

Warning to Young Men.

"With much fair speech she caused him to yield; with the flattering of lips she forced him."

THE TRIAL OF ALBERT JOHN TIRRELL, FOR THE MURDER OF MARIA A. BICKFORD.

INCLUDING A SKETCH OF HIS CHARACTER, PERSONAL APPEARANCE &c., TOGETHER WITH A FAITHFUL AND MINUTE REPORT OF THE ARGUMENTS OF THE PROSECUTING OFFICER AND COUNSEL; THE CHAIN OF EVIDENCE. CHARGE OF THE JUDGE, AND VERDICT OF THE JURY.



PORTRAIT OF TIRRELL.

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Warning to Young Men

What must have been the result of this trial, will be known by the next issue of the "Herald."

THE TRIAL OF
ALBERT JOHN THRELL,
FOR THE MURDER OF
MARIA A. BROWN.

INCLUDING A NARRATIVE OF HIS OWN DEFENSE AND
AN ACCOUNT OF THE PROCEEDINGS AT THE
MILWAUKEE COURTHOUSE AND THE
MILWAUKEE PENITENTIARY, AND THE
MILWAUKEE COURTHOUSE AND THE
MILWAUKEE PENITENTIARY.



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TRIAL OF ALBERT J. TIRRELL,

FOR THE

MURDER OF MARIA A. BICKFORD !

Supreme Judicial Court.

PRESENT—ASSOCIATE JUSTICES WILDE, HUBBARD AND DE WEY.

INTRODUCTION.

At an early hour on Tuesday morning, the Court House, and every avenue leading to it, was thronged by an eager multitude to witness the trial of this unfortunate young man. All eyes were anxious to get a view of him who is charged with the appalling crime of murdering MARIA BICKFORD, a young married woman, much celebrated in certain circles for her personal beauty and attractive charms. At 9 o'clock the prisoner was brought into the court room before the venerable Judges, and an eager and gaping crowd of spectators—besides a full corps of reporters and lawyers, who were all eyes and ears. From the anxious countenances of the multitude, and other demonstrations in and about the Court House, one might be led to suppose some great event was about to take place, or some new era burst upon the world.

Personal appearance of Tirrell.

As much curiosity always exists in the human heart to know how a man looks who has done any deeds, whether good or bad, to distinguish him from the rest of his fellow travellers in this 'vale of tears,' we will describe as he appeared to us while he stood in the prisoner's bar during the reading of the indictment. By order of the Clerk he was requested to hold up his right hand while this well drawn and carefully worded document was clearly and distinctly read. He did so, and as he rose he exhibited a countenance marked by sorrow and intense thought. In person he is nearly or quite six feet tall, slender about the waist, full breasted and apparently possessing more than an ordinary share of muscular power.

He wore a snuff brown colored coat with rounded lapels and bright buttons; a double breasted black satin vest, black pants, black handkerchief, and shirt-collar turned down; the whole being very fashionably made and well fitted to his genteel form. His countenance has nothing in it peculiar-

ly attractive, and would pass among the crowd as very well looking. His forehead is not high, nor broad, but the intellectual developments are fair. The most peculiar feature is his mouth. This is unusually large, the corners being much turned down, giving it the appearance of grief, if not of a worse passion. His nose is rather large, and his whole face square built, and somewhat muscular in its appearance, if we may use such a term.—His eyes a light blue or hazel, and his hair light brown. He wears no whiskers upon his face or goat-beard under his chin; his complexion is light, but his countenance is not pallid, being rather florid and fresh looking for one who has come out of prison.

But for his dress, which is of the dandy cut, he might be taken for some mechanic, or even a young farmer so far as his face is concerned. While the indictment was being read to him he held up his head as if his nerves were not easily moved by outward circumstances or inward feelings. He stood firm and faced the venerable Judges, the sharp eyed lawyers, and the gaping crowd with as much coolness and apparent unconcern as any man could under the same circumstances, who was gazing upon him with such eager curiosity.

Empanelling the Jury.

Before the indictment was read the process of empanelling was gone through with. The prisoner having the right to challenge peremptorily, twenty jurors, and as many more as he could find cause for a challenge, improved this privilege to its full extent. One of his counsel stood beside him with a paper in his hand, containing the names of all the jurors summoned and told him when to challenge. The clerk would call a juror and say, 'Juror, look upon the prisoner; Prisoner, look upon the juror.' They would face each other and the prisoner would say, 'I challenge him.' Another would be called, and he would say, 'let him be sworn.' Thus he did until he had challenged twenty, and accepted twelve jurors. Each juror thus accepted by the prisoner, was sworn to make true answers before he was sworn in chief to try the prisoner on the indictment and true deliverance make between him and the commonwealth.

Names of the Jurors.

The following are the names of the jurors empanelled—the foreman being appointed by the court:

SAMUEL ASPINWALL, Foreman.

THEOPHILUS BURR,

BENJAMIN P. BOWMAN,

WILLIAM EAYRS,

NATHL E. ELLIOTT,

CALVIN HASKELL,

JOHN MARDEN,

CALVIN S. MAGOON.

DANIEL MESSENGER, Jr.

GEO. W. PARMENTER,

JOSEPH WINSOR, Jr.

WM. WASHBURN.

After the jurors were thus empanelled, the indictment was read, and the prisoner put upon his trial.

The indictment on which the prisoner is now having a trial, charges him with the murder of Maria Bickford, otherwise Mary A. Bickford, on the 27th of October last. The indictment for arson has been placed on file, to await the issue of the murder trial.

Mr. Parker then rose and opened the case to the Court and Jury in a very able, eloquent and interesting manner. His address did him great credit as a sagacious and faithful prosecuting officer. His remarks were principally

of a general character—relative to the crime of murder and the law now in force for the punishment of murderers. Such as appeared particularly applicable, we give verbatim :

OPENING OF MR. PARKER.

Albert J. Tirrell is the son of the late Mr. Leonard Tirrell, of Weymouth, in this State, who died in 1843. Under his father he was brought up to the Shoe manufacturing business. His age was twenty-two, last February. He was married in 1842, at the age of eighteen years, and has now a wife and two children. The cause of so early a marriage in his minority I need not state. He had unfortunately a kinsman living in New Bedford, and in that place he first became adulterously intimate with Mary Ann Bickford, in the summer of 1844. She was a married woman, twenty-one years old last June. She was married in the State of Maine, to James Bickford, in March 1840, being then less than seventeen years old. She deserted her husband in 1842, and came to Boston with a paramour, now living in Bangor, whose name need not be stated here. After some time, she was abandoned by him, and resorted to prostitution for support both in Boston and New Bedford. Her husband made several ineffectual attempts to reclaim her. He was long and perfectly acquainted with her adulterous intercourse with Albert J. Tirrell, and seemed to submit to what he could not prevent. He resorted only to moral suasion, which produced no reformation; he occasionally saw her, and not unfrequently while she and Tirrell lived together; and he received letters from her while absent. The prisoner and Mrs. Bickford made several journeys together, travelling as man and wife under fictitious names, and changing them often, and at different periods he brought her to Boston, and took apartments in several hotels. His adultery was so bold and unfeeling at one time, that he carried her into his own family, under the same roof with his wife, where he kept her until his relatives indignantly expelled her. In April last he brought her to the Hanover House in Boston, from which the respectable landlord dismissed him as soon as he had information of his and her history, and their imposition on him. The prisoner then took a house in London street, in this city, and furnished it, and he and she kept a house of ill-fame there, her assumed name of Maria Walsh being on the door. This establishment did not last long, as he was indicted in the Municipal Court in May, for the adultery committed by him in the Hanover House in April. He eluded the search of the officers for some months, and spent the summer partly at New Bedford and partly in travelling with her. It is said that he also kept at one time a house of ill-fame with her at New Bedford. On the 29th Sept. he was arrested at New Bedford and brought to Boston for trial, for the adultery, and was committed to the Leverett street Jail, where he remained until he was bailed by Nathaniel W. Bayley, his brother-in-law, on the 2d day of Oct. In connection with that date I have a letter under his hand to show you. When he was taken, at New Bedford, he was living with her, and she was not molested. On the day he was bailed (2d Oct.) he went to Mr. Doolittle's tavern, in Elm street, and entered his name with his own hand as "Albert De Wolfe," and he made search for her on that day, but could not find her. On this or some other occasion he gave a gold watch to a young man to go and find her for him. On the 6th of Oct. he wrote a letter to New Bedford, inquiring for her. On the 10th of Oct. he again entered his name at Mr. Doolittle's. On the 9th, his wife, his mother, his father-in-law, the Selectmen of Weymouth, and a respectable merchant of Boston, severally wrote to me letters requesting a stay of proceedings under the adultery in -

dietment, hoping he might be reclaimed. Those letters were exhibited to the Court, who consented that the proceedings might be suspended for six months, he paying the costs and entering into a recognizance to keep the peace and be of good behavior for the said six months. On the 21st Oct. he came into Court and paid the costs, and gave the recognizance. *Six days after that day*, this bloody and cruel assassination was perpetrated. I expect to prove that after his arrest, and after Mrs. Bickford knew he was bailed, she hid herself from him, and was afraid of him. He had sometimes been known to be severely cruel towards her, and threatened her life. She remained concealed in an obscure place at the North End of the city until about the 15th of October, when she went to Mr. Joel Lawrence's house, in Mount Vernon Avenue, in which the murder was committed. She was there some days before he came to the house, but on Tuesday afternoon, 22d of Oct., being the next day after he entered into the recognizance in Court, she went out, and when she returned in the evening, he came home with her, passed the night with her, and on Wednesday morning she introduced him to Priscilla Blood, an inmate of the house. He visited Mrs. Bickford at that house every day afterwards.

On Sunday morning, 26th October, he came there, and in her chamber while he was there, loud angry words between him and her were overheard, which soon subsided. He went away towards evening, and came back about 8 o'clock and went to her chamber, where they remained alone together. At 9 of the clock they were heard talking together, and at that time she came out and got some water, as she said, for Albert. The Lawrence family lived below, and about 9 of the clock they locked up the house and went to bed. No person came into that house after ward that night, and every person that was in that house that night will be before you except Mary Ann Bickford, who is now mouldering in a premature grave. There were three chambers up stairs. The back one was occupied by the prisoner and Mrs. Bickford—the middle one had a bed in it, but no person occupied it that night; the front chamber was occupied by Mr. Patterson and Priscilla Blood. Towards morning a faint shriek was heard coming from Mrs. Bickford's room, afterwards the noise of something falling on the floor. Soon after this, a person went down stairs, and was heard to stumble on the stairs, and was heard to go out of the house and unfasten the door, and a noise was heard in the yard, and a groan, or scream of fire. Presently Mr. Patterson and Priscilla Blood saw a blaze coming under their door, and their room filling with smoke. Mr. Patterson opened the window and cried fire. Mrs. Lawrence came from below and found bed-clothes piled at the top of the staircase and against the door of Priscilla Blood's chamber, and burning. She began to pull them down to extinguish the fire, and in so doing burnt her hand or arm. The wood-work of the house was ignited at the top of the stairs and in several other places, and had not the alarm been given, in a very short time the staircase would have been impassable, and no discovery of any murder or mangled corpse could have been made, the fire destroying all suspicion and all proof. But assistance was soon produced, and Mrs. Bickford's room was entered. The door was found open. It was so full of smoke that nothing at first was discernable. Every one's attention was absorbed in efforts to extinguish the fire, which was burning in several places, in the closet, on the bed, and in a trunk of clothes. Some one stumbled over something on the floor near the fire-place. In that fire-place there had been no fire. The substance which caused the stumbling was the blackened corpse of Mary Ann Bickford, her head nearly cut off from her body, with no apparel on but her night-dress, and that much burnt. After the fire was extinguished, lights were procured,

and an examination of the premises made. Near her lay a razor open, and on the other side of the bed on the floor a razor case. A puddle of blood was at the head of the bed near the pillow, another puddle at another part of the bed, and a smooch of blood at the side as if a bleeding substance had been drawn over it. On the floor under her body was no blood. In the wash-basin was blood and water. A part of the apparel, which I shall prove was the prisoner's, was found in the room, his vest, drawers, socks, cane, &c. In the straw bed was found a cut or rip, and several extinguished matches which had been ignited and partially burnt. A part of the bed clothes of her bed had been carried to the head of the stairs and were burning there. In the middle unoccupied room, also, the bed-clothes were taken from the bed and placed at the head of the stairs, and they were burning. Fire had also been applied in the middle room, and in that room was found a sock with blood on it. There was blood also on the drawers. The razor belonged to no one who resides in the house, nor did the socks, drawers, vest or cane. In the pocket of the vest was found a key which fitted the prisoner's trunk which had remained at Mr. Doolittle's.

