all the transactions of his life; or else he must meet such evidence, by undertaking to prove his general character. That a prisoner was always permitted to prove his general character in his defence, but was never compelled to put it in issue.

#### SEWELL E. TUTTLE, SWORN.

*Attorney.* Relate to the Court and Jury what took place, on the morning of the day on which Mrs. Adams was killed.

*A.* About 8 o'clock in the morning, Dr. Adams walked up and down the front yard—then he came in and stayed about two hours, went out again, and walked up and down the yard several times, on the south side of the fence. Q. Who was at home at this time? *A.* Mrs. Adams and myself. Dr. Adams had gone into the field—he came back, and said one of the sheep had lambed. I then went into the field, found one of the sheep had lambed, and came back. Dr. Adams then went into the field again. Mrs. Adams told me to tell him dinner was ready; when he came back I told him, and he then went into the house. Q. What hour was this? *A.* Between twelve and one o'clock, which was the usual time for dinner.

*Court.* How did you judge? *A.* By the sun. While at dinner, he opened the window to cool himself, and appeared very warm. Before dinner, I was in the barn with him, and

he told me to take Mr. James Davis' horse home ; then he changed his mind, and told me I had better go to mill first.

*Attorney.* How far is Mr. Davis' house from Dr. Adams'?

*A.* About a quarter of a mile. *Q.* How far is the mill?—

*A.* About two miles. *Q.* What meal was there in the house?

*A.* One peck or one peck and a half of wheat meal, one half peck of rye meal, and half a peck of indian. *Q.* What state is the meal barrel in when you usually go to mill?

*A.* Sometimes it has more in it and sometimes less. *Q.* What took place after dinner? *A.* After I had been cutting wood about one half an hour, Dr. Adams came, and told me I had better go to mill, or I should be late. I immediately went to the barn, for the horse, and while I was getting the bags ready, I saw Dr. Adams pass from the house to the barn. I went in and saw Mrs. Adams setting at the table in the kitchen.

*Court.* Tell how long after dinner it was, before you went to mill. *A.* About three quarters of an hour. As I went out of the gate, I saw Mrs. Adams looking after me, first out of the south and then out of the north window. I went to the mill, and stayed till the corn was ground. *Q.* What hour was this? *A.* In coming back, I stopped at Mr. Fisk's, and he told me it was four o'clock. *Q.* How far is it from Mr. Fisk's to Dr. Adams'? *A.* About one mile and a half. *Q.* Did you stop at Mr. Fisk's? *A.* No. When I arrived at the house, there were twenty or thirty people in and about the house.

*Mellen.* Did not Doct. Adams keep the horse, to accommodate Mr. Davis? *A.* Yes; the horse had been there two or three weeks. *Q.* Was not Doct. Adams' horse a gay one? *A.* Yes; and at this time he had a sore back. *Q.* Had not Mr. Davis' horse been fed on orts? *A.* Yes; but at this time was eating English hay, and the Doctor saw him eating hay at the time when he told me to take the horse home. *Q.* What coat had Doct. Adams on at this time? *A.* His sheriff-coat, the same which is here produced.

#### BETSY RICE, sworn.

*Attorney.* Please to relate what you know. *A.* About two of the clock, I passed by Doct. Adams' house: Mrs. Adams came to the window and opened it, and asked me where I was gadding, I told her to Mrs. Moore's; she asked me to stop when I came back, I told her that I would; accordingly I went to Mrs. Moore's and stayed about one hour, and then went to Mrs. Beals' and stayed about fifteen mi-

nutes, and when I arrived back, Mr. Fisk asked me, if I knew that Mrs. Adams was dead.

*Court.* How did you know it was two o'clock? *A.* By the sun. *Q.* Did you judge by dining? *A.* Yes. *Q.* Was the school done when you passed? *A.* Yes; when I was going from Mrs. Moore's to Mrs. Beals' they were on the bridge hill and Doct. Adams' children were out of school. *Q.* How far is it from Doct. Adams' house to Mrs. Means'? *A.* I don't know? perhaps not one half a mile.

*Attorney.* What followed then? *A.* I went into the house and saw Doct. Adams on the side of the bed, and a crowd about the house. Doct. Adams said to me, 'Mrs. Rice! an't this a dreadful house.' I answered, 'yes, it is indeed.' I soon after asked Mrs. Hammond to go to my house with me; and in going I saw a newspaper in the field near the road, took it up, saw nothing in it, and threw it down. When we returned, I saw Doct. Adams sitting with a handkerchief in his hand. *Q.* Were there any marks on the paper? *A.* Yes; but I did not know what they were. Capt. Daniel Adams then said to me, 'Mrs. Rice, you are acquainted here, you had better pick up what things are handy, and put them all in some safe place.' I went to the dresser for the tea-spoons, and found they were gone, except one in the mustard pot.

*Mellen.* Were the great spoons gone? *A.* No; there were two which were marked; the tea-spoons were not marked.

*Attorney.* Did you communicate to Mr. Nourse, that you had found a newspaper? *A.* No; he came to me next morning, and I showed him where it was. He carried it to Doct. Adams' and dried it, for it had rained during the night. *Q.* Did you wash the linen? *A.* Yes. The day after, Doct. Adams requested me to help Anna Stratton wash. *Q.* Did you see a shirt among the rest? *A.* Yes; and one of the sleeves was stained—whether by perspiration or otherwise, I could not tell. It seemed to have been wet. *Q.* How far up? *A.* Half way up from the wristband to the elbow.

#### WILLIAM R. GINN, SWORN.

*Attorney.* Relate what you know to the court and jury. *A.* While I was in conversation with Mr. Peters, about one quarter of an hour past twelve; I saw Doct. Adams pass down on the wharf, on board a sloop; and while at dinner, I saw him pass up towards his house. After dinner he knocked at my door and asked me for a cigar; I told him, I was



