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HISTORY
OF THE
BARN BURNING

IN

THOMPSON, CT.

FRANK WHITE.

SOUTHBRIDGE:
PRINTED AT THE JOURNAL BOOK AND JOB OFFICE.
1874.

The Barn Burning in Thompson, Ct.

Rum Trials followed by Incendiary Fires.

A brief sketch of Wm. McCoombs, Edward Eddy, Rachel Hatten and others.

Trial of Wm. McCoombs for Liquor Selling.

The Consequences.

Capture of McCoombs for Barn Burning. His Trial in full and committal.

George Wilson.

The Detective at Work.

Laughable scenes in his love-making.

How he did it.

Southbridge.

Success.

Capture of Edward Eddy. His Confession.

Trial of McCombs for attempting to kill Sheriff Osgood.

Second trial for Barn Burning.

Judges and Jurors.

Summing up.

Conclusion.

In this work a full and interesting account is rendered of all that transpired in connection with the incendiary fires in Thompson during the past year.

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SOUTHBRIDGE:
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PREFACE.

I do not consider an apology necessary, and therefore make none for putting this little work before the public, and if it interests anybody in any way, it will probably be the only recompense I shall gain. I will only say to those into whose hands this sketch may fall, that before I accepted the invitation to write up the facts herein contained I made myself cognizant of all that transpired in connection with them. After this was done I commenced this work with a conviction that the prisoners in Brooklyn jail were guilty of the grave crimes charged against them. The facts set down here are indisputable, therefore undeniable. I will except one thing and that is I will not vouch for the exact conversation that took place between the detective and Rachel Hatten for this reason, when the detective related it to me I did not take any notes, but at the time of writing I set it down according to the best of my recollections, and if the conversation between the pair is not correct, Rachel has the undeniable right to publish a note contradicting it *in toto* and also establishing her virtue.

THE AUTHOR.

PREFACE

I have considered an attempt necessary and desirable upon the
subject of the Bible, and have written the present work, I trust
with some degree of freedom, and with a view to the
public good, and to the instruction of the people, and
to the advancement of the cause of truth and
righteousness. I have endeavored to present the
Bible in its true light, and to show its
importance and value to the world, and to
the human mind. I have also endeavored to
show the errors and misapprehensions
which have prevailed upon this subject, and
to correct them. I have also endeavored to
show the beauty and grandeur of the
Bible, and to excite the admiration and
love of the people. I have also endeavored
to show the necessity of a correct
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The Author

CHAPTER I.

“We think the town of Thompson is in a bad moral condition. It ought to improve yet it does not, but seems to retrograde daily. What can we do towards improving it?” said one staunch temperance man to several men of the same stamp as they stood conversing together one day in the year 1872. “What can we do?” said another of the party. I am surprised that you should ask such a question when we know it is rum that causes all the immorality of this staid old town. Rum has always been our greatest curse. We have no debt, our taxes are light, the majority of our townsmen are temperance men, or inclined that way, yet we allow the fiend to prosper in our very midst, and you ask what we can do to improve the morals of our people.”

“We must crush out rum by crushing the rum-seller,” said another, for who can wonder at the bad condition of morality in many of our people, when such places as the Line House, the Chaffee Stand and Barnes’ Tavern, besides many others not so noted perhaps, yet actually worse, are allowed by us to be kept open for the sale of intoxicating liquor at all times, Sundays not excepted. Then there is that miserable scamp, Henry Beebee, we all know the character of his house. That pack kept by Childs as well. It has an aristocratic name, Long Branch, humph; it would be more appropriately named Hell Branch! I say all these places are an inexpressible disgrace to the town of Thompson, and we ought to do something to crush them.”

“Ay, that we had and we will,” was reiterated by every one of those honest, upright men. “Wait till the next town meeting and we will see what can be done,” and wait they accordingly did.

Let us see what that day brought forth.

At the commencement of the year 1873 a town meeting was called and terminated with twenty-five thousand dollars being voted to carry on legal proceedings against the rum-sellers, and Joseph S. Perry was appointed as agent for prosecuting the same.

We will say nothing about the opposition the red-nosed army set up against it. Be it understood that they were met at every turn by the

temperance party and beaten back, to whine, howl or growl, as it might best suit them.

The red noses having been driven to their kennel, the war between Perry and the rum-sellers actually commenced, and to use a vulgar phrase, "The small fry were cleaned out *tout de suite*."

Henry Beebee with his wanton women took their flight. We do not think Long Branch sank into oblivion, yet Mr. Childs considered it best to put his house in quiescent order, and strangers only gathered a faint idea of what it was by hearsay. The temperance men in Thompson had gained a great battle, yet their chosen chief still continued on the war path, for three noted establishments still continued to carry on the rum traffic. To be sure they did not sell openly and boldly as formerly, yet they sold. These three houses that continued to sell in opposition to the law, are known as the Line House, Chaffee Stand and the Old Barnes' Tavern. Of the first Charles Whitney was proprietor, the second Thomas Lee, or John Kenyon, and the last Newton Bosworth.

It is not our intention to enter into an account of all the indictments brought by Perry against these men, and shall only mention those we are inclined to think had a direct bearing upon the incendiary business, which is the gist of our subject.

September of 'seventy-three was drawing to a close, Perry had remained in a quiescent state for some time, and red noses began to peep out of the holes into which they had been driven, growing more and more bold for they evidently imagined that Perry had gone to sleep. They again came out shouting and yelling like so many fiends, making all hours of the night hideous to respectable families along the roads leading to these liquor establishments. But if they imagined that Perry was asleep they were mistaken. He had been watching his chances, and now opened for Newton Bosworth, who by the way, is not generally considered a bad fellow; on the other hand he is a man, apart from his rum-selling, who is respected and liked by all, generous almost to a fault; as a kind neighbor there are none to surpass him, and we dare say that many good temperance men would not have found much fault with Perry if he had not pushed proceedings very strenuously in that quarter.

But Perry was not proceeding in this business to satisfy revengeful feelings. It was the rum traffic, not the men who were engaged in it, he wished to crush. He could and did take into consideration all the good qualities of Newton Bosworth, yet they should not exempt him from being brought to trial as a rumseller. It can be easily imagined

that it would be hard work to get sufficient evidence to convict such a man as Newton Bosworth, although every one felt certain of his criminality.

Temperance men did not visit his house to take a drink, and the rummies loved and respected him too much to swear against him. Such was the state of affairs during the summer.

Perry failing to find evidence that would swear positively to actual sale, yet being assured that sales were daily made, and to a great extent too, resolved to prosecute him for keeping a house where intoxicating liquors were reported to be sold.

This he did near the close of September.

The case was tried before Squire Childs, resulting in the conviction of Bosworth, who was allowed to settle, he, Bosworth, paying the costs and promising to close his bar room and sell no more liquor in Thompson.

This terribly enraged the rummies who began to hurl threats of vengeance against the Justices and those who gave evidence against the rum-sellers.

Most people thought these threats were made merely to intimidate, but a few who understood the characters of half a dozen or more connected with the business, knew that no pains would be spared to carry their threats into execution.

The names of the three gentlemen who appeared to give evidence in the case of Newton Bosworth were Dea. Albert Jacobs who did not testify very strongly, therefore escaped any very heavy censure from the rum party, and of course neither property or owner was molested: Benjamin Phipps gave strong evidence but he being one of the suspicious ones, it was presumed, and not perhaps without reason that his property was nightly guarded against any incendiary attempt the rum black-guards might make. And it is generally believed that only fear of being shot kept the villains from placing the torch to his buildings. Albert Brown the other witness in this case happened to be one of the unsuspecting ones. We believe the idea of any attempt to burn his buildings was as remote from his brain as the two poles are from each other.

His property was *not* watched; the scoundrels knew it, so directly after the trial they made an attempt to burn his barn. It was fired on Wednesday night, October 1st, three days after the trial. It so happened that a large party from Southbridge were on a visit to Mr. Geo. Whitehouse residing in New Boston village, and were returning home

either very late that night or early the next morning. We presume to say it was morning for we feel assured if they were at friend Whitehouse's enjoyment would detain them until the clocks signified that the small hours were about to be.

Be that as it may, some of this party in passing the residence of Mr. Brown on their way to Southbridge discovered that the barn was on fire. The alarm was immediately given, and the fire which had been set in the stable extinguished before it had had time to gain much headway.

Had the gentlemen who discovered it been a few minutes later there would have been no possibility of saving either barn or dwelling house from being consumed.

Strange as it may seem, no suspicion fell upon the miserable set of rum-drinking hounds who were travelling about throwing out dark hints of vengeance against all who sat in judgment or gave evidence against the rum-seller.

But suspicions were directed against two or three tramps that had asked and been refused a sleeping berth in the barn. These tramps, however, proved their innocence beyond dispute. This was not done before the following Friday night, October 3d. Probably the incendiary rascals felt all suspicions were diverted from themselves, and therefore feeling secure tried their hand again with better success, for on Friday the 3d of October they paid off Mr. Childs for trying a rum case, by burning his barn with its contents. About two thousand dollars worth of property was destroyed to satisfy the revengeful spirit in this hellish gang of rum drinking fiends.

The burning of Squire Childs' barn caused suspicions to be directed against the right persons, yet no proof could be obtained against them.

Excitement and rage seethed and burned in the breasts of all the honest towns-people, yet they did not allow it to burst forth; like a volcano they were generally undemonstrative. This again allured the villians into a feeling of security.

Newton Bosworth, (who by the way was not, or has not, been suspected as being one of the gang, for those who know him best would be least likely to suspect his being mixed up in any such transaction,) had according to agreement closed his establishment, yet we have reports that he opened again for a short time, then closed we hope, forever.

In honest business we wish him every success which such men are almost sure to find.

Although we may truly say that the agent, Joseph Perry, had accomplished much yet it appears he had no inclination to rest, or to go to sleep, so made his next move upon a new upstart, yet an old offender, one William McCoombs. A slight sketch of this villain and the consequence of his arrest and trial as a rum-seller we think deserves a chapter by itself.

CHAPTER II.

A few, only a very few words are necessary to sum up the character of Wm. McCoombs, generally known as Billy McCoombs. To the understanding of any intelligent person just this one sentence will express his character.

Billy is an Irishman, belonging to the lowest grade of Irish villains, and we well know the best grade is bad enough.

McCoombs was generally to be found about those places where vile scamps were wont to congregate. He was seldom seen where anything like respectability was, unless obligation gave him no choice, in fact the only times he was to be found mixed up in a crowd of respectable men were those when he was dragged before a court of justice.

His house was a fence rum shop, and at times perhaps something worse, that is, his horrible den was perhaps at times made worse than usual by the beastly nature of its visitants. I am paying them a compliment by using these mild terms.

At one time Sheriff Osgood had a writ put into his hands which obliged him to search the premises of McCoombs. He proceeded thither and was met at the door by the said McCoombs who used fearful threats, informing the sheriff that if he entered he would not come out alive, but Osgood happens to be made of good staunch material, a man not easily backed off from that which he considers his duty; so he entered, and while in the act of stooping down to examine one of Billy's grog corners, that scoundrel whose mind it seems is always filled with villainous or murderous intentions, raised an axe, swung it over his shoulder, and with a swift stinging blow buried it in the beam above the sheriff's head.

This was comfortable for Osgood, much more so than if the blow had taken effect upon his head, for which it was intended.

We can readily believe that Osgood was not long in getting firmly upon his feet and using some pretty persuasive arguments, which his muscular frame made him competent to do effectually, and in a manner

that made Billy drop the axe and walk off with the sheriff as if he was his very best friend.