Let us now pass from this shocking scene of blood and fire. There is a livery stable in or near Bowdoin Square, kept by Mr. Fullam. Before daylight or near day break on that same morning, Mr. Fullam and his servant were waked up by a person calling for them. That person wanted a horse, carriage and a man to take him out of town. He was known to Mr. Fullam, as he had hired horses of him before. That man was Albert J. Tirrell. He told Mr. Fullam he wanted to be sent out of town, as he had got into a scrape about a girl, or some such expression. Mr. Fullam ordered Oliver Thompson to harness a horse into a covered wagon and drive the man off where he wanted to go. Oliver Thompson drove the prisoner, being guided by his directions on the way, to his father-in-law's house in Weymouth, Mr. Noah Tirrell's house, where the prisoner's wife resides, and there he left him. Constable Merrifield and Coolidge searched that house for him that day and he could not be found. He was carried to a neighboring town and concealed; the next day he was supplied with money, and left Massachusetts. He wandered, like Cain, from place to place, and after some months was found and arrested at New Orleans, from which city he has been brought here for trial.

Such is the outline of the evidence I intend to produce, which will be much filled up by the testimony of the witnesses who will detail the numerous additional facts within their knowledge, bearing upon the very important issue you have to try.

I cannot close this introductory address, without alluding to the solemn lessons and warning of the fate of these two young persons imparts to the youth of both sexes. Had they studied and regarded the sacred oracles, they might have been happy and useful members of society. Especially had the prisoner been guided by the advice of the wisest of men; a man of the largest experience, warning young men of the arts and cunning of harlots, he would have been warned by a prototype of his folly and wickedness described in the most vivid colors, and cautioned by a monitor, which if regarded, would have saved him and his friends from the disgraceful and afflicting position in which he now stands. How graphic and true, and applicable to this painful case, is the whole of the seventh chapter of the Proverbs of Solomon, describing the acts of the harlot, and the young man void of understanding, and especially the last six verses: 'He goeth after her straight-way, as the ox goeth to the slaughter, or as a fool to the correction of the stocks, till a dart strikes through his liver; as a bird hasteth to the snare, and knoweth not that it is for his LIFE. Harken

unto me now, therefore, O ye children, and attend to the words of my mouth. Let not thine decline to her ways, go not astray in her paths. For she has cast down many wounded; yea, many strong men have been slain by her. Her house is the way to hell, going down to the chambers of DEATH.'

TESTIMONY FOR THE GOVERNMENT.

[We shall omit the cross-examination, excepting such as are material to an accurate report.]

JABEZ PRATT.—I am coroner of the city of Boston; I was called up about five o' clock on the morning of the 27th, and went to a house in the rear of Charles street. The house was occupied by Joel Lawrence. I went into a room at the head of the stairs—discovered some smoke in the room—saw something on the floor which was covered by a sheet—[a diagram of the room, drawn by Col. Pratt, was exhibited and explained to the Court and Jury]—I discovered smoke in a closet, and some clothing was then burning, and a leather trunk was nearly burned through. The body of the woman was in front of the fire-place, her shoulders within a foot of the grate. A large gash, which could easily be seen without moving the body was discovered on the throat. On lifting up the head, found that the neck was nearly cut through; so deep was the wound that the bone in the back part of the neck was cut. Her clothing, with the exception of a small part of her corsets, was burned off, and her body considerably burned. A little to the right of her right hand was an open razor besmeared with blood. There was no sign of fire in the grate, which was quite cold. The bed stood near the wall, about two feet from it, and in the vacant space between the bed and the wall, I found a razor case. The bed clothes were all gone with the exception of the pillows. There might have been a sheet on the bed, but I think there was none. On the mattress was a large spot of blood, and on taking up the mattress, I found the blood had run through it. There was blood on a chair which stood at the front side of the bed. A wash-stand was besmeared with blood, and a wash-bowl nearly filled with bloody water—also saw blood on a lamp. The straw bed and mattress were considerably burned, and on taking up the straw bed, saw a bunch of matches. Over the casement of the closet door, the fire had burned nearly through—the straw carpet in the entry and the partition were also burned somewhat. An adjoining room appeared to be injured by fire. Near the head of the woman was an ear-ring which had the appearance of having been torn from the ear—and on examining the ear saw that it was torn. In the other ear was a ring which was nearly torn out. I took a ring from her finger on which were the initials, "A. J. T. to M. A. B." On the table opposite the bed, was a vest, a cravat, and a cane. In the vest pocket were two keys, with which, at No. 9 Elm street, I unlocked the trunk and valise, which were said to belong to Albert J. Tirrell. The trunk and valise I have since delivered to A. J. Tirrell. A pair of drawers partially burnt and spotted with blood were found under the bed—also a pair of stockings.

DR. JOSEPH MORIARTY.—I was summoned to attend the Coroner's Inquest in the house of Joel Lawrence, on the 27th of October last. I saw the body of a female on the floor, covered with a sheet.—There was an incision in the throat—all the muscles and arteries of the throat were severed. I should think the wound was the cause of the death of the person. I should think the bone in the back part of the neck was not cut. The wound had the appearance of one incision. Perhaps a person in a high state of ex-

citement might inflict such a wound on him or herself. There was a great deal of blood on the bed, and but very little on the floor near the body.

JOEL LAWRENCE.—In the month of October I lived in the rear of No. 76 Charles st. I knew a person named Maria Bickford. She first came to my house, about a year and a half ago; I had seen her occasionally previous to that. Eight or ten days previous to the twenty-seventh of October she came to my house.—She sent her baggage a few days before. I have seen the prisoner at my house—on the Friday previous to her death I saw him go out of my house. He visited my house to see Mrs. Bickford. On Sunday the 26th of October, he came in about noon, and went away again at dark. He came in again about 8 o'clock. I saw him about 9 o'clock in Mrs. Bickford's room. Shortly after I locked the house. I slept in the basement room. I was waked in the night by a noise in the entry, as if some person was endeavoring to get out of the house. The door at which I heard the noise was the lower door, which led into the yard. Somebody made a noise in the yard somewhat like the cry of fire; I heard my wife make an outcry of fire. We discovered the clothes on fire in the entry, and myself and wife threw them into the yard. We then went into Mrs. Bickford's room. There was a great deal of smoke in the room, so much, that nothing could be seen. On going to open a window, I stumbled against a body. Her clothes were nearly burnt off. I saw that her throat was cut. I did not move the body, but went immediately for the Coroner. There was fire in the closet, which was put out with a few buckets of water. A razor was on the floor near the elbow of the deceased. The razor did not belong to me, or to any one else in the house. I saw a vest, cravat, and cane on the table. I had seen the vest previously on Mr. Tirrell. During the week previous to the 27th, I carried a letter from Maria, to No. 9 Elm street—I think it was directed to Albert De Wolf. I left another letter at the post office—I think it was directed to a Mr. Johnson—I do not think Tirrell ever came to my house previous to my carrying the letter to No. 9 Elm st. At her request, I enquired at the Post Office for letters directed to Mrs. Johnson. On the night when Maria died, there were in my house besides myself, my wife and two children, Miss Blood, Mr. Patterson, a niece of mine, Albert J. Tirrell and Maria Bickford. During the week Maria staid at my house, she appeared cheerful.

WILLIAM BARNICOAT.—[Mr B. is the Chief Engineer of the Fire Department, and gave a description of the manner in which Mr. Lawrence's house was burned, and the damage sustained.]

BERTHENA LAWRENCE.—I am the wife of Joel Lawrence. I knew Maria Bickford—was slightly acquainted with her for about two years. She was at my house on Sunday, the 26th October—she went by the name of Bickford, and sometimes by the name of Johnson, I went into her room on Sunday; Tirrell was then in the room; I staid in the room but a few minutes, and when I went out she fastened the door. About tea-time Tirrell went out, and came in again about 9 o'clock. About 15 minutes after 9 I went into Maria's room. Tirrell was standing near the door, with his hat on. About 4 o'clock in the morning, I heard a scream, which I thought was in the next house—afterwards I heard some person come down stairs, and unlock the door—he stumbled and fell two or three steps on the stairs—when he got in the yard, I heard a noise as if a person was stifling with smoke. I immediately got up and went to the top of the stair-way I found some clothes burning, and took hold of them to drag them down stairs. I burned my hand badly. When Mr. Bowker, the fireman came, I went into Maria's room. Before I got into the room, I heard some one say that she

was killed. Do not know the deceased and Tirrell ever quarrelled while at my house.

PRISCILLA BLOOD.—I know Maria Bickford. She came to my house about three years ago—I then kept house at the corner of Oak and Ash streets. I lived at Mr. Lawrence's on the 27th October; Maria Bickford had been there several days. On Tuesday the 21st Oct., in the evening she went out of the house, and Tirrell came home with her. She introduced me to him the next day. I saw him there every day until the 27th. On Sunday the 26th, I saw Albert trying to unlock Maria's room—shortly after I heard a noise in their room, as if of some persons quarrelling—I heard loud talking, and very hard words, and a noise as if of an accordian striking against the fire-place. Towards morning I heard a scream—I listened and all appeared quiet. Shortly after, I heard a rustling, as if some person was passing rapidly through the entry. The person went down stairs and unlocked the door, and I heard a noise in the yard, a noise like a groan. Then I saw a light shining through between the door and the floor—and there was smoke in the room. I raised the window and gave the alarm of fire.

On Thursday of the previous week, I was in Maria's room, and Albert was there; I saw him take three or four letters from her, using some harsh language, and throw the letters into the fire. At supper, on Sunday evening Maria asked me if I heard a noise in her room. I said I thought I heard some quarrelling. She said she liked to quarrel with Albert, because she had such a good time making up.

