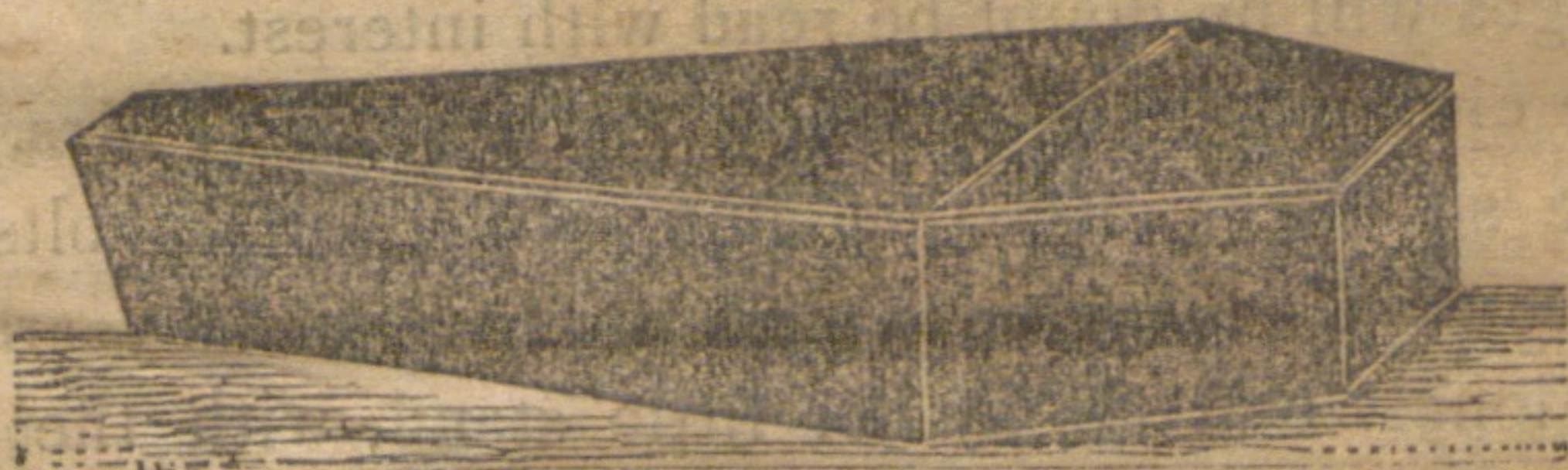


TRIAL AND EXECUTION  
OF  
**THOMAS BARRETT,**

WHO

First committed a Rape on the person of Mrs. HOUGHTON, of Lunenburg, an aged Lady of 70 years, and then foully murdered her to conceal his crime, on Sunday evening, Feb. 18, 1844, and who was hung at Worcester, Jan. 3, 1845.



TOGETHER WITH THE

**PARTICULARS OF THE EXECUTION,**

AND

**CONFESSIONS OF THE MURDERER,**

SO FAR AS OBTAINED.