McCoombs was put under heavy bonds. The shuffling repentance which always visits such vile scamps seized Billy. He promised all sorts of things; among the rest he promised to leave the state forever if his bonds were lightened so as to enable him to get away. This was done, his bonds being reduced to two hundred dollars. He turned over about seven hundred dollars worth of property to his lawyer, Judson Lyon, of Putnam, who procured bonds for him and he was set at liberty, but instead of leaving the state he returned to his old haunts and once again entered into the rum traffic.

Shrewd Joseph Perry watched his proceedings, procured evidence and then pounced upon him. He was taken before Oscar Tourtellotte, an honest, peaceable man, yet a staunch justice. Several indictments were proved against McCoombs, and Squire Tourtellotte bound him over to Brooklyn under suitable bonds.

This happened on the 13th of October, 1873. It was after the burning of Squire Childs' barn.

On the night of the 15th just after the families, there being two in the house, had retired to rest for the night, they were startled by finding their rooms suddenly and brightly illuminated.

Springing from their beds they discovered the cause of the illumination to be bright flames leaping high in air, proclaiming by their fierce, sullen roar: I am no longer a servant but a terrible remorseless master.

It required no explanation, no second thought, the barn had been fired. The two men, Messrs. Tourtellotte and White, rushed out to save the cattle; several head were in the yard which was situated partly between the two barns. All the cattle were got out except a horse, valued at two hundred and fifty dollars, which was in the stable and could not be reached and so perished in the flames.

The fire spread rapidly and within the space of half an hour both barns were wrapt in a wild chaos of flames. The night was extremely calm, not a breath of air seemed to disturb the atmosphere, in fact it was so calm that the heated atmosphere around the fire became a nucleus to which the cool air was attracted from all quarters. This made it appear as if the wind was blowing from all points of the compass at the same time.

Had there been the slightest breeze from the south the large number of people that quickly gathered at the scene would not have had the least possible chance of saving the large dwelling house and other buildings standing on the other side of the road nearly opposite the barn. As it was the heat within the house became intollerable, and it

was found necessary to keep the roof and south side continually drenched with water in order that it might not ignite from sheer heat.

The moment men had time to think and ask questions, this one arose, "Who has done this?" "Billy McCoombs, we believe," was almost the unanimous answer.

A writ was hurriedly prepared and before the frame work of the second barn had fallen, half a dozen men headed by Constable Cummings were on their way to his den which was located between the two villages, North Grosvenordale and Wilsonville.

The party arrived at the house about one o'clock in the morning, and to make things sure they distributed themselves about the house while Constable Cummings accompanied by Mr. White proceeded to knock loudly on the door.

The party inside, of whom there were five men and one woman, overdid it, they were altogether too long in finding out there was any one at the door. Guilty persons are generally apt to do unnatural things in trying to make their innocence apparent. After much delay McCoombs opened the door, Cummings served the writ upon him, and he in return served a great deal of cursing upon Cummings.

At nine o'clock the next morning the school-house at North Grosvenordale was uncomfortably packed by an excited crowd who had gathered there to listen to the trial of Wm. McCoombs.

CHAPTER III.—THE TRIAL.

At eleven o'clock Justice Meech entered and took his seat. Messrs. Gardner and Searls appeared for the prosecution. Judson Lyon for the defense.

The case was called; the prisoner pleaded not guilty.

Oscar Tourtellotte sworn; Reside in Thompson; I am located near the north-west part of Thompson; discovered the fire shortly after 10 o'clock last evening; my wife said, "What is the matter, and I got up and saw the light; when I got out David White was out there. There was hay and grain in the barn and a horse; the lower barn from the house was broken through; the part from the house consumed first; no matches about the barn; I was in the barn the day before; my young man was abed and slept upstairs; could not say when he was in the barn; between seven and eight o'clock put the horse in; we retired about nine o'clock; we were up with a boy several times; something disturbed me about five minutes after the lights were out; I saw no tracks about; the barn was not locked; it was all burned in about one and a half hours after we discovered it. This was the 15th of October. Acquainted with McCoombs; no hard feeling manifested between us to my knowledge.

Resumed. McCoombs was brought before me for trial on Monday last. Was convicted and appealed. Other men have been brought before me for trial. He remarked after the trial that he ought not to be convicted.

Resumed. He appeared angry and showed temper about being convicted.

Cummings, constable. Arrest was made about one o'clock. White and Whittemore were with me and another; it was some eight minutes before Mr. McCoombs came to the door. I stepped in and arrested him; he wanted to know what it was for and I told him; he said it was too bad; he was in the kitchen; there were two or three others.

He said he calculated to go to Rhode Island at four o'clock in the morning. Did not go to the barn. Heard him coming down stairs.

Said he had a job there and was going to work; acted excited when I read the warrant; there were two or three others there that I did not know.

Resumed. He said he went to bed at half past eight that night.

D. M. White was then called and took the stand. I am a blacksmith, and carry on business near the New Boston depot. On Wednesday the fifteenth inst., about 2 o'clock, p. m., the prisoner, Wm. McCoombs, was at my shop having his horse shod. During the time he was there a conversation arose about the late incendiary fires, their cause, etc., also about his own trial before Justice Tourtellotte.

He said the Justice had decided the case against him on the evidence of d--d liars, and that he, Tourtellotte, was a fraud and a d--d villain, and that he would not always be strutting around his door-yard like an old hen, for he, McCoombs, would be square with him before morning.

Cross-questioned by Lyon: Know Wm. McCoombs. Has been to my shop several times; have known him about five months; know nothing of his former character from personal observation: have never seen him commit any vicious act; have never had occasion to make up my mind whether he would be vicious or not. Have done work for him several different times; has always paid me. Have no enmity against him.

Lawyers sometimes make great mistakes in the examination of witnesses, they stumble and grope about in the dark until they pitch headlong into a pit-fall.

In this case Lyon was no exception, for at this stage of the cross-examination he probably thought the witness wished to favor the prisoner. Lyon's face assumed the look of perpetual summer, smiling in all its verdure as he turned it towards Squire Meech, saying:

"There, your honor, Mr. White we well know and your honor knows is a straightforward and honest man. He is well acquainted with the prisoner and has never seen him do anything wrong, or heard of his doing so.

Here Gardner interposed. "Witness did not say he had never heard of his doing wrong.

Lyon. "To save further controversy I will put the question to Mr. White; did you ever hear of the prisoner doing a wrong or criminal act?"

White looked amused as he answered, "Why, yes, I believe I heard he sold rum."

Lyon smiled serenely. "Is that all, Mr. White?" "Why, no, said White, not quite all. I heard several gentlemen, whose veracity I never doubted, say that Sheriff Osgood went to his place to seize liquor and the prisoner tried to brain him with an axe, besides I heard—"

Lyon, jumping up, the contour of his countenance entirely changed, said crossly: "Stop, never mind what you have heard, hearsay is not evidence."

Witness said "he knew that, but was asked to state what he had heard and intended to do so."

Lyon then took it into his head to say Mr. White knew nothing about the matter. The prisoner had never made any such attempt upon Osgood and he wished the gentleman himself was in court to refute this evidence which was not evidence, only a misrepresentation, that would tend to prejudice his honor against an honest, yet unfortunate man: unfortunate because he stood here charged with a crime of which he was entirely innocent, therefore he only wished Sheriff Osgood could be brought into that court. He would soon convince his honor that this hearsay of the witness was nothing but foul slander.

White started a little. Lyon had called him a straight-forward, honest man only a few minutes ago, now a vile slanderer.

After a minute's consideration he innocently inquired if he should go on.

Every one laughed. No! roared Lyon, you may go off. We have done with you for the present.

Truth is sometimes stranger than fiction, and so it seems to be in this case, for just at this moment the wished-for Osgood strolled into the court-room and was invited by Gardner to take the witness stand. After the oath had been administered Gardner said, "Sheriff, Mr. Lyon would be glad to hear from your own lips all about that little affair between yourself and the prisoner there. He has just told his honor so and I am willing to let the prisoner have the advantage of your evidence. You will oblige us all by stating to the court all you know about it.

Everything else but pleasure seemed to express itself upon the countenance of Lyon. He had just expressed the wish that Osgood might be in court, but now he was in he had to battle manfully to keep him from giving evidence. Gardner knew full well that he could not put Osgood upon the stand to testify, yet by pretending to do so he had the chance to state the whole story in his argument with Lyon, whether or not it was legal to call Osgood as an evidence at all.

This closed the evidence for the prosecution.

CHAPTER IV.

Mr. Gardner. If your honor pleases we wish to give the prisoner every fair chance of proving his innocence, but we should not be doing justice to the state if we allow these witnesses to remain in the court room and listen to each others' testimony. Unfortunately for the prisoner we are too well acquainted with the character of these witnesses he has gathered around him as the hen gathereth her brood under her wing. These fellows are his chickens, and will, if your honor permits it, swear him through thick and thin. We therefore beg your honor to remove the witnesses from the court-room and let them be kept under the surveillance of the officer, so that we may summons them singly to give in their testimony before your honor.

His honor could see no objection to this and the plan was adopted. McCoombs' five witnesses were given in charge of Constable Cummings with instructions to let them have no private conversation with each other. The prisoner then took the stand and gave the following evidence :

I was at White's shop, but uttered no threats against Tourtellotte. Bear him no ill-will. Think him a fine man. White has lied. Everything he has said was a lie. Did not strike Sheriff Osgood with an axe. Left White's shop and went straight home. Did not go near Tourtellotte's place. Arrived home about four o'clock or shortly after ; went directly into the house, eat my supper and retired at seven o'clock. I did not go out, neither was I out of the house after sun-set. Did not set the barn on fire, neither had a thought of doing so ever enter my head. White lied when he said I threatened Tourtellotte.

Gardner. Then you did not say that Tourtellotte was a G—d d—m son of a b—h and that if you ever caught him out he would never sit on another case?

Lyon. My client never said any such thing. He never uses profane language in any way. He is not so degraded. No one ever

heard my client swear.

This answer caused considerable laughter as it was well known that the prisoner was one of the most profane rascals in town, and any one who has ever come in contact with one of our noted fish and oyster peddlers know this is saying a good deal. We do not pretend to say the prisoner ever used such vile language as the fish-peddler but we think he swears just about as bad.

The cross-questioning of the prisoner elicited the following, which in many points, does not tally with his direct testimony.

Was at home from five o'clock; was up at White's shop and got my horse shod and left there about three o'clock; came home and stopped one half hour to water him. I was there at the house and did not go any farther than the gate; we all went to bed together and slept upstairs; slept with George Workman Sheridan. Did not go out of that room from the time till my arrest. Father slept above, the same as we did, in room opposite; Bob Eaton slept with my father; my door was not latched; I think Sheridan waked me and I wondered who should be knocking so hard; did not hear the rap. Officer struck a match himself; first I learned of the fire was when the light was lit; I told him I knew nothing about it; I told him I was going to Harrisville mill in R. I. and should have been off had it not been for my other arrest. Had nothing to do with the burning of the barn, and was not near it that night after I left White's shop. I thought Tourtellotte was the nicest neighbor I had.