sorry I had none, he said, 'no matter'. After that, between fifteen and twenty minutes of four o'clock, we went in to take some spirit and water. After ten or twelve minutes in conversation, Maria Perkins came in, and said that Mrs. Adams was dead; and told us, there were none but school children there, at Dr. Adams'. I immediately went up to Dr. Adams', went in at the front door, passed through the parlour, into the kitchen, and put my hand on the cheek of the corpse; and found it was cold—her hand also was cold. I saw the axe near her, and the pieces of the boot-jack on the floor, and a handkerchief. Saw the gash in her neck, and marks of a blow on her left hand. Q. How long did you suppose she had been dead? A. One hour, for she was cold, her eyes were glassy, the blood was clotted on the floor, and the spatters on her face and hands dry. Q. What happened afterwards? A. When I saw Dr. Adams coming in, I went to meet him. He asked me, 'Mr. Ginn! what is the matter.' I replied a horrid accident has happened. He then got off his horse, walked into the house rather slow, and stepped in one side of the blood. Mr. Means said, Doctor I would not step in the blood. He said, 'why not, it cannot hurt her now.' He stepped over the body, put his hand on her bosom—then went to the bed-room door. The drawer of the desk was open—the desk stood so near the bed-room door, that the drawer when open, would prevent one's entering the door. He put his hand down to put the draw in, Miss Oakes told him the draw of the desk was so when she came in; he then drew it out again, and immediately put his hand on his pocket, and then said, 'my pocket-book is gone.' He then drew up a chair, and took hold of the axe, and looking at the edge exclaimed, 'murderer! murderer!' He then raised himself to take up the body, I said to him, don't take her up, why not says he, there are witnesses enough here that have seen her. We then told him that we would do it for him, if he requested it. I then, assisted by others, took her into the bed-room, in doing which, I got my hand bloody and went into the pump-room to wash it. I had no more conversation in the house, for I next went to Mr. Herbert's. Q. Were your clothes bloody? A. No; I saw none.

The counsel for the prisoner here admitted, that 'the pump-room door was bolted inside, when the children came home from school,' in order to dispense with the testimony of the prisoner's daughter, a child about seven years old, who was called to prove that fact.

**BENJAMIN JORDON, sworn,**

*Attorney.* Relate to the court and jury what you know,

*A.* On the 12th of the last month, while I was in the field, thirty or forty rods from the house of Dr. Adams, I saw little Mary Adams coming towards me, crying; Miss Oakes, who was near me, asked her what was the matter. She said she believed her Mama was dead, for she was lying on the floor, all bloody. Immediately we went into the house, and saw Mrs. Adams lying on her right side, eight or ten feet from the kitchen door. An axe was near her head, and she lay partly on her face. I told the little girl to go and inform other persons of it. I went myself to Mr. Ginn's, to get somebody to inform Dr. Adams, who was at Maj. Langdon's. But I went to Maj. Langdon's myself, and seeing Mrs. Langdon at the door, I asked her to tell Maj. Langdon to come to the door, she came and told me that he could not, for he was opening the mail. I then told her that Mrs. Adams was dead. Mrs. Langdon then went in, and Maj. Langdon immediately came out. Dr. Adams, when he came out, asked, 'what is the matter?' or, 'is my wife dead?'

*Q.* Did you hear her tell Maj. Langdon? *A.* No.

*Court.* Did Dr. Adams come to the door immediately?

*A.* When she returned, he came to the door, and I saw that he was much agitated.

*Attorney.* Do you recollect particularly your reply to Dr. Adams? *A.* I said to him, 'yes, your wife is actually dead.' And he immediately asked me for my horse to ride home; and took it. *Q.* Did you notice how the body appeared? *A.* The body appeared to have been in that state, about one hour. *Q.* Was the blood dry on the floor? *A.* I don't know; her arms were pale, and appeared to be cold. I did not put my hand on her.

*Court.* Do you know what time the school was dismissed?

*A.* I cannot tell; school was usually done at four o'clock.

*Wilde.* How long were you in going from Dr. Adams' house to Maj. Langdon's? *A.* I arrived at Maj. Langdon's in about one quarter of an hour after I first saw the corpse.

*Court.* What is the distance? *A.* About one mile.

**MARIA MOORE, sworn.**

*Attorney.* Relate to the court and jury, what time you saw Dr. Adams. *A.* While I was in school, I saw Dr. Adams, coming up the first hill and walking very fast. *Q.* How long before school was dismissed? *A.* It was between two and

three o'clock ; I saw him next at Milliken's hill ; he remained in the valley between two and three minutes. *Q.* Did he walk faster than usual ? *A.* Yes ; faster than I ever knew him to walk. He also leaned forward and looked round far enough to see his own house two or three times. *Q.* Did he proceed from the school house towards Maj. Langdon's ? *A.* Yes.

*Court.* Did you see him when he left his own house ? *A.* No.

*Wilde.* Do you recollect, where Dr. Adams looked back ?

*A.* On the hill, and in Mr. Davis' field. *Q.* Did you see him more than once ? *A.* Yes ; once in the field, and two or three times on the hill. *Q.* Was the window open ?—

*A.* Yes. *Q.* How many windows in the school-house ?—

*A.* Six. *Q.* What window was you at ? *A.* At the south-

west window, all the time. I leaned forward and saw him through another window. *Q.* How far had he passed the

house when you saw him last ? *A.* Only a few steps.

*Q.* What attracted your notice ? *A.* Only his walking fast.

#### SUSAN OAKES, SWORN.

*Attorney.* Did you keep school ? *A.* Yes. *Q.* What did you notice at this time ? *A.* Between 2 and 3 o'clock, I

saw Doct. Adams pass the school-house. *Q.* Where did you see him first ? *A.* When he was nearly opposite the

school-house. *Q.* In what manner did he walk ? *A.* I

thought he walked quite fast. *Q.* Did you stay at Doct.

Adams' at this time ? *A.* No. I had formerly lived there

a week. While I was in the field, near the house, I heard

Mary Adams scream, and say that her mother was lying on

the floor, all bloody. I hastened to the house, and found

Mrs. Adams lying on the floor, on her side. Her fingers

were stiff and cold. Her wrist, under the sleeve, was not

quite in its natural warmth. One shoe was off, and the foot

was not cold.

*Wilde.* Was it quite warm ? *A.* Not very warm.

*Attorney.* Did you see Dr. Adams when he came in ? *A.*

Yes. When he came in, he exclaimed, ' O horrid murder,'

and took hold of Mrs. Adams' hand, and then said ' I am a

ruined man.' He went towards the bed room, by the desk—

the drawer was open—I told him it was so when I first came

in—he stopped and said my pocket book is gone. He then

went again to the body and sat down—took up the axe, and

looking at it, said ' O fatal axe.'

*Court.* Do you recollect of his exclaiming ' murder' a

second time ? *A.* I don't recollect. *Q.* Afterwards what

passed ? *A.* Nothing till the jury came, except that he said

she shall be moved, and attempted to move her. The men objected to her being moved till the coroner came. He insisted on it, and said I am a witness for you all. He put his hands under the body to move it ; but they stopped him, and moved it themselves, to the bed. *Q* Did he seem to be much agitated? *A*. Yes. He took his daughter Mary in his lap, and told her to imitate the good example of her mama.

*Attorney*. Was not Mrs. Adams remarkably amiable and pleasant. *A*. Yes.

*Mellen*. Was Dr. Adams much agitated and disturbed? *A*. Yes.