**BOSTON :**

**PUBLISHED BY SKINNER & BLANCHARD,**

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**1845.**



## PREFACE.

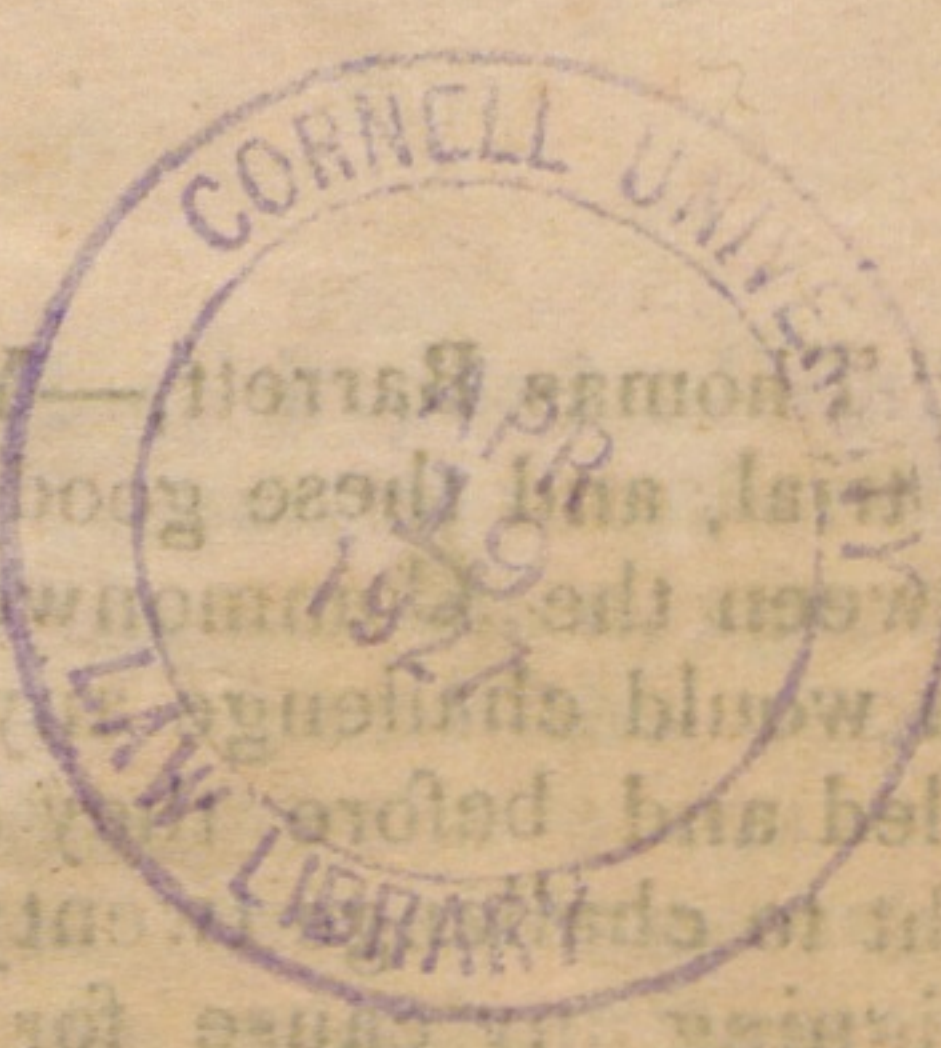
THE facts connected with the trial and execution of the unfortunate Barrett, have attracted considerable attention; and as nothing of importance has been published, save in the columns of a respectable country newspaper, the following pages will no doubt be read with interest.

The circumstances attending the murder of Mrs. Houghton are so atrocious, that humanity itself revolts at the sad spectacle. Imagine a pious old lady, of 70 years, sitting in her lonely cottage, by her little stand, with the word of God before her, and, no doubt, consummating a preparation for that eternal state, upon which, according to the course of nature, she must soon enter. Barrett, reeling from the dram-shop, enters her dwelling, and, with a lustful passion that would disgrace a brute, drags the old lady to the bed, and forcibly violates the chastity of her person; and then, to conceal this abominable crime, commits a greater, by seizing her by the throat and strangling her to death.

O humanity, how hast thou fallen! To what a depth of depravity hast thou plunged! But is there not a cause? Yes, verily. Crockett, in his last confession, said, "It was BRANDY THAT DID IT." So, with propriety, Barrett might say, It was not I, but CIDER that did it.

Let the youth of our land take warning by his unhappy fate. "Touch not, taste not, handle not," is the only safe course. For want of this timely precaution, how many promising young men have fallen victims to the hateful cup, and met, in the issue, with an ignominious death.





## TRIAL.

At the May Term of the C. C. Pleas for the County of Worcester, held at Worcester for the transaction of criminal business on the last Monday of May, 1844, *Thomas Barrett*, of Lunenburg, in said County, an Irishman, was indicted for the murder of *Ruth Houghton*, of said Lunenburg, on the 18th day of February, 1844. Said indictment, charging said Barrett with a crime punishable with death, the Court of Common Pleas ordered the indictment to be returned into the Supreme Judicial Court, then next to be holden at Worcester, on the first Tuesday of October following, to be there entered and proceeded upon according to law. The indictment contained a single count, and set forth that the said Barrett accomplished the murder of the said Ruth Houghton by fixing and fastening both his hands about her neck and throat, and choking and strangling her until she died.

[It is remarked here, in explanation of evidence in the case and the supposed motives of the accused in committing the murder, that the crime of Rape was contended by the Government to have been perpetrated by the Prisoner previous to the murder, and that an indictment to that effect was also framed against him.]

Hon. REJOICE NEWTON and BENJ. F. THOMAS, Esq. of Worcester, were appointed by the Court to defend the accused.

The trial commenced in Worcester, on Monday, the 7th of October, being the second week of the regular Law Term of the S. J. C. Present, His Honor the Chief Justice, and associate Justices Wilde, Hubbard and Dewey.

The Prisoner was arraigned and pleaded—"Not guilty."

Thirty-six Jurors were in attendance.