Left New Boston about three o'clock; wasn't near Tourtellotts barn that day; passed Tourtellotte's barn going back. Saw Mr. Tourtellotte's man picking potatoes; arrived home before five o'clock, before dark. Stopped nowhere on my way home. Stopped at Mrs. Hatten's to water; went into house and got water; lead horse out to brook and led him back to pasture. At Mrs. Hatten's about four o'clock; left a little after four o'clock. Eaton was not there at the time I came home; Eaton came in about dark. Workman and Sheridan all day digging potatoes. Wife slept down stairs. I heard knocks while I was putting on my pants, not before. I was going to Harrisville next morning; nothing prepared for going that morning. I say White said some things wrong. Didn't use any threats at all before White. Should say by the sun that it was early as five o'clock. Met no one on the road going home that night. Saw Mrs. Hatten going from well. I lay on lounge when Eaton came in. Sat a while, fifteen or twenty minutes after I got home before Eaton came; not very long, not half an hour when Eaton came. Pretty soon looked at my watch and saw time; house was dark when I went to bed; carried

lamp up with me; isn't customary to sleep with boys. Had a few words with my woman. I slept to wall, George in middle and Sheridan out-side. Sheridan is painting for me; has been there about three weeks; found him on the road one night; cut his foot with an axe chopping. Also digging potatoes. Got about through painting. Workman my wife's cousin been there a little more than three weeks; Been digging potatoes. Eaton came in last last night: got belated so stopped. Was going to Whitinsville next morning. All went to bed together, I got in last; room between side of bed and wall for me to go in. Had words with wife a day or two ago. Slept with boys. About nine o'clock when I went to bed; all my clothes on when I went up stairs; boots left down stairs; last below and was in bed before Eaton, with us. Before trial; had some words before that. Was at Bosworth's yesterday while hind shoes were being put on horse. Slept up stairs some nights running; slept with my father other nights. George said something that night after we went to bed. Sheridan said his foot was very sore; wished it would get well.

Call the next witness.

The very appearance of this fellow, as he entered and took the witness stand, would have convicted a saint.

"My name is Bob." "What?" "Bob, sir, Bob Eaton."

"Oh, Robert Eaton. Well, Mr. Eaton, proceed."

"Do what?" "Tell us what you know."

"I was at the house of Bill all day yesterday and all last night, and I'm d—d if Bill ever left it."

"Oh, think a moment, Mr. Eaton. He went away in the after-noon to get his horse shod, didn't he?"

"Oh, yes, got home long before sun-down, and I turned out his horse. I slept with Bill last night. We went to bed at eight o'clock. Bill could not have got up without my knowledge, and I know he never did."

Cross-questioned by Searls. Bed at nine o'clock. Was at McCoombs' last night. Went there between eight and nine o'clock, and McCoombs had his boots, stockings and coat off. We sat up and had a smoke together. We were ten or fifteen minutes having a smoke and then went to bed. Should think we went to bed at nine or near that; had no time piece. I slept with his father up stairs. We all went up together, all four of us. Our room was at the head of the stairs; don't know as the doors were shut; saw their light. Heard the officer and heard McCoombs go down stairs; I did not get up when the officer came.

Lived in Mossup last; eight weeks in Fisherville before; since last February. Got off at Danielsonville at five o'clock train and came up on foot to McCoombs. Came through Putnam and Mechanicsville, and then to McCoombs'. The clock was stopped. Was there when I left Fisherville. Said he had been digging potatoes all day and was tired and we would have a smoke and go to bed. George Workman was there smoking, and the other fellow did not smoke. Sheridan went up first after the old man. Sheridan went up first, then Workman, then myself, then Wm. McCoombs. Set the light on the floor in entry; then set it on the stand and blew it out. I fell asleep; was tired and heard no talking. Was fooling in Moosup and got that scratch; struck it against the car. I put the light out and set it on the stand at the head of the bed in my room.

Resumed. Had no dinner nor supper, was there an hour and did *not see the down train*. Had no money. No freight train passed me on the road. Was dark when I got there. Came on the rail-road all the way. No other train met or passed me on the road.

The next witness called was George Workman who testified as follows:

I reside with McCoombs; was at home all day yesterday; McCoombs left in the afternoon to get his horse shod, and returned between four and five o'clock; I am sure it was no later because I watered the horse at the well, and put him into the pasture before sunset. McCoombs went into the house immediately after his arrival and did not go out again. We went to bed at seven o'clock; I slept in the same bed with McCoombs and will swear he never left it until the arrival of the officer.

Cross-questioned by Gardner: Am related to Mrs. McCoombs; was in the lot digging potatoes for McCoombs; McCoombs went off about two o'clock to get his horse shod. Clock was stopped when he got back, which was some time before dark. Was there during the evening. Staid there last night; we went to bed between eight and nine; McCoombs slept with me; Sheridan slept with me too. Could not go to sleep for Sheridan's foot was sore and he kept me awake. McCoombs slept outside, towards wall, I slept centre. Didn't leave bed for I was awake till Cummings came. Been to McCoombs' three weeks. Came on visit and helped dig potatoes. Have done nothing at McCoombs' except dig potatoes.

Three acres of potatoes. I think about two o'clock McCoombs went away. Reading paper and talking in evening. Was with McCoombs at time of trial. Went to bed between eight and nine. Think Sheridan's foot was cut a week ago. Slept with me last night. Night before with his father. Next night with me. I went up first, Mc-

Coombs next ; lamp was in old man's room ; Eaton was last up and Sheridan next ; light kept on table in old man's room ; kept burning all night ; my door open, old man's shut ; saw light burning ; I got into bed first, McCoombs, then Sheridan ; talking about potatoes Sheridan said they would dig but a few more ; William was awake and all of us until the knocks came ; we all heard the knocks ; Mrs. McCoombs in the kitchen ; door east of bed ; bed fronts towards door ; Eaton got up and came down ; McCoombs turned the horse out into pasture ; never heard McCoombs say anything about going to Rhode Island ; McCoombs slept more than four times with us ; never heard of any trouble between McCoombs and his wife ; know nothing about the fire ; Eaton got home between six and seven o'clock ; he didn't eat any supper there ; Eaton had trouble where he was working ; McCoombs and I were sitting on the lounge together when Eaton come.

Call the next witness.

He came in and took the stand. Debauchery, villainy and deviltry combined were indellibly stamped upon his countenance.

"Witness, your name?"

"Phill Sheridan."

"Oh, Philip Sheridan. Well, Mr. Sheridan tell his honor whether you was at the house of the prisoner last night and what happened.

I was at the house of McCoombs last night ; arrived there between eight and nine o'clock : went to bed pretty soon ; seed McCoombs go to bed and will swear he never left it until the officer made him.

Cross-questioned by Gardner : I was part of day at McCoombs' ; went away after dinner, about two oclock ; went to get his mare shod ; should say he got back at five o'clock, before dark ; went out and down to the barn with George when he was putting up his horse ; Eaton came in between seven and eight o'clock ; McCoombs was there during the evening ; we all went up together ; I slept front, Wcrkman in the middle and William behind ; cut my foot Sunday ; I didn't go to sleep ; don't know whether the others slept or not ; nothing was said ; the old man carried the light up ; one was in the room we were in and one in theirs ; no light in either room, fer I could see ; I could see the door of the old man's room which was open ; been there three weeks ; came from Providence ; no residence and make my home anywhere ; McCoombs asked me to go home and paint with him ; have painted kitchen, stairway and some furniture ; I was wheeling the potatoes ; did not help McCoombs put up his horse but we all went into the house together ; I was in the ell and came in and sat down by McCoombs ; they were talking ; heard McCoombs say he was going to R. I. ; heard

nothing about Tourtellotte until to-day ; Mrs. McCoombs staid in her room ; don't know as William smoked ; should say we went to bed about nine o'clock ; George said let's go to bed ; George ahead, then I, then William, then Eaton ; William carried up his light and put it out ; Eaton took his light and put it out ; William was back ; George was first in. William last ; I spoke two or three times ; spoke to both of them about potatoes ; I heard the knocking ; I told him to get up and see who it was ; I went down after him ; Bill said, 'By G—d it is strange a man can't lie in his bed and rest' ; McCoombs left his boots down stairs.

The prisoner's father then took the stand.

The prisoner is my son ; lives in my house ; I was at home yesterday and last night ; my son went away on business in the afternoon and returned before sunset ; I know it was before sundown, because I unharnessed the horse and put it in the pasture ; when I got back to the house the sun had not set ; my son was in the house when I entered ; can't tell what time he went to bed because I went first, but will swear he did not leave the house until the constable took him away.

Cross-questioned by Gardner : I am about 78 years old ; was at my own place digging potatoes ; he went away after dinner and came home before dark ; I was in the house in the night and my son was there ; Eaton came up after I got to bed and Eaton slept with me ; they are near each other ; our doors were not shut ; there was a light in my room at the head of the bed ; they took it in the other room ; they fell asleep soon ; they and my son came up to bed together ; Eaton was up before them ; he did not go out at all ; I was up to get my limbs limbered up ; first time I was up while they were talking in other room ; Eaton got up and went down after a little while ; I did not get up till Willie was gone ; Willie came into my room and got a light ; I think Willie came up first : light burned in their room half an hour after they come up ; I took the horse down and put him in the pasture ; I think George pulled up water for him ; no difficulty with his wife ; night before last slept with me.

Lyon. This, your honor, is the last witness we intend to offer.

Gardner. Allow me to thank you, brother Lyon, for the great assistance you have been to the state in putting forward these witnesses. Such evidence as they have given to this court would, it seems to me, convict an angel, let alone the prisoner, and we propose to let the decision rest with his honor without further argument. Will that suit you brother Lyon?

Lyon in a rage. If the gentleman will tell me with what evidence

they expect to convict my client, a very respectable and most excellent man, perhaps I may submit them to his honor's decision without argument.

Gardner. Very well, if it is a chance to air yourself you are desiring, you shall have it.

Mr. Searls then rose and opened the argument. He handled the evidence fairly and well, showing how at every point the witnesses had crossed each others' testimony.

He was followed by Lyon whose argument seemed to make little or no impression.

Gardner then arose and pointed out all the deficiencies of the evidence and followed it up with an eloquent and overwhelming argument in favor of binding over the prisoner to the Superior court in Brookline.

Lyon then tried the pathetic dodge to no purpose, for Squire Meech probably could not see wherein the prisoner could be called an honorable and respectable man, unless he took Lyon's word for it. Perhaps his honor may have thought that birds of a feather flock together, and a man is known by the company he keeps, therefore the company he loved best to mingle in he would be sure to call respectable. We don't know what Justice Meech thought about it, but we certainly know he bound the prisoner over under \$5000 bonds. They were not forthcoming and the prisoner was taken to the county jail to await his trial.

After his committal a few things came out that led people to believe that McCoombs was not the real person that had placed the torch to Squire Tourtellotte's barn. Yet they were confident he was in some way connected with the affair; so a town meeting was called and \$1000 was voted into the hands of the selectmen to use as they saw fit in finding out the real culprit.

Nothing was heard about it, and all but a few, who were in the secret, supposed the matter was entirely dropped. Billy's friends began to hallo, but they were not out of the woods yet.

There was a prominent gentleman living at Grosvenordale who had traveled about the world considerably. This gentleman was one of the knowing ones, and greatly respected by all who were acquainted with him. The selectmen held a consultation with him after the town meeting and Mr. R. took the next train for Boston. We did not follow him there, neither has he ever told us his business on that particular occasion, so we will now introduce a new chapter and a few new characters that cannot be dispensed with.

CHAPTER V.—RACHEL HATTEN, GEORGE WILSON,
AND OTHERS.