*Attorney*. Did you notice what was passing, did he go to the drawer? *A*. Yes. *Q*. When he said his pocket book was gone, did he look into the drawer? *A*. I don't know.

#### ANNA STRATTON, SWORN.

*Attorney*. Do you live in the family? *A*. Yes. *Q* Tell what you know. *A*. In the afternoon, after 2 o'clock—*Q*. Was it near 3 o'clock? *A*. I don't know.

*Court*. Was it after 2 o'clock? *A*. Yes. I saw Doct. Adams on the hill, walking faster than usual.

*Attorney*. Did you remark it at the time? *A*. Yes; and asked Miss Moore, what makes Doct. Adams walk so fast? He was then coming over the hill, from the valley near his house, in Davis' field, and I saw him get over the fence into the road. *Q*. Did you keep your eye upon him? *A*. Yes. *Q*. Did you see him descend into the other valley near the school-house? *A*. Yes. *Q*. Did he stop there at all? *A*. Yes. I judged that he stopped there two or three minutes. He passed the school-house and continued in the same gait.

*Wilde*. Did you observe then, that he walked as fast as before? Yes—I had seen him walk as fast at other times.

The witness then testified that she went home after school, and saw the body and other things, as described by the other witnesses.

#### SILAS NOURSE, SWORN.

*Attorney*. Relate what you know of Doct. Adams. *A*. Dr. Adams passed my brother's house, that afternoon, while I was at work in the garden, with Samuel Joy, junior. I should judge it was about 3 o'clock. He had passed the valley much faster than his usual gait. *Q*. How near you did he pass? *A*. At the distance of about 4 rods or more. I first discovered him after he had passed. *Q*. What was

the position of his hat? *A.* I noticed it was put considerably forward. He took no notice of me. He did not turn his head after I saw him. He is usually in the habit of passing the time of the day.

*Court.* Was you at work? *A.* Yes. *Q.* Was your face towards him? *A.* I don't recollect.

*Attorney.* What coat had he on? *A.* His sheriff-coat.

*Wilde.* Was it the old or the new one? *A.* I don't know.

#### LEONARD AUSTIN, sworn.

*Attorney.* Relate what you know. *A.* My brother and I were working by the side of the road, when Doct. Adams passed. *Q.* What did you notice, when Dr. Adams passed? *A.* I did not see him till he had passed by us. My brother asked me what was the matter with Dr. Adams. I then observed, that he walked faster than usual. His hat was more over his eyes, than is the custom. *Q.* Did you notice this to your brother? *A.* Yes. *Q.* Did you take notice of his coat? *A.* No. *Q.* Is he usually in the habit of speaking, when he passes? *A.* Yes. He usually nods his head.

*Court.* How near you did he pass? *A.* Within about two rods or more.

*Attorney.* How far was you from Maj. Langdon's? *A.* About twenty rods. *Q.* Did you see him go to Maj. Langdon's? *A.* Yes; he passed down the south side of the house, not at the usual door. *Q.* What time of the day was this? *A.* About half past two o'clock.

*Court.* Did you notice the time of the day? *A.* No; we went in, to drink, and the clock struck two. About one half an hour after seeing Tuttle pass, I saw Dr. Adams pass.

*Wilde.* How far is Dr. Adams' house from Major Langdon's? *A.* About one mile.

#### SAMUEL JOY, JUN. sworn.

*Attorney.* Did you see Dr. Adams on the day mentioned? *A.* Yes. *Q.* Where? *A.* At Mr. Nourse's. He passed about three rods from us. I said to Mr. Silas Nourse, 'Adams looks sober—what is the matter? perhaps it is because I owe him.' *Q.* Did he take any notice of you? *A.* No; and I observed it to Mr. Nourse.

*Mellen.* How far from you did Adams pass? *A.* About one rod from me, before I saw him.

*Attorney.* Did Dr. Adams hear you? *A.* I don't know. I saw him before he came up; when he passed, he held his head down.

## ALFRED LANGDON, SWORN.

*Attorney.* Relate what you knew of Adams, on that day.

*A.* On Friday, the 12th day of May, about half past two o'clock, I was in company in my bar-room. While the conversation happened to be about Dr. Adams, relative to the income of the Sheriff's office, one of the company observed, 'there goes Dr. Adams, now ;'—and he was gone ten or twelve minutes.

*Question by one of the Jurors.* What is the distance from your house to the school-house? *A.* One half of a mile or more. Dr. Adams was gone so long, that Capt. Dekouven asked, 'where is Adams gone.' Some one replied, 'I guess to Col. Black's.' He soon came in at the kitchen, and not at the usual door. I observed so much colour in his face, and that he sweat so much, that I said to him, 'you are all of a sweat,' and I asked him where he had been. He had drops on his ear locks. He answered, that he was 'right from home,' and added, that it was 'a very warm day.'

*Court.* What was the state of the weather? *A.* Very warm, from nine o'clock to twelve.

*Attorney.* How was it in the afternoon? *A.* It grew quite cool, by five o'clock. When he came in, he asked for some water; Capt. Dekouven invited him to drink some spirit and water—I got some and carried it into the east room, and Dr. Adams passed on. *Q.* What reply did Dr. Adams make to Capt. Dekouven? *A.* He answered, 'bye and bye.' He then went out of the front door. Capt. Dekouven enquired, where Doct. Adams had gone. I told him to the necessary; for I saw him. He returned into the same door out of which he passed, and asked what time the mail would be in. I told him between 4 and 5 o'clock. Dr. Adams then enquired for Col. Dutton. Some time after, he asked me for a cigar. He cast his eyes on the clock, and said, 'three o'clock!' I observed the clock, and it wanted ten minutes of three o'clock.

*Mellen.* After the question about the mail, how long was it from the time that he went out, till he returned? *A.* In about one hour he returned. He took up an old newspaper and sat down, and made several remarks on it. At this time the mail came in, which was from fifteen to twenty-five minutes past 4 o'clock. I asked Mr. Dean to overhaul the newspapers—Dr. Adams drew up his chair and assisted also, and unwrapped those directed to Ellsworth. He took the letters for himself and cast up the amount of the postage, and said 'charge them to me.' In casting the postage, he made

a mistake, by omitting to add two half cents in the amount. At this time Mrs. Langdon came into the bar room, and asked me to step to the door; I told her that I was busy, and could not. She went out, and returned and said 'Mr. Langdon, do come to the door,' in an earnest manner. I quit all and went to the door, where I saw Benjamin Jordon on a horse—he told me what had happened to Mrs. Adams. By the time he had told me this, Dr. Adams had arrived at the door, standing inside, by my elbow—we informed him of what had taken place; I don't recollect what Dr. Adams said, or whether he said any thing. Dr. Adams then asked Jordon for his horse to go down—Jordon dismounted, and Dr. Adams went down.