JOEL F. LAWRENCE.—I live with my father and mother in the rear of Charles Street. On the morning of the 27th Oct., I heard a scream in the yard. I heard some one cry fire, and I got up. Maria Bickford lived at my father's house. I went to the Post Office at her request, and obtained two letters, one directed to Maria Bickford, and another to Maria Johnson.

THEODORE P. BOWKER.—In the month of October, I lived at the corner of Charles and Pinckney street. I am foreman of Engine No. 6. On the morning of the 27th Oct., heard an alarm of fire, and not hearing any bells ring, supposed the fire to be near. Went to Mr Lawrence's house, and on crossing the vacant lot in the rear, I met a man who told me I was late, as the fire was all out. Who that person was I do not know. A carriage was standing at the stable near by. I went into Mr Lawrence's house and passed up stairs. Mr. L. followed me. When I reached the top of the stairs, saw flames issuing from the closet. After a few moments delay, I obtained several buckets of water, and put out the fire. I opened the window, and the smoke subsided. In coming from the window I stumbled against something which I supposed to be a body—obtained a light and again went into the room. Saw the deceased laying on her back—the throat was cut—the wound was so deep that I saw the neck bone. Soon after two watchmen came in, and also Mr. Pratt the coroner. Some one picked up a razor from the floor—cannot say whether there was any blood on the floor, under the head of the deceased. On the bed was a large pool of blood. One arm, and the fingers of the hand were considerably burned.

JOSEPH HATCH.—On the 26th of October I lived in the house adjoining Mr. Lawrence's. On the morning of the 27th Oct., I was awake by my wife, who said the house was on fire. On getting up, I thought the fire was in Mr. Lawrence's house.—[The testimony of Mr. Hatch was similar to that Mr. Bowker and others, having reference to a description of the state of the room, etc, in which the deceased was found.]

EDWARD FARNSWORTH.—I was in the neighborhood of Mr. Lawrence's on the morning of the 27th Oct. ; I was delivering bread—heard an outcry of fire—stopped my horse and went into the yard ; saw a man pouring water upon some burning clothes ; I suppose it was Mr. Lawrence ; asked him how the fire caught ; said he did not know.—I then went away ; as I was going to my bread cart, I met a man who had on a fire cap ; told him he was too late, as the fire was all out.

PHILENA G. HATCH.—In October, I lived in Mt. Vernon Avenue—the back of Mr. Lawrence's house adjoins the back of that in which I live. On the morning of the 27th October I heard a noise as of a man beating his wife—there was a strangling noise, which died away—then heard a noise as of a heavy body falling on the floor. I then heard loud talking and on looking out of the window saw a light shining upon the stable, which came from the burning clothes in the yard—then awoke my husband who went out.

ANN HATCH.—On the 27th Oct. lived in a room which adjoins Mr. Lawrence—there is a bed-room between my room and Mr. Lawrence's house. On the morning of the 27th Oct. I was awaked by some noise as if from a person strangling—when I was wide awake heard a scream—did not hear any alarm of fire.

WILLIAM PATTERSON, (Musician)—I slept in Mr. Joel Lawrence's house on the night of the 26th Oct. I was awaked by smoke in the room—saw a light shining through a crack in the door. Went out of the room, and saw clothes burning—rolled them up—do not recollect if I threw the burning clothes down stairs. The first person I saw was Mr. Lawrence. I did not go into Mrs. Bickford's room, and did not see the dead body.

JAMES F. FULLAM.—Keep a stable in Bowdoin square ; on the morning of the 27th Oct I was called up by one of my men, who said Mr. Britton wanted to see me. I went down stairs and there saw Mr. Tirrell, the prisoner—he said he had got into trouble and wanted I should carry him off. He said some one had been into his room and tried to murder him. He went away and was gone about fifteen minutes and returned. I sent one of my men to carry him wherever he wanted to go. He had frequently hired carriages of me before. When he returned I had no conversation with him ; did not observe any thing remarkable in his appearance ; he had on an over-coat, closely buttoned to the throat ; he appeared in some haste. I sent a covered wagon—it returned about 10 o'clock. I have seen Albert J. Tirrell and Maria Bickford together. I believe Tirrell said something about the house being on fire.

Cross-examined. I should think it was between four and five o'clock, when Tirrell came for the carriage.

OLIVER THOMPSON. In October last I was employed by Mr. Fullam, as an ostler. On the morning of the 27th I got up—some one called me and said he wanted a horse. He gave his name as Gerratt or Gerrand, do not now recollect what the name was. I told Mr. Fullam, and he told me to harness a horse and carry the gentleman out of town. I cannot swear that I have ever seen the gentleman since. I drove to Weymouth—the person said he was going to his wife's father's house, and I left him as directed. He said he would see Mr. Fullam in a day or two and settle with him. In driving over South Boston Bridge he remarked to me that he had got into a bit of a scrape in the city, and was going out of town—he wished me to drive as rapidly as convenient.

FRANCIS MERRIFIELD. Officer of the city of Boston. On the day that the murder was committed I went to Weymouth in company with Mr. Geo. J. Coolidge—we went for the purpose of searching for Tirrell. Thompson went with us to show us the house at which he had left Tirrell. We searched the house but could not find him.

GEORGE J. COOLIDGE. I am an officer of the city of Boston, and on the 27th Oct. last I went to Weymouth for the purpose of searching for Albert J. Tirrell—I went to the house of Mr. Noah Tirrell and enquired for Albert J. Tirrell—was informed that he was not there—searched the house and became satisfied that the person we were in search of had left the house.

MRS. MARY HEAD. In October last I lived in Alden's Court—on Monday morning, the 27th Oct. some person came to my door, and rang the bell very loudly; before I got to the door I heard a strange noise; I went to the door; the man acted so oddly that I thought he was crazy. He wanted a bundle, and said he was going out of town. I was not acquainted with him, but have heard others say that his name was Tirrell. A young lady at my house had been doing some sewing for him, and this was the bundle which the person wanted.

SAMUEL HEAD.—On the morning of Monday, the 27th of October last I saw Albert J. Tirrell at my house in Alden Court. He was in the entry talking with my wife—he appeared and talked so strangely that I thought he was not fully awake. He said he was going to Weymouth and wanted some clothes which he said he had left there. This was between four and five in the morning. From his strange acting felt afraid of him—took hold of him and shook him, and all at once his manner changed as if coming out of some deep stupor. He said that Fullam was to take him to Weymouth. I told him he had no clothes there, and had better go away. The day previous, Sunday, about eleven o'clock in the forenoon, I saw him near Brigham's in Court street—he said he meant to have gone to Weymouth the day previous. When I took hold of him to shake him, he seemed very much frightened, and acted as if he did not know where he was or what he was doing.

NATH'L W. BAILEY. In the month of October last I lived in South Weymouth. I am related to Albert J. Tirrell—I married his sister. On the morning of the 27th Oct. I saw the prisoner at his father-in-law's, Mr. Noah Tirrell. He said that he had been seen in the city by an officer, and wanted to go out of town for a day or two. I carried him to Pembroke—he returned that night, and I suppose stopped the whole night. I saw him the next night in the outskirts of the town. I knew where to find him from an arrangement which I had made with him. I gave him some money, from 50 to \$100, for the purpose of paying his expenses wherever he wanted to go. He said he was going to Montreal. I received a letter from him, dated Montreal. The letter is in the handwriting of Tirrell. It was in an envelope, which was directed to Mr. Wm. G. Nash. On Monday night I heard a rumor that a woman had been murdered, and I told him of the charge against him. He said that if such a charge existed he would go to Boston and give himself up. I advised him not to take such a step, as, even if he was innocent it would be a great deal of trouble to him. I do not know that he had any remittances from any one. I knew Maria Bickford—saw her in New Bedford, at the house of Sylvester Tirrell. Albert J. Tirrell was there—he was sick. I saw her afterwards in London st.—The name of Welch was on the door—Tirrell was living there, and I think

he owned the furniture. I have frequently remonstrated with him in regard to his connection with Maria Bickford.

THOMAS W. PHILLIPS, Clerk of the Municipal Court, produced the docket of said Court, and gave a history of the proceedings in relation to the indictment for adultery against Tirrell.

WM. WHITWELL—I am an officer of the city—was in the house of Joel Lawrence on the morning of the murder—saw the dead body of Maria Bickford. [Mr. W. was about to give a description of the appearance of the deceased, but the Court ruled that it was unnecessary, as so many witnesses had testified to that fact.]

Mr. Parker here read and put into the case the following letters, proved to be in the hand writing of Albert J. Tirrell. (Two or three other letters were offered, but as there was no proof that they were in the hand-writing of Tirrell, they were ruled out.)

Mr. James Bickford.

Newport, June 23, 1845.

James—Maria wants you to send her three trunks to Newport, R. I., by express, to the Park House, in care of the landlord, as soon as you receive this letter.

ALBERT J. TIRRELL.

P. S. Don't let any one know where we are.

Mrs. Maria Welch.

Wareham, Sept. 26. Friday night.

Maria—Please let me know where you are and direct your letter to New Bedford post office by express to-morrow afternoon, that is Saturday afternoon—all you need say is where you are because you can't seal your letter, and sign Maria to the bottom and direct it to A. Jackson.

ALBERT, lory dory,

Superscription—James, please hand this to Maria.

Boston, Oct. 2, 1845.

Dear Maria—Please write me and let me know where you are and how you are getting along—and my best respects to you. They want to find out your name to have you arrested, You please write me where you are; and if there is any trouble and you are taken I will see that you are bailed.

Yours truly, lowry dory.

ALBERT J. TIRRELL.

P. S. Please direct your letters to Albert Jackson, Boston post office.—Mr. Bailey had me bailed out of jail.

Mr. James Bickford, Bangor, Me.

Boston, October 6, 1846.

Mr. Bickford—Please write me and let me know if Maria is down east. Direct your letter to Albert Jackson, Boston, Mass.

Yours, with respect,

ALBERT J. TIRRELL.

Mr. Nathaniel W. Bayley, Wejmouth, Mass.

Montreal, Nov. 8, 1845.

Mr. Bayley—Sir, I sail this afternoon for Liverpool in the brig Rival, Capt. Hugh Mair. The Rival belongs to Halifax. I have not received any thing from you; if you have sent any thing, you can send for it again. I have not much to wear, but I shall try and get along. I shipped by the name of Frank Jackson. So good bye to you all. Tell mother I shall see her again.

A. J. TIRRELL.

Dear Mother: Don't you forget me. I hope I shall see you again. I shall

be back in this country within a year if I live, and I shall come and see you in the night. So good bye. From your son

ALBERT.

Don't forget the captain's name nor my name.

Dear Brother and Sister: I bid you good bye and success to you.

I bid Orient and Catharine good bye and Abby.

You must all forgive me.

Examination of witnesses resumed.

NOAH TIRRELL—On Monday, the 27th Oct., I saw Albert J. Tirrell at my house in Weymouth, about breakfast time. He had on a sack coat—do not know whether he had on a vest or not. The officers came in the afternoon, and from them I learned about the murder in the morning. I did not inform Albert about the officer's having been to search my house, that I recollect. I did not advise him to go away. Did not observe any thing in his appearance unusual.