At 2 o'clock, P. M., on motion of District Attorney Wilkinson, the Court ordered the Clerk to proceed in the empanelling of a Jury. The Clerk addressed the Prisoner as follows:



"Thomas Barrett,—You are now arraigned at the bar for trial, and these good men whom I shall call are to pass between the Commonwealth and you upon your trial. If you would challenge any of them, you must do it as they are called and before they are sworn. Prisoner, you have a right to challenge twenty of the Jurors peremptorily, without assigning any cause for the challenge, and to challenge as many more as you have good cause to challenge."

The Clerk then proceeded to call the Jurors, who rose as they were called.

Before the Juror was sworn, the Chief Justice explained the object of the following question and read from the Revised Statutes the law in application. His Honor then propounded the same to the Juror, and to each successive unchallenged Juror in the order in which they were called.

*Ques.* Juror, have you formed any such opinion as would preclude you from finding the prisoner guilty of a crime punishable with death?

The panel being complete, the Court appointed Enos Dorr, of Worcester, Foreman.

The Jury was then called over as follows:—Enos Dorr, Wm. Baldwin, Wm. Ballard, Wm. Cheever, Joseph Dane, Zeleck Darling, Artemas Fay, Austin Holbrook, Lemuel B. Howe, Erastus W. Page, Joseph Poland, Jr., Charles Rice.

The Prisoner being ordered to rise and hold up his right hand, the Clerk then read the indictment to the Jury, and said,—“Upon this indictment, gentlemen, the prisoner at the bar has been arraigned, and upon his arraignment has pleaded Not Guilty; and for trial has put himself upon the country, which country you are. You are now sworn to try the issue. If he is guilty, you are to say so—if he is not guilty, you are to say so and no more. Good men and true, stand together, and hearken to the evidence.”

The District Attorney then opened the case on the part of the Government in a brief and appropriate manner. He commenced with addressing the Jury upon the responsible and solemn duty they were assembled to discharge—the principles and rules by which their action was to be governed, and the vast importance of their being calm, decided, and impartial in their deliberations. He then alluded to the position and situation of the prisoner, and the nature of the awful crime with which he stood charged. Murder, he comprehensively defined, the killing of a human being with



malice aforethought, either expressed or implied. He then read from several legal authorities in respect to the character and indicia of malice. He spoke of the condition, age, and character of the deceased—the time of, and the circumstances attendant upon, the commission of the crime. He then remarked upon the nature of the evidence which would be put into the case—that it was entirely circumstantial—and dwelt somewhat upon the more principal facts embraced in it. He then examined and illustrated the doctrine of circumstantial evidence, and read from established authorities in vindication of its propriety and general conclusiveness. He then proceeded to call the witnesses for the Government.

Mr. Thomas here moved, as the wish of the prisoner, that the witnesses should be separately examined. The Court ordered the Sheriff to provide a room for the reception of the witnesses, and instructed them to retire with the exception of the medical gentlemen.

The District Attorney then commenced the examination.

Ezra W. Cowdry—I reside at Lunenburg. [Here the Attorney introduced a plan of the premises, to enable the Court and Jury to understand the localities of the place of the murder.] I live not a quarter of a mile from where Mrs. Houghton lived. Her house was in Lunenburg. I had not been at her house for about a week before the murder. I went there on Monday afterwards. It was in February, I believe, the 19th or 20th day, about 9 o'clock in the morning. I went to get her to come and help mother wash. I found the outside door of the house open—the inside door was also open about a foot and a half. I went in. Mrs. Houghton was lying on the floor, near the bed at the back side of the room. She was on her back, with her right hand raised and clenched. I noticed her dress. It was pretty well torn to pieces. The gown part was torn about half off the waist. It looked as though it had been pulled down over her legs. I touched her and found she was dead. Her neck was bare and her right arm was also. I noticed the things about the room. The chairs were turned all bottom up. The lamp was broke, and the top part laid by her side—the other part was on the light-stand. The bed was torn to pieces considerably—the biggest part of the clothes was off, and the bed tumbled. The bed usually stood on blocks—it was knocked off the blocks. I saw no gloves there.



[The gloves here alluded to were a pair of woolen ones of a bluish color, found in a chair in the room the morning after the murder, which were proved to be the same that had been in the possession and ownership of the prisoner.] I went directly home to call my father. I went back to the house again in fifteen or twenty minutes. I stopped at a house on the road and told the folks of the murder. Father went to the house before I got back the second time. I staid at the house the second time about twenty minutes. I then saw a pair of gloves—they were in a small chair by the stove. Mrs. Houghton was my grandmother—she lived alone—my father's house was nearest her's—the house on the other side next to grandmother's was about quarter of a mile off. I did not alter the situation of things in the house.

No cross examination.