*Court.* Do you know any thing farther? *A.* Nothing.

*Attorney.* Did you ever know Dr. Adams to examine the mail before? *A.* Once before, at 10 o'clock in the evening. I had been Postmaster about two months. *Q.* Did he continue to sweat and perspire? *A.* I don't know; I did not notice it after the first time when he came into the bar-room.

*Court.* Did he drink his spirit and water? *A.* I don't know. *Q.* Do you recollect any thing which has not been testified to? *A.* No.

*Wilde.* How long was it, from the time on which you first saw him, to his going to the bridge? *A.* About twenty minutes. *Q.* Maj. Langdon, do you recollect the manner in which the conversation was introduced at the door? *A.* Immediately on my arrival at the door, on seeing Dr. Adams, I told him.

*Attorney.* Was Dr. Adams in hearing, when Jordon first told of it? *A.* I don't know.

#### DAVID WASGATE, SWORN.

*Attorney.* Please to relate to the Court and Jury what you know, that took place on the 12th of May. *A.* I was at Maj. Langdon's, between 2 and 3 o'clock; near 3, I saw Dr. Adams pass the window, on the south side of the house, into the yard. After he had passed some time, I observed, 'I guess he has gone to Col. Blacks.' *Q.* Did you see, at what time he first arrived? *A.* About fifteen minutes before three o'clock, but I am not positive. After about ten minutes, Dr. Adams came into the house sweating. *Q.* Which way did he come in? *A.* I am not positive. Maj. Langdon addressed him in this way: 'Doctor, what's the matter? you look as though you had been hard at it—where have you been?' Dr. Adams said, 'right from home—it's very warm.' *Q.*

How long was he absent? *A.* About ten minutes. He came in, and said he wanted some water; Capt. Dekouven invited him to take some spirit and water—he said, ‘bye and bye;’ Maj. Langdon took down a box of cigars, and he took one; Dr. Adams then turned and went out of the front door; I did not see him at Maj. Langdon’s after this. *Q.* Did he appear to sweat? *A.* Yes; there were drops on his ear locks; he sweat very much, and appeared like a man mowing. *Q.* Do you recollect the expression of Maj. Langdon, ‘you look as if you had been hard at it?’ *A.* Yes; says he, ‘Adams! you look as if you had been hard at it.’—*Q.* Was he in haste; did he take any spirit and water?—*A.* No; He took a cigar. *Q.* did he take any water? *A.* I don’t know; he said not now—presently—and went out of the front door. *Q.* Did you see which way he went?—*A.* No; he took the cigar, and was gone six or eight minutes and came in at the same door. Capt. Dekouven asked him, if he would take some spirit and water; I helped myself; It was then about 3 o’clock; I went out and saw no more of him.

*Court.* Did you leave the house then? *A.* Yes.

#### TEMPE LANGDON, SWORN.

*Attorney.* Relate to the court and jury what you know.

*A.* I saw Dr. Adams pass the south side of the house; I went up stairs and soon after saw him return in the same way, round the corner of the house. *Q.* Did he come in at the usual door? *A.* He came in by the kitchen door. *Q.* Did you hear your papa say, that he had gone down in the yard again? *A.* Yes; he took some spirit and water, after he came in a second time.

*Mellen.* How long did he remain in the house after he returned? *A.* I don’t know; he had taken some spirit and water, and asked for a cigar—he then went and looked in the glass.

*Wilde.* Were the spirit and water set under the glass?—*A.* Yes; *Q.* Did you see him about four o’clock, and at what place? *A.* At that time I saw Dr. Adams pass the window in the same way as before.

*Attorney.* Which way? *A.* Round the house, and then went in. *Q.* Did he look in the glass again? *A.* Yes; and took some spirit and water a second time; at this time the spirit and water were not under the glass.

*Wilde.* Before the newspapers came in, did he enquire for Eliza Dutton’s father? *A.* Yes; he then went to the bridge, *Q.* Did he go to the bridge immediately? *A.* Yes.



## ELIZA DUTTON, sworn.

*Attorney.* Was you at Maj. Langdon's on the twelfth of May? *A.* Yes; I was at Maj. Langdon's, and while I was sitting at the window, I saw Dr. Adams come round the house, into the kitchen door. He came in and spoke to Mrs. Langdon in the kitchen, but not to me, till I went into the bar, where he enquired of me, for my father; I told him, I believed, that he was at the bridge. He told me he wanted to see him about some business; that he wanted to get my father's man, to pick up rocks on his farm. He then came into the kitchen again and returned to the bar. I did not notice any thing farther, till Mr. Jordon came and informed us, what had happened. *Q.* What coat had he on? *A.* His sheriff-coat.

*Wilde.* Had you heard any conversation between Dr. Adams and Mrs. Langdon? *A.* Yes; Dr. Adams told her that he had some bark for her. *Q.* Do you know what introduced that conversation? *A.* She had been unwell, it was on that account.

*Attorney.* Did you observe him before he went to the bridge? *A.* Yes; he perspired very much. *Q.* Before Jordon arrived? *A.* Yes. *Q.* Did Dr. Adams ask Mrs. Langdon 'what is the matter?' *A.* Yes. *Q.* What was her reply? *A.* 'I cannot tell you.' *Q.* Did you hear Jordon tell him that his wife was dead? *A.* I don't know that he did.

## ALFRED JOY, sworn.

*Attorney.* Where did you see Dr. Adams? *A.* I met Dr. Adams coming out of Maj. Langdon's house, between his shed and Col. Black's gate; his hat was down over his eyes. His watch was in his hand; what he was doing with it, I don't know—I thought he was either winding it up, or setting it. He passed within five feet of me, without speaking or looking. *Q.* Did he usually do it? *A.* Yes; he generally says, 'how do you do?'

## JOHN G. DEAN, sworn.

*Attorney.* Relate all you know. *A.* On the day mentioned, I had occasion to look up the hill, and at the distance of about sixty rods, I saw Dr. Adams walking leisurely down the hill. As he approached the end of the bridge in rather a slow manner, Mr. Peters said to him rather jocosely, 'Doctor! you have been chasing a horse a mile to ride a mile.'

