

REPORT

Nov 13

OF THE

EVIDENCE AT THE TRIAL

OF

LEVI & LABAN KENNISTON,

BEFORE

HON. SAMUEL PUTNAM,

ON AN INDICTMENT FOR THE

ROBBERY

OF

MAJOR ELIJAH P. GOODRIDGE,

DECEMBER 19, 1816.



SALEM:

PRINTED BY T. C. CUSHING.

1817.

DISTRICT OF MASSACHUSETTS, TO WIT:

District Clerk's Office.

BE IT REMEMBERED, that on the third day of May, A. D. 1817, and in the forty first year of the Independence of the United States of America, THOMAS C. CUSHING, of the said district, has deposited in this office the title of a book, the right whereof he claims as proprietor, in the words following, to wit:

"Report of the evidence at the trial of Levi and Laban Kenniston, before Hon. Samuel Putnam, on an indictment for the robbery of Major Elijah P. Goodridge, December 19, 1816."

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

JOHN W. DAVIS,

Clerk of the District of Massachusetts.

TRIAL FOR THE ROBBERY, &c.

INDICTMENT.

Commonwealth of Massachusetts.

ESSEX, ss.

At the Supreme Judicial Court of the Commonwealth of Massachusetts, begun and holden at Ipswich, within and for said County of Essex, on the fourth Tuesday of April, in the year of our Lord one thousand eight hundred and seventeen :

THE Jurors for the said Commonwealth upon their oath present, that LEVI KENNISTON and LABAN KENNISTON, both now resident in Ipswich, in the said county of Essex, labourers, and REUBEN TABER, lately resident in Boston, in the county of Suffolk, labourer, on the *nineteenth day of December*, now last past, at Newbury, in the said county of Essex, with force and arms, and by force and violence, in and upon one ELIJAH PUTNAM GOODRIDGE in the peace of the said Commonwealth then and there being, feloniously did make an assault, and him the said Elijah Putnam Goodridge, in bodily fear and danger of his life, then and there feloniously did put ; and sundry bank-bills, to the amount of one thousand and eighty six dollars, and of the value of one thousand and eighty six dollars, and sundry pieces of gold coin, called doubloons, of the value of four hundred and

fifty dollars, and certain other pieces of gold coin, called guineas, of the value of one hundred dollars, of the goods and chattels of him the said Elijah Putnam Goodridge, from the person of him the said Elijah Putnam Goodridge, by force and violence, then and there, feloniously did steal, rob, take, and carry away, against the peace of said Commonwealth, and contrary to the form of the statute in such case made and provided.

A true bill,

WILLIAM REED, *Foreman.*

DAN'L DAVIS, *Solicitor General.*

On Wednesday morning the two *Kenniflons* were brought into Court, arraigned, and pleaded *Not Guilty*. A motion was made by Mr. *Knapp*, Counsel for *Taber*, that *Taber* might be tried severally, which was granted. The Court inquired when the Prisoners would be ready for trial: Hon. *Joseph Bartlett*, of Portsmouth, their Counsel, requested the Trial might be postponed a few days:---this was opposed by the Solicitor General: the Court said the trial must come on, when the Counsel for the Government was ready, unless the Prisoners should shew a sufficient legal cause for postponement: none was shewn---and the Court assigned Thursday for the trial.

Thursday morning, 8 o'clock, A. M.

The Court opened, and before the Jury was impannelled the Solicitor General observed to the Court that this cause had excited much conversation and feeling, especially in that part of the county in which the Robbery was committed, and he wished the Jurors might be asked whether any of them had formed an opinion in the case; the Court then requested any of the Jurors who had made up their minds to rise and state it---none rose---the Solicitor General remarked, that the Jurors from Newburyport and Newbury probably must have heard considerable conversation on the subject, and moved they might be sworn to make answer---they were sworn, and declared they had formed no opinion. The Jury was then impannelled.

JURORS.

Oliver Emerson, of Methuen, Fore-	Jonathan Dodge, of Beverly,
man,	Ernest A. Ervin, of Salem,
James Ayer, of Haverhill,	Peter French, of Andover,
George Bridge, of Marblehead,	Daniel Friend, of Manchester,
Richard Chute, of Rowley,	Samuel Giddings, of Ipswich, and
William Carr, of Newbury,	Charles Greenleaf, of Newbury-
James Dennison, of Gloucester,	port.

The Solicitor General (Davis) was Counsel for the Commonwealth.

Counsel for the Prisoners, Hon. DANIEL WEBSTER and SAMUEL L. KNAPP, of Boston.

The Solicitor General, after explaining the principles of law, and stating the case to the Jury, called the

WITNESSES FOR THE COMMONWEALTH.

Maj. ELIJAH P. GOODRIDGE, of Bangor, testified, the Robbery was committed on the evening of the 19th of Dec. last; the property he had about him consisted of Gold and Bank Notes: 1086 dollars in Bank Notes belonging to himself, & 669 dollars in Gold, Doubloons, Guineas and Louisd'ors, and one piece of French gold with some emblem of the French Republic, which he did not understand; in addition, he had money sent by him to pay over, from 3 to 5 hundred dollars, knows not the exact amount; 120 dollars was to be paid in Freeport, which he did; some was to be paid at Newburyport, and 30 dollars he left in the Post-Office at Dover to go to Rochester.

He testified, that on his journey up from Bangor he met with nothing to excite alarm till he reached Alfred; had come by way of Buxtown, on Saco river; reached the edge of Alfred about dusk; did not like to travel by night, and stopped at the first decent house and inquired for accommodations; there a person came in, while his baggage was taking in, who said he was going into the country; this man, he has since had reason to suppose, was Taber, but did not mark him particularly so as to recognize him again; proceeded to Exeter without any thing material to alarm him till he reached Exeter. At Exeter he found the sleighing very bad, and came to the conclusion to leave his sleigh there, and to perform the rest of the journey on horse-back; at Smith's tavern he gave his trunk and valise to the young man who was the bar-keeper, and asked him to be careful of them till he should leave; put up his horse, and applied to

Mr. Odlin, a saddler, for a saddle; Odlin inquired how long witness would be gone, who answered about four weeks; Odlin went to find a saddle; witness was detained at Exeter about two hours. After dinner he requested the barkeeper, a young man, to give him a room where he might be alone, to shift his clothes; the true reason was, to see if his pistols were in order; the young man shewed him into the room where he had dined; while he was loading his pistol,* the young man came in upon him, and saw him loading it; witness then thought it of no use to try to keep it secret that he was loading it; the young man then said he had bullets that would suit the pistol better, went for them, and came back with a handful; two or three persons followed him from the entry into the room, who did not appear to be inhabitants of the house; witness then loaded his pistol and laid it on his portmanteau, went out, settled his bill; the young man then said, "you have not paid for the bullets;" then paid for them; nearly at the same time was told the horse was ready; when he went out he saw several persons standing about, some of them smiling---thought their mirth arose from his loading his pistols; soon after mounting, perceived his pistol pointed toward his leg, and shifted it. He left Exeter just before dark; reached Kensington some time after dark, and having missed his way, called at a house to inquire; stopped there about fifteen minutes; again missed his way just before he got to the Bridge and took the road by Salisbury Meeting-house: presently after he paid his toll, crossed the bridge and passed on: two or three minutes after he rose the hill, he saw a man very near; he rushed from the right hand side of the road suddenly: the horse sprung of his own accord, but was seized by the bridle on the right side, and the man came round then to the left, presented a pistol, as witness supposed, and in a loud and hoarse voice demanded his money;—told him he should have it; then reached for his pistol in his portmanteau; cocked it before he took it out; then presented it in his right hand in order to fire; at the same time with his left tried to push away the other; from that moment he recollected nothing till he found persons were dragging him over the fence into the field; then tried to cry out for help; they endeavoured to prevent his crying out by choking