On the main travelled road leading from the New Boston depot to North Grosvenordale and about half way between these two places we find the road skirted on either side by woodlands. In passing along this road towards the east, through the woods, we discover a small dilapidated building, sometimes called a house. It is a building, certainly, yet it is more often called "the Widow Ferris' shanty" than any other name. It is situated upon the skirts of the before mentioned wood, and any person having the regulative organ of neatness largely developed, would look upon the widow Ferris' house and its surroundings with disgust, and if we be allowed to give a righteous judgment, we would say one look at the widow would affect the stomach in about the same way.

"Goodness!" said a friend to me one day while passing the place, the widow happening to be out in the yard, "I say, my boy, that thing in petticoats yonder is a hog breeder, ain't she?"

"I guess she is," said I, smiling, at the same time trying to look very wise, knowing my friend had several fine animals which he kept for the purpose. But I did not know exactly in what spirit he had put the question, as his animals were quadrupeds and the animal in question was a biped, at least external appearances together with petticoats would naturally lead one to these conclusions.

Circumstances might not, however, lead one to believe that there would not have been any great sin in allowing my friend to think he was not far wrong in his estimation of her character. All we can say is, we do not believe under existing circumstances, she is half so useful to society as that animal called hog, and all respectable persons would prefer the company of the quadruped to that of the biped at any time. So much for the widow, and that is all we have or wish to have to do with her, and we heartily wish we could say we were through with her daughter Rachel and that we were not obliged to drag this beautiful creature, matted red hair and all, before the public, but necessity compels us to do so as she is somewhat mixed up with this history.

We need not delineate upon her character, suffice it to say that the company always found about her door is of the lowest order. She lives near an infernal den called the Chaffee Stand, a rum hole where unprincipled rascals congregate, and a drunken rabble might at any time be seen either there or at the widow's shanty. If at the shanty Rachel Hatten could often be seen tramping up to the inferno and back again, probably well supplied with debauching poisons for her visitors. Wm. McCoombs was almost a daily visitor at this place, in fact Rachel Hatten was the reputed mistress of McCoombs, she being generally designated as "Billy's other wife."

The afternoon previous to the burning of Squire Tourtellotte's barn McCoombs, on leaving White's shop, proceeded to this place and did not leave until about dark, although he swore in court he was at his own house before sunset; he was met with his team just after leaving the Ferris shanty by a gentleman who spoke to him and passed on. The gentleman was surprised on looking back after driving a few rods to find that McCoombs, team and all, had disappeared. There was a long stretch of road behind him, and his eyes could range over the whole of it, yet he could detect no living thing upon it. His conclusions were that McCoombs had turned his horse into the alders which lined the roadside in that vicinity. He could not imagine for what purpose McCoombs had driven in there for it was getting quite dusk. The gentleman mentioned the circumstance at the time of McCoombs' arrest, and parties were sent to inspect the place indicated by him, early the next morning. They found the place where the team had been driven into the bushes and out again. How long it remained no one has any idea, yet this was sufficient under existing circumstances to create a suspicion that McCoombs had secreted the horse and buggy in the alders, travelled back through the woods and across the fields, and set the barn on fire. This is why he and his gang were so closely questioned about the horse and the time of his arrival home, yet all the suspicions were incorrect as subsequent investigations and evidence will prove.

We must now introduce a new character, George Wilson.

The month of October was drawing to a close, and the varied beauties which this month brings to us, were fast waning, business men of all classes were anxious to finish up their work before the chill winter should retard their plans.

It so happened that the Grosvenordale company had been erecting several new tenement houses and had a considerable amount of painting to be done. Of course several persons applied for a job; among

them George Wilson. He looked and acted like a low character; there was nothing about him that would give you a favorable opinion of him. His dress was rather shabby, and had a rascally cut about it, his gait was half slouching, his hair unkempt, his eyes, ah, well his eyes were the only redeeming point this fellow had. You somehow felt pleased when you saw his face turned towards you; an idea seemed to fasten itself upon you that he would like to look at one, but his eyes refused to do their duty. In fact they were all awry and would have done very well for an olden time cook, when one eye was required to be fixed on the pot and the other up the chimney.

Whether Mr. Briggs, the manager of the Grosvenordale works, considered that Wilson as a painter would have one eye on his paint pot and the other on the work before him, is not generally known. Certain it is, Wilson was engaged and set to work. Wilson soon made it apparent to all who came in contact with him that if they would keep a respectable hold on society they must shun his company. The people with whom he boarded turned him out because he kept himself in such low company, but he liked his boarding place so well that he either promised to do better, or somehow worked himself into their good graces, for they took him back.

The people of Grosvenordale knowing Mr. Briggs to be a strictly honest and a strong temperance man, in fact one of the noblest advocates of temperance, wondered why he retained in his employ such a character as this George Wilson. Several persons while speaking of it gave it as their *candid opinion* that Wilson the painter was a relative of Mr. Briggs, therefore was kept in his employ. This candid opinion of many gained credence with many others and no wonder, for it was pretty well known and understood that Mr. Briggs did not keep low, drunken rowdies or men who did not strictly attend to their business, in his employ.

To all appearances George Wilson was a drunken rowdy, for he was generally to be found in low company, and was never attentive to his work. He selected one Edward Stone, generally known as Edward Eddy, for his boon companion. This fellow worked at lathing in the same building where Wilson used his brush, and a precious pair they seemed to be. Eddy boarded in the out-skirts of the village at the house of Rachel Hatten's sister. Wilson often accompanied Eddy thither, where he as often met Rachel, and it soon became evident to all the candid opinioned that Wilson was deeply enamoured of the red haired, rum-faced Rachel. All the respectable people of the village were inexpressibly shocked while on their way to church on pleasant Sundays to meet a quartette of disreputables, Edward Eddy with Mrs.

Coleman, Rachel's sister, to the front swaggering along, George Wilson with a game cock under one arm and Rachel hanging upon the other brought up the rear. All four appeared to have been drinking freely, and were using language, which to say the least of it, was neither elegant or grammatical.

The tender, never dying love of George Wilson for his beautiful, retiring, modest Rachel became uncontrolable. The heat of his passion reached its acme and in an unguarded moment he betrayed to her his great love. We believe it happened thus: Wilson and Rachel were taking a lovers' walk just after a thaw, and it extended along a very muddy road into which the happy pair were continually sinking several inches.

"What the devil are you lagging behind there for, my buck?" exclaimed the beautiful Rachel, as she stopped still and stood erect in the middle of the road, one hand upon her hip, while with the other she endeavored to keep her clothes from the mud. Receiving no answer from Wilson, who was about two rods in the rear apparently engaged in searching for something in the mud. Rachel set her voice to a little louder pitch and using a little stronger language, requested to know why he did not come on.

"Oh my dear Rachel," said Wilson despondingly, "there is an infernal big hole ripped in my coat pocket and the whiskey bottle has disappeared through it into the mud."

"The devil fly away with you for your carelessness," said the elegant Rachel releasing the hold upon her skirts and letting them fall into the mud. She was quickly by his side searching very dilligently for the lost treasure.

Any one who could have seen the queer smile that played upon the lips of Wilson or noted the comical and amused expression that passed over his face as well as the little interest he took in finding the missing whiskey bottle, would in all probability have thought his mind was entirely engrossed by the elegant appearance his admired Rachel made groping in the mud for that bottle, but the human mind is a mystery to all but its owner, and we are not certain of what was in that of Wilson upon this occasion. We only know what he says himself about the matter.

The bottle being found, and a long pull, and a strong pull being exerted the two proceeded on their way chatting very cosily, and walking as lovingly as mud and circumstances would permit.

A short distance from the house to which they were proceeding was a deep quagmire, and just before reaching it the whiskey seemed to take effect upon Wilson, for he staggered about considerably. Rachel,

dear loving creature, did all she could to sustain him in his great difficulty. Wilson seemed to be aware of the slough, for on getting near it he shoved well to one side dragging Rachel with him, but on getting near the centre of it he gave a desperate lurch towards it. Of course Rachel went in nearly to her waist, then fell down, but wonderful to tell Wilson did not fall in, but that quiet smile again showed itself. He however exerted considerable skill in extricating the fair one from her dilemma. No one seeing him at this would for a single moment suppose he was drunk, yet they might have changed their minds had they heard him trying to apologise.

"(Hic) 'scuse me Rachel, 'stremely sorry (hic) all right now though (hic) all right, come on."

"Curse you for your stupidity, you drunken fool," exclaimed Rachel, angrily, at the same time trying to rid her garments of a few pounds of mud by shaking herself like a Newfoundland dog, but her brain being a little muddled with whiskey, she was unable to keep her balance while going through this operation as well as the dog would, therefore had a second flounder in the mud hole.

Something like a low chuckle sounded on the still night air as Wilson again put forth his strength to extricate her.

Rachel on finding herself on hard earth again, used a string of words which for brevity's sake we will not stop to write. She finished up her harangue by informing her escort that her rubber had come off, and requested him to go in and find it. This Wilson positively refused to do, but promised to purchase a new pair for her the next day.

"You are d—d generous all at once; how do you expect me to pay you for it?" said Rachel as she walked off, clinging to Wilson's arm and looking up at him with a grinning smile upon her face. This was too much for his susceptible heart to stand, so he answered her question by telling her that all his earthly happiness was centered in her, and if he went to the expense of purchasing her a pair of rubbers, he in return expected she would give him a solemn promise to become his wife on some future occasion when he himself should be ready. Rachel gave the required promise, and by the time the loving couple reached the house everything seemed to be amicably arranged.

"Come in, George, won't you, and stay all night?"

"Can't nohow, (hic) I'm a little drunk, (hic) 'member 'stinctly (hic) must stop at the Chaffee stand though. (hic) Good night, Rachel." (hic) "Here, stop George, and give me that whisky bottle, you can get some on your return back."

"So I can," said Wilson as he produced the bottle and staggered back to the door step.

Rachel put forth her hand to claim the treasure, when a crash was heard, and like many of our earthly expectations, the bottle lay shivered to atoms.

The loss of the whisky made Rachel very angry again and she swore roundly, but Wilson took very little notice of it and staggered down the road. As he disappeared in the darkness, a low satisfied laugh escaped him, and he said gaily, "Oh, ho! I have at last got upon the right track and there is every appearance of my having considerable fun in following it out," and again he laughed gaily and walked briskly towards home. The effects of his whisky potations seemed to have entirely disappeared until he reached the top of the eminence on which the Chaffee stand is situated. As Wilson entered this noted rum hole he appeared to be about half slewed. He was however, well received, and seemed to be on intimate terms with all there assembled, Edward Eddy being one of the number.

After remaining some time Wilson and Eddy left in company, both apparently well muddled. We may say Eddy was certainly pretty drunk and it required but little pumping from his friend Wilson to draw forth a few secrets which made a great impression on the mind of Wilson, who in turn related many of his exploits, boasted of the number of times he had been pursued by the officers of justice who were never skillful enough to catch him, and wound up by informing the admiring Eddy that he intended to make a lift before long that would make a gentleman of him, and invited Eddy to join him in the enterprise. To this Eddy readily assented. After this they became greater friends than ever and seemed to be almost inseparable.

So matters stood when the Brookline term of court opened in January 1874. The friends of McCoombs were anxious to have him tried at that term of court, but the State thinking they had not sufficient evidence to warrant a conviction, withdrew the complaint. They did not however, wish to lose sight of McCoombs for they had by this time learned from some secret source that McCoombs was badly implicated in the incendiaries, therefore a second writ was prepared previous to his discharge on the first, and as soon as he was discharged by the court he was taken on the charge of attempting the life of Sheriff Osgood.