Dr. Adams replied, 'no, I have not.' The next conversation was, that he had been chasing a man, as Grant had Leighton, and asked if Dr. Adams had chased any one. I don't know that he made any reply. Soon after, as he turned from me, sideways, he took off his hat and rubbed his head. We observed that his head was very wet, and thought that he had been washing his head. He passed the store, and asked Mr. Dutton for some gin. Then the conversation was of a sportive nature, and Dr. Adams joined in it. He told his business with Col. Dutton. There was some other conversation. He told the advice, which he had given a young man. Dr. Adams returned to major Langdon's. In about ten minutes after, I followed him, and found him there reading a newspaper. I asked him if it was a new one; he said no. He adverted to the Sessions Justices, and pointed at the name of one of them and smiled, and pointed out several other passages. I assisted major Langdon in the mail. Dr. Adams reckoned his postage, and said it was so much, showing it in figures.

*Wilde.* Did you see any thing particular in Dr. Adams' conduct? *A.* Nothing, but that he sweat and was very much heated.

**JAMES M'FARLAND, sworn.**

*Attorney.* Relate to the court and jury what you saw, *A.* The day on which this affair happened, I worked for Mr. Ginn, on the wharf, till it was one o'clock, which was the usual time for dinner. After dinner, when I returned to my work, it clouded up and became much cooler. It had been warm in the forenoon. I saw Mr. Ginn go up to the house, and call Capt. Means to come quick. This was four o'clock; I kept to work. *Q.* Did you know what was the matter at the house? *A.* No. Then Mr. Ginn came down and told me that Mrs. Adams was dead in the house. We went into the house, where we found the body a little warm; the axe lying at the back part of the head; also the boot-jack, in pieces on the floor. *Q.* Is this the axe which you saw? *A.* Yes. *Q.* Are these the pieces of the boot-jack? *A.* Yes. I saw a number of pieces on the floor. *Q.* Is this the gown which she had on? *A.* Yes; I think so. *Q.* Did you observe any handkerchief? *A.* Yes; I saw two or three handkerchiefs about her; then I went in and observed the drawer of the desk open, the bed-room door open. Miss Oakes said it was open when she first came in. I looked in the drawer and saw two bundles of papers, and other papers lying

scattered in the drawer. I went also and looked into the other drawer, not knowing but that I might find some other papers. I observed Mrs. Adams had been dead some time. The blood was dried on her clothes and fingers.

*Court.* Was the blood on the axe dry? *A.* Yes.

*Wilde.* Did you touch it? *A.* No. Dr. Adams came home; I met him at the pump-room; he spoke, two rods from me, and asked me what was the matter. I told him Mrs. Adams was dead in the room. I asked him how long he had been from home; he said 'three or four hours.' He went in, I followed him. Capt. Means said, 'Doctor! be careful, don't step in the blood.' He replied, 'of what consequence is it.' He went to Mrs. Adams' head, stooped down, looked at her, felt of one hand, and said, 'O murderer! O murderer!'

*Court.* Did you see any thing more than the axe? *A.* No. Presently he went towards the bed-room door, and shoved in the drawer of the desk. Miss Oakes said, 'Let it stand so; it was so when I first came in.' Dr. Adams put it back again. He then looked in the drawer and said, 'my pocket book, money, and papers are gone.' His daughter approached, crying; he took her up, and after leaning on his knees, said 'my wife is dead,' and 'I am a ruined man.' He tried to appease his daughter, said to her, 'don't cry, we shall do well enough.' He asked, 'why not take her up, and lay her on her own bed.' We opposed, and said she ought not to be moved; he said, 'why not have her laid on her own bed;' nothing was said. He insisted on taking her up; we said, don't take her up. Dr. Adams said, 'she must be taken up,' and that we might 'be witnesses for one another.'

*Attorney.* He did not touch her then? *A.* I did not see him. He might touch her, but did not move her. After that we laid her on the bed. Dr. Adams laid on his face to hers. I then saw blood on his cravat and chin. Some one observed it to him; he said, 'no matter,' or 'no consequence,' and went out and washed his face. *Q.* Did he touch her with his hands? *A.* I did not see him; there was blood on her clothes. *Q.* So as to stiffen them? *A.* I don't know. Dr. Adams mentioned that his money was gone—about 200 dollars gone. I went in, Miss Oakes observed that 'Mrs. Adams' cook things were on for the children's supper, and no fire to be seen.' *Q.* Do you know whether Dr. Adams shed any tears or not? *A.* No; I did not see him. *Q.* Are you confident of the expressions, 'what is the matter,' and that 'he had been from home three or four hours.' *A.* Yes.

*Mellen* Was the door open towards the south? *A.* Yes; all open—the wind blowing fresh from the south, and somewhat cool.

**TUTTLE**, called again.

*Attorney* What coat had Dr. Adams on? *A.* His old sheriff coat. *Q.* Same coat as when you left him? *A.* Yes; the same on all day.

*Mellen*. Were his papers in that desk? *A.* Yes.

*Attorney*. Are these the boots he had on? *A.* Yes.

**DANIEL ADAMS, SWORN,**

*Attorney*. Relate what you know. *A.* In the forenoon of the fatal deed, I went to Dr. Adam's house, between 11 and 12 o'clock. After I had heard of the death of Mrs. Adams, I entered the house and passed over the axe, boot-jack, and come to the bed-room. The body was in that room. I saw the corpse on the bed; Dr. Adams was sitting by the side of the bed. He shook hands with me, and said, I 'hope,' or, 'I trust, you are my friend.' I told him, whatever I might have been heretofore, that I now was. Dr. Adams asked me, if we were 'going to let the wretch who did this deed escape;' said it was 'growing night; and he must be near here now.' I expressed surprise at the delay of the coroner. I told Dr. Adams that we could advertise for the thief; I understood that he was robbed of his money. Accordingly three or four persons and myself searched every part of the house and out shed, and ripped up the floor in the pigs-pen; I took a weapon in my hand. When I returned, Dr. Adams asked me if I observed that the drawer was open; he requested that drawer might be searched, for he informed me that his money was there; on calculation he found that he ought to have about fifteen dollars in silver money. I recommended to him to have all things laid aside and put in the closet. There were no silver tea-spoons to be found, except one small one. The jury of inquest sat next. I past the night there and searched the next day, to find his pocket-book, spoons, &c. I saw the coat, small clothes, and some other things. *Q.* Did you examine this coat then? *A.* Yes. *Q.* Did you mark that button? (the lower breast button on the right side of the coat) *A.* I observed at that time, the spot of blood on the head of the Indian, on the button. The appearance of blood on the lining was more distinctly marked on the inside, than on the out, as we saw on ripping it open. *Q.* Did you examine the boots? *A.* No.