Elmous Cowdry—I was son-in-law of Mrs. Houghton. She lived alone. I think I had not seen her for a month before the murder. I was not at her house on the Sunday the murder is supposed to have been committed—I was there on Monday afterwards. I went down and carried my wife and mother. Mrs. Houghton lay on her back by the side of the bed, with her right arm raised. She was covered up with a quilt. Her head dress was off, her false hair was gone and laid in places at the south part of the room. The bed was chucked forward off the little blocks which were used to raise it up. The bed did not look as if it had been occupied for sleeping—it was much tumbled. She did not appear to have been undressed for the night. One of her shoes and one stocking were off, and laid at the south side of the room. The house fronted southerly. The bottom of the lamp was on the light-stand—the top was by the side of the quilt—it was a glass lamp. The hearth of the stove was knocked down—it was a sheet-iron stove. The ashes and a fire-brand were knocked out on to the floor. It was about 8 o'clock in the morning when I was there. Two physicians were called in after sending for a coroner. I saw a pair of gloves in a chair in the room where Mrs. Houghton was.

No cross examination.

Alfred A. Haines—(a boy about 12 or 14 years of age.) I live at Shirley Village—I lived in Shirley in February last. I heard of Mrs. Houghton's murder. It was on Monday morning I heard of it. I was at Mrs. Houghton's on Sun-



day before, between 8 and 9 o'clock in the morning. Mrs. H. was in a rocking-chair, combing her hair. I stopped in there to warm me. She appeared to be well. I did not stay more than 15 minutes. No one else was in the house. I was going from Shirley to my father's house in Lunenburg. I could get a chance to go home only on Sundays. I remember it was the very Sunday she was murdered. She was murdered that night.

No cross examination.

Dr. Joseph H. Streeter. I reside at Shirley village. I resided there in February last, rather more than a mile and a half from Mrs. Houghton's house. I was called at Mrs. Houghton's house on the occasion of the murder, by Mr. Howe. I went there first about 10 o'clock in the forenoon. Dr. Parker, I believe, was there when I arrived. We made an examination in the afternoon after the coroner arrived. The room was very much disordered—furniture scattered about—the bed was much disordered—part of the bed-clothes were on the floor partially over the body, and the bedstead was removed from the blocks which it stood upon—upon the bed was dirt, and black or soot resembling cinders—bed did not appear to have been slept in during that night. I examined the body—the dress was very much torn about the neck—appeared to have been torn open partially—the sleeve of the right arm was thrust up nearly to the shoulder, and the skirt was torn; the skirt of the dress covered the body down to the knees; one shoe was off and laid in another part of the room, and one of the garters; the false hair was torn off the head and laid on the floor, and her cap laid on the floor also. Deceased had on drawers—the drawers were disordered and discolored about the body and the lower part of the abdomen. She was lying on her back with her limbs partially bent toward the body, her right arm raised and her hand clenched; the arm and limbs were partially frozen. There was a foot or so of snow on the ground at the time. We examined the body. On exposing the body, there were marks of violence on different parts of it; the skin was torn off the face partially, and at the right side of the lower jaw was the mark of a severe blow, where the blood was coagulated under the skin; there were further marks on the chest and neck; the skin was removed in spots from the shoulder-blades and likewise from the elbows, and about half way from the elbow to the wrist, on the right arm was the mark



of a very severe blow. We opened the body—the lungs were full of blood, coagulated—on the left side of the neck the blood was coagulated under the skin, and round upon the shoulder. The contents of the stomach were natural, and all the organs of the abdomen; no marks of disease upon them. My opinion was, that death was caused by suffocation and strangulation; of this, I had no doubt. The force, I think, was applied to the internal part of the neck. Several of the ribs were broken—five on the left side and three on the right. I should think deceased was 70 years old, about five feet and three inches in height, of slender form. There were marks of violence from which I think the body had been violated.

On cross-examination, witness stated that the contents of the stomach could not have been in more than an hour or two before the force was applied.

Dr. James Parker. I reside at Shirley village. I was called to examine the body of Mrs. Houghton after she was murdered. I went about 10 o'clock, in the morning—found the body lying on the floor, on the back; her right arm was partially raised. The furniture was in great disorder and some of the chairs were turned bottom up, and the lamp was broken. I examined the body with Dr. Streeter. Our examination and opinion agreed in all respects. My opinion was, that death was occasioned by strangulation, produced by a hand or hands upon the interior of the neck, from the marks of violence there exhibited. I examined the stomach and found a quantity of food partially digested. Did not discover any marks of disease in the body.