[*One pistol was left at Exeter in his trunk.]

him and kicked him till he was exhausted and made no further resistance; they searched him; and he gave himself up entirely to them, and they took what they pleased; they then turned him over once or twice and left him: he then cried out for help a second time; they returned, and again treated him with great violence; thinks there were three of them; when they left him, he was senseless and had no recollection: when he revived he found he was badly wounded; bruised on his side and his hip sprained in the contest; shot through his left hand [shewed his hand and the glove to the Jury;] had the glove on when shot: the next thing he recollects distinctly was seeing Potter, the Stage-driver, at Pearson's tavern at the Bridge; [in answer to one of the Jury, he said he had no recollection how he got to the house]; Potter had a pocket book, portmanteau, and some papers, and asked witnesses if they were his; said yes, and requested him to keep them for him: some one there told him it was necessary his hand should be dressed immediately or it would be much worse, and urged him to go into a chamber to have it dressed: Dr. Carter dressed it: about the time his hand was dressed, another person, Mr. May from Salem, asked him if he wanted any other assistance; desired May to inform Mr. Page or Mr. Fowler of Danvers, and to request them to come for him: he saw Mr. John Pearson next day, who asked him if he would go to his house in Newburyport, and he consented; there he was attended by Dr. Spofford, who, having been consulted, thought he might be removed that day; and he remained there about four weeks; Doctor S. attended him constantly: after the Doctor thought proper, he went to Danvers, where his friends lived. After witnesses went to Danvers, he was endeavouring to pick up every circumstance that might be a clue to the Robbery; there he had the first notice about Taber, from John Page, who referred him to one M'Kinstry for a more particular description; met M'Kinstry at Breed's, in Lynn, who particularly described Taber, and told where he might be found at Boston, and advised witnesses to arrest him by all means, as he had made up his mind he was guilty. After being in Boston two or three days, witnesses went out to find Taber; met with

him there near Boyden's, a little west of the market, offering some hair combs to a person; judged it was he from the description; he had a mark, a scar, under his eye; inquired if his name was Taber; he said yes; asked him to step into the house; he declined, and proposed going back into the yard; there Taber said—[The Court directs witness not to state what Taber said; what he said not being evidence against others; but prisoner's counsel consented.] Witness inquired of Taber whether he was acquainted with the people about the bridge; Taber said he could point out the Robbers, that he had formed his opinion who they were; pressed him hard to disclose; he said, if he should tell what he knew about it, it would be more than his life was worth, those persons would kill him—before parting he said he would for three hundred dollars tell all he knew, but did not say how much that was; witness then went to Mr. French, who was to furnish the money, and consulted with him; had agreed to meet Taber at a place appointed on the Monday following; Taber did not keep his engagement, and avoided meeting the witness; was there advised by his friends to disguise himself, which he did in dress of a sailor, and went in the evening with Capt. Silsbee and Mr. Jones to find Taber; after finding him, and conversing with him alone, he consented to give the names of those who had committed the robbery, for 400 dollars, and trusted to the honour of the witness to pay, if the information should prove true; witness then went to consult Silsbee and Jones; afterward went to Taber, and he gave the names of a number of persons who had been concerned in the robbery; he said the prisoners were two of them, and now had part of the money, if they had not spent it; told where they resided; witness thought best to begin the investigation with the prisoners, as they were the least artful; went on to Danvers with Mr. French; informed Mr. Page, who consented to go and assist in searching the Kennistons; French and witness then went on to Hampton, and remained concealed at Langmaid's; sent for Mr. John Pike, and employed him to go to Newmarket, and ascertain whether the Kennistons were at home; after he returned, got a warrant; sent for Maj. Leavitt, a good officer, and early

in the morning went with him and Mr. Towle, and arrested the Kennistons at their house ; Mr. Upton immediately, pointing to Laban, said, " That one is guilty, keep your eye on him, don't let him escape " ; witness thought neither of the Kennistons was the person who made the first attack on him ; after securing the prisoners, proceeded to make a thorough search through the whole house ; found some of the gold ; heard Maj. Leavitt say he had found a counterfeit bill in a drawer in a room at the north part of the house ; witness had not been in that room before Maj. L. went in. After finishing the search, they went with the prisoners to Maj. Coffin's house, about 3 miles ; there Maj. Leavitt took out of his pocket book a Ten Dollar Boston Bill, which the Major had thought counterfeit ; on examining it, witness saw the writing on the back of it, " James Poor, Bangor," and knew the bill ; it was a good one ; there appeared to have been an attempt to erase the writing. [Sol. Gen. then called Maj. Leavitt, who, after being sworn, produced the bill, and said that was the bill he found in the drawer at the Kennistons'.]

Maj. Goodridge proceeded, and said he had that bill with him when he was robbed ; knew it by the words on the back of it, in his own hand writing ; received it about a week before he left Bangor ; never saw it after he inclosed it with his other bills in a piece of a cambric handkerchief till he saw it at Maj. Coffin's. The search at the Kennistons' continued a long time before any thing, except the counterfeit bill, and some parcels of silver money, was found ; witness, happening to open a door, saw a boy and girl climbing on a bed ; they started when they saw him ; called the officer, and told him he had better search the bed ; Maj. Coffin, Upton and Goodridge went in, saw a pair of pantaloons hanging up over the bed, which the boy & girl seemed to be aiming at ; took the pantaloons down, and found in them some silver and a doubloon without any paper on it ; this gave new spirits, and the search was continued more closely ; some were searching in the cellar ; took down the loose stones of the wall, dug in the sand at the bottom, turned over the potatoes, and moved the barrels. Upton suddenly called, and said, " Here, I have found the whole hoard," and shewed a doubloon which

he had scratched up where a pork barrel had stood; Major Leavitt picked up another: one of the doubloons had a wrapper with witness's figures on it which he made at Bangor, [witness swears to the figures on the wrapper, as his own, that that doubloon, if the one found there, was his money, and he had never seen it from the time of the robbery till he saw it at the Kennistons'.] By that time the neighbours had collected, and helped search the house critically: searched it throughout: nothing else material was found, except a quantity of silver dollars in a tin dish in a case of drawers, thinks from 20 to 40, but did not count them—the prisoners said the dollars were not theirs—some of the neighbors observed that perhaps John, another brother, who lived near, might have part of the money—John said “you may search, but you will find nothing but poverty,” or some such expression. The prisoners were carried before a magistrate. Some time after, some of the wrappers of the gold with the witness's figures were found at Mr. Pearson's, at the bridge, in the vault of the necessary, some of them very much defaced—some also were found at New-York, with Joseph Jackman, and a receipt torn up small—could identify one with his own name, and the name of the receipt, Thomas Curtis, of Boston, which he had about him when robbed—before he left Bangor, put up his papers and took many receipts for the purpose of settling with people in Boston—had left the pieces of papers at N. York, with the Police Officer—Jackman was one named to him by Taber; and in consequence of that information, he had arrested Jackman.