## REV. PETER NOURSE, sworn.

*Attorney* Relate what you know. *A* On hearing of the murder of Mrs Adams, of which I was informed by my brother, I went to the Doctor's house, and passed over some blood in the kitchen. As soon as I saw Dr. Adams, he rose quick and said, 'Mr. Nourse, I am glad to see you; I did not know you had got home.' I had been from home the day before. He appeared much agitated and in distress. *Q*. Did you hear any conversation, which he had with his children? *A*. No. He conversed, but I do not recollect that it was with them. *Q* Repeat the conversation. *A* 'Only think, for the paltry sum of 200 dollars' I did not then know what he meant; but understood afterwards, that he had lost about 200 dollars. He said, 'this can't have been done more than three hours; and is nothing to be done to apprehend the murderer? I can do nothing.' *Q*. What o'clock was this? *A* About 5 o'clock. I observed he exclaimed several times, respecting the awfulness of the transaction, that such a thing should be done in a christian land. 'God forgive the wretch, who has done this' Dr Adams told me the manner in which his money was wrapped up in the paper. He said he had 60 or 70 dollars at first. On a calculation, he found that he had expended all but about 15 dollars. The next day, I heard of the newspaper found by Mrs Rice; I went with her and found it, and dried it, for it had rained during the night. One person on examining it, noticed an impression on it of a dollar, which had been wrapped in the paper.

*Court*. How far is Dr. Adams' house from Mrs. Rice's?—*A*. About twelve or fifteen rods. In the afternoon, after I had got the paper at the Doctor's house, I told him that a paper had been found. He described it, and said that he should know it. His description corresponded with that which I found; and on producing it, he said he had no doubt it was the same.

*Wilde*. Did you think, at the time, from his description, that it was the same? *A* Yes.

*Attorney*. Did you examine the coat in the chamber? *A*. Yes. It was the same which has been exhibited in court.

*Wilde*. Did you see Dr. Adams so near the corpse, as to get blood on him? *A*. Yes. He sat on the bed, with his right side towards the corpse. I saw him bending or stooping over the corpse. *Q*. Do you recollect of seeing his face on the corpse? *A*. Yes.

*Attorney.* Was the blood liquid? *A.* No; I did not see any. The blood was generally dry.

*Wilde.* Did you notice any blood on his neck? *A.* No.

*Attorney.* During the search, did you observe the pocket-handkerchief? *A.* The pocket-handkerchief which we examined at the time, was very dirty. There was one spot which had the appearance of blood; but might have been a spot misplaced in dying the handkerchief. *Q.* Did you notice the blood on the button? *A.* Yes. *Q.* How did it appear? *A.* More distinct than now.

*Wilde.* Did you see Dr. Adams in a situation to get blood on him? *A.* I think he might.

*Attorney.* Did not this appear to be a spray of blood? *A.* Yes; it had rather the appearance of a spray, but it might have been got on while he was on the bed.

#### JOHN PERKINS, SWORN.

*Attorney.* Did you see Dr. Adams on the 12th of May? *A.* Yes. Between 10 and 12 o'clock he was on my wharf, and stopped on the hill, which was all that I saw of him, till five o'clock, when Mr Woodward informed me, that Mrs. Adams was dead. *Q.* Did you take hold of her hand? *A.* Yes. Mrs. Adams was on the bed. Dr. Adams rose up and said, 'who do you think could have done this, for the paltry sum of a hundred or two dollars?'

#### SALLY PERKINS, SWORN.

*Attorney.* Did you see Dr. Adams on that day? *A.* Yes; about 11 o'clock, he passed our house and returned in about one hour.

*Wilde.* How near is Dr. Adams' house to yours? *A.* It is very near.

#### ABIGAIL HAMMOND, SWORN.

*Attorney.* Relate what time of the day it was, when you saw Dr. Adams. *A.* I saw Dr Adams about 2 o'clock; I saw him come out of the front gate toward Mrs. Rice's. He was about half way from his house to Mrs. Rice's.

*Wilde.* How far was you from the lane which leads to Dr. Adams' house? *A.* Fifty or sixty rods. *Q.* On the county road? *A.* Yes. *Q.* How did you ascertain the time of the day? *A.* I stopped, and they were setting table to dine, the clock struck one. I dined there, and was about half an hour in coming to Dr. Adams' lane.

*Mellen.* What is the distance from the place where you dined, to the lane? *A.* One quarter of a mile. *Q.* Do you

know Tuttle? *A.* No; I think I met him; I met a man going to mill.

*Wilde.* You did not know who? *A.* No; some one going to mill.

**REV. PETER NOURSE**, called again, testified, viz:

Dr. Adams was thirsty in his bed room; he drank several times there, and afterwards before the Coroner's Jury.

The evidence, on the part of the government, was here closed.

**MELLEN**, then opened the defence of the prisoner, and after some remarks on the nature of the presumptive evidence, and the law relating to it, he introduced the following evidence:—

**SABIN POND**, sworn.

*Wilde.* State to the court and Jury, what time Tuttle came to mill. *A.* He came to the mill about three o'clock.

*Mellen.* What was the temperature of the air on that day? *A.* I do not recollect particularly. It was pretty warm about the middle of the day.

*Wilde.* Have you, at any time, observed that Dr. Adams perspired freely. *A.* Yes; especially from his face and head. *Q.* What is his usual manner of walking? *A.* His habit of walking is not very fast—rather slower than I do, or about the same.

*Attorney.* Did you see Tuttle when he first arrived? *A.* Yes; he was three or four rods from my house, at the mill brow.

**THOMAS CUNNINGHAM, JR.** sworn.

*Wilde.* Have you ever had occasion to mark Dr. Adams' walking and perspiration? *A.* I have noticed that he walked fast and sweat freely. *Q.* Does he not sometimes walk very fast and sometimes very slow? *A.* Yes; and quick, when he is engaged.

**EDWARD JARVIS**, sworn.

*Mellen.* Do you recollect the Friday, which has been mentioned? *A.* Yes; I walked one mile, to a boat, and when I returned, I sweat very much. After the mail got in that afternoon, I was informed that one of the sheep had got into the bay—I went down quick, about fifty rods, and was very much heated.

*Wilde.* Are you acquainted with Dr. Adams? *A.* Yes;—we have worked together; I know that he perspires more than I do, and that I do very freely.

*Attorney.* Did you remark the latter part of the day?—  
*A.* Yes. It was not so warm as in the morning, but it was remarkably warm for the season.

**SEWEL E. TUTTLE**, called again.

*Wilde.* Does Dr. Adams perspire freely? *A.* Yes. *Q.* Has he not been more feeble this spring, than for several years? *A.* Yes. *Q.* Did you stop in going to the mill? *A.* No.

*Attorney.* How fast did you go? *A.* Very slow. *Q.* How long? *A.* About one half an hour.