McCoombs was again taken back to jail, his bonds being placed so high that no one cared to be security for him. Billy's friends made a great hue and cry about the injustice of this proceeding, and no one halloed louder or made more noise than a certain fish and oyster peddler who claimed that McCoombs was perfectly innocent and that the most unheard of inhuman justice or injustice was meted out to him by

men a thousand times worse than he was. Yet this man whose bellowings came forth from a mouth which, if we be allowed to judge, was twin brother to the codfish he dealt in, did not see fit to come forward and give bonds and set this devil and *his* particular friend free, so Billy remained safe in jail.

We will now return to Wilson and Eddy.

Wilson apparently grew more and more dissipated, more and more neglectful of his work, his time that was not devoted to sleep seemed to be divided into three equal parts; one of which he gave to work, one to Eddy, and the other to his beloved Rachel, but she, it appears, was not entirely satisfied with this arrangement. McCoombs, her former paramour, being locked up she wanted all Wilson's time with what whisky he purchased to console her. Wilson could not however, see it in that light, so he persuaded Rachel to take a journey to Rhode Island and remain there until their wedding day was fixed.

"My dear," said Wilson, "you can employ your time in getting your trosseau in readiness for the happy occasion that will make us man and wife." To this proposition Rachel readily consented and took her departure. When Eddy questioned Wilson as to the cause of her sudden departure, he replied in this manner:

"Why, you see, Ed, I intend to go and make a haul before long, and don't want Rachel about. Women are not just the sort to trust in such matters you know."

"That is so," exclaimed Eddy. "When do you expect to make that haul, now she is gone?"

"Oh," said Wilson, "I will let you know by and by."

CHAPTER VI.

It was a stormy day near the close of January, 1874. The chief detective, whose name we will call Stone, was seated in his office employed in opening and reading numerous letters that lay on the table before him. He finally seized on one post-marked Thompson. It contained the following:

Dear Sir:

All my labors have thus far, it seems to me, proved futile, for I do not think that I have been tracking the right fox. Last night I visited a rum hole near North Grosvenordale. I was dressed and disguised as a Frenchman, and of course understood but little English. The fellows congregated there took but little notice of me, for they undoubtedly thought me pretty well intoxicated. While there I overheard a little conversation which led me to believe that McCoombs did not set Mr. Tourtellotte's barn on fire himself, but employed an agent to do it for him. I have gathered quite a chain of circumstantial evidence that points towards this agent, yet not sufficient to convict him, and I am forced to say that I despair of getting much more. At present I am unable to judge how great a scoundrel this agent is or whether he is rascal enough to burn a barn, so before going any farther, or wasting any more time uselessly upon him, I propose to pump him for a rascal. I shall propose burglary to him, and as it may be necessary to use testimony of this kind to convict, that is after further investigation I am convinced I am not wrong in this measure. I should like your advice in this matter, also two trustworthy persons to overhear all our conversation, therefore for the present I shall remain quiet and await your orders and instructions.

Yours, respectfully.

Captain Stone after reading this letter immediately penned the following:

Sir:

"*Nil desperandum.*" I will be with you; get this fellow to Webster, Putnam or Southbridge. When there engage two rooms at some convenient place; let the rooms have means of communication by means of a door leading from one to the other. Work

carefully and let me know when ready and where to find you. I will be there.

Yours, etc.,

STONE.

About three days after this Wilson and Eddy hired a team from a livery stable at North Grosvenordale and started en-route for Southbridge in high glee. Wilson insisted that Eddy should leave rum alone until after their business was transacted.

On their arrival at Southbridge they proceeded in search of rooms, Wilson leading the way. After applying at several residences without success Wilson suddenly remembered a house where he was sure the folks would accommodate them with rooms. In this he was right, and the pair soon found themselves seated in a comfortable room smoking quite contentedly. The room had two doors; the one through which they had entered led into the hall, the other led into an adjoining apartment, and stood slightly ajar. This escaped the notice of Eddy who sat with his back towards it.

It may be as well to say here that in the next room, seated near the half-open door, were two gentlemen, one was Mr. Stone and the other was a prominent business man from Boston. They were in such a position that they could hear all the conversation that passed between Wilson and Eddy.

We think it best to let the reader judge of this conversation for himself, and shall therefore give it word for word as nearly as it is possible to recollect it.

"I say, Ed, this is kind of snug and comfortable, ain't it now?"

"You bet it is, George. Where's the whisky?"

We omit all the profane language used on this occasion.

"I tell you what it is, Ed, you have got to let whisky alone if you intend to do any business with me, for I won't do business with a fellow when he has liquor in him."

"I hain't got no liquor in me now, George, so what's the business you have been telling about?"

"Now, Ed, you listen to me. I'll tell you my plans and how I intend to make a haul, but you must not breathe a word to any living soul."

"I am not fool enough to do that George, so pitch in and let us hear it."

"Look here, Ed," said Wilson, taking a key from his pocket. "Do you see this, well I know a safe this key will unlock; that safe will shortly have a large sum of money in it, maybe I won't have it, eh? you bet. "I tell you, Ed, it ain't hard work to reach this safe, not a bit of it, I can do it easy. I know a window I can get through with-

out much trouble, and the safe will give me none at all, and there will be plenty of money in it. What do you think of that?"

"Is it Briggs' safe you mean?" inquired Eddy in a low tone.

"You need not be afraid to speak, Ed, there is no one to hear us. But look here, do you think me fool enough to tell you whose safe it is I intend to burst, and have you split on me?"

"So help me God," said Eddy, earnestly. "I won't split on you."

"Well, perhaps you would not, but you see old hands are careful, and you are only a boy, and boys are not good at keeping a secret, so how do I know you will be?"

"Now, George, if you will promise not to split on me I will tell you something, that will show you I can keep a secret as well as the next man."

"Well, pitch in, and let's hear," said Wilson, throwing himself back in his chair, crossing one leg over the other, and sticking his thumbs into the arm holes of his vest. He looked at Eddy as much as to say proceed my good fellow, I am prepared to give you my undivided attention.

Eddy started off with his story without further encouragement.

"You remember the two men we met in a sleigh one night a month or so back—

"What night?" asked Wilson.

"Why, don't you know, the men you inquired about and I pretended not to know anything about them?"

"Ah, yes, I remember now, they looked rather curiously at us I thought, well what about them?"

"Why, you see one of those fellows' name was White, who swore against Billy McCoombs. The other was Squire Tourtellotte, the man who had his barn burnt last fall. They cooped up Billy for burning it, but he didn't set it on fire and they haven't found out who did, ha, ha, I guess I can keep a secret if I want too."

"Mebbe you can, but what the d—l has all this to do with your keeping a secret?" said Wilson impatiently.

"Perhaps it has and then again perhaps it has not," said Eddy a little doggedly.

Wilson scratched his head, looked inquiringly at Eddy for a moment, then said, "Why, Ed, you don't mean to tell me you was fool enough to burn that barn, do you?"

"Yes, I do," said Eddy, "but I don't suppose you are going to split on me, George."

"Don't be a fool, Ed, couldn't you peach me if I did; but what in

time possessed you to burn Tourtellotte's barn? had he done anything to you?"

"No, he had done nothing to me as I know of."

"You don't mean to tell me you burned it for nothing, do you?"

"No I don't."

"Ah; ah, I see now; ha, ha, that is good; ho, ho, Tourtellotte is the man who is trying these rum cases, and you thought to put a stop to it by burning his barn, eh?"

"No, it was not for that."

"Then what in time did you do it for?"

"I done it because I was hired to do it."

"The devil!" exclaimed Wilson, "I wonder they haven't found you out, you must have been very cunning. Tell me how you done it."

"You won't split, George, will you?"

"Not likely, go ahead."

"Well, you see a man was tried by Tourtellotte for selling rum last fall, and he agreed to give me two hundred dollars to burn his barn, and I done it."

"Has he paid you?"

"Not yet, and I don't know as he ever will."

"Oh you simpleton you should have got your pay before doing the job, but who was it hired you? was it Newt?"

"No, you fool, he would split in a moment if he knew who done it. I shan't tell you who hired me, not now at any rate."

"Well, well, I don't care who hired you; just tell me how you managed it so as not to be found out."

"Why, you see I was working in Grosvenordale and left work rather late that night. It was after dark when I got home to Bill's house. I went around the back way and placed a ladder up to my window. I went up stairs to bed; about nine o'clock I slipped out of the window, down the ladder, took a bridle I had hid for the purpose, ran across lots to a pasture, took a horse and rode him through the woods up pretty near the barn. There I hitched the horse, crept over to the barn, waited till I saw the light go out in the house, then set it on fire. I waited till it got well going then made for the horse and rode off like lightning. I put the horse back into the pasture, went home and up the ladder into my room and went to bed. The next morning I got up, removed the ladder, and went to work as if nothing had happened."

"You was cute, Ed, that is a fact, but I thought that fellow, McCoombs, was tried and locked up for setting it on fire."

"So he was, the next day, too, but what made people think he done it, or how they managed to find out he had anything to do with it and not find me out too, is more than I can tell. He must have said something himself about it, for I will swear I never opened my lips about it before, to anyone," said Eddy, earnestly.

"So then, Ed, it was this Billy McCoombs that hired you to do the job, was it?"

"I shan't tell you any more about it," said Eddy, "only this much, Billy has a better right to be shut up in jail than I have, for if it had not been for him Tourtellotte's barn would never have burned, and I don't believe Squire Childs' would either, but I am not certain about Childs, only think he had something to do with it."

Wilson now put several ingenious questions to Eddy with reference to finding out whether or not others were implicated in the matter, but Eddy either did not know or would not disclose it if he did. Finding that he could gain no more information he proposed to Eddy that they should go out and search for something to eat and drink. To this Eddy readily assented.

No sooner had they left the room than the two gentlemen who had been attentive listeners, immediately left the house and proceeded to Squire Tourtellott's house in New Boston. They found him at home, in fact trying a liquor case. The detective called him from the room and laid the case before him. The case then pending was adjourned to a future day, and a writ made out to arrest Eddy on his return from Southbridge.

The writ was placed in the hands of Constable Cummings who arrested both Eddy and Wilson near the New Boston depot about eight o'clock the same evening. Both were brought to the justice's house. Eddy seemed very much affected on seeing Mrs. Tourtellotte, a mild, gentle lady who had always been kind to the boy. "Oh, Eddy," she said, "I am so sorry for this, how could you do it?"

"I should never have done it," he replied, "had I not been filled with whisky and then hired to do it."

But few questions were put to him, he remained very quiet and passive in the hands of Constable Cummings until the next morning when he was in company with Wilson taken before Justice Meech.

Wilson on being asked if ready to plea said he was not and was placed in the hands of an officer. The question was then put to Eddy after the reading of the writ, he answered, "I am."

"Are you guilty or not guilty of the crime charged to you in the writ which has just been read to you?" "I am guilty."

"Then I shall bind you over to Brookline under the sum of fifteen hundred dollars. Have you any one who will give bonds for you?"

“I have no one, sir.”

The prisoner was then hand-cuffed, taken to Brookline and lodged in jail.

Two hours or so after leaving the house of Justice Meech, George Wilson came forth from his boarding place metamorphosed from a cross-eyed, ill-bred looking fellow to a fine appearing fellow. His eyes were perfectly straight, and very sharp they were too, in fact no one could recognize the slightest resemblance between the man of gentlemanly appearance to the George Wilson, who two hours before was dragged before Justice Meech, charged with some crime, I guess no one knew what. He left by the next train in company with Captain Stone.