W. L. CROCKETT—I have been acquainted with Tirrell about a year and a half. I knew Maria Bickford by sight. Tirrell came to me in July last, having been informed that I knew where Maria was. He offered me a gold watch and about \$25 in money if I would tell him where she was; at that time I did not know that she was in the city.

WM. J. BATTERSON—I live in Weymouth. I was in the employ of Albert J. Tirrell for about three months from the 14th of February, 1845.—During that time I saw Maria Bickford. She came to Mr. Tirrell's house and stopped one night. I do not know that she was compelled to go away. I saw Tirrell and Maria Bickford in New Bedford, in November, 1844. I never received any letters from him after he went away.

JAMES BICKFORD—I married Mary Ann Dunn, on the 26th of March, 1840, in Brewer, opposite Bangor. She lived with me till October, 1842. She then left me, and I did not see her until the following March. I have occasionally seen her since. I saw her body in the tomb, after she had been murdered. About the 20th of February, 1845, I first saw Albert J. Tirrell—he came in a carriage with Mary Ann to the shop where I was working. In July 1845, I saw them together at the United States Hotel. I told her that at South Boston were some persons with whom she had been acquainted in Maine. Tirrell gave his consent that she should go with me to South Boston. The same day she wanted to go out and make some purchases. Tirrell said she should not go till afternoon. She said she would go, and put on her bonnet and shawl. Tirrell stepped between her and the door, and said 'You shall not go out alive, by G—d.' She then sat down on the bed and cried. Tirrell then cooled down, and called a hack, and said she might go if she would promise to return. We then went away, and she did not go back to the U. S. Hotel. We separated at the head of Hanover street—and I saw her a short time after in Belknap street. After she left me in 1842, she lived with me about a month. This was in July, 1843.

CHARLES H. WILSON—[Mr. Wilson, book-keeper at No. 9 Elm street, produced the register of the hotel, wherein under date of the 2d Oct. was found the name of Albert De Wolf, and 10th Oct, the same name. He thought, although he could not swear to the fact, that De Wolf and the prisoner was one and the same person.]

The prosecution here stopped, and Mr. Merrill opened for the defence.

REMARKS OF MR. MERRILL.

May it please your Honors, and you Gentlemen of the Jury:

It is unnecessary for one to remark upon the deep and solemn responsibilities which in this trial have devolved upon all of us. In discharging these duties, in this great crisis, where the last earthly hope and, as many pious men believe, the eternal destiny of a man like ourselves, may be involved, we have need to pause, occasionally, and invoke the aid of that Being, without whose notice a sparrow falleth not to the ground. May we be so directed and supported, that we may, none of us, ever regret the part we have taken in these transactions.

I feel painfully sensible of the difficulties under which the defendant's cause has hitherto labored—and how much his counsel have need of all your indulgence. Not that we are oppressed with the consciousness of the defendant's guilt, nor the fear of any latent weakness in his defence—a defence which nothing but the resources of falsehood and perjury can destroy—but I am troubled with the apprehension, lest that part of the defence which devolves upon me, shall receive detriment from my unskilful manner of presenting it. That I shall satisfy myself, I do not expect—that I shall do justice to the cause, I do not even dare to hope.

The defendant stands before you charged with the greatest of human crimes. His case has been made the subject of discussion throughout the whole country. He has been tried and condemned over and over again in almost every company. The press has given to the world the most shocking and exaggerated accounts of the death of the deceased. Suspicions, and conjectures, have been proclaimed as facts. Pamphlets and histories of his pretended follies and crimes, have been poured over the country, inflaming the passions, and exciting public indignation against him—pretended confessions of his crimes have been spread far and near, till the public mind has been poisoned, and most people have begun to regard his guilt as fully established—and have come to believe that the defendant has committed one of the most atrocious murders recorded in the annals of crime. False and exaggerated accounts of the waywardness and recklessness of his earlier life—dark insinuations and surmises of other crimes enacted by him have been scattered abroad, and rehearsed in the counting house of the merchant, in the work-shop of the mechanic, by the fireside of the farmer, and among the resorts of business and pleasure, and in all the haunts of dissipation and vice, until almost all men look upon him with suspicion and dread, and his cause has been completely overwhelmed with popular odium and prejudice—all ranks and classes of men have begun to regard him as a most odious and revolting spectacle of moral obloquy and deformity, whose hideous character is unalleviated by any of the milder and nobler attributes of manhood. While these unjust and cruel imputations, and these palpable misrepresentations, have been circulated, not only in the current reports, but also in the public newspapers of the day, against the accused, nothing has been done by himself or his friends to correct the public sentiment—to disabuse his cause of the most flagrant and pernicious prejudices with which it has been embarrassed, but, with such kindly and individual aid as was necessary to enable an accused son and brother to obtain a fair trial, he has remained silent, awaiting, not without the deepest solicitude, but in the earnest expectation of making a successful defence, the result of a judicial investigation. All he asks of his country is, that he may have a fair and impartial trial—that you will not prejudice his cause—but that you suspend your opinion till you shall have heard his defence—for all else he looks to the guidance of that Providence, who has 'numbered the hairs of his head,'

and who has allotted to him the merciful day of his probation, which man may not shorten.

(As Mr. Merrill's remarks were very lengthy and not particularly interesting to the general reader, we will only refer to the points upon which he dwelt.)

He remarked upon the uncertainty of circumstantial evidence, and of the great caution with which such testimony should be received by a jury. He cited from acknowledged books of authority, many cases where persons who had been tried, convicted and executed upon circumstantial evidence, were afterwards found to have been innocent of the crime for which they suffered.

Mr. Merrill then spoke of the diseased state of mind known as Somnambulism, or sleep-walking. He quoted extensively from medical books, to prove that persons while in a state of somnambulism, are ignorant of their acts and deeds. He then stated the hypothesis which he should attempt to prove. That since the age of six years the prisoner has been subject to this disease; sometimes leaving his bed, rushing to the window, and attempting to jump out; that once, while in this state, he attempted to strangle his wife. While in a state of somnambulism, the prisoner would often make strange and unearthly noises—he would sometimes leave his bed, and rushing into another room, would cry out that some one was attempting to murder him. On board the *Sultana*, on the voyage to New Orleans, he frequently left his bed, and wandered about the deck, and once attempted to jump overboard, from which circumstance arose the story that he had attempted suicide; he was watched by persons on board the vessel, as he was known to be walking in his sleep. In New York, at one time, he made an attempt to jump out of the window, but was fortunately rescued.

Mr. Merrill said he should offer proof that the defendant was in that state of mind to which he had alluded, on the night of the 26th October; he would also offer medical testimony, for the purpose of showing the effect of such disease on the minds of persons so afflicted.

Mr. Merrill occupied about three hours in the delivery of his remarks, which were very ingenious and forcible, and soon after he commenced, the prisoner was observed to be visibly and deeply affected for the first since the trial began.

TESTIMONY FOR THE DEFENCE.

EDWARD P. HUNT was called. The first question asked was if he was acquainted with the character of the house kept by Joel Lawrence. To this Mr. Parker objected, and considerable debate was occasioned in consequence. His honor Judge Wilde, finally ruled that direct testimony could not be offered for the purpose of proving that a witness kept a house of ill-fame, but if any thing came out in the course of the evidence which showed that a witness was a prostitute, that fact would affect the credibility of the witness. Mr. Hunt was then excused.

NABEY TIRRELL.—I am the widow of Leonard Tirrell, and the mother of Albert J. Tirrell—he was 22 years old last February—he was married at the age of 18. He has been in the habit of getting up in his sleep; as early as the age of five years, I have known him to get up in his sleep. At one time, when he was between four and five years old, I put him to bed, and went to a neighbor's opposite—and when I returned I discovered that he was gone—after searching, I found him at a neighbor's house some distance from our own residence. When in that condition, I could awake him

by talking to him and shaking him. When he was fourteen years old, he got up and went up stairs, where I found him behind a door of a clothes room. I got him down stairs, and put him to bed—when he came to himself, he was ignorant of where he had been. He would, before he awoke, make strange and unusual noises. When he was 17 years old, he got up and tore the curtain to the window, and broke the glass, and in consequence cut his hand. I have frequently heard him get up at other times. He usually slept with his brother. I adopted the precaution of locking the doors for fear he would do himself injury. He usually slept with the door of his bed room open, for the purpose of obtaining air. While in this state he appeared distressed, and on coming out appeared weak and faint. These spells seemed to increase with his years, while he lived at home.

LEONARD B. TIRRELL.—I am the brother of Albert J. Tirrell—I used to sleep with him at Weymouth. I have known him frequently to get up in his sleep—this habit commenced as early as the age of 10 years, perhaps earlier. He would sometimes catch hold of me, in his sleep, and I had to shake him very hard to awake him. He would make noises while in those states, as if trying to talk, but I could not understand. Sometimes he would talk in his sleep. I have often awoke and found him tearing down the curtains at the head of the bed. I think these spells increased with his years. He once came into my room, while I was with my wife, and made a considerable noise—said some one was after him; I awoke him, and he appeared ignorant of where he was. He kept a light in his room, as a precaution, because he seemed to be better while in these spells with a light than without. This was a source of considerable anxiety to the family, and the cellar door was usually fastened nights, for fear he would get up and fall down cellar.

MINOT RICHARDS.—I live in South Weymouth—have known Albert J. Tirrell twenty years. I was once in the house, setting up with his father, who wanted I should call Albert—I went into his room and called him; he got up, his eyes appeared open, but I could not make him understand what I wanted. I went to his father, and while there heard strange unearthly noises; I then went back—Albert was not dressed, and I took hold of him and shook him for five minutes. It was twenty minutes before I could make him understand what I wanted. On two other occasions I saw him in a similar state. Previous to his acquaintance with Maria Bickford, his character was good.

EMILY AMELIA TIRRELL.—I am the wife of Joel H. Tirrell. I have known Albert J. Tirrell four or five years. On one occasion in New Bedford, at my house, I heard some person in the entry, and I got up. On going into the entry, I saw a man, he had only one garment on. A woman said to me, 'Albert is asleep, Amelia awake him.' I took hold of him and shook him for five minutes before he awoke. The woman that told me to wake him, was Maria Bickford. I knew her for fifteen months.—She always had weapons in her possession, dirk knives and razors—she used the razor to shave her forehead, as she said she liked to see a person with a high forehead. I once saw her with a two ounce vial of laudanum, and shortly after the vial was empty. Her breath smelt of laudanum and a physician was sent for. She had had a quarrel with Albert. She drank intoxicating liquor to excess, and I have often seen her intoxicated. She took laudanum twice—the last time she took about an ounce, and was sick two or three days. In New York, she bought a dirk and hid it in the rug, so that Albert could not find it. She was sometimes calm and pleasant, then all at once would be in a high state of excitement. In Congress Hall at Philadelphia,

she threw a wash-bowl at Albert, and a decanter of liquor into the fire-place. He usually treated her coaxingly and kindly.

LEONARD B. TIRRELL (recalled)—I saw my brother on Saturday afternoon, the 25th Oct., about half past four o'clock, at Pearson & Williams' livery stable. He wanted me to carry him to Weymouth in my carriage, but as I already had a passenger I could not carry him out. He then left me and went towards the stable in Elm street. At that time he wanted me to lend him \$10, but I refused—I let him have \$3.