**REV. PETER NOURSE**, called again.

*Wilde.* Did you notice Dr. Adams in tears on that evening? *A.* I cannot say. *Q.* Did he not say to you, that you never saw him shed tears before? *A.* He said so to his little daughter. *Q.* Then did he not shed tears? *A.* I did not see any. *Q.* Have you at any time? *A.* Yes, afterwards.

*Attorney.* When? *A.* One or two days after. *Q.* Was it after he was suspected? *A.* Yes; but I believe that it was previous to the examination before the Justice.

*Mellen.* On the evening, do you recollect if he shed any tears? *A.* Not distinctly.

*Wilde.* Have you any doubt that he was in tears? *A.* My impression is that he was.

**SEWEL E. TUTTLE**, called again.

*Wilde.* Do you recollect of seeing Dr. Adams walk to the wharf? *A.* No. *Q.* How long before you went away, did Dr. Adams go to the barn? *A.* About ten minutes.

*Mellen* then addressed the Jury in behalf of the prisoner; after which the court adjourned to next morning, at 8 o'clock.

Saturday morning, the court was opened at 8 o'clock.

**SEWEL E. TUTTLE**, called again.

*Wilde.* Did not the prisoner more than once talk of picking up the stones in the grass? *A.* Yes;—the stones wanted picking up.

*Mellen.* Did you observe that Dr. Adams was in tears after this had happened? *A.* Yes.

**JOHN G. DEAN**, called again.

*Mellen.* Was you present at the examination before the Justice? *A.* Yes. *Q.* Did you observe the appearance on the inside and outside of the sleeve lining? *A.* Yes; at that time it was more fresh on the inside than on the outside.



*Q.* Were there distinct marks of colouring? *A.* Yes; more distinct then, than at present, but it appeared of some standing.

Wilde then addressed the Jury in defence of the prisoner; and the Attorney General closed on the part of the Government.

The Attorney in the course of his remarks having noticed the explanation suggested by the prisoner's Counsel as to the appearance of blood on the sleeve-lining, and button of the coat; as that the the former might have proceeded from a small bile, or pimple, on the arm; or that both might have occurred in the course of his practice of surgery or midwifery, observed that no evidence on that point had been offered; and that it rested wholly on the conjecture of the Counsel.

The prisoner then requested his Counsel to call—

**SAMUEL JORDON, SWORN.**

*Wilde.* Do you know that Dr. Adams has blooded any man very lately? *A.* Yes; and it was my brother Pelatiah, about a fortnight previous to this event; he afterwards blooded me, before his wife's death. I think he turned up his sleeves.

**PELATIAH JORDON, JUN. SWORN.**

*Wilde.* Did Dr. Adams blood you this spring? *A.* Yes; but I do not recollect the time. *Q.* Do you know that he turned up his sleeves? *A.* No.

**MRS. HAMMOND, called again.**

*Wilde.* Was you present, with Dr. Adams, at Mrs. Murche's? *A.* Yes. *Q.* Did you see if he turned up his sleeves? *A.* Yes, he did. *Q.* Did you ever know of any blood on his clothes on such occasions? *A.* I don't know. *Q.* What coat had he on? *A.* His blue coat.

**SALLY PERKINS, called again.**

*Wilde.* Was you ever present when Dr. Adams was called on similar occasions? *A.* Yes. *Q.* Was it his custom to turn up his sleeves? *A.* Yes. *Q.* Did you ever see him wipe his sleeves after the operation? *A.* Yes.

**DR. OLIVER MANN, SWORN.**

*Court.* How long will it take for blood to become dry when in spots? *A.* I cannot tell exactly, perhaps in one half an hour—an instance occurred yesterday. In consequence of the alarm, a man was wounded in getting out of the house. I attended him about one half an hour after; the blood on his face was then dry.

*Wilde.* On a sudden discharge of the blood, how long would it be, before the extremities would become cold and lose their natural heat? *A.* One hour, I suppose. *Q.* Would the body of a feeble constitution sooner? *A.* Yes, I suppose it would. *Q.* Would not the extremities become cold sooner, by losing all the blood than without? *A.* Yes, I suppose they would. *Q.* How long do you suppose it would be, before the feet would become cold, with the shoes off, in the open air? *A.* One hour, or less.\*

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*After the Attorney General had concluded, the Hon. JUDGE JACKSON addressed the Jury. The following is a brief sketch of his Charge:—*

HE observed, that the three points to be attended to in every trial of this kind, were—1st, Whether a homicide had been committed; 2dly. Whether it was perpetrated by the prisoner on trial; and, thirdly. Whether the act was accompanied with such circumstances of malice, as to constitute the crime of murder. As to the *first*, there was no doubt. The dead body had been seen by many witnesses, and under such circumstances, that the death must have been produced by some extraneous violence. That, perhaps, there would be not much more doubt as to the *third point*. If the deed was perpetrated by a thief, who robbed the house and killed Mrs. Adams in order to escape detection, the crime would unquestionably amount to murder. So, if perpetrated by the prisoner at the bar; the manner in which it must have been done, as proved by the appearance of the body, together with the absence of all evidence to explain the cause of doing it, and the circumstances accompanying the deed, would sufficiently prove that kind and degree of malice which is essential to the crime of murder,

\* The Reporter regrets that he did not take such notes of the speeches of the Counsel, as to be able to insert them in the report of this trial. He is sensible that they would have added much to the value of the pamphlet; and had hoped that he might be favoured with a sketch of their remarks, prepared by themselves. But the Counsel for the prisoner having found it inconvenient to prepare such a sketch of their address to the Jury, the Attorney General thought it unnecessary to do it on his part.

That the great question in the cause, turned on the *second point*, in the order before mentioned, to wit: whether the prisoner at the bar had committed this murder. It was apparent, from the evidence, if credited by the jury, that the prisoner was, on that day, in such a situation that he had opportunity to perpetrate this deed. It was *possible* that he did it. This was a necessary step, though a very short one, towards a conviction. Even if it were *more probable* that he did it than any other person, such a probable presumption is never sufficient to affect the life of any party accused. To warrant a verdict against the prisoner, there must be a *violent presumption* of his guilt; that is, a concurrence of circumstances which, in every reasonable view of them, are inconsistent with the supposition of his innocence; circumstances which, in the ordinary course of things, would not have occurred, unless he committed the murder. That the law on this subject was well settled, and had been correctly stated by the Counsel on both sides. It was not necessary to have such evidence as would exclude all possibility of the prisoner's innocence. The very idea of presumptive evidence always carried with it the supposition, that the party accused might be innocent. On the other hand, the evidence should be such as to exclude all reasonable doubt of his guilt; evidence of facts, the existence of which could not be reasonably accounted for, but on the supposition of his guilt.