Thus ended the extraordinary labors of this cute detective, known in Thompson as George Wilson. I call his labors extraordinary because they were both difficult and dangerous, and because detectives in all parts of the country have met with but ill success in these incendiary matters. What makes it more extraordinary is, the detective was employed to gather evidence against McCoombs as every one believed him to be the real culprit, and as this detective was about to give up in despair a few words dropped in a bar room, probably by those who had sufficient rum in, to drown wisdom out, put another string into his head that enabled him to trace this crime to its miserable perpetrator.

Verily the ways of Providence are wonderful.

CHAPTER VII.—THE TRIAL OF MCCOOMBS.

After the incarnation of Eddy, everything in the neighborhood of the late excitement settled down into its usual quiescent state. It somehow got rumored abroad that McCoombs was deeply implicated with Eddy and therefore would be tried with him, and it soon became evident that the friends of McCoombs were using every exertion in their power to collect evidence that would, by hook or crook, swear him clear. How far they succeeded we are unable to say, one thing is certain they felt pretty confident they should get him acquitted, but when the day of the trial arrived an unlooked for circumstance that cut the ground from under their feet placing the defense *hors de combat* without so much as saying by your leave, sir. Eddy turned states' evidence, but we will not anticipate.

On the 27th of April the court opened at 9 o'clock. Judge Parker presiding. The first case for trial was that of McCoombs for assaulting Sheriff Osgood with intent to kill. The prisoner pleaded not guilty.

Sheriff Osgood after being sworn, said: I saw the prisoner at his house in Thompson; went there on a search warrant to seize liquors with Bates and Kemp: met McCoombs outside of the gate by the saloon; asked if it was McCoombs, said it was; said I had a search warrant to search for liquors and to seize them; asked him if he would unlock the door; said he had not the key but would go into house and get it; followed him into the house and said seeing we are in the house we will search this; Bates and Kemp followed; first entered a kind of shop leading out of kitchen; then went across to bed room; McCoombs and wife were in there; wife standing by bed and McCoombs at end of bed; first looked under bed; Mrs. McCoombs dropped a bottle from her clothes; found two flasks of liquor in a chest and set them on a table in the kitchen; then looked for McCoombs and found he had gone out; Kemp said he guessed he had gone into the saloon; I went out to the saloon then back to the house; I went to door leading out of kitchen and found it locked; asked Mrs. McCoombs to open the door three times as I did not wish to break it in; she refused; I

then burst the door open and went in; found there some casks with some liquor in one of them, a jug and demijohns; went out to saloon and found door securely locked and windows fastened; looked in and could see no one in there; went around to south side of saloon and found some boards against a window or hole in the foundation; kicked in the window and found McCoombs there in company with quite a lot of casks; McCoombs asked if I had any right to break in; I told him I thought I had, under the warrant; asked him what he had in those casks; he said it was all sweet cider; asked him if he would draw some of it to see what it was; he drew from two casks some cider; asked him to draw from the next; he did and I thought it was whisky; I then asked him to draw from the next, he did so and I called it gin; I then tried two or three casks and there didn't appear to be anything in them; I then found some liquor in another cask; after that McCoombs wanted me to leave the liquor and not be hard on him: about this time asked Kemp if he knew of anyone who would remove the liquor; he spoke of Marcus Child and I told him to ask him to come with a team; Kemp went; McCoombs plead to be allowed to keep the liquors; went overhead and searched the saloon; did not find anything; Bates, myself, Mr. and Mrs. McCoombs up in the saloon talking when Kemp come accompanied by a man with horses and lumber wagon; the man's name was Chapman; asked him to drive round into the yard and place the wagon so we could load up the liquors; he did so and Messrs. Bates, Kemp, Chapman and myself loaded the gin into the wagon; loaded the whisky next; there were faucets in the other casks; plugged the whisky and gin with plugs found there; Mr. Kemp and myself went to woodpile to find something to make plugs of; found some walnut sticks and a hatchet shaped like an axe, with an 18 to 20 inch handle; 1½ pound axe, 3 inches on head, and 3½ inches across edge; brought it out to the wagon where the liquor was being loaded and commenced to fit the plug there; I was at work on a plug, whitening it down and Kemp had the hatchet; next I saw of the axe McCoombs had it; heard McCoombs say he would get any more liquor or cider shall come out of there; then I looked up between the others and saw McCoombs with the hatchet, and he struck the wheel. Substance of remarks was he would kill the first man who took any liquor out of there; struck the wheel with a heavy blow and appeared to be angry; I was three or four feet from the wheel; I then started for the place under the saloon where the liquor was kept; he started for the place too, and got there before me and was striking towards me with the hatchet; he was inside and I outside; he had the hatchet and was flourishing and striking it into a plank beside me; I crowded him

away and stepped down between him and the window; I got to it at last; I told McCoombs he would have to get out of there and asked him to leave; said he shouldn't; I told him he must get away because I wanted to get out the liquor; he kept threatening to strike anyone who touched the liquor, and pounded the cask saying it was empty; I then called for Bates who was outside and I think I called for Kemp to come in; Bates started to come in but Mrs. McCoombs seemed to interfere, shaking a club at him; I heard Mrs. McCoombs and saw her husband start for Bates with the hatchet; he said, 'G—d d—n him has he been touching you?' Bates was outside when he struck out towards him with the hatchet; McCoombs then turned towards me, flourishing his axe and striking the barrels, and finally he said 'G—d d—n you, I'll kill you!' and struck at me with the axe and hit the beam in front of me; the cellar was just high enough for me to stand and the beam was one of the girts to the upper floor; I stood on a plank right by the cask; there was a beam behind and one in front of my head. McCoombs was in front of me and not more than two feet from me; neither of us had hold of each other; my head was only about two inches from the beam struck by the axe; he struck with the head of the axe and seemed to strike with all his might; the beam was four or five inches wide and two and one-half to three inches thick, and was the means of stopping the blow; McCoombs kept talking all the time in very violent language, but did not strike at me again; I told him I wanted to take out that cask of liquor when he struck it with the axe and said there was nothing in it; I saw there was no use to do anything in there at that rate, so I said I guess I'll let your liquor go and went out and he followed me; as soon as we got out I took hold of the axe which he still held; we had quite a scuffle; Bates and Kemp came up and McCoomb's father; we all got the hatchet about out of his hands and Bates said 'let your father have it,' and he did so; McCoombs tried to get the axe away from me in the scuffle; he made another rush for the hole and was very quickly back there; Bates had the hand-cuffs; I took them and when Bates had opened them I told McCoombs I should put them on unless he kept still; he then quieted down; I had no trouble after I took out the hand-cuffs; after we had loaded the liquor I told McCoombs I should arrest him for assault and he wanted I should show him the warrant for arrest; I told him I had not got any; said he wouldn't go, and I told him to get ready.

Cross examination. First hard words spoken at the wagon; Kemp and I went to wood pile for plugs and found the axe there; first I saw of axe in McCoombs' hands was when he struck the wheel; said he'd be G—d d—d if another man went in there: I was outside of hole,

he was inside ; struck the plank or sill of window ; I asked him to stand back ; said nothing touching my life that time ; don't know whether Mrs. McCoombs replied to her husband's remark, 'G—d d—n him, has he been touching you?' said he would kill the first man who took his liquor out, while striking the barrels ; he struck the cask ; I was standing up facing him when he struck at me and hit the beam ; did not make any more demonstrations towards me ; I went out three minutes after he struck at me for the purpose of inducing McCoombs to come out so I could get the axe away ; never told him I should not take the cider, but might have given him encouragement that I would not ; had not taken out the cider.

Re-direct : Nothing but the beam and striking a short blow prevented the axe hitting my head.

Walter Bates sworn : McCoombs took up the axe and struck the wheel and said he would open any man's head who took the liquor ; when Osgood opened the window McCoombs said he would open the head of any man who touched the liquor, and he made several movements with his axe as if to take aim ; Osgood halloed 'Bates, come in here ;' McCoombs when he come towards me said by ——— if he has touched you I'll split his head open ; McCoombs said he'd shoot Chapman's horse if he did not get out of the yard or he himself ; I saw the impress of the axe on the beam.

Cross-examination : Depth of cellar somewhere about six feet ; sure Osgood called me when he was struck at ; no one there but Osgood, McCoombs and his wife when I went down ; McCoombs said G—d d—n his soul to hell has he hurt you, I'll split his head open ; Osgood said hold on, old fellow, don't strike him ; I was within two or three feet of them ; he then turned round and stepped towards Sheriff Osgood ; I think he meant to hit him, said he would kill the first man who touched the liquor ; he hadn't time to strike Osgood again ; swore he wouldn't let go of the axe ; he had the best hold of the axe.

Marcus Childs sworn : I reside in Thompson ; there had been taken two casks and some jugs out of the cellar ; Mr. Osgood was arranging to load the casks ; Osgood, Kemp, Bates, Chapman, myself, old McCoombs and Mr. and Mrs. McCoombs were engaged in the scuffle for the axe ; McCoombs swore he would kill the first man that got any more liquor out of the cellar ; after he went to the cellar and said there was cider there and he would kill the first man who meddled ; Osgood called for Bates and Kemp.

Cross examination only confirmed his direct testimony.

John Chapman sworn : I reside in Thompson ; Osgood told me where to put the team ; McCoombs said get that team out of the yard

or he would shoot both team and driver ; I was back three or four rods from the hole and heard the report of the blow ; said he would use violence if any one attempted to remove anything ; the hatchet was taken off by his father somewhere ; McCoombs struck the wheel and said he would take revenge on any thing that come in his way.

This closed the evidence for the State, and McCoombs then took the stand. After he was sworn he said : Osgood said I have a search warrant to search for liquor ; he broke the door of that room ; I took the key and went into the saloon ; he kicked in the door and it struck me ; Osgood said here you are ; drew some cider from two barrels then some whisky ; he asked what was in that other barrel ; I drew some ; he tasted and said it was gin, and in another barrel rum ; I was satisfied they would take the liquor ; they rolled the barrels out and some one of them went and got the axe ; it was fourteen inches long and weighed three-fourths of a pound ; they then went to get a stick and made plugs ; I said I suppose you come here to steal this axe as well as the liquor ; Osgood said I won't touch the cider ; I haven't a warrant for that ; I said you shan't take my cider, then Osgood said I shan't? now I will take it ; Thomas Farris stood at my left hand ; Osgood said get out of here, and I said I have as good a right here as you have ; he said what is in that barrel? I struck it to show that it was empty ; Bates said take the cider ; Mr. Osgood knocked my wife down and Bates took a big stone and drew his pistol ; Osgood, myself, and Thomas Farris all there in the cellar ; I said to Osgood I will not strike you ; I didn't strike towards Osgood at all ; the cellar is six and one-half feet high ; Mr. Osgood said he would go and get a warrant and Bates told him not to ; Bates struck my woman ; had a three year old colt, two common lumber wagons, express wagon and a top buggy there.

Cross-examination : Mr. Osgood read the warrant to me just before he went into the house ; he asked me for the key to the shop door ; after I went out my wife said I had it ; he stopped reading the warrant when he got about to the middle ; swear he didn't read the whole of the warrant ; Bates, I swear wasn't in the cellar at all ; I didn't see the pistol ; he swore he would shoot me ; I was in the garden then ; that was before the team come ; was afraid Osgood and the rest would steal my axe.

After listening to a somewhat lengthy argument on both sides, the jurors retired only to return and say we can't agree. They stood ten for conviction and two for acquittal.

This was nothing more than what was expected ; it having been ru-

mored that one of the jurors was an advocate of the rum-sellers, and another who had been seized upon by the deputy sheriff to fill the place left vacant by the challenge, was at Brookline for the express purpose of giving bonds in a liquor case, and it is but reasonable to suppose that such jurors would be dilatory in rendering a verdict against a man who was charged with such a crime, because it certainly grew out of the illegal traffic. The court then adjourned until nine o'clock the next morning.