JOEL H. TIRRELL—I am 36 years old—I keep a public house in New Bedford. I am a cousin of Albert J. Tirrell, and have known him for 20 years. I have seen him in New York, New Bedford, Weymouth, and a number of other places. I knew Maria Bickford—first saw her in a house about three miles from New Bedford; she and Albert both lived at my house in New Bedford—while they were there, once, I heard a very extraordinary noise, somewhat like a groan, and immediately after I heard Maria say, 'it is Albert, he is asleep.' While at my house, he usually had a light in his room, nights. Albert once shew me a vial which was about two-thirds empty, and said 'Maria has been taking laudanum, and is very sick; I will send for a doctor.' She was sick nearly a week after. I have known her to have a razor in her possession, with which she used to shave her forehead. At the United States Hotel in New York, she had a dirk-knife, which she hid under the hearth-rug in her room. Maria was rather a handsome girl, more than ordinarily so—she played well on the accordeon, and tolerably so on the piano forte—she was a good dancer, and dressed with much neatness and taste. Albert appeared very much attached to her; his attachment appeared very extraordinary, more so than I ever saw in any other instance. The last time I saw them together, which was about two months before her death, the strong attachment existed. [Some declarations of prisoner showing his attachment to Maria were ruled out, as they were unaccompanied by any act.] The first time I saw them together was in the Railroad House, New Bedford, in October, 1844—at that time they stopped about an hour—shortly after, he brought her there to board; they stopped till the last of November, and then we all made a journey to New York—when they returned they went to my brother Sylvester's house. When they left there they went to the Franklin House. Sometimes she would get into a passion and he always tried to sooth her. She always seemed to have control over him. At the Franklin House, he told me he should leave Maria, as she quarrelled with him so that he could not live with her. He removed his trunks to my house. Maria came into the room while he was removing his trunks, and threw a \$15 bonnet on the floor and stamped upon it. She then went down stairs. Albert said he was afraid she would run a knife into him. Maria overheard him, and said 'that I would.' He went to my house but did not stop more than an hour—he then took a bottle of wine and returned to the Franklin House, and lived with her. I then saw her in London street—she was living with Albert; they appeared very much attached. The next time I saw her was in New Bedford—she came to my house, and drank at the bar; she inquired if Albert had been there—he came about three days after—he appeared remarkably glad to see her. They went to Newport and stopped at the Park house, in company with myself. I returned to New Bedford—and in a week or two she came to my house. Albert followed in about two days—I remarked no change in his treatment towards her; he appeared very fond of her. They then went away; said they were going to Exeter. Never saw them together after that; saw him, when he was arrested in New Bedford. She

drank intoxicating liquors, and I have often seen her when I thought she was drunk. She had a great many valuable dresses, more than I ever knew any other woman to have; at my house she had a white satin dress which cost \$2 50 a yard, a cinnamon colored satin which cost between 40 and \$50, and a velvet dress, which cost \$55, and a great variety of silk and other dresses—she said Albert bought them for her. Never saw them quarrel; think I have seen him have a dirk-knife in his possession; can't say that I ever saw him have a pistol.

ROBERT CARLTON—Resides in North Margin street. I am acquainted with Albert J. Tirrell—saw h.m in Boston, New Bedford and Weymouth; also was acquainted with Maria Bickford; saw her in New Bedford, and near Newport. I saw them at Sylvester Tirrell's in New Bedford. I lived in the same house. One night I heard a noise, and going into the passage I saw Albert in his night clothes; I spoke to him and took hold of him and shook him; he made a sort of groaning sound, and went into his room, but did not speak. Saw them together in the Farmers' and Mechanics' Hotel, in New Bedford. The house was kept by Joel H. Tirrell. He came from Boston; she had been in the house a day or two previous to his coming from Boston;—he was much pleased at meeting her. Next saw them about five miles from Newport. Have seen her have a dirk in her possession and a razor. She would drink, when she could get it—have often seen her when I thought she was worse for liquor. She was always neatly dressed; had a taste for music, and used to play on the accordin. She always had plenty of money, but never knew her to do any work. She had no means of obtaining money except from Albert.

MRS. ABIGAIL AMANDA CARLTON—I am the wife of Robert Carlton. I have been acquainted with Albert J. Tirrell 8 or 10 years—knew Maria Bickford. They were together at Sylvester's house, about 6 weeks. He appeared much attached to her—I think I have known him to give her money; she always appeared to have plenty of money. I have known her to have a dirk-knife—she used a razor to shave her forehead. She was very attractive. I have seen her drink—think I have known her to be intoxicated.

EBEN TIRRELL—I have been acquainted with Albert J. Tirrell since 1842—first saw Maria Bickford in New Bedford. On the 25th of Sept., in Pittsfield, Albert J. Tirrell and myself put up at the same house. In the night some one came to my room and called me. I got up and saw Albert; I asked him where he was going, and he replied that he was going home. I followed him down stairs, and across the street—again asked him where he was going, and he said he was going to the stable for a horse. I presumed he was asleep. On the sidewalk, he stumbled and made a strange noise, as if he was trying to speak, but could not. I helped him up and he proceeded to the stable, kicked against the door, and made the same noise. I shook him and rubbed his head, and in about 10 minutes he appeared to be awake. He was dressed much as usual, and his eyes were open. When he awoke he appeared much exhausted, and we returned to the house. It was Maria Bickford that called me up. The noise he made was a very strange one. In the morning I questioned him about being up, and he had no recollection of any thing which had transpired in the night. This occurred on the 5th Sept. I saw them in Attleborough, between the 15th and 25th Sept. He gave her money in that place, to defray her expenses to Boston. Myself and Albert went to Taunton and from thence to Wareham; Maria left us at Mansfield and went to Boston; we lodged together; he wished to have a light burning in his room. He went asleep first, it was about an hour before I went asleep. I was awake in the night by some

one having hold of me; I was dragged out of bed on the floor, and there saw Albert standing side of me. I rose upright and asked him what was the matter; he replied, 'drive along, the gearing is all right, start the leader or I will cut his neck.' There was a knife over the latch of the door, and he went to the door and took the knife out. I was much frightened; I thought he might take me for a leader. I caught hold of him from behind, and pulled him on to the bed; he made a strange noise, and I shook him until I thought he was awake, and I then went to bed; some time after I heard a noise and on awaking saw Albert walking towards the window; he appeared to be trying to get out. I got up and awoke him. I am satisfied that he was asleep at these times. The first instance, from the time I was pulled out of bed until I thought he was awake, was about fifteen minutes. This was on the 26th Sept. From Wareham we went to New Bedford. Previous to this I carried a load of baggage for him from New Bedford to Exeter, N. H.; have seen Tirrell and Maria together in New Bedford. He always treated her kindly; sometimes she appeared scornful towards him. I saw them together in Exeter; he appeared to treat her well, but she seemed more scornful than ever. He left New Bedford for fear of being arrested on an indictment of adultery. In Exeter, I heard him express great admiration for her; she wanted a new black silk dress, and I heard her remark to Albert: 'If I don't have what I want while I am with you, Albert, I will cut my throat.' I remarked that I thought she would not do that; she said 'yes, I had as lief do it as not.' I next saw them in Rochester, N. Y. I have seen a dirk in her possession. Once I saw her shaving the hair from her forehead, with a razor; have known her to drink intoxicating liquor. I first told the Pittsfield instance of walking in his sleep, to my brother, Joel H. Tirrell; did not then mention about the Wareham affair; I told it before I heard of the murder. [The cross-examination was very close as to the persons to whom he had first told these instances of the prisoner's sleep-walking, but nothing further was elicited.]

WILLIAM GRANT—I saw the prisoner on board of the ship *Sultana*. I sailed from New York for New Orleans, we had a passage of 21 days; there were two hundred passengers on board, all steerage passengers except 22. After we had been out about a week, I heard a noise, and some one passing through my room, which was over the steerage; several passengers followed him, and asked him what was the matter, and he said it was something he had been subject to from a boy; he was a steerage passenger; I was informed that after that he slept on deck, but I am not certain of it.

WILLIAM G. NASH—Reside in South Weymouth, near the residence of Mr. Tirrell's family, and have known Albert J. Tirrell from a boy. I have been employed to set glass in the window of the room in which Albert slept. He was as quiet and peaceable as other boys in Weymouth.

JAMES PRATT—Have resided in South Weymouth about eight years, near the former residence of the prisoner. The reputation of the accused was good, as to quietness; he was peaceable, while I knew him.

CALEB HAWES—Have lived in Weymouth twenty-nine years. As far as I knew the prisoner he was a peaceable person.

GEORGE W. WHITE—Have resided in Weymouth all my life, within a mile of the family of Mr. Tirrell. Have known Albert from a boy. His character was always good until within a year or two.

ROBERT F. BURRILL—I have known Albert J. Tirrell 20 years. Lived within six rods of his father's house. As far as I know his character was as good as any one's.

THOMAS NASH—I have known the prisoner from a youth; I was his guard. Know nothing against his character.

EDMUND THOMAS—I have resided in South Weymouth 35 years. Lived within a mile of the prisoner. His character was as good as any young man in Weymouth. Previous to his connection with Maria Bickford his reputation was very good. He was deemed a whole souled, good hearted, pleasant young man.

THOMAS HARDING—Have resided in South Weymouth 25 years; have known the prisoner 15 years. He was a quiet, peaceable citizen.

Cross-examined—Have heard something about his being brought before Fisher A. Kingsbury, Justice of the Peace, for an assault on a Mr. Tirrell, but, of my own knowledge, do not know anything about it.

JOSEPH F. CLASH—Knew Maria Bickford; she stopped at my house in Ann street a week, in July, 1844.

DR. ERASTUS O. PHINNEY—I have no doubt the deceased might have inflicted the fatal wound herself. My reasons for this belief are founded on a knowledge of the instrument used; the nature of the wound, and the physical powers of the deceased. It might have been done by another person. From the description of the wound, I should think it might have been suicide or murder. If the fact was satisfactorily established that the wound had been inflicted in bed, and the carotid arteries severed, even if there had been a considerable flow of blood, the person might have been capable of more or less physical inactivity.

Cross-Examined—If the jugular vein had been severed, a considerable blood in the bed, little or none under the deceased, I should not think such a state could have existed, if the deceased came to her death by suicide.

BENJAMIN F. WHEELER—I reside at the Shawmut House; I saw Albert J. Tirrell there about the 17th of last June; he enquired if there was a woman boarding there by the name of Maria Bickford. He appeared much grieved and very anxious to find her; tears were in his eyes.

DEXTER RUNNELS—I reside in Boston; have seen Maria Bickford, both in the street and in Fruit Street Place, where she lived with Frank Carr—he appeared to be a Creole. (The question if the witness had ever known her to inflict violence on Frank Carr, was deemed objectionable by the Court—and the witness was excused.)