That the Jury should be careful, in considering this cause, to divest themselves of all preconceived opinions, and to banish from their minds whatever they might have heard of the case before the trial. It had been suggested by the prisoner's Counsel, that this event had very much attracted the public attention, and had been the frequent subject of conversation throughout the county. But the Jury would be governed exclusively, according to the tenor of their oath, by the evidence produced before them. This was required by the law, and by the plainest dictates of justice. Suppose, for example, that a party accused, is apprized of certain rumours which are in circulation to his prejudice, and he comes prepared with evidence

to disprove them. At the trial, the Attorney General finds, that these reports are entirely without foundation, and does not attempt to prove them. The party accused, of course, could not offer evidence to prove the falsehood of charges which had not been alleged against him. If, then, the Jury should be influenced by such reports, they would proceed, not only without evidence, but upon presumptions directly contrary to the truth of the facts. It would be a monstrous injustice, if the law should first prevent a prisoner from producing his evidence in such a case, and the Jury should then convict him for the want of that evidence.

The Judge then recapitulated the substance of the evidence which had been produced on the trial, with remarks on the different parts of it. He observed, among other things, on the disagreement between the estimates of time made by the different witnesses, or between their different clocks. According to Austin's statement, Tuttle must have passed on his way to the mill by two o'clock. The distance was about two miles, and Tuttle thinks he was half an hour in going. Yet Pond says, it was three o'clock when he arrived at the mill. That there appeared to be other inconsistencies as to time among the witnesses, all which might be accounted for by a difference in clocks, or by a mistake in those witnesses who were not guided by any clock, but testified according to their estimate of time. That, however, the dates which it was most material to ascertain might, perhaps, be fixed by reference to Major Langdon's clock, which, whether right or wrong, would probably keep the same course for two or three hours together. It appeared that the prisoner, on arriving at Langdon's, passed by the window, and was gone from ten to fifteen minutes. He then came in, and after a little conversation went out again. After a few minutes, he returned into the house, had a further conversation with E. Dutton and others, and then left the house to go to Col. Dutton's. At this time it wanted ten minutes of three, by Langdon's clock. All this would, probably, take from twenty to thirty minutes, to which is to be added, the time while the prisoner was walking in a quick gait

from his house to Langdon's, suppose twelve or fifteen minutes; so that it must have been about a quarter past two by Langdon's clock, or a little more or less, as the Jury should estimate these different portions of time, when the prisoner left his own house. The mail arrived that afternoon about twenty minutes past four, by Langdon's clock. Some little time was spent in opening it, before Benjamin Jordon arrived there; and, according to his estimate, he arrived in fifteen minutes after the body of the deceased was first seen by him and Susan Oakes. Therefore the body was first seen a few minutes past four, by Langdon's clock. This would leave about two hours between the time when the prisoner left his own house, (supposing that he had gone into the house again after Tuttle left it,) and the time when the corpse was first seen. The Jury having fixed these dates according to their view of the evidence, would then consider the other circumstances proved in the case; such as the state of the body when first discovered, the degree of dryness of the blood, and the other facts tending to prove how long the body had been in that state.

In this, as well as in the other parts of the evidence, the Jury would distinguish between the *opinions* expressed by the witnesses, and the *facts* to which they testified. In general, witnesses are not allowed to testify to their opinions, but to facts only, from which the Jury are to form their own opinions. But on many occasions, it is impossible to exclude altogether the opinions of witnesses. When they are asked, how long a time intervened between one event and another, it is manifest that unless they looked at a clock or watch, they can only give their own estimate or opinion of the lapse of time. So when, in this case, they testify that the hands or other parts of the deceased were more or less cold, we have only their opinions, or the comparison made in their own minds between the natural heat of the human body and that which they perceived in the body of the deceased. This remark applies also to the appearance and deportment of the prisoner whilst walking from his own house to Langdon's, and after he arrived

there, as testified by the young ladies in the school-house, and the other witnesses who saw him. When they testify that he walked through a certain field, or over a certain hill, this is merely stating a fact; but when they say, that he walked very fast, that he seemed heated, or agitated, or had something peculiar in his appearance, it is obvious, that this statement involves necessarily something of their own opinions. Suppose any two intelligent men, who were here yesterday when it was thought that the galleries were breaking down, should be called to testify as to the conduct and appearance of another man who was near them. If they had an equal opportunity to observe his conduct, they would not differ in their relation of the facts; as that he jumped from his seat, and ran in a certain direction, &c. But if asked whether he ran very fast, or whether he appeared very much alarmed and shewed signs of terror in his countenance, it would not be surprising if they should differ in some degree in their opinions on those points. It does not follow, from these remarks, that all the testimony in this case which involves the opinions of the witnesses, or depends in any degree on their opinions, is to be disregarded by the Jury. It is entitled to their consideration, and must be duly weighed by them; but they can not rely on it with such confidence, as they may on the testimony of the same witnesses to a simple matter of fact. In the latter case, they are in no danger of erring, if the witness is entitled to credit. In the other case, the witness may be perfectly honest, and yet the Jury are liable to be misled by any want of judgment, or attention in the witness, or by any misconception on his part, as to the circumstances on which his opinion is founded.

That in all cases of circumstantial evidence the jury were to consider all the circumstances together, and to decide on the effect of the whole. They were not to take any one fact alone, and decide whether that proved the guilt of the prisoner; and if not, then proceed to consider the others successively in like manner. The nature and effect of circumstantial evidence consist in the concurrence of sundry facts, neither of

the stolen goods were found on him, the evidence proved only the possibility that he committed the murder, or at most raised only a slight presumption of the fact. The force of this argument would depend on the opinion of the Jury, how far such supposed facts, if proved in this case, would compare in point of weight and importance with those actually proved against the prisoner.

The Judge further remarked, that the Jury were in a highly responsible situation; and the cause they had on trial was extremely important and interesting both to the public and to the prisoner. But that they must not permit such considerations to unsettle their minds, as to make them approach to the decision of the cause with any kind of perturbation or dread. That they would judge of the testimony which they had heard, of its just weight and effect, and of the inferences to be drawn from it, according to the rules of common sense; and after carefully considering the whole with impartiality and candour, they would make such a verdict as would satisfy their own consciences.

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The Chief Justice and Judge Thacher then observed, that they had intended to have charged the Jury; but as they concurred entirely in what had been said by Judge Jackson, they should omit it. Adding only, that the question before the Jury was not whether they were entirely satisfied of the innocence of the prisoner; but whether he was proved to be guilty.

The Jury retired about one o'clock, and in about two hours returned into Court, with a Verdict of

**NOT GUILTY.**