Cross-examined. The marks on the neck might have been produced by one hand, though I should think more than one was used. The coagulated blood was up and down on the left side of the neck about three inches—and about half that on the right side. I concur with Dr. Streeter as to the time in which the food had been in the stomach. There was a livid appearance of the lips, such as usually happens where death is caused by strangulation. There was no unusual protrusion of the eyes.

Oliver Whitney. I reside in Lunenburg, about a mile and a quarter from where Mrs. Houghton lived. I lived a quarter of a mile from the Fitchburg Railroad crossing. I know the prisoner; he lived at my house. He came there the 13th of December. I remember the Sunday before Mrs.



Houghton's death. The prisoner left my house about twenty minutes past nine o'clock on that day. [Here a glazed hat and a pair of gloves were brought into court which had been in possession of the coroner.] Prisoner had on, that morning, a high tarpaulin hat; I should know the hat at sight. [Here witness recognized the hat brought into court, as the one the prisoner wore.] Prisoner had on also a spencer and a pair of gray pants. He had a pair of gloves when he went away on Sunday; I should know the gloves at sight. [Here witness recognized the gloves brought into court with the hat, as the ones prisoner wore.] Prisoner proposed to go to the shanties on the railroad when he left my house; he had usually gone there on Sundays while living at my house. I next saw him Monday morning afterwards, about twenty minutes past sunrise; he came to the breakfast table as I was about sitting down to breakfast. After he had sit down to the table, I noticed he had a bruised eye. I asked him where he got his bunged eye; he said he fell on the jigger at the railroad and hurt it. I did not notice any other marks about him. I went away after breakfast and did not return till night; left prisoner at home to do the washing. I heard of Mrs. Houghton's death that day, at Shirley village. I went from Shirley village to Mrs. Houghton's house—I saw the gloves there, I went home then, and about three minutes after I got home two gentlemen came to my house. Barrett was at home when I got there. The gloves were brought to my house; Major Longley brought them there. Barrett was in the habit of keeping his gloves in a cupboard at my house, and was very particular to put them there. I went and looked in the cupboard and did not find them. I then told Barrett his gloves were found at Mrs. Houghton's. My wife and Barrett then said he had sold the gloves yesterday at the shanty. Barrett and I then started in a sleigh to go down to the big shanty, to find the man to whom Barrett said he had sold his gloves, and while we were going, Barrett told me he went into Mrs. Houghton's to light his pipe; did not say when he went into Mrs. Houghton's. I asked him where he sold his gloves. He pointed out the place on the road. It was about half way from the deep cut to the big shanty on the road towards Lunenburg. While we were going to the shanty Barrett said, If I do not find the man, they will lay it (meaning the murder) to me, wont they? I told him I supposed they



would. I said nothing more to him about going to Mrs. Houghton's. He said the man he sold the gloves to was a stranger—a dark complexion man with black whiskers, and that he told him he slept the night before at the big shanty.

Cross-examined. Prisoner had worked for me two months lacking one day. He was employed to carry provisions, &c., to the shanties and took care of my cattle. He used to do the family washing; did it the day after the murder. He was a good man to work; appeared to be an honest, upright, fair man. He always attended to my business faithfully. I never knew him till he came to my house. I know nothing of his general character before he came there; while he was with me he behaved well. He had on a yellowish colored vest when he left my house, Sunday. He had no money the week before the murder. I recollect his buying a pair of combs of a pedlar that week; they were what are called silver combs; I paid for them; the price was nine-pence; he bought a pair for a cent, and said that was all the money he had. I told him to buy a better pair if he wanted them, and I would pay for them. He did so, and I paid 11 cents, which, with the one he paid, made the nine-pence. After he was arrested, he produced a little change; do not recollect how much; I had not paid him any money. He said he got the money by selling the gloves. There was a railroad being constructed through Lunenburg at the time of the murder; there was a large number of Irishmen there, scattered on the line of the road. The big shanty was a boarding-house, kept by Michael Ryan. I delivered Barrett up to the officer at Ryan's shanty; he did not say anything about the time when he was at Mrs. Houghton's. I know nothing about the hat or gloves to identify them as the ones Barrett had but the complexion of them. He always brought me the money correctly when he sold articles of produce, &c., at the shanties.

Re-examined by District Attorney. I do not know whether or not prisoner wore the same clothes, when he came home Monday morning, which he wore away on Sunday. He said he sold the gloves for 30 cents. I do not know that he did not have money of his own, except from what he told me.