April 29th, at nine o'clock, the court opened. Judge Parker gave a second charge to the jury and they again retired with no better success. The judge then received back the papers.

McCoombs was then brought out on an information charging him with incendiarism. The plea of not guilty having been rendered, the evidence for the state was sworn and the first evidence, Oscar Tourtellotte, took the stand.

I reside in the northeast part of Thompson; was the owner of the barns burned on the night of Oct. 15, 1873. That night I returned from Grosvenordale about eight o'clock in the evening with horse and buggy; a boy in my employ unharnessed the horse and put him into the barn; my children were unwell and I retired about 9 o'clock; about 10 or a little after I was aroused by a bright light in my room, or by some one calling out; on jumping out of bed I discovered that the southern portion of the lower barn was on fire; I ran out but Mr. White, who lives in the house with me, got out before me and let the cattle out of the yard, but the horse which was confined in the lower barn could not be reached and perished in the flames.

Mr. Tourtellotte then gave a full description of the position of barns and dwelling house. I am acquainted with the prisoner, McCoombs, he was brought before me on the 13th of October last, charged with selling liquor; I bound him over to the superior court; believe Eddy was at the trial and departed with McCoombs; there was another man in company with them whom at the time I did not know; McCoombs seemed somewhat angry about being bound over. and said one of the witnesses had not given fair testimony; cannot remember exactly what he said after trial, seldom do in these cases, because other things of more consequence generally occupy my attention.

The cross-examination of this witness only drew out that the boy after putting up the horse came into the house and retired to bed about nine o'clock, was an excellent boy and did not smoke.

There is one point in this testimony which bears strongly upon other testimony given by Eddy further on in the trial, that of the three men McCoombs, Eddy and one Workman, the prisoner's brother-in-law,

leaving Squire Tourtellotte's house together after the trial.

Leroy Arnold was then called. His testimony consisted of the following :

I am a watchman at the mill of Murdock & Son of New Boston ; discovered the fire a little after 10 o'clock ; I first saw it on what seemed to be the southern end of the lower barn : when I was satisfied it was the barn on fire I called up young Mr. Murdock and gave the alarm by ringing the bell ; did not myself go to the fire ; was ordered to stay and watch the mill.

The counsel for the defense whiled away considerable time in cross-questioning this witness, trying to learn something that the witness himself didn't know. The counsel's attempt proved futile, and so Mr. Thurston Murdock was called. He testified to being called a little after ten o'clock by last witness ; I ran out and discovered that the fire appeared to be in the south end of the lower barn, and appeared to be gaining headway rapidly ; harnessed up my double team, mustered all I could and proceeded to the scene with as little delay as possible.

The cross-questioning of this witness seemed useless, lengthy, wearisome and of course stupid. We think too stupid on the part of the counsel for him to desire its publication, so we will proceed to the next witness.

David Bracket ; I reside near neighbor to Mr. Tourtellotte ; I was on my way to work in a field some distance east of where the barns were burned the night before ; It was early the next morning ; in passing along the road I discovered strong indications of a horse having been lately hitched to a small staddle side of the road ; the horse had pawed up the ground around the staddle, also had cropped off its top, as well as the tips of two or three others near by ; I took particular notice of these tracks as some hunters had hitched their horse which was attached to a buggy, to some bars not far distant, the day before and the tracks around the staddle were much fresher than those made by the hunters' horse the day before ; I concluded the horse must have been hitched there after sun-down ; I now noticed that the horse on leaving this place had taken prodigious leaps as if it had been ridden furiously away ; I followed the tracks along the road, which is but seldom used, to a considerable distance, half a mile or so, then gave it up ; I informed Mr. Tourtellotte of the discovery I had made and he went with me to examine the ground ; there were some wheel tracks near by in the road.

Nothing of any consequence was elicited from this witness by the sharp cross-questioning that ensued, and Mr. Brackett was told he

might leave and Elijah Perrin was informed that he might take his place upon the witness stand.

I reside in Thompson, about one mile from Mr. Tourtellotte's; I was proceeding to the scene of the fire early next morning; In passing along the road east of his house I discovered tracks as if a horse had been driven furiously along it; the tracks were fresh and I followed them to where the horse had been hitched to a small tree; its top was cropped off and appeared as if it was freshly done; the ground around it was pawed up by the stamping of the animal, and that also appeared as if done only a few hours before; I noticed wheel tracks, but the carriage could not have been attached to the horse in question, but to one hitched to some bars a rod or so from the place I am speaking of; I thought strange that the horse should have been hitched there at the time, and that it should have been driven off so rapidly; I think the fire made me examine it more closely as I thought of that.

Nothing beneficial to the prisoner was gained in cross-questioning this witness.

Oscar Tourtellotte re-called: my attention was called to the place where the horse had been hitched; it was an unusual place for hitching, not a good place; never knew anyone to hitch there before; saw tracks as testified to by the last two witnesses; there was no wagon attached to the horse in question.

At this juncture Dan Tyler, counsel for the defense, made a grand leap at cross-questioning but fell ingloriously.

David White was next called. His testimony in brief was the same as that given before Justice Meech in October.

Cross-questioned by Johnson who went in for big things, but not reaching them squared his shoulders for a tussle, but the judge who probably foresaw that Johnson would gain nothing by this, snubbed him as only a judge can, and we really believe that a judge is the only living thing above or below that can snubb a lawyer.

After the snubbing White was informed that he could leave, and make room for Constable Cummings.

I reside in Grosvenordale; arrested McCoombs about one o'clock on the night of the fire, at his own house; he said it was a d—d pretty thing to arrest him for he was intending to get away into Rhode Island the next morning; made no resistance.

Dan Tyler rushed at this witness with full intention to knock such weighty testimony as this to pieces, but he fell into hot water, with his assistants and cut some very comical grimaces which caused considerable laughter.

Order being restored Edward Eddy was placed upon the stand. The court-room now became very still, all within its precincts listened with breathless attention as it was now known that Eddy had, against the advice of his counsel, turned state's evidence.

The testimony of Eddy was given in a straight-forward, candid manner, impressing most of those who listened with its truthfulness. It was as follows :

I was at Oscar Tourtellotte's in the month of October last, the time that McCoombs was tried for selling liquor ; after the trial I rode off towards Grosvenordale with McCoombs who was very angry with Tourtellotte for deciding the case against him ; he wanted me to burn the barn that night, agreeing to give me two hundred dollars if I would ; I told him I could not do it that night ; we arrived at Rachel Hatten's, got out and all three of us went in ; I left McCoombs there and went on to the Chaffee stand ; McCoombs arrived there shortly, and we went into the entry ; while there McCoombs offered to pay me two hundred dollars if I would burn the barn ; I agreed to do it the following Wednesday night ; accordingly on the night agreed upon I placed a ladder up to my bed room window before going to bed ; I went up stairs I think a little before nine o'clock ; it was shortly after the steamboat train had passed ; I carried a lantern up to my room, put it out, got through the window and down the ladder ; took a bridle I had secreted, went across the fields to a pasture as McCoombs had directed me, caught his horse, mounted and rode up towards the barn ; I hitched my horse to a small tree near some bars, and about a quarter of a mile from the barn ; then went across lots to them ; I think it was about ten o'clock when I reached them ; I entered through the horse-stable door and with a match set fire to the hay in the bay, also to some straw on the scaffold ; then I rushed out and secreting myself behind the wall I waited until I saw it was well on fire, then I ran to where my horse was hitched, mounted, and galloped off down the road as hard as I could ; I put the horse back into the pasture ; went home ascended the ladder and got into my room and to bed without disturbing the people ; the man's name with whom I boarded was Coleman, and lived a little way out of the village of North Grosvenordale ; when I went down stairs I found Coleman up, but I went quietly out removed the ladder, and pulled it back beside of the wall from where I had taken it, then I went to my work as usual. I continued to work at Grosvenordale until I was taken. McCoombs did not pay me the two hundred dollars, he was taken the night of the fire and had no chance to do so.

This closed Eddy's testimony in brief. The reader must not sup-

pose it was given exactly as it is here. The questions that elicited this testimony were put in a fair and brief manner, by Mr. Penrose the State's attorney, who at the close of his testimony turned him over to the counsels for the defense.

Dan Tyler squared his antique shoulders, made two or three grimaces, then set to work, snarling like a tiger. I will state here for the benefit of my readers, that it is not customary to give the cross questions, we only give the witness's answer.

I did not sleep with Mrs. Coleman ; I wan't there because I had gone out of the window ; I went out shortly after going up stairs. Left the ladder until morning ; had McCoombs' horse ; had my own bridle ; I think it was near nine o'clock when I left the house ; I did not know that I had confessed to a detective ; I knew him as George Wilson ; I went to Rachel Hatten's with him ; I mean the detective ; never said I knew him as a detective.

Here a squabble arose between the two lawyers for the defense. Finding they could not trust the boy's evidence he was allowed to leave the stand. His testimony throughout had been so straightforward and so well agreed with the time the fire took place, also the place where he hitched the horse and the speed with which he rode away, the direction and all, with the testimony of Messrs. Brackett, Perrin, and Tourtellotte that his truthfulness was undoubted by disinterested persons, who listened to the testimony. His story of leaving Squire Tourtellotte's with McCoombs on the day of trial was also corroborated by that gentleman himself, but more of that anon. Eddy was now called upon to state whether any inducement had been held out in order to make him confess ; his answer was in the negative ; then he was asked if he had not been told, that if he confessed, his own sentence would probably be somewhat mitigated ; his answer was that upon no occasion was any such inducement held out to him. The counsel for the prosecution asked him if any person had told him not to plead guilty ; he said Squire White and his father told him not to ; did McCoombs ever say anything to him in jail ; yes, he threatened me, and told me to say nothing.

This closed Eddy's testimony and the day's proceedings.

April 30. 9 o'clock A. M. Case of McCoombs continued. Andrew Carpenter was sworn and said : I reside with Oscar Tourtellotte ; on the night of the fire, Mr. Tourtellotte came home about eight o'clock in the evening ; I unharnessed the horse, put him in the stable and fed him ; I had no light with me ; everything seemed all right when I left the barn.

Cross-questioned by Johnson. It was about eight when I left the barn, not more than a quarter past; yes, I will swear positively to that I had no light; I was not smoking; I never smoke; I had no matches about me, because I never carry any for I have no use for them; went to bed a little past nine; about a quarter past ten was aroused out of sleep by Mr. Tourtellotte; I know nothing more about this matter; I am certain the barn was all right when I left it; neither the barn or stable door were locked; they were never locked.

Johnson seemed disappointed and said rather discontentedly, That is all. The defense then recalled Eddy, but gained nothing. This closed the evidence for the prosecution.

The defense then called William Coleman; I know the boy Eddy; lived at house, worked for me at North Grosvenordale, at lathing; slept at my house the night of the fire; he did not leave it that night, because I called him to breakfast the next morning at half-past six; threw a dipper of water on him 'cause he didn't get up; went to work together the next morning; got mad with him because he went to McCoombs' trial; Eddy could not have got out of the window without I knowed it; after leaving my house that day, did not return till next morning; continued to work for and lodge with me till his arrest; have known Eddy two or three years.