DR. WALTER CHANNING—A female under a high state of excitement, might have inflicted such a wound as had been described; the wound could have been inflicted by one blow. A convulsive movement, sometimes very violent, might be made even after some loss of blood. Muscular power remains even after the principal arteries of the neck has been severed. (Dr. C. related instances of persons who had committed suicide, and yet retained considerable muscular power. In one instance he was called to see a female who had nearly severed her neck from her body, and still breathed audibly; and when her husband attempted to take the razor from her hand, after she had committed the deed, she inflicted on him a severe wound. Dr. C. explained the philosophy of sleep, passed on to dreaming and somnambulism, and related some remarkable instances of the latter. In 1686, the brother of Lord Culberston, killed a member of the Life Guard, for which he was tried in London, and pardoned, on the ground that it was satisfactorily proved than when he committed the deed he was in a state of somnambulism. So that somnambulism is not a new species of defence. In a state of somnambulism, persons would do many things which they would be ashamed of when awake. The individual might rise from his bed and dress himself, walk about, strike a blow, see some things and not appear to see

others. The sleep walker on coming to, would have no memory of acts which he had committed while asleep. He thought that the noise made by the prisoner was occasioned by the want of fresh air.)

The sound which the sleep-walker makes does not resemble that made by a person strangling from smoke. In the latter case it is more like sneezing or coughing. The noise which I have heard described as being heard at Lawrence's house I should think came from a somnambulist rather than a person strangling by smoke. From the testimony which I have heard I should pronounce the prisoner a sleep-walker. If a person rises in the night and kills another, I should consider that fact perfectly reconcilable with a state of somnambulism. In that state, the will is governed by the dream, and thus the muscles are called into action. From the testimony which I have heard, that up to the age of 21 these fits of sleep-walking increase upon the prisoner, I should not think it remarkable, considering the course of life led by him, if, six months later or so, they developed themselves more powerfully than in his early years.

DR. WOODWARD—I am Superintendent of the State Lunatic Hospital. I have studied the philosophy of somnambulism. The most perfect somnambulism is a state of insanity. In the case of Jane C. Rider, commonly known as the Springfield somnambulist, who was under my care, she could recite poetry which, in her waking hours, she could not remember a word. The common sleep-walker has the mind less awake than the somnambulist. Another case, which came under my notice, was a young girl, who, while in this state, was remarkably gloomy, and would attempt to commit suicide; it was necessary to restrain her; at other times she was very cheerful. I never heard a somnambulist make any noise, such as is described to be made by the prisoner. In cases of epilepsy a very terrific noise is sometimes made. From the testimony of Mr. Head, I should suppose the prisoner was in a state of sleep-walking on the morning of the 27th October. Should think that a person in a state of somnambulism could rise, kill a person, dress himself, set the house on fire, and run out of the house. Do not think, from the testimony, that there is any doubt of somnambulism existing with respect to the prisoner.

DR. FORSYTH—I reside in Chelsea, am a physician connected with the Mutual Benefit Life Insurance Company, of New York. I am acquainted with somnambulism, having once had a patient thus afflicted. I regard it as a disease, which can be controlled by medical treatment. I make a distinction between sleep-walking and somnambulism. In all the cases of somnambulism which have come under my notice, the persons had been sleep-walkers in their youth. From the evidence which I have heard, I should say that the case of the prisoner was undoubtedly one of somnambulism. I never knew but one instance in which the patient came out of one of these spells by any exertion made to that effect.

Cross-examined—My patient had no knowledge, when awake, of what had occurred in these paroxysms.

MR. BOWKER—recalled—I first told Mr. Lawrence that there was a dead body in the room. He replied that if any body was there it must be dead. He did not express much surprise.

JAMES E. P. WEEKS—I made a report of the evidence given before the coroner's jury. Thompson testified that the man who came for the carriage on the morning of the 27th October, gave the name of Garrett or Gerold.

REV. CHANDLER ROBBINS was called and related an instance of somnambulism, which occurred while he was in college. He was passing the night with a classmate, and was awoke by a fumbling over him and about his neck. He had great difficulty in keeping him at bay. The person followed him down stairs, and finally was obliged to retreat to his own room.

Mr. Choate announced that he had no further testimony to put in for the defence, and Mr. Parker was called on for additional evidence, if he had any. He called James Bickford.

JAMES BICKFORD (recalled)—In the month of June, I took possession of my wife's baggage at the Shawmut House. There were no razors or arms with the baggage. I never knew her to have a razor in her possession. I once bought a razor for Albert Tirrell, at his request—also bought a strap and shaving-box. Tirrell said that the reason he wanted it was because he was afraid to go out. This was on the 26th of April last, in London street

Mr. Choate's Argument for the Prisoner.

MR. CHOATE commenced his closing argument for the prisoner, a few minutes after 9 o'clock. He spoke until 3 o'clock, at which time the Court adjourned for one hour; at 3 o'clock he resumed, and spoke for an hour and a half—making altogether six hours and a half. At times his eloquence was overpowering, moving the prisoner and others to tears. The breast of the prisoner heaved, as if suffering intense agony, and the tears poured down his cheeks in torrents.

Mr. Choate commenced by reminding the jury of the great duty which they had to perform. You are assembled, said he, to examine whether that young man—those not uncomely features, those breasts moistened with milk, those muscular limbs, the youngest son of his mother—and she a widow—is guilty or innocent of the crime with which he is charged. You stand together here to decide whether he shall live or die. We all feel it so sweet to live—it is so solemn a thing to die, even when surrounded with all the alleviations which friends can administer. When you feel, gentlemen, that a human life is at your disposal, there is not another word to be said. You have in charge a human life—it is not silver or gold—but a living, breathing man is left in your hands. The question is, whether that man shall die, or whether the life which his maker gave him shall be prolonged, even perhaps to the days allotted for man to live. If you find him guilty, this Court must sentence him to death—if this Court sentence him, he must die. If you say this man, waking, not sleeping, committed this deed, he must die. When a juror deposits his ballot of guilty, he records, judicially, sentence of death. Purge, travel through, examine critically the exact amount of guilt which is attached to the prisoner, and you must be morally and conclusively certain that the defendant is guilty or else he must be acquitted. If you do not know for a moral certainty, that he did commit the murder with which he is charged, it will be the sweetest act of your life to acquit him; such is the universal voice of the law. Murder requires the highest degree of proof, and the highest degree of certainty. The spirit of the times, philanthropy, christianity, all demand this. Morally certain and conclusive proofs of guilt are indispensable to warrant you in taking the life of man. From the oaths you have taken, I judge that you agree with me that it is lawful for society to take life; yet many philanthropists, good men, the best of men, think not. It is only by administering this law according to the best judicial knowledge that we are safe. And if we do not give a verdict in accordance with judicial knowledge, everybody feels that we advance the feelings of opposition to capital punishment one hundred years in a single hour. [Mr. C. read from a late number of the North American Review, some arguments against capital punishment, principally from the uncertainty of circumstantial evidence.] If it is a perfectly clear case, I agree with you—let the laws be executed, and let all the people say Amen.

If from the character of the house, deeds of darkness may naturally be expected; if from the character of the deceased suicide was to be expected; if you find that the prisoner has been from his youth subject to a disease

which has blasted his sleeping hours, for God's sake, let not the life of the prisoner be judicially taken. To maintain power we must see that it is not abused. Much as I deplore the bloody code of England, a thrill of admiration passes through me when I reflect on the manner in which it is administered. Lord Kenyon once said, that no man could be convicted in England unless the judges and the jury were convinced that there could not be a possibility of the innocence of the accused.

How far does the testimony lead you? Did any human being see the prisoner strike the blow? No. Did any human being see him in that house after 9 o'clock the previous evening? No. Did any human being see him run from the house? No. Did any human being see him with a drop of blood upon his hands? No. Can any one say that she did not take her own life? No. Can any one say that on that night he was not laboring under a disease to which he was subject from his youth? No. Has he ever made a confession of the deed? To friend or thief-taker, not one word.

The flight of the prisoner does not prove murder. I maintain that there is no evidence of guilt, from flight. Therefore, when a sincere friend, a brother-in-law, came to Tirrell, and advised him to escape, is it strange that he adopted the advice.

Can we take life on circumstances? Some say not. I think we can. And yet there is the most tremendous hazard. The history of the law has been written, some few chapters, in the blood of innocent persons.

Learned judges have harrangued jurors on the tests to be applied to circumstantial evidence. First you must have the whole evidence. Do you think you have all the evidence? There is the corpse, the bloody pillow, the bed-clothes, the embers, and so on. And how are you to know that you have the *whole* evidence? We see but a part and know but a part of the circumstances. We are playing a game of legal chance where the stake is the life of a man. You must be sure that you have the whole of the evidence, or we do not proceed one step. As one by one single circumstances are presented to us, we attach but little importance to them, singly; and finally, the net is forged and the life is caught.

It is recognized that if the circumstances relied on by the government could have existed, and yet it might be morally possible that the prisoner could be innocent, then the charge fails—it must be so.

We believe that our client at the bar was not awake on the night when the deed was committed, and we labor under the disadvantage that he cannot assist us. The theory of the government is false—it hasn't touched the truth of this great case. The defendant, who for 12 or 15 months had been idolatrously attached to Maria Bickford,—so fondly attached that he left wife, children, mother, workshop, and the grave of his father—went to sleep in the arms of this woman, the same fond, foolish love existing, woke up in the night, and cut her throat. Like the French father, he would have periled his life to save hers, and yet he is accused of her murder—premeditated murder.

I ask you to reflect on the numerous improbabilities. There was no preparation for an alibi—he leaves his clothes—goes directly to the house of Mr. Head, where he is known, and from thence to his wife's father, in Weymouth. And then that a man sinks to sleep in the arms of a woman, that had held him with a spell which kept him for months from his house—wakes up in the night, and nearly severs her neck from the body, throws her upon the floor, sets the house on fire and runs away. How improbable.

I never was more agreeably surprised than in the character of this man. There is nothing against it previous to his guilty connection with Maria Bickford. Do you find him a man likely to commit a murder; did he ever

carry knives or pistols—never. The testimony is, that down to the time of his connection with this woman he was, as one witness expressed it, a whole-souled fellow; it is true he had a taste for a handsome woman; never was in a brawl. If there was a good deal of dissipation for the last year or two, I am sure the learned counsel for the government will not comment upon it.

We are guarded against murder by all our instincts. A man may acquire bad habits, and yet be as far from committing the crime of murder as when he was a blameless boy in his mother's arms. The remembrance of that commandment which was promulgated in fire on the holy mount,—all our instincts restrain us from the commission of that act.

And there appears no motive for the commission of this crime. The proposition that I shall try to establish is, that down to 10 o'clock on the night of the murder, his same wild love existed toward Maria Bickford; there had been occasional struggles to go home to his family, it is true, but like a bird, he returned to the fowler. If it was only a case of want of motive, that is established, and needs no further notice. In this case one question is whether it was a waking man or a dreamer, who committed the deed. It is not a stranger killing a stranger; but his love for her lived and burned until the hour of his going to sleep in her arms. I am glad that Tirrell did not seduce this woman; he has not that sin to answer for. All the testimony goes to prove that his love existed for Maria Bickford even up to the time of her death. It is true that he left her on one occasion for half an hour, but became moping and low spirited, returned to her, and remained to the end of her life. With the exception of the instance testified to by Priscilla Blood, there is no evidence of the slightest quarrel between them from the time of his first acquaintance with her; although she was scornful, he was uniformly kind. Show me when, where and how he imbibed the spirit to murder her—fond, dotting fool that he was. She was fretful, breaking with violence articles of furniture, and on one occasion said, "I love to quarrel with Albert, I have such a good time making up." At the latest moment of her life, love remained on his part, and jealousy was not excited. You will see a resistless improbability that he committed this deed. *There is a total want of motive.* If it was premeditated, how unfortunate the place, making detection almost certain. How easy to have committed such a deed on some of the many secret journeys which they had together.