Maj. Goodridge then underwent a long and close cross examination, in the course of which he testified, that he was at Alfred, the day he did not exactly recollect, but it was the night but one before he got to Exeter, & must have been the 17th—had very little conversation with the person he saw there, supposed to be Taber, which was by fire light—had no talk with that person about the property he had with him—he did converse some with the landlord's son about his property—that he supposes he crossed the bridge about eight o'clock, or a little after—and that he judges of this by the time he left Exeter—that he did not see the persons who rifled the portmanteau—that Taber described to him the

persons of the Kennistons---that he left Bangor about noon, thinks it was on Wednesday---that he loaded and drew both pistols every day from the time he left Bangor till he got to Exeter---this he did, that they might be in good order---did this near Alfred, on the road, no person being in sight---carried his pistols in his sleigh---that he had often carried pistols before---had heard of robberies in the eastern country---of one that had taken place a year or two before---that he did not recollect the name of the person, but could relate the circumstances; the person was attacked, shot the person who attacked him, who proved to be his landlord:---that at Alfred the landlord's son mentioned he was going to Kennebunk with a load of plank---talked about timber for ship-building, in course of conversation he asked where witness lived---the person he mentioned was standing by, and occasionally threw in a word---but there was no conversation about the property with him---witness asked the landlord's son to be careful of the portmanteau, when he carried it out, or when he brought it in---but did not recollect which---asked him to be careful, as if there was something that might break:---that he was most apprehensive of an attack in the eastern country---that he was not armed from any particular apprehensions---after he got to Exeter felt safe to ride by night:---That he did employ a person, a Mr. Swinnerton, of Danvers, with his rod to search the Island and under the Bridge for his money---that he did think this mode of inquiry might lead to the truth:---that when he was attacked, he received a blow on the back of his head---but has no recollection of it---had a bruise on his thigh, to which poultices were applied several days---had an injury on his side; recollects persons jumping on him; occasioned spitting of blood, but not immediately, now sometimes spits blood; does not feel the bruises now; it took 5 or 6 weeks to recruit him: that he had since seen some of the money which he supposed to be his in the possession of Deacon Dorr: that he was present when the covers were found at Pearson's: that in New-York he was present with a Marshal of the City, a Mr. Hoyt, when the wrappers were found in Jackman's room at New-York, on the floor, loose with some old rubbish and papers; the search at N. York was on the

12th or 13th of this month; was not able to go before on account of many avocations; had visited his mother in New Hampshire; that he engaged Mr. John Pearson and his son to write to their friends at N. York to have Jackman watched; that he thinks he did not look at the Ten Dollar Bill, now produced, till he got to Maj. Coffin's house; Maj. Leavitt had seen it, and was going to leave it, till Upton said they had better take it, as Kennistons had no right to have counterfeit money, and so they took it: that he had been a long time collecting together the money he had with him; that he had laid aside the gold from time to time when he received a piece; that he is a trader; had not all the money long before; took part from Mr. Lamson of Salem; received some in pay for drafts; some from Carr & Garland; and some from Mr. Goodhue; had taken a 100 dollar N. York Bill of Mr. Smith, afterwards found there was no such bank, and returned it for other money; had 5 doubloons of Taylor & Brown; many small sums he had collected from various persons at different times: that he carried his Bank Notes in a piece of cambric handkerchief next to his breast made fast by a tape, except about 100 dollars in uncurrent bills which he had in his pocket book, and his Gold was in a shot bag in his portmanteau; and he had some change in his pocket; thinks the money under his waistcoat was taken at the first attack, as he felt their hands searching him, in the field; the first he recollects, after attempting to fire his pistol, is their dragging him on the field; cried for help when crossing the fence; recollects their stripping him or unbuttoning his waistcoat; cannot say now whether they got the money from his bosom the first or second attack; has no recollection when his arm was wounded; did not examine his coat to see if the arm was cut; the first thing he recollects distinctly was conversing with Potter at Pearson's; that he cannot undertake to say he fully recognized Taber as the person he saw at Alfred, and could not swear it was; before he found Taber, had made inquiries for him at public houses and cellars; he was not known, and did not hear he was in gaol; called at Boyden's tavern, and in going out, saw a person thought was he, selling charcoal and combs; when spoken to he appeared

to be agitated ; and he at first denied he knew any thing about it ; talked with him then half an hour, and agreed to have another meeting. Witness agreed with Taber not to discover or prosecute him, & had not : Taber mentioned the names of those concerned, [Court told witness he need not declare the names of any who had not been arrested.] Witness said Taber mentioned Ebenezer Pearson, who had been apprehended.

[The examination of Major Goodridge lasted 2 hours and 40 minutes.]

Wm. Potter is driver of the Eastern Mail Stage ; came from Portsmouth to Newburyport with the mail the evening of the 19th Dec. ; soon after his arrival, the alarm came about the robbery at the bridge---went up there, saw Maj. G. lying down at Pearson's ; knew him ; he opened his eyes, reached his hand to witness and asked him to take care of him, saying he was amongst robbers ; witness told him he would be well taken care of, and asked him if he had been robbed ; he shewed his hand, and said he was robbed as he rose the hill just after he passed the bridge ; he asked me to go and find his things ; Jackman, Bradshaw and the witness took a lanthorn and went up ; found his whip, valise, portmanteau, and pistol ; a rail was down ; all his things were strewed about ; about two rods from the rail, found his valise, a bunch of bills about 30 dollars in a bandage, also his hat, and letters ; after picking them up went back and told Goodridge we had found his things ; he asked if we had found a memorandum of his things : told him yes : he wished to have his memorandum examined to find out what was missing. Dr. Carter said his hand ought to be dressed : witness told him so ; it was much swelled ; he declined : witness then urged him to go up stairs : led him up and placed him in a chair, and the Doctor dressed his hand---witness then tied up the papers in a handkerchief---afterwards the people went again, found his watch, and a half eagle. Witness tied these up with the other things, gave them to Pearson, who put them in the drawer---Goodridge asked him to stay till morning, but told him he could not, as he was obliged to go away with the stage at 5 o'clock.

Cross examined by prisoners' counsel ; said he found the things on the right hand of the road as you come up from the bridge.

people could be seen from the road in the field--can't say whether the straps of the portmanteau were cut or unbuckled--found the whip and pistol by the side of the road, money was scattered round valise--found bunch of bullets: his hat was two or three feet from the valise, and was beaten in and some blood on it--found the wrappers of the gold, and tied them up. When witness first saw Goodridge, he was in much distress--lying on the floor--seemed to be a little out--was put to't for breath--he tried to raise himself, but lay down again--witness put his own head down--he then said he was among robbers--witness told him not to be uneasy--and that the people were kind & attentive to him--thinks he asked witness to go alone with a lanthorn to find his things--he mentioned his watch--thinks he first mentioned the watch after witness returned: witness passed the bridge with the stage about 9 o'clock, and the bell was then ringing-----did not hear of the robbery till he got to Newburyport--passed a wagon about 20 rods from the place of the robbery--before he got into High street he passed three men walking towards the bridge--the horses started when he passed them--they were under the fence in the road.

Maj. Samuel F. Leavitt, a Deputy Sheriff in N. Hampshire, testified, that on the 4th Feb. last Mr. Langmaid called on him and told him there were strangers at his tavern who wished to see witness--went there and was introduced to Major Goodridge; also found there Upton, Page and French--one of them gave him a warrant to take the Kennistons, and desired him to proceed with them early next morning--told him 'Squire Pike would be his pilot, as witness did not know their house--between 3 and 4 in the morning we were on our way--stopped at Maj. Coffin's--Mr. Towle went and found they were at home--he was unwilling to go with us, fearing to get their ill will, but at last agreed to go & shew which was their house--we first arrested Levi--he asked what we wanted of him, told him--then asked him where Zebulon was--he said, you cannot want Zebulon, for he was in Vermont when the robbery took place--he then turned round and pointed to *Laban*, said "that is the

one that was with me at Newburyport the night of the robbery"—we sent to Lee for Zebulon, and when he came we told him he was in the warrant; he said we could not want him, for he was then in Vermont—struck out his name, & put in Laban's, and told him the reason—we then put the prisoners under keepers, and proceeded to search the house—first searched the room where we then were, and found nothing but some counterfeit bills in the west room—Levi said they were his—witness then sent round to have the door of the bed room at the north west corner of the house opened, as it was fastened inside—girl opened it, and witness went into it, searched a case of drawers, and found in one of the draws a ten dollar bill rolled up as if to put into a thimble—took it up, thought it a counterfeit, and threw it back again—there found several sums of money—searched every thing except the pantaloons—went to search the cellar after the key was brought, and took one of the brothers, thinks Zebulon, to hold the candle—discovered nothing, but near the door observed a barrel standing upon bits of brick—was going to move it—found it heavy, two thirds full of meat—put his hand and felt under it and drew out a bit of *earthen*—just at that moment witness was called up by the others, who had found a doubloon in the pantaloons in a pocket book—Major Coffin had it in his hand, and it contained 2 dollars besides the doubloon—inquired whose the pocket book was—Levi and Laban said it was their father's—witness asked them if their father usually kept it there—they answered they did not know—then asked them if they knew he had gold—they answered they didn't know, and said, "why not he have gold, as well as others?"—inquired where the father was—they said he had gone to Stratham.—The witness then requested a strict search to be made—thinks he asked Upton and two others to finish the search in the cellar, and they went—Witness went into the west room—there he soon heard Upton in the cellar halloo out that they had found the money, and that the prisoners must be kept safe—witness then went down and perceived the money was found in the place where he had drawn out the piece of *earthen*—Mr. Upton had the money—thinks Maj. Goodridge was

holding the candle—he said, “that looks like my money.” [Witness identifies the piece of gold—kept it all the time till trial before the Justice—then sealed it up—put it in the bank, and received it again sealed as he left it.] Witness, after the gold was found, went back to the room where he found the bill—searched more strictly—saw the Ten Dollar Bill again in the draw—a girl in the bed room acted as if she was suspicious of our finding something—Upton took up the bill which witness had before found—witness said he had seen it, and believed it was counterfeit—Upton said it was best to take it away, for it did not look well for them to have counterfeit money—witness then put it in his pocket book. [Witness exhibited the bill to the Jury, and identified it.] None of our party had been in the bed-room before witness went in the first time—at the second time no person but Upton went in with him—it was at first fastened, and Goodridge could not have got in—the girl that opened the door, a stepmother’s daughter, was 17 or 18 years old—the girl first mentioned, a sister of the Kennistons, was older—she stood by the door and watched narrowly while witness searched the drawers. The gold under the barrel was not buried under the sand of the cellar, so but what the witness could see some of the paper—the sand was loose and dry—nobody but one of the Kennistons was in the cellar when witness first started out the piece of earthen. After finding the gold, witness pressed the Kennistons to confess, and Maj. Goodridge offered to indemnify them—they confessed nothing—appeared agitated—Levi sweat profusely, tho’ it was a cold day, and Laban looked guilty, his countenance fell, and he looked pale. On cross examination, witness said the pocket book and the money were found in different rooms, leading from one to the other.

John Upton, jun. (a Deputy Sheriff, of Danvers) testified, he was requested by Maj. G. to go in pursuit of the robbers—went to Kennistons’ to search—during the search, a girl helped to take the things from a chest—Laban was looking in at the door of the room where the bill was found—he was observed to beckon with his head to the girl, as if hinting to her to do something—some one, thinks ’twas Maj. G. soon after said, the girl is putting

something into the pantaloons—witness took down the pantaloons, found a pocket book, told them it felt heavy—then handed it to Maj. Coffin—found one doubloon in it—Maj. Leavitt was then called for—afterwards went into the cellar, with a candle, to search—had an old shovel and a piece of stick about 18 inches long—got on his knees searching under the barrels—searched there some time—striking with the stick under the barrels, knocked out a piece of earthen platter, and a piece of gold—called out to Maj. Leavitt to come down and to secure the prisoners, saying, “I have found the hoard”—he came down—afterward searched the bed-room with Maj. Leavitt, and, he thinks, with Maj. Goodridge—saw and took out the ten dollar bill rolled up in a wad—supposed it counterfeit—gave it to Maj. Leavitt—Laban seemed uneasy when we went into the bed-room at first—Maj. Leavitt said he had seen the bill an hour before—witness told him he had better take it.

On cross examination, Upton thinks Maj. Goodridge was down cellar when he found the gold—the cellar is under the west end of the house, perhaps 10 feet wide and 20 long, where meat barrel was, with a partition: witness began to search on front side; Maj. G. was taking the stones out of the wall at the opposite part of the cellar, never saw him go across the cellar, and never saw any person near the barrel before himself: thinks he was the first that went to the barrel; perhaps he was in the cellar an hour. The sun was about two hours high in the morning when they began to search; was there most of the day; cannot tell what hour it was when they found the gold; witness saw a parcel of money in a chest, specie dollars.

MAJ. LEAVITT, *called again, questioned by the Court*, said, “I was the first that went into the cellar, with Zebulon, I think; the inner cellar was then locked, and I sent one of the family for the key; the meat barrel was in the inner cellar; Major Goodridge had not been there before.” Witness saw dollars in a box, 10 or 12, might have been more or less, did not count them; they said these were their mother-in-law’s; Goodridge did not claim them, and so I paid no attention to them further; we found money in *nine* different places: witness said no person

could have had access to the room where the bill was found before himself.

Mr. Upton again---said he saw 10 or 12 dollars in a chest. Goodridge mentioned he had not lost so much, and witness put them in again and left them.

DANIEL COFFIN went to Kenniston's at the request of Major Goodridge. Laban and Levi were arrested. Witness was requested to go and arrest Zebulon, who was a mile or a mile and half off. Went and brought him to the house. During the search in the west room went in, finding nothing went out again. Recollects Major Goodridge calling Upton, and something being said about a girl, and pair of pantaloons being hung up at the back side of the bed. The girl came from the direction of the bed, and went out of the bed room as we entered. Upton went into the bed room first after the girl came out. Does not know that Goodridge or any of our party had been there. Maj. Leavitt was the first that entered after we arrived at the house. Upton found the pocket book, examined it, took out the doubloon---asked whose pocket book it was; they said their father's and his pantaloons.

MAJ. LEAVITT called by the Court again. "I am sure I was the first that went into the bed room where the pantaloons were. I found the bill before Major Goodridge had been in the room---no person could have placed the bill there before I found it---I was up stairs when the pocket book was found---the bill was rolled up---I did not mention to any one in the house I had seen the bill, till Upton found it; and then said I had seen it---I have no recollection Goodridge saw it at Kenniston's nor till we got to Maj. Coffin's; I supposed it to be a counterfeit bill---noticed writing on the back but did not read it---tho't it counterfeit from the completion of the bill, and its being said about that time there was much counterfeit money of the Boston banks in circulation---this was of a Boston bank; the first time I found the bill, I rolled it up again hastily as it was before and threw it back."

Maj. Coffin, again---Upton came with the pocket book and said there appears to be some heft here, found in it a doubloon.

GARDNER TOWLE--assisted in the search; did not take an active part till the money was found. He had a conversation with Levi; told him he sweat very much, he said it started him to see so many people there. They denied the charge.

JOHN PIKE--Upton called him and asked him to go to Langmaid's--there found Goodridge, French and Page--was requested to find out if the Kennistons were at home--found they were---went with Goodridge, Leavitt, Upton, French, and Page--had the care of the prisoners--heard Upton sing out he had found the hoard and to take care of the prisoners---they denied any knowledge of the robbery :--Levi said his father was a pretty sly man, and may be he had put the money there--Laban said his father had married a pretty rich woman, and he rather concluded she might have brought the money there---when it was said the money was found, Levi sweat very much, and Laban turned of a very pale countenance immediately. After they had been examined at Newburyport and were on the way to Salem gaol, Levi said to witness, "I wish you would talk with Laban, and if he will tell what he knows about it, I shall be clear."

LEVI TUTTLE--was passing with his team by the house during the search--asked Levi if he knew any thing about it, and said he had better tell : [Court interrupted the witness, and said no confessions could be admitted that were made under promises of favour. The Sol. General said, what he expected to prove by this witness was, that Levi said he did know but would not tell. The Judge said the witness must not go on.]

SAMUEL R. CALDWELL, of *Newburyport*--saw Levi the afternoon of the robbery--he came to the tavern of the witness' father to put up his horse--went away and returned with the other about dark---they asked if they could have lodging and what time we shut up---told them about 10---said they were going to take a walk---afterward witness went out for a pail of water---and saw them in conversation with another man---this was about 7 o'clock. Next morning saw the two Kennistons in the stable---nobody else was there---they asked if the horse had been watered; they unhasped a door and went down under the stable---saw them through a hole in a board---about an hour after, the oldest came into the house---at breakfast there was much talk about the

robbery. Levi said "well I am glad I want there," and the sweat started out under his eye---asked them where they had staid the night before---they said at Mr. Titcomb's cellar---tho't they looked guilty---and witness and his father spoke about it after they had gone out of the room---did not charge them with the robbery at the house.

Ephraim Titcomb (keeper of a cellar in Newburyport) knows the Kennistons, saw them the day before the robbery; Laban then had no money; he had come from gaol a few days before; he owed witness for board at his cellar, and had left his bundle for security, till he should pay; Levi the day before came, and had a turkey with him; he said he could not pay his brother's bill, as he had no money; the evening of the robbery they were at his cellar; were in and out, and went away not far from 7, after supper, & were gone till past 10 o'clock, or about that time; they went out together with one M'Intire and returned with him; next morning after the robbery, witness told Levi his brother could not go away till witness was paid; he told witness to take the turkey; he then took out a handsome new bill of the Newburyport Bank, thinks a 2 or 3 dollar bill, & witness took out what Laban owed.

On cross examination, *Titcomb* testified, that Mr. Caldwell called on him the next day to inquire about the Kennistons and what time they returned; told Caldwell it was 10 o'clock or after; and we thought they were accessory to the robbery; Levi was then in the cellar at the other side: he overheard us, and came and wanted to know if we suspected him: told him we did: he said, "I've heard so before." Witness went to Mr. John Pearson's, and told him he suspected the Kennistons: did not tell Goodridge so, he could not then be spoke with.

Maj. Goodridge, called again---thinks from the size and appearance of Taber that he was the person that seized the bridle of his horse.

Court adjourned at 2---and opened again at 3 P.M.

Mr. Knapp stated the grounds of the Prisoners' defence, and called their witnesses.

Mr. Webster moved that *Taber* be sworn as witness. Sol. General objects, that when persons are indicted jointly, and

fever in their pleas, they cannot be witnesses: so in Phillips and M'Cann. Court thinks Taber cannot be admitted: offers to reserve point.

WITNESSES FOR THE PRISONERS.

Dr. Moses Carter, on the night of the 19th Dec. was sent for to Mr. Pearson's to see a man who was said to be wounded: went there, and saw Major "Guttridge" walking the room: talked incoherently, and appeared deranged: got him to uncover his hand: it looked as if it had been shot through: he insisted on going to the place where he had been robbed: set out, and was brought back and laid on the floor—when he spoke, witness tried his pulse—it was a healthy pulse, as good as any man's—asked him if he would have his hand dressed—he went up stairs—and witness dressed his hand—passed the probe through his hand several times—the hole appeared to be made by a shot or something else—he continued apparently in a deranged state through the night, and talked wildly—put him to bed, and watched with him—examined his body all over, and found no wound of any kind except a scratch on his arm—he complained of excruciating pain in his side, and in the back of his head—complained of a violent blow on the back of his head—the pupils of his eyes were at times a little dilated. Witness was there when Potter arrived—they knew each other—at times he appeared rational—he related the circumstances of the robbery, as here, except a few trifling variations—said he fired his pistol, and it went off at the same time with the other—and that somebody sat on his face, and took his watch and bosom pin. Witness examined under his shirt—don't recollect particularly about his hip, but satisfied himself there was no particular injury—thinks a sudden jar of the brain may produce great pain when no external injury appears.

DOCT. ISRAEL BALCH—was present with Dr. Carter—the patient was talking incoherently—Dr. Carter gave witness a description of the case—during this the patient was lying down—& witness observed whenever he looked at the patient, the patient looked away and turned his eyes—proceeded to examine the patient—he complained of soreness in his side and head—saw no wounds—the pupils of his eyes were dilated a little—thought it might be owing

to the darkness of the room. tho't he was not deranged, but playing the crazy man --once the patient called for Jerry Balch, they told him witness was Jerry Balch--looked at witness and he said he was not Jerry Balch---Goodridge was a bed--afterwards witness pulled off his shoes, walked softly up stairs, looked into the chamber of the patient, "saw him raise himself on his posteriors; he placed his earlocks and forelock in order, threw out his right arm, hauked, expectorated, and spit in the fire:" before that, he said he could not move himself in bed---soon after, he repeated the same motions---when he heard a noise at the bottom of the stairs as if somebody was coming, he laid down again, covered himself up, and began to talk incoherently---witness did not see him spit blood: when he looked through the door, it was half open.

Dr. RICHARD S. SPOFFORD, of Newburyport, was called in next morning at Mr. Pearson's---saw Goodridge a bed---he seemed delirious---was incoherent---talked of robbers--his pulse was quicker and harder than it ought to be---there was no external injury on his head, no tumefaction of the integuments---witness thought it might be nervous irritation---took more blood from him, and he afterwards appeared more calm and rational---that day he was carried to Mr. John Pearson's about 3 o'clock---he fainted on the way from the bridge to Mr. John Pearson's---he was rational through the day and following night, and the next day till 3 o'clock---he then appeared delirious---witness gave him medicine---he got better gradually, and was never delirious after that---understood Maj. Goodridge he recollected nothing after the second attack till Dr. Carter was dressing his hand---no blood was settled round his neck---witness thinks a man might be choaked by a hand or handkerchief without causing any discoloration of the skin---he complained for several days of great pain in his head and side---first saw the wound in his hand on Sunday---the hand appeared to be perforated by a ball, which passed perpendicularly to the plane of the hand---entered on the inside of the hand:---a powder mark was on inside of cuff of furtout; there was a scratch on the arm, and saw the furtout, which had punctures corresponding to it---5 or 6 holes in his coat, but one scratch in the arm:---the effect of the medicine given by the wit-

ness was very immediate---gave sulphuric ether---cannot say he ever knew it operate more rapidly :---he frequently asked when he could be removed to Danvers :---witness thought he might have gone in about a week : --he did not go for several days after witness told him it would do :---after he had been to Danvers, witness told him his reputation was suffering :---did not know whether this was before or after Maj. G. had arrested any one.

DR. S. *cross examined*---said he administered nothing to Major G. which he did not think his case required. His brother physicians at the bridge did not suggest they thought Maj. Goodridge was shamming madness. Did not see him raise blood at the time of the robbery ; he said he had raised blood in the District of Maine.

ELIAS JACKMAN---the night of the robbery went to bed before 9 o'clock. Heard the stage pass. In about 20 minutes heard knocking. Mr. Pearson wanted witness to get up and go to his house. Dressed himself and went there. Saw Pearson between the house and the toll house with a lanthorn, leading along Goodridge, who had no hat on. Witness said, "friend, what's the matter?"---Goodridge said "You've robbed me"--he said he had been robbed of 1700 dollars---he said "if Francis Carr was here I should not have come off so"---he spoke of a letter and money in it---witness tried to take the glove off his hand---finding it difficult, called for a pair of scissors---a woman brought them---he asked if witness wanted to kill him with the scissors---told him, No. He took the scissors to cut the glove off, but could not, his hand shook so---witness then cut it off----he called every one a robber, and asked witness how he could live among such robbers ; afterward we took a lanthorn, put Dr. Carter's cloak and hat on him, and he went with us "very correctly" up to the top of the hill ; there he seemed to stagger and to be falling, he said "take hold of me ;" he would have fell, if the witness and Mr. Varnum had not taken hold of him ; Mr. Varnum thought he was dead ; witness tried to open his mouth, but could not ; we took him, and as he was not a very heavy man, we carried him back ; after carrying him 8 or 10 rods, he cried out for us to take a pistol and blow him through, and not drag him along there : carried him back ; Dr. Carter helped get him into the

house : witness asked Dr. Carter to examine him again, as witness thought he had more wounds than had been found : Dr. Carter said "his pulse is as good as yours, and I don't think he is dying" : afterward heard Goodridge talk about the robbery ; he said a man reined his horse, he took his pistol and fired it, and the other went off a little first, and his horse started or he should have blown him through.

Cross examined—witness did not think Maj. Goodridge was in his right mind ; next day witness asked him if he knew him ; he answered that he believed the witness to be the man who inquired about Mr. Coombs of Bangor.

JOHN JACKMAN—went to the ground with Potter, Pike, Varnum, and others, with three lanthorns ; found a pistol in the road ; one saw drops of blood at the gap in the fence ; found a pocket book under the fence, open, inside of the field ; about a rod further a bundle of papers ; the valise ; a bunch of bullets ; a knife open ; and his hat on the ground ; the bullets as if laid down with the hand ; we went back to the bridge, and Potter carried the things to Maj. Goodridge ; he said they were his ; we went again and tried to find his horse ; Pike found a 3 dollar bill ; could not find the horse ; witness picked up a piece of gold ; his watch snug under the fence ; found another penknife, smaller ; found the portmanteau by the papers ; it was more of the bag-form than like a valise ; Goodridge owned all the articles ; one of the knives was two bladed, the small blade open ; one side of the hat was knocked in and had some drops of blood on it and blood on the whip.

EBENR. PEARSON, JUN.—Two wagons passed the bridge 5 or 6 minutes after Maj. Goodridge passed ; heard nothing more for an hour or an hour and a quarter ; the night was cold and cloudy, and witness went into the house ; Goodridge passed a little before 9. When Goodridge came back to the house, he rushed in and said "You're the damned robber," he was in great agitation. When the people went after his things, he asked them in particular to look for his watch. The wagons stopped about fifteen minutes.

MAJ. SAM'L SHAW—started from Hampton with a baggage wagon about 6 o'clock ; was about three hours going to the

bridge; saw Pearson, called for a pye, and eat it; asked Pearson what o'clock it was; he said about eight, but sent the girl to look, and she said it wanted 8 minutes of 9; when went to the door, the bell was ringing; very dark, and could not walk by the side of our horses; the stage passed us on the top of the hill; before they got to High-street, the other wagoner said "We've got company," looked round and saw a horse following the team; it followed to the stable; it was about 10 when we got to Gilman's; went to bed; about 12 Gilman came and told of the robbery; witness then mentioned the horse.

JOHN JACKMAN—again—the nearest house to the robbery is David Jackman's, about 40 rods from the bridge; there are four houses, all inhabited, between the place of the robbery and Pearson's at the bridge.

EBEN'R PEARSON—said he knew nothing more than his son had just told—said that Goodridge had arrested him twice for this robbery, and had searched his house and the toll-house—they searched with rods about two hours, "and they might as well searched the graves as searched me for it"; witness said he felt much agitated and disagreeable; some money was afterwards found by a woman, Miriam Smith; witness did not assist them in searching his house; Doct. Nye said to them, "Go and search the necessary"; witness replied, "Go and search hell and damnation, Major, and don't come to trouble me again!"—witness told his son to go with them in the search, and he did go; he did this, because he did not know but they might drop some of their papers.

REV. JAMES MORRIS of *Newburyport*—met with Maj. Goodridge at the Lodge of Masons in January last, after the prisoners had been arrested—congratulated him on his discoveries of the robbers—asked about his seeing Taber—he told me he had not seen Taber—witness told him he had heard he had seen him in disguise—immediately afterwards he followed witness to another part of the lodge and said he wished to correct what he had said about Taber, that he *had* seen Taber, but was under obligations not to say any thing, and did not wish to have any thing known till he had made further discoveries, and was in hopes of getting more information. Witness thinks Goodridge said he had been in disguise, and *seen* Taber in Salem or Andover, but is not certain but that

Goodridge mentioned he had *heard* of Taber in one of those towns --- witness said Goodridge at first denied having ever seen him, and witness was "surprised at the prevarication."

MIRIAM SMITH---[who lived at Pearson's]---saw a small cloth lying on the snow, and called two Squires to help her pick it up, Squire Nye and Squire Dorr---there were six pieces of gold wrapped in a piece of cloth.

EBENR. PEARSON---again---Levi passed into Newburyport the day of the robbery---next day passed by on his return---never saw him before his being brought along as a prisoner.

[Prisoner's Counsel, to shew Taber was in the limits of Boston gaol at the time of the robbery, reads an execution in favor of Morrison and al. v. Reuben Taber, dated Oct. 31, 1816---and the Return, shewing Taber was committed Dec. 12th, 1816; also Bond for Debtor's Liberties.]

JAMES HARRISON---of Boston---says he knows Reuben Taber---saw him in gaol in the evening of 12th Dec. last---next day he got bail for liberty of the yard---saw Taber every day till the middle of January---he called at witness' shop in gaol limits every day but one---noticed his not calling then, afterwards talked of it with Taber---witness' shop is in Bath Street---he has often been at Taber's house---he has a wife and family in Boston.---*Cross-examined*---says Taber had no particular business at his shop---witness is a clock-maker---the day Taber was absent was after the middle of January.

SARAH ANN TABER, (his daughter) said her father was put in gaol in Dec. the 12th, he had been a journey to Berwick; always knew when he was at home, for there was only a curtain between their beds.

ELIZA TABER, to the same purpose.

DAVID LAWRENCE, was at Miss Martin's in the evening of 19th Dec.; the house is next to Joseph Jackman's; was there from 7 to 9 and never went out till the bell rung; Joseph Jackman was there all the time and did not go out of the door.

Cross-examined---says he remembers it by the conversation about the robbery a short time after; that Joseph Jackman went away the week after the robbery; that he had been talking about going for some months; that Jackman told witness he was going after property at New-York and Philadelphia, understood from

him the property was money—that Jackman is a poor man.... has no property here....heard him name the person of whom he was going to get some money, but witness has forgot who it was; Jackman has not returned since; he has a family here very poor.

MISS ANN MARTIN—lives at Newburyport—went home to her house the evening of the robbery with Mrs. Jackman about half past 7; found Joseph Jackman there and David Lawrence; they staid about an hour, may be an hour and a half; Jackman and Lawrence went away together; next morning Jackman came in, and himself told about the robbery.

AARON KENNISTON—his sons live in his house with their sister, pretty much alone; all the rooms and the cellar mentioned are in witness's part of the house; these two sons never lay in those rooms; he had five or six dollars in silver and paper, and some cents—this money was in his pantaloons in a pocket book—had not seen his pocket book for a fortnight or 3 weeks—at Stratham they asked witness to pay his direct tax—asked them to wait a little longer—they said they could not wait—they pretended to be tax-gatherers—they asked how much gold witness had—he answered none, and had not seen any gold for 16, if for 24 years—remembers when Levi went to Newburyport he let him have two "paper dollars;"—Zebulon too was put in gaol for a debt of five or six dollars—didn't know his sons to have any money after the robbery—his sons never went to the drawer spoken of—had no access to it—didn't know his wife had the silver dollars.

DAVID CHAPMAN—[examined on *Voire dire*, said he had subscribed one dollar to help pay for the defence of the prisoners—then sworn in chief.] He is a neighbour of the Kennistons, and thinks they live in the manner the father says.

CAPT. DURELL, of Lee, N. H.—also known them—thinks they live so—not much ever in their house.

WITNESSES FOR THE COMMONWEALTH, AGAIN.

MARY HOW, of Salem—she saw Reuben Taber 23d Dec. last, at her house in Salem, and conversed with him. (Cross examined)—says she knows the time by his wanting her little boy to go an errand for him—he wanted the boy to go and sell some butter and paper for him—this was just three weeks after her son went to live with the tobacconist—he went to live there on a Monday, and it was a Monday Taber wanted her boy to go the

errand—witness told Taber she was not willing to take her boy away from Mr. Micklefield, the tobacconist.

JOHN PAGE—*of Danvers*—about three or four weeks after the robbery a Mr. McKinstry heard Maj. Goodridge's brother and himself talking about the robbery—he said he had strong suspicions of a certain person whom he had seen at Doughty's Falls in Berwick; witness advised Maj. Goodridge to talk with M'Kinstry; about a week after that, witness went with Major Goodridge to Boston; at Lynn they saw the same person again, and he advised to keep a lookout for Reuben Taber. Witness was at Kenniston's house when the search was made; was the keeper of Laban; when the gold was found in the pocket book, Laban's countenance fell and tears started into his eyes: witness was at Pearson's when the search was made with the witch-hazel: went all round the house: but don't recollect that Goodridge wanted the man to go to one part more than another.

LEVI FRENCH—talked with Levi, when the house was searched; Levi, when urged to tell, said "It would be time enough to tell how the money came there when he was obliged to," and rather thinks he also said "he could tell if he would."

JACOB COBURN—*of Newburyport, a Deputy Sheriff*—was present at Pearson's, when the search was made for money; went up with Maj. Goodridge and French: before we went, Maj. Goodridge said, "Let us divest ourselves of all our money before we go, so that they need not say we placed any there:" then each cleared his own pocket: thinks it not possible for Maj. Goodridge to have placed the gold in the place where it was found without being seen by somebody; every thing was in plain sight; many persons, 20 or 30, were there from Salisbury and the neighbourhood watching us: there were 7 or 8 of us: there was about a week between the searches; the first time we were there Maj. Goodridge was behind the house; the second time, Pearson's son was there nearly all, as much as seven eighths of the time, watching to see that Maj. Goodridge did not drop any money: went in sleighs both times.

JOHN UPTON—*again*—was present at the first, not at second search at Pearson's: then a daughter of Pearson and Dr. Carter were there nearly all the time.

MRS. POLLY ALLEN—knows Reuben Taber; saw him last fall: don't know when; but it was at the time she understood he was in the gaol limits.

Richmond Stodder—saw him in Dec. by the new bridge in Salem, one Sunday morning; thinks it was before the robbery—Griffin, of Salem, told witness Taber slept there same night.

[The Prisoners' Counsel renews the motion to admit Reuben Taber as a Witness: the Court ordered this cause to be postponed, till Taber should be tried; whereupon the Solicitor General entered *Nol. Pross.* on Indictment against Taber, and Taber was sworn as a Witness.]

REUBEN TABER—said he was committed to gaol in Boston in Dec. last; don't recollect the names of his creditors; when asked if *Leach & Morrison*, he said yes: this is the first time he ever saw Maj. Goodridge, except at the examination at Newburyport; he staid in the limits till he was taken to Newburyport: no person ever came to him in disguise in Boston: never saw the Kennistons till to day, or through the gaol window; when he went to Berwick he called at Mrs. How's in Salem, in Dec. to get her son to sell some charts: her son had sold some before for him; stopped only a few minutes.

THOMAS PEARSON (for Prisoners) was present when the search was made with the rods:—saw Maj. Goodridge pass over the spot where the money was found,—saw him coming from the necessary:—this was at the second search, when the papers were found by Coburn:—witness said he told the same story when his father was examined; when the papers were found by Coburn, they were immediately enclosed in a paper; Goodridge was alone when he came out of the necessary; witness' father had told him to follow and watch Goodridge; while he was called away to the barn to get some hay, Goodridge went to the necessary; when witness returned, saw him coming out; did not see Goodridge when he went out, but supposes he went there from the fore door; had a full view of him when he passed the place where the money was found; he could then have dropped the money without witness' noticing him.

EDWARD DORR, Esq.—on Saturday, 22d Feb. last, was requested by Eb'r Pearson, jr. to go to the bridge—he said some money was found there; took Squire Nye, & went there; many were assembled there at the back of the house; there saw a piece of cloth, appa-

rently a wrapper for money, in the snow—poured hot water from a teakettle on the snow & melted it away—picked up the money—there were 6 pieces—the woman that first saw it would not pick it up till the magistrates came—the objected to having them touched till somebody came from Newburyport—witness kept them till Mr. S. L. Knapp came—there was about 3 inches of old snow under the money—it was almost ice—and about as much new snow above the money—witness has the money now.

JACOB COBURN, *again*, (for Comm.)—he found the papers in the vault—very difficult to take them up without defacing them—two pieces were dirty, and frozen in the ice—took up the floor and found two more, which had blown under a part of the necessary where they could not freeze—got a hoe and a hay-tucker to take them up—they had frost on them—the two first had appearance of having been there two or three nights—the last as much as one night, or they would not have been covered with frost.

MAJ. GOODRIDGE, *again*—says he thinks the person now here, called *Taber*, is the same person he talked with in Boston—there asked him if his name was *Taber*, and he answered, yes—thinks he is the same—he was then dressed in a light furtout.

WM. JONES, of Boston—about the last of January was present when Maj. Goodridge conversed with a man, who was understood to be *Taber* :—Maj. Goodridge previously informed witness he had seen *Taber*, and that *Taber* had agreed to meet him again : witness went with Maj. Goodridge to find *Taber* ;—Maj. Goodridge was in disguise ;—Capt. Silsbee lent him the clothes,—they were sailors' clothes :—Capt. Silsbee went with us :—Major Goodridge stepped aside, and asked us to wait for him till he returned :—he was gone perhaps three quarters of an hour,—witness then saw the man he called *Taber*,—he was dressed in a light furtout,—[looks at *Taber* in Court and says] he thinks from the size of *Taber that is he*, cannot say positively :—that appears like the countenance [looking in 'T's face] he saw,—thinks it to be the man according to the best of his judgment,—it was dark at the time :—after Maj. Goodridge left *Taber* saw him minute down the names of persons, of whom he said *Taber* had told him ;—the place where he saw Goodridge talking with the man was between the head of the Fish Market and Ann-Street.

Maj. GOODRIDGE, *called by Prisoners' Counsel*:—said he had suspicions of the Kennistons, as Mr. Caldwell had told him they were at his house the day of the robbery, but said they were miserable fellows and had not pluck enough to rob: but he never had thought he had knowledge enough of any persons to prosecute them till Taber gave him information.

[*Sol. Gen. moves to introduce evidence as to Maj. Goodridge's general character:—the Prisoners' Counsel objects:—The Court said it was certainly proper, after he had been charged with the grossest fraud.*]

Solicitor Gen. then called—

REV. MR. COCHRAN—resides at Cambridge now;—Maj. Goodridge was born near witness' native place: knew him till he was 18 years old: witness has since lived near Camden: he had felt always an interest for Maj. Goodridge, as there had been an intimacy between their families—his general character, as far as was in his knowledge, stands as fair as any—never knew one more fair:—have often made inquiries about him:—he formerly kept school.

ZADOCK FRENCH, *of Boston*—has known him about 6 years:—he hires a store at Bangor of witness:—has had constant commercial intercourse with him:—his character is remarkably correct and good—this he has heard at Bangor and from his acquaintance.

JOHN PARKER, *of Bangor*—Maj. Goodridge went there in 1812;—our stores are near together:—his character is fair—and witness never heard any thing against him in his life.

MR. GARLAND, *of Bangor*—Mr. Goodridge has resided in witness' family—his character is very fair—he is a man of credit and business there.

STEPHEN KIMBALL—lives at Bangor—his character is very fair—is in good credit and business.

DOCT. GEO. OSGOOD, *of Danvers*—first knew Mr. Goodridge in 1806, in Danvers—they boarded together in the same family about six months—afterward, lived near him two years—his character was as good as any man's he had known.

[Major GOODRIDGE was asked by the Prisoner's Counsel, about the letter put in Dover Post Office:—he answered, it was directed to Mr. Chisley, at Rochester: the Court said he was not obliged to tell the contents.]

WM. GALE—was at Newbury, Dec. 19th, in the evening, going eastward—passed the bridge about 8 o'clock, going to Amesbury: just by the hay-scales he met 3 men, loitering, not at all in a hurry: two short, and one tall man—the tall one spoke—he seemed to be a kind of a blackguarding character—couldn't understand what he said—'twas about 8 o'clock when he saw them—next morning he spoke of it—he had never been called to testify before.

MISS TABERS—both called again—say their father wore a very dark furtout last winter—and that he has not had a *light* one for three years.

JAMES HARRISON, again—never saw Taber wear a *light* or any furtout.

STEPHEN HOWARD, of Newburyport—the morning after the robbery, in the room at Pearson's, he saw the glove and pistol, and examined them—the pistol was a large horse pistol, about a nine inch barrel; the lock of the pistol was bloody; the pan was not dirty, nor the muzzle, as if they had been fired recently; he put his finger into the barrel: his finger was not soiled; asked for a white rag; then rammed down a piece of India Cotton in the barrel; it had no soil on it, there was only a little dry dust at the bottom, a little pulverized powder—he then gave his opinion, and now thinks, the pistol could not have been fired the night before.

[The Examination of Witnesses closed at 10 o'clock, A. M. Friday, The argument of Mr. Webster for the prisoners, of the Solicitor General for the Commonwealth, and the charge of the Judge, were closed about 5 o'clock, P. M. when the Jury retired. On Saturday morning, at the opening of the Court, they returned their verdict, NOT GUILTY; and the Prisoners were discharged.]