Cross-questioned by Penrose. Have known Eddy two years; lives near Grosvenordale; Eddy was to work for me: was at the time the barn was burned; I was at the trial of McCoombs before Justice Meech; don't know why I got mad with Eddy for going; got mad 'cause he is lazy; have met McCoombs at several places; have not been to Rachel Hatten's with him; know that McCoombs had a horse in Rachel's pasture; have known Eddy well; did not board him; he hired a room of me on the back end of the house; my sleeping room was in the front of the house; had no ladder; yes, I had a ladder; kept it near the house; used it about three years ago, not since; used it last April, a year ago, I mean; have not used it since: my attention has not been called to it since. After making several more stumbles about the ladder the point was given up. Eddy was owing me for his board; yes, he boarded with me, I did not say he didn't; I paid him by the piece; he owed me for two years; he did not board with me; has worked a good deal for me; eight dollars for two years, owed me five dollars two years ago; I made him pay his board; yes, I made him do that, yet he owed me for board; Eddy went to bed the night of the fire first; I got up first; heard nothing during the night; got up, eat my breakfast and then went to work; did not go out before breakfast; Eddy commenced work for me the last of October or the first of

November; worked for me four weeks before the fire.

This is rather queer as the fire occurred on the fifteenth of October. After twisting the testimony of this witness into all sorts of shapes he was dismissed. One thing is certain, this testimony, such as it was, only corroborated that of Eddy.

Mrs. Jane Coleman was then called and sworn. All I know is Eddy went to bed at my house exactly ten minutes past nine o'clock; I left my man and Eddy in the kitchen; Eddy came up with a lantern, he went through my room to his'n; I seed the light through a crack in the door and telled him to put it out; he did so, that is all I know about it; I don't suppose he could have got out without my knowing it; I told you that is all I know about it.

Cross-questioned by Penrose. Don't know anything about the ladder; Eddy had to pass through my room to get to his'n; don't know what side of our house the ell is on, know it is on somewhere; I know nothing more about it; I went to sleep directly after going up stairs; I was very tired, I know it was ten minutes past nine when Eddy went to bed 'cause on that night I heard the factory bells ring; I always hear the factory bells ring; Eddy could not get out without passing through my room; there was a window in his room that led out to the back; he could open it, I know no more about it. We make no comments upon this testimony, but leave the reader to judge for himself.

Rachel Hatten next sworn. No man stopped at my house the day of McCoombs' trial before Justice Tourtellotte; I know McCoombs well; he has been at my house but not on the day of the trial as stated by Eddy.

Cross-questioned by Penrose. Eddy is a bad boy, lies like old scratch; comes to my house; Eddy lied about the pasture; he was not at my house with McCoombs it was with another; McCoombs often carried me home from Webster, but I always paid him; with my pasture, I rented him my pasture; am certain no one called at my house as Eddy stated.

Aaron White called and sworn. I reside in Thompson; I am a lawyer; have known Eddy from his birth; have heard a great many people say Eddy was a bad boy and a lair.

Cross-questioned by Penrose. Have heard a great many people say he was a liar; have heard so before and since his arrest; no, I can't call to mind any one in particular that has told me so. This witness now happened to remember that a certain person had told him about a year ago that Eddy would lie, but it so happened that the man who had given witness this information a year ago had been dead more than two years.

Richard Stone called and sworn. I brought up the boy, Eddy; Eddy is a bad boy and a liar. Here the witness tried to get up a few crocodile tears, but failed. Cross-questioning amounted to nothing. Mr. Penrose then asked this miserable, drunken father, if on the night of Eddy's arrest he did not tell him to keep his tongue still and he would be all right? Stone, after some squirming, said he did tell him so. Two or three witnesses were then called, but said they new nothing about Eddy. This closed the evidence for the defense.

Aaron White re-called. Eddy never told me in jail that he was guilty; I could not get anything out of him; I told him to tell the truth.

Joseph Perry, called and sworn. I was at the trial of Wm. McCoombs before Justice Tourtellotte, the 15th of October; he (McCoombs) in company with Eddy and another man got into a top buggy and drove off together; I followed with my team shortly after; the three stopped at Rachel's house; I did not see whether they were in the house or barn; I drove on and left them there; I know Eddy well and know it was him with McCoombs that day. The cross-questioning of Perry did not change his testimony at all.

The testimony was now closed, and Charles Searls, Esq., of Thompson, opened the arguments for the prosecution. Mr. Searls went over all the testimony in a very fine manner, claiming, and not without reason, that all the testimony offered by the defense only went to show that Eddy had told a truthful story.

Harrison Johnson, of Putnam, commenced his argument for the defense by insulting all the witnesses brought forward by the State, and endeavored to make them out worse than nothing. He informed the jury that they had told most preposterous stories and insinuated in a strong manner that Squire Tourtellotte had either burned his own barn to get the insurance, or that some other rumseller had done it for him. After spending all the hour allowed him in vindictive remarks, he wound up by saying that the jury could not decide whether the prisoner was innocent or guilty, for in the information he was charged with a misdemeanor when in fact the crime of barn-burning was felony. He quoted or read some law and looked for a great deal more which he did not find.

Mr. Penrose then took the floor. He said if his brother Johnson had practiced at that bar during the last year he would not have raised the question of legality about the information. This was a deep sting to Johnson, for he well understood why he had not practiced there, and his face assumed the color of a beet. Squire Penrose then went on to state, that in order to make it felony incendiarism must be ar-

son, and to commit arson buildings must be burned that were attached to a dwelling house, and for this crime a sentence of not less than seven or more than ten years would be inflicted, but to burn a barn not part or parcel of a dwelling house was a misdemeanor punishable with not less two or more than five years. We cannot follow this gentleman through his solid, sensible argument, which occupied one hour.

When Penrose had taken his seat, Tyler got upon his feet. He made a large number of grimaces, tucked up his coat sleeves, and tried to read Latin. Oh! Dan, let us advise you to round off the corners of your As and square your Os the next time you attempt Latin. But on the whole, for a man whose hair has been whitened by nearly eighty summers, Tyler did extremely well. His argument finished the day's proceedings.

May 1. Court opened at nine o'clock. The jury were sworn and an hour or so elapsed when they returned without being agreed. The Judge sent them out the second time and when they informed him that there was no chance of their agreeing, the Judge then received back the papers and bound the prisoner over to the next term of court under the sum of three hundred dollars.

A few remarks upon the insufficiency of these bonds and the non-agreement of the jurors and my task is done. I will weary the reader with but a short chapter more.

CHAPTER VI.—CONCLUDING REMARKS.

Experience gained by constant attendance upon law courts constrains us to say that the most hardened criminals often escape the doom or punishment, which the law says are his just dues, and because those laws are not properly administered. For instance, a dozen jurors are sworn, enter the box, and listen to a case and this case like that of Wm. McCoombs, may have grown out of liquor prosecutions. Now, the twelve jurors may all be fully convinced of the prisoner's guilt, yet they will not agree on a verdict of guilty. We may and ought to respect the honest opinion of any intelligent juror, but in cases like that of McCoombs, the intelligent juror is never satisfied after such strong evidence has been offered against a man, as this McCoombs who could not bring forward one single circumstance that would throw light on his innocence, in fact the evidence brought forward by him deteriorated instead of helping his case. We say that honest intelligent men are never satisfied with jurors cannot find such a man as this McCoombs with such testimony given under oath as that which was rendered against him, that cannot agree in a verdict of guilty. Let us glance at the chain of evidence against him. First, he is tried for keeping a low rum-hole; he is brought before Justice Tourtellotte and is highly incensed against that gentleman because he administers the law to him; he leaves the court room in the company of his brother-in-law and Edward Eddy, and then and there offered this Eddy the sum of two hundred dollars to burn Squire Tourtellotte's barn, which Eddy accepts. The boy Eddy, who it is well understood was brought up in degradation by the same person who came forward in court and to save his friend McCoombs, swore that the boy was not truthful. We care nothing about that but believe that the boy was one that could be easily led into crime, and to him the sum of two hundred dollars is a great temptation, and we as sincerely believe that he accepted the terms of McCoombs and burned the barn, as we believe he swore to it in court. Does it look reasonable that this boy who was the bosom friend of McCoombs up to the very time of his arrest and had not the least enmity against him, would not only confess his own guilt but would drag his bosom friend into it without cause. Does it look rea-

sonable? I think not. Besides this the boy's testimony agreed in every particular with that given on both sides, except a little difference of time, say twenty minutes, that existed in the testimony of Eddy and Mrs. Coleman, and the testimony of Rachel Hatten, the reported mistress of McCoombs, who said that the party did not stop at her house as Eddy swore they did. But her evidence was worthless and she proved a liar. There is not a shadow of doubt but that Eddy's story is a truthful one. He agreed to fire the barns and when McCoombs had all his plans regulated, he on the afternoon of the fire goes to a blacksmith's shop and there in the exuberance of his glee openly boasts that he will be square with Tourtellotte before morning, and then leave for Rhode Island, and before midnight the barns are destroyed. His plans are well laid, for well he knew he should be suspected, therefore he left his wife to sleep alone and went up stairs to sleep between two men, with two more in an adjoining apartment. This was done that he might prove an alibi. Yet the evidence given by these men at the preliminary examination did not satisfy the minds of the people. There appeared to be something mysterious about it, so a detective was procured and after a long and laborious investigation into the matter became convinced that McCoombs did not place the torch to the buildings but employed an agent. This agent was Eddy who was arrested and confessed his duplicity and swore to that of McCoombs. Yet in the face of all this evidence we find four out of the twelve jurors, who say we find no evidence to enable us to give a verdict of guilty, and in the previous case we find two who can not think whirling an axe over a man's head and striking a furious blow at it means anything more than a little innocent pastime, and then we find on all sides of us honest, upright, straightforward men of business, farmer, lawyer, and even minister of the gospel inquiring how is this? And we inquire is the question so hard to answer? No, it is not. It can be answered in this manner: First, ascertain the characters of those jurors who are for conviction and see if they are not men who bear the reputation of being honest, upright, straightforward men. After doing this inquire out those who think a low, rum-selling rascal too much of an angel to be found guilty upon the testimony of such men as swore against McCoombs, and see whether or not the idea would steal into your mind that these men would rather an honest temperance man's property should be burned by a rumseller than that rumseller should be legally disturbed, by an honest man, in his liquor traffic. In the two cases brought against McCoombs the jury disagreed yet the odds were heavily against him, five-sixths in one case, two-thirds in the other. Had he been put upon the witness stand no doubt

remains, not even in the minds of his counsellors (for they dared not put him on) that he would have convicted himself, and when we find that the bonds required to cover these two cases and bring the prisoner to a second trial are only four hundred dollars, we with a thousand others inquire if the administrator of justice who required so small bonds to cover so black a crime is a temperance man. To be sure bonds are for the purpose of bringing the accused to trial and for no other purpose, but is it right to set a bad example in this way? No; certainly not. A rich rascal can say to a poor one, Here, I will give you two hundred dollars to burn my neighbor's barn, and if you are caught the judge who rules at the supreme court in this county will learn from your very truthful counsel that you are a poor devil, therefore your bond will be three hundred or thereabouts. I will be your security. Then take your two hundred dollars and go on your way rejoicing until you can find some other villain who will give another job.

Gentlemen of Windham County, and of all other counties, is it not time you began to be careful what names you drop into the juror's box? Do you wish to disgrace your towns by sending such men for jurors as are in this corps of jurors sent to the Brookline court, who it is reported said on leaving the jurors' room, "There, they are getting a d—d sight too hot on the liquor-question in Thompson to get a verdict of guilty from me!" If so, we have nothing more to say; if not, we say we will take care to have better jurors.

DERNOTANTE.