It is a rule of law of great importance that it must first be established that the deceased came to her death by the hand of another, in his rational, waking hours. First you are to have proof of death—second, cause of death. If a human being is found violently killed, it must be established, either by positive proof, or circumstances cogently certain, that the deceased did not come to her death by her own hand.

Gentlemen, you cannot say that this abandoned woman, waking when Albert slept, ruminating on the probability of Albert's return to his family, sadly reflecting on the past and the future, her husband forever alienated from her—did not take her own life. How very natural, that she died thus, the natural death of her class. The physicians called, all concur, in saying it was perfectly practicable for her to have committed the act. It was physically possible. The presumption is that it is suicide, until it is proved murder. How applicable the remark of Dr. Moriarty, that suicide is the natural death of the prostitute. Suicide is to murder, as a thousand to one. It is in evidence that she twice drained the cup of poison to the dregs and was saved by medical interposition. In Exeter, N. H., she said if she could not obtain what she wanted she would cut her throat. There are ten thousand, in chance, that she committed suicide, to one that he committed murder. There is not one circumstance improbable with the fact that she committed suicide.

Although Mr. Pratt, the coroner, was called at an early hour, yet it was not until 11 o'clock that he made the examination of the phenomena which he has depicted so graphically. So that, gentlemen of the Jury, for four or five hours you find this house of infamy under the control of its inmates. Look to the testimony and the testifiers—what has been proved, and the characters from which this proof is derived. There were in the house, first Joel Lawrence, an old man of 60 years; he was the keeper of a notorious house of prostitution; his wife, an old woman 60 years old, who united in the management of this house of prostitution; Priscilla Blood was a notorious prostitute, and William Patterson was her paramour.

The conduct of Lawrence is inexplicable. When Mr. Bowker arrived at the house and was about to go up stairs, Lawrence was unwilling he should go, and when he had proceeded a few steps Lawrence called him back. The inmates of the house had just heard a man thundering down stairs, slipping from top to bottom, making an unearthly groan as if stifled with smoke; saw some clothes burning, and drew them into the yard—smoke still rushing down, and yet detaining the fireman, whose practiced eye fortunately discovered that fire must be burning.

I say that old Lawrence wanted that house burned up. The owner of that house was laboring under strange influences which has not been explained. The lamp which was burning by the bedside of the somnambulist was extinguished by some one. Mrs. Lawrence swears that she saw a light burning when she drew the clothes down stairs. When Mr. Bowker came, and they all swear he was the first to enter the room, there was no lamp burning. Here then was tampering by some one. Who pulled the rings from the ears of the deceased? Who can answer? It is maintained that her throat was cut by an assassin. Where is the proof of this?

It is satisfactorily established by Mr. Pratt, that a considerable blood was spilt upon the pillow, but this is vague. How much was upon the bed-clothes? Dr. Moriarty says that at 11 o'clock some blood was upon the floor. How much, on a man's life, is some? And then Dr. Channing affirms that this wound might have been inflicted, this blood found here and there, and yet the woman throw herself from the bed. Might not old Joel Lawrence have snatched her from a burning bed, and placed her on the floor—perhaps for the ear-rings—perhaps, knowing the character of his house, from cowardice. But, even supposing we were satisfied that Tirrell removed the body from the bed, yet it does not advance us one step. She arises, sets fire to the house, returns to the bed, and lets out her own life; and then the somnambulist awakes, which is no awakening, drags the body to the floor, and rushes from the house. The government says it could not be suicide, because the house was on fire. Why not? Could not a person meditating suicide, madly set fire to the house. The fire might have been set by the defendant, sleeping or waking, and still the deceased have committed suicide. It might have been accident.

I will suppose that he awakes and finds a bleeding corpse by his side; he frantically seizes it, conveys it from the bed, and rushes to the closet for something with which to staunch that ghastly wound. In the closet, filled with light dresses; what more natural than that fire should be communicated to some of the combustible matter; and leaving the room how easy for his feet to have become entangled in the burning clothes which were found at the head of the stairs. Is there any thing improbable in this? Not at all.

Perhaps the prosecuting officer will say, if it was suicide, why did not the prisoner, when he discovered that suicide had been committed, alarm the house. How unreasonable that he should do it. An indictment was hanging over him for adultery, and he was aware that if proved to have been in that house of notorious infamy, he was in great danger of the State Prison.

The precautions which he took to escape were precisely such as I should suppose a person guilty of a misdemeanor would take—but not such as the man escaping from the avenger of blood. He goes immediately to Mr. Fullam's stable, and wishes Mr. F. to send him out to Weymouth, to his wife's father's. There was no concealment, like the concealment of the murderer. He flies from the lesser, not the greater accusation. He told Mr. Bayley, his friend, in Weymouth, that he had been seen in town, and wished to go away for a day or two, when he would return. He then referred only to the adultery case. When afterwards, he was informed of the murder of Maria Bickford, he declared his resolution to immediately return to Boston and give himself up. And Mr. Bayley distinctly swears, and he is a witness of the government, that if it had not been for his advice to the contrary, he would have returned to Boston and given himself up. He was influenced in leaving the state wholly by Mr. Bayley, into whose hands he placed himself, to be controlled as might be.

When he stood before Mr. Fullam face to face, there was no appearance of blood upon him. At the house of Mr. Head, where he went for the purpose of obtaining two handkerchiefs, nothing like guilt was observed. He was not flying as a murderer, but a much lesser offender.

The deceased came to her death either by her own hand, or by the hand of a murderer. In the absence of proof to the contrary, you are to suppose it to be suicide. There is no proof that Tirrell even slept in the house that night. True, he was there at 10 o'clock, but was he there at 11 o'clock? You do not know. His expressions, broken and incoherent as they were amount to nothing—if they amount to any thing, it is in his favor. He said, 'they tried to murder me,' and do you know they did not try to murder him.

There is no evidence irreconcilable with the supposition that some one broke into the house and committed murder. Many of her acquaintances and many of Lawrence's acquaintances knew of her having jewelry and valuable clothes, and why not they as well as the defendant have committed this act. I do not suppose the external guards to that house were any stronger than the internal virtue.

I approach now the issue on which perhaps the life or death of the defendant hangs. There is evidence before you, gentlemen, which explains every thing in the acts or the conduct of the prisoner inconsistent with the idea of suicide. If you are satisfied that he committed the deed, yet, if he was in that state which the learned have agreed to call *Somnambulism*, still he is entitled to acquittal.

To prove to you that the defendant was in a state of *somnambulism* on the night in which he is charged with having committed this dreadful crime, we offer to you the same kind of proof only much stronger, that the government offers to you—circumstantial. We prove to you that, from his childhood, he has been subject to an influence, in his sleeping hours, unexplained and unexplainable. From the known state of his body and mind, it was extremely probable that on that night in question, he would be in the condition mentioned. From his infancy he has been a sleep-walker—this is the evidence, and incontestable—and it has strengthened with his years until he had become a confirmed *somnambulist*.

In addition to the witnesses for the defendant, there are the government witnesses who have testified to that strange extraordinary noise on the morning in question. Priscilla Blood and other inmates of the house thought it was a sound as if of a person strangling by smoke.

I think we have exhibited sufficient proof to leave a doubt of his guilt. If so enough. The Court will admonish you to do your duty.

Argument of Mr. Parker for the Government.

Mr. Choate having closed his remarks, after a recess of 10 minutes, Mr. Parker, the prosecuting officer, closed for the government. He commenced by expressing the great surprise he felt at the unusual ground of defence which had been taken. If he had been informed of the nature of the defence he should have fortified himself with medical testimony and authorities, with which to rebut the evidence given for the prisoner. He then stated the following propositions, to each of which he applied the testimony applicable:

- 1st. A murder by some human hand.
- 2d. Not self-murder or suicide.
- 3d. By no resident in the house.
- 4th. It was done by Albert J. Tirrell.
- 5th. Being done by him it was not authorised by law, not justifiable, not excusable.
- 6th. It was a felonious homicide.
- 7th. It was not manslaughter.
- 8th. It was murder.

Mr. Parker made a most brilliant argument. He made no unfair remarks against the prisoner, but treated him with a generous and truly Christian spirit. He did not think the defence, that if the prisoner committed the deed, was in a state of somnambulism, had any real, vital foundation, but arose wholly through the ingenuity of counsel. Our space will only allow us to give a brief outline of his remarks, which were forcible and remarkably pertinent.

He began by saying that he intended to give the prisoner every advantage that could be properly extended to him. I call upon you, gentlemen, to weigh well, before you allow the extraordinary grounds of defence set up by the counsel for the prisoner. He wishes then to check at the outset this new and novel mode of defence, and this innovation upon the legitimate jurisprudence of this Commonwealth. My object will be to set before you the sober realities of the occasion. I shall not appeal to your feelings, but your judgment. Your oaths require you to do your duty. I shall maintain that in Joel Lawrence's house a homicide was committed, on the night of the 26th of Oct. A dying groan was heard in that and the adjoining house, and she came to her death by human hands. The medical gentlemen testified that a person in a great state of excitement might spring from the bed. There is no proof of any excitement here. The wound was given while the victim was in a recumbent position. By the two spots of blood upon the bed, one side of the neck must have been cut, and then the head turned over, and the other side cut. Women seldom shed blood in committing suicide, they usually resort to other means. Had she committed suicide the ear-rings would not have been torn from her ears. This was probably done in dragging the body from the bed. The Coroner was there at an early hour, examined the room and locked the door taking the key away.

If she cut her own throat she could not have washed her hands in the wash bowl, nor taken the lamp on the mantel-piece which showed the marks of blood upon it. Dr. Moriarty says, the wound would cause instant death. If she had set the fire first she would have been so suffocated with smoke that she could not do the deed. There was no fire near the body, and yet her body was burnt. She could not have removed herself from the bed to the floor after she was so much burned. In order to burn the bed, I apprehend she was drawn from it to get at the straw bed in which a bunch of half burned matches were found. She could not have placed herself upon the floor, after cutting her throat.

She had no motive for suicide, notwithstanding the eloquent address you

have heard to prove the contrary. He was as much devoted to her as ever. The anticipated parting was not to take place, and she was as rare of him as she had ever been. The prisoner has never pretended that she committed suicide. He was awake when he came to Mr. Fullam's, and knowing Fullam, would he not have said to him, 'why Maria has cut her throat,' and also Mr. Bailey, who hid him from the officers, who certainly was in his confidence. This story of suicide is made up by the ingenuity of counsel.

It is said she once had a razor, and this is taken up as one of the proofs that she committed suicide. But from the character of the witnesses I do think their testimony worthy of confidence, as it is contradicted by James Bickford. The stories about the laudanum I think unworthy of credit, so far as they go to give the influence of suicide. Persons are usually secret about these things. No other persons ever said anything about her intending to commit suicide, but the New Bedford Tirrell's. Who are they? Had it not been for them I apprehend the prisoner would not now have been in his unhappy situation.