Mrs. Mercy Whitney. Mr. Oliver Whitney is my husband. Thomas Barrett lived at our house nearly two months. I recollect Mrs. Houghton's death. She was nearly 70 years



of age. I do not know that I had seen her for 10 years. Prisoner left our house after breakfast Sunday morning, the day she was murdered, between 8 and 9 o'clock. He had on a dark spencer, gray pants, and high tarpaulin hat. [Here witness recognized the hat brought into court.] He went to the cupboard and took his gloves before he left the house. [Here witness also recognized the gloves.] I next saw him on Monday morning, a little after sunrise. I first saw him coming into the kitchen. I did not notice whether his dress was the same as when he went away—did not see his hat afterwards till I saw it at the examination before the magistrate. I noticed marks on his face—he had a bad looking face—he had a very black eye. I heard of the murder about 4 o'clock, Monday afternoon. A boy who lived with us told me of it first. Barrett was not in the room at the time—he came in while we were talking about it. I asked him where his gloves were. He said he had sold them. I told him somebody had broken into Mrs. Houghton's house the night before and murdered her. He said it was too bad. I told him his gloves were found in the room at Mrs. Houghton's. He said they were not his now, he had sold them. He stammered a little. I asked if he had sold his gloves on Sunday—he said he sold them before, and delivered them up on Sunday. Barrett was in the adjoining room when the boy told me of the murder. The boy came through the room where Barrett was when he came into my room and told me of the murder.

Cross-examined. Prisoner worked in the house part of Monday after the murder—he done the washing of the family. His conduct was good while with us—I know nothing otherwise of his character.

Benj. Edes. I lived in Shirley village in February last. I saw the prisoner the Sunday night Mrs. Houghton was murdered, at Fales' tavern, in Shirley. It was about an hour after sundown he was there. He was sitting in a chair by the fire when I went into the tavern, and he called for something to drink. They had nothing but cider, and he took a tumbler of that. He had on a spencer and a paddy hat. [Here witness was shown the hat in court, and recognized it.] He had a pair of gloves; one was on and the other was in his left hand. They were woolen gloves. He asked how far it was to Boston. I told him 35 miles. He said he had "come all the way from there to-day, it was



bad going, and he was sick enough of it." I left him in the tavern and went home. He went past my house in about 15 minutes afterwards. He was going towards where the murder was committed. I noticed him when he passed; he made tracks both sides of the road. It is about half a mile from my house to Mrs. Houghton's.

Cross-examined. It was Sunday evening before the woman was murdered, I saw him at Fales'. I went there to get clothes to wash. Irishmen are frequently about Fales'. Nothing particular about the prisoner attracted my attention, only I thought he was a little *stewed*. I was in the tavern about 15 minutes. I saw no other Irishman that evening. I saw him pay the boy for the cider. He gave him a piece of silver, and the boy gave him back a piece of silver and some cents.

Jeremiah Tarbox—I resided in Shirley Village in February last. I recollect the Sunday evening before Mrs. Houghton was found dead. I was at Fales' tavern that evening. I did not know Barrett before that evening, when I saw him at Fales' about 6 o'clock in the evening. I was there when he came in. He asked for beer. He had a pair of mittens or gloves. They were blue woolen ones. He had no marks or bruises on his face. I left him there. He had nothing to drink while I was there. I did not see him afterwards.

Cross-examined—It was almost sundown or little before, when I was at Fales'. I had been there about 5 minutes when Barrett came in. He set close by the side of me; it was on the 18th of the month. It was Sunday. He had on a spencer. I could not say whether they were gloves or mittens which he had.

Joseph B. Edgerton—I resided at Shirley Village in February last. I recollect the Sunday before Mrs. Houghton was murdered. I passed her house that Sunday afternoon, between sundown and dark. Mr. Jacob Walker was with me; we noticed her house as we passed, and spoke of her living there alone. The house was shut and the window curtains were up as usual. We were going home to Shirley. We met a man near Mr. Longley's factory in Shirley. He had on a glazed hat, dark spencer, and lightish colored pantaloons. He walked as though he was intoxicated. In general appearance he resembled the prisoner. We met no other person on the road.



Cross-examined. It was not dark entirely when we met the man; it was about 6 o'clock. He staggered as he walked.

Jacob Walker. I resided in Shirley in February last. I recollect the Sunday previous to Mrs. Houghton's being murdered. I passed her house about sundown, in company with Mr. Edgerton. I was going to Shirley village. I noticed the house as we passed. We spoke of her living there alone, &c. The curtains were up and the door shut. There was nothing unusual about the house. We met a man about three-fourths of a mile below there, towards Shirley village, close by Longley's factory. He had on light pants, dark jacket, and a tarpaulin hat. He was walking pretty fast. We met no other person.

Cross-examined. There was no light in Mrs. Houghton's house as we passed; the window curtains were rolled up about half way.

Adjourned to 9 o'clock next day.

*Tuesday, October 8.*

[At the opening of the Court, Mr. Thomas addressed the same in reply to objections made by the District Attorney, the evening previous, as to the right of the prisoner's counsel to examine the witnesses respecting the general temper and disposition of the prisoner; his native character for mildness, humanity, &c., and introduced several authorities upon this point. The Court ruled such evidence admissible.]

The examination of witnesses for the Government was continued.

Timothy O'Gary. I lived near Shirley village in February last. I kept a shanty, and worked on the railroad. My shanty was on the left side of the road leading from Shirley, a short distance from the railroad. Two persons boarded with me. I heard of Mrs. Houghton's death. That Sunday night, Barrett came to my shanty; I was in bed; he knocked at the door and wanted to come in. I let him in; he asked for a pipe to smoke; I told him I did not know where there was one; he then took out his own pipe; he wanted a bed to sleep, and offered to pay for it. It was about 9 or 10 o'clock. I heard the clock strike 9 after I went to bed, about half an hour before Barrett came; I heard it strike 10 after he went to bed. There was no light in the room; I did not see his face. I thought



he was a little intoxicated. I knew Barrett but a little before that. I had not seen him that day before.

Cross-examined. Barrett said he was ashamed to go home to his employer's house, and if I would let him have a bed he would pay for it. I went to bed after 8; can't say how long after 8.

In reply to the Court, witness stated; prisoner said he had been down to Shirley village, and happened to be late. He left my house between 6 and 7 o'clock in the morning; he bid me good morning as he went out; I did not see his face.

Jas. McLean. I worked on the railroad in February last, and boarded at Mr. O'Gary's. I heard of Mrs. Houghton's murder the afternoon of the day after she was murdered. Barrett came to O'Gary's shanty Sunday night; I had been acquainted with him about a month. I was in bed when he came up garret; there was another chap in bed with me. Barrett came between 9 and 10 o'clock. He came to my room and staid there. I lit a light after he came up there, and noticed his face. It was scratched from the eye down upon the cheek. I saw no other marks; one eye looked black. He asked me to look at his face. I asked what had happened to it. He said he fell against the car in the railroad pit where he worked. The excavation near the shanty was 8 feet deep in some parts of it. He left part of his clothes in the kitchen before he came up. I did not notice his dress; said he had been down to Shirley village.

Cross-examined. The jigger is at the bottom of the excavation, and is moved up as we go along in digging.

Maria Cowdry. Mrs. Houghton was my own mother; her age was 70; her health was good. Her supper hour on Sundays was generally before sundown. She had no dinner usually on Sundays. I went to the house after the murder was discovered with my husband; staid there about 15 minutes; the position of the body was not altered while we were there. The furniture was much disordered; her glasses laid upon the floor; and a book; it was a Testament.

Cross-examined. She usually ate her dinner and supper as one on Sundays, about sundown; this was her practice when she had a family.

Re-examined by Attorney. I saw a pair of woolen gloves there immediately after I went into the room; they laid in a chair; I spoke to my husband about them; they were not touched; I did not see them afterwards.



To inquiries made by the Court, witness said ; the house was situated back from the road ; there was a fence before it, with an opening leading up to it. The house fronted on the south ; with a door in front, and a room each side of the door. There was a door on the back side of the house leading into a shed. There were curtains to the windows ; they were white and rolled up.

William Wilder. I live in Middle Leominster, and am coroner. I empannelled a jury to inquire into Mrs. Houghton's death. I went to the house about 2 o'clock on Monday. I was not acquainted with Mrs. Houghton. The house was a one story house, and was about 30 feet from the road, with a rail fence in front. There were two physicians at the house when I arrived there. I noticed the things in the house, they were much confused. I noticed some gloves there soon after I went in ; they remained in a chair until after the examination of the body. I found a mark on them ; they had been torn down on the side and sewed up with black thread. Mr. Longley took the gloves. I saw them at Fitchburg at the examination of the prisoner.

[Here District Attorney attempted to put in what prisoner said about the gloves, at the examination before the magistrate. Counsel for Defence objected, on the ground that where an examination had been had and evidence reduced to writing, parol testimony of what the prisoner may have said at the examination, could not be admitted, and that the minutes of the magistrate were the only proper evidence. Court decided that, although confessions of the prisoner were no part of the official proceedings, yet any witness who was present at the examination might state what statements or confessions were made by prisoner, such confessions having been made voluntarily.]

The attorney resumed the examination by asking witness, whether he exhibited the gloves to the prisoner at Fitchburg.

I did not ; they were there in court ; the magistrate showed them to prisoner and asked him whose they were. Prisoner said they are my gloves, but I have sold them. Prisoner said he sold them Sunday after he left Mr. Whitney's ; that while going to Shirley he met two travellers and sold one of them the gloves. [Here witness was presented with the gloves which were brought into court, and pronounced them the same as found in the house, and as exhibited to the prisoner at Fitchburg.] There was a hat also



produced at the examination at Fitchburg. I brought the same here before the Grand Jury. Can't say whether the hat here in court is the same or not. Don't recollect whether prisoner said any thing about the hat, at Fitchburg. I first saw Barrett at the railroad crossing. I noticed his face; there were marks on it; his eye was hurt badly, and several scratches on his face. I spoke to him about his face after he had been brought back to Leominster. I put my hand on his shoulder and asked him if the old lady kicked his face with her shoe, and made the marks. Don't recollect what reply he made; his countenance changed suddenly, and he seemed much irritated.

Cross-examined. The gloves were in my custody until they were brought before the Grand Jury; I kept them in my desk at my house; the hat I kept in a closet in my chamber. When I came before the Grand Jury, I put the hat and gloves into the hands of Mr. Jackson, superintendent of the Court House; am not sure whether they were carried into the Grand Jury's room or not.

Mr. Levi Jackson. Mr. Wilder deposited with me a hat and a pair of gloves on the first day of the session of the Grand Jury, last May. I delivered them to him again yesterday. [Here witness recognized the hat and gloves in court, as the same Wilder deposited with him.] They have been in no other person's possession since to my knowledge.

Joseph L. Darling. I reside in Leominster; am constable. I summoned a jury to sit on the body of Mrs. Houghton. I saw Barrett that day, towards night, at Mr. Whitney's. It was Monday night. I went to Whitney's about 4 o'clock, P. M. I took Barrett into my custody that night. I went with him and others to Ryan's shanty, to see if we could find the man to whom he said he had sold the gloves; he told me he sold his gloves the day previous, to an Irishman, near the railroad crossing. Prisoner said the Irishman told him he stopped at the big shanty. We went to the big shanty; we found no one there but those that belonged there. We also went to the shanties near Leominster village. This was on Monday evening. The men were not at work; they were at supper. Prisoner went to the door of the several shanties, looked in, and said he could not find the man; he made a very light examination; we did not stop but a few minutes. On Tuesday morning, on our way to Fitchburg, we stopped at the shanties between Leomin-



ster and Fitchburg; prisoner immediately said the man was not there. We also stopped at a place on the road where about 15 or 20 hands were at work, and also passed other men on the road, who were shovelling. Prisoner said, at the different places, he saw nothing of the man to whom he sold his gloves. He said he did not expect he should find him, and he should have to suffer for it. I asked him where he was Sunday evening, from the time he left Shirley till he arrived at O'Gary's shanty. He said he was all the time on the road.

Cross-examined. I inquired at the big shanty whether any stranger had been there, and was told there had been none.

Michael Ryan. I kept a boarding shanty in February last, about a quarter of a mile from O'Gary's shanty. I had 42 boarders at that time. The first time I heard of Mrs. Houghton's murder was Monday night, about sundown, when the folks came to my shanty. There was no one at my house but the regular boarders for a week before that.

No cross examination.

[Here the Government rested the case.]

Mr. Thomas made the opening address in defence, and spoke about half an hour in a calm, dignified, and truly impressive manner. His exordium was strikingly appropriate and eloquent, and was listened to with general attention and admiration. Want of space prevents our giving a sketch of his remarks. After forcibly referring to the exclusively *circumstantial* character of the evidence in the case—the uncertain and fallible nature of such evidence, and citing, in illustration, divers cases of the conviction and execution of innocent persons; he laid down, as the true principle in doctrine, and by which the jury was to be governed, that the circumstances proved must lead to, and establish to a moral certainty the hypothesis sought to be sustained by them. In conclusion, he remarked that the only testimony the Defence were able to offer related simply to the natural disposition and character of the prisoner.

Haskell Cummins. I live at Ware; am a farmer. I know Thomas Barrett; he lived with me 7 months from the 20th August, 1842. He worked on the farm. Should think his reputation for mildness, humanity, &c., in the neighborhood was very good; so far as I knew him, he was always very mild; never saw him in anger; always seemed



to possess a very feeling disposition. After he left me I recommended him to a brother-in-law, and he lived with him 5 months; never heard any thing against him during that time.

*Cross-examined.* I knew nothing of him previous to his living with me. He came to me partially recommended from an old acquaintance. He was absent only 4 days during the time he worked for me.

Oliver