My next position is, that Maria A. Bickford was not killed by any person in Joel Lawrence's house. The door was locked on the inside at 9 o'clock. I do not intend to say anything about the credibility of witnesses from this house—it has been given to you and the character of the house cannot impeach their testimony. Much has been said by the learned Counsel, because Mr. Lawrence objected to having Mr. Bowker go up stairs, and he asked emphatically, why it was so? Persons who keep houses of this character, are usually afraid to have persons enter them. He thought the fire was out, and very naturally objected to his going up.

I think the learned Counsel treated Mr. Lawrence very unjustly, or to use his favorite expression, very unchristianly.

My next proposition, gentlemen, is, that the homicide was done by Albert J. Tirrell. The council contends that he was not there—but if not there where was he? Why don't he prove an *alibi* now in this hour of peril? He was there at 10 o'clock, and was heard to come down stairs and leave the house,—and he went to Fullam's stable, where he said the house was on fire. His drawers were found in the house bloody, and his clothes were piled up against the door of the room opposite. He told Fullam he had got into trouble, and that the house was on fire. He told Oliver Thompson he had got into trouble. The learned Council eloquently urged that his flight was caused by fear of indictment for adultery. There was no indictment out against him; he was at liberty to go and come without fear, and this story about his flying from this indictment is all a pretence.

No bloody garments were found upon him, because he left them there, and he washed the traces from his hand.

Mr. Parker's next proposition was, that it was murder without extenuation and the slightest justification.

Upon the principle of law, if there is any extenuation of a murder, it lies with the defendant to show it. It does not appear but that the prisoner is sane and perfectly capable of attending to business in the day time, and if so, it is not to be presumed by the law that he is insane, or in a state of somnambulism unless he proves it. He must prove that he was in an actual state of *somnambulism*, at the time he slipped down stairs, that would have waked him. It seems that he had these fits only once a month by his mother's testimony. The last time he had one, that we know of, was on board of the *Sultana*, and that one night only. Since then we have heard nothing of them.

Mr. Parker here read from Brewster's *Encyclopedia*, that *somnambulism* is a state of sleep from which, when the subject wakes, he has no consciousness of what has transpired.

Mr. Choate read an extract contradicting the statement in Brewster's Encyclopedia.

Mr. Parker. "When doctors disagree, who shall decide?"

Mr. P. continued—Mr. Head, gentlemen, said emphatically in his evidence that prisoner told him he had been at Fullam's. The learned counsel contended that he was at Head's first.

He was awake at Fullam's and remembered that he had seen fire, and this knocked all this humbug about Somnambulism in the head—Mr. and Mrs. Head were government witnesses, and also witnesses for the defence. He was awake at Fullam's and must have gone to sleep on the way to Mr. Head's. It is an idle trick, in my opinion.

Another thing; the prisoner had not been steeped in blood, and he would exhibit all those symptoms after leaving a scene of blood and arson. There is no evidence except Mr. and Mrs. Head's, that he was in an unnatural state and I do not think you can acquit the prisoner on that.

I wish I could borrow what the learned counsel has applied to the inmates of Mr. Lawrence's house, and apply them to the New Bedford Tirrells. Elihu Tirrell must have satisfied you of his character, while on the stand.

Mr. Parker next referred to the motive.—He had every assurance that if he would conduct himself properly for six months, his trouble for the indictment for adultery would cease. On the Saturday afternoon prior to the murder he met his brother in the city and wished to borrow some money to go home. But he did not go. He idolised this woman—his money was all gone; and in moments of contrition he wanted to go home. How could he disenfranchise himself but by dashing this idol to pieces. Here is a motive.

There is much of mystery about their connexion, but she had deprived him of his money, his friends and his happiness. This would operate as a motive. The learned counsel inquired why he did not take an opportunity before? He did not desire to, his situation was different then. Her mouth is sealed in death, and the motive is known only to himself. But it is not necessary for the government to show a motive, if you are convinced of the fact.

This is a very important case to the community. Life must be protected, and you must do your duty. I ask you to look at the evidence as reasonable men, and give the prisoner all the advantages he is entitled to.

Mr. Parker closed his argument, with some very sensible remarks to the Jury, and sat down, after having addressed the Jury ably and eloquently for two hours.

JUDGE WILDE then addressed the prisoner, and told him if he had any thing further to say in his defence, a humane custom allowed him the privilege.

Prisoner—I leave my cause where my counsel have left it. I do not feel able to address the Court.

These few words were spoken in a voice somewhat tremulous, and after consulting Mr. Choate.

JUDGE DEWEY'S CHARGE.

Gentlemen: The prisoner at the bar stands accused of the murder of Mary A. Bickford. It is a case, gentlemen of the jury, of vast moment, and upon which the life of the prisoner hangs; but the law throws around it such safeguards that it is presumed that no innocent man can suffer the penalty of death. He is tried by twelve men selected from the ranks of the people. He has the right to have witnesses summoned at the expense of government, and is allowed the presumption of innocence until convicted.

The prisoner is charged with the wilful murder of Mary Ann Bickford—

a debased, degraded woman, but not the less within the protection of the law which wisely throws its shield over all. She is dead, murdered by violence. Was it murder, or suicide? Did the prisoner perpetrate it, and was he accountable to the law at the time?

Murder is taking life by malice aforethought. Malice is implied in law, when the act of taking life is deliberate and intentional.

(The learned judge here defined the law in cases of deliberate murder and manslaughter.)

In the present case there is no occasion for knowledge that angry feelings existed between the prisoner and the deceased. It is either a case of murder or suicide. Upon the government rests the proof of defendant's guilt, established by direct or circumstantial proof. Direct testimony is when a witness informs the jury that he saw the blow given which takes life; and by this kind of evidence, you saved the painful necessity of drawing inferences. But there may be perjury, and that you are to take into consideration.

Circumstantial testimony in cases of secret homicide, depends somewhat upon its force and effect upon your knowledge of human nature, and in all grades of evidence from those very light to the strangest certainly, the prisoner is entitled to the benefit of every doubt which may exist in your minds.

If you are brought to the conclusion that the prisoner committed the murder, then he is responsible. It is contended by the government that he was alone with the woman, and that he committed the act while she slept; and you are to judge from the testimony if he was there. He told Fullam he had been where there was fire.

Mr. Choate here desired the hon. Judge to refer to Fullam's evidence.

He told Fullam he had got into trouble. No attempt has been made by the prisoner to prove an alibi. The house was on fire. It is pressed upon you that the prisoner set it on fire to conceal the murder. The defence contend that it may have been done by the deceased, or that it may have been done accidentally by the prisoner, or to screen himself from the suspicion of the murder.

Look at the case, gentlemen; the matches in the bed; look upon the object and motive of the prisoner. Also, bear in mind that the body of deceased was burnt. If you are satisfied that the prisoner set the house on fire, how far does it implicate him in the murder?

Then comes up the position of the body on the floor. Dr. Moriarty states that it would be impossible for her to place herself on the floor after inflicting such a wound. Dr. Channing is vague; he says in great excitement it might have been done. The government rely upon the fact of the body being found in this position as a strong point that she did not commit suicide.

The evidence on this point must be of a character to perfectly satisfy you, and all the essential facts and circumstances upon which an opinion can be founded are before you. Did the prisoner inflict the wound upon the deceased, from which she died?

Consider the testimony of the Coroner—the house on the day when he first called to see the body, and the appearance of the room at the time. Then go forward to the time of the meeting of the Coroner's Jury, and see whether there was or was not time for a change of things, as the prisoner's counsel has intimated.

There were witnesses who saw her body earlier than the coroner. Does it corroborate the testimony of the coroner; also Joel and Mrs. Lawrence. The position of the body may have been changed by those originally there who have not been caught, or changed by others in the house. Directly preceeding the cry of fire you have the testimony of the inmates, a scream, a fall down stairs, a person in the yard; Mr. L's is more full; you have testimony of those who examined the body, and the enquiry arises, who did it,

how was the death caused? Was it by suicide? The Counsel for the prisoner says she did by her own hand; it is argued that she might have done the deed; the physicians all tell you she might have done it.

Again it is said, she had nothing to live for, and no principle within her to prevent self-murder. She was familiar with the thoughts of self-murder. (Reviewed the testimony.) One witness, (Eben Tirrell,) is discredited by the counsel for the government. It is very important to the prisoner, and you must weigh it well. If you credit him, then the woman has said she would as soon cut her throat as not. You are to judge of the evidence whether she carried these deadly weapons and spoke lightly of taking her life.

If they lead you to the opinion that he did it, the Court can give no instructions. Is there any reason to suppose that a third person committed the murder in the house?

This is proper evidence for your consideration. His flight was to Weymouth, and he contends that the motive was the fear of arrest from a process of civil law, and his further flight was at the instigation of Mr. Bailey. If you are satisfied that he had reasons for the flight without the crime of murder, then this circumstance loses its weight. You will also consider whether he fled because a participation in the murder of Mrs. Bickford. Did they have any quarrel? There is very little evidence that they had quarrels—some harsh words passed between them, by the testimony of Priscilla Blood. At 9 o'clock, the evidence is that they were present. By the testimony Mrs. Philena Hatch, which was not dwelt upon by the Government, it seems she heard symptoms of a quarrel, like a man whipping his wife, from adjoining house. You may consider that there was a brick wall between them. The learned Counsel has stated that he loved her, and to suppose took her life is contrary to all human probability. Also the want of moderation eloquently and ably brought before you. This is a subject for your consideration. The want of motive when positive testimony is available is necessary; but in circumstantial it is proper to be considered.

The learned Counsel for the Government has given the motive that he was so entangled that he cut the cords to sever himself from the neck which this woman had thrown around him.

If upon the evidence here you are not satisfied that he took the life of Mrs. Bickford, then you are to acquit the prisoner.

In the next place, a person to be responsible for the confession of murder must have possession of his moral faculties. The general theory is somnambulism, that a portion of the faculties are dormant, and a partial one. It falls within the range of defence—the law seeks not its victims among those who are bereft of their reason. On occasions like this we resort to the testimony of medical men. But it is your duty, gentlemen, to set upon their testimony.

It is not enough for the prisoner to show that he has been subject to somnambulism, but he must show that he was in that state of mind on the day of the murder. Look at the evidence of the witnesses in the house; follow him to Mr. Head's. His calling at Fullam's, when he appeared perfectly rational. You will consider well whether the prisoner did not first call at Fullam's. Mr Head said he told him Fullam was to take him to Weymouth. The question is whether on Sunday night he was overpowered by disease, and not responsible for his acts. If you do not deem this proved, then he was responsible for his actions.

I leave the case with you, gentlemen. Give the prisoner every presumption, and if to your minds he is innocent, give him an acquittal. If, however, you come to the conclusion, from duly weighing the evidence, he is guilty, it is your duty, however painful, to convict him.

The Jury after being out 2 hours, returned a verdict of NOT GUILTY.

ADVERTISEMENT.

The following pages tell the melancholy story of one of the most remarkable events of our times—the story of a young man, not twenty years of age, coolly shooting his father. Brought up in the midst of the refinements of modern society, and surrounded by all the advantages that tend to advance men in social life, if not in morals also, his fearful crime sadly illustrates how unfortunate circumstances may warp the human judgment, blind the moral sense, and lead to the perpetration of deeds that make us stand aghast with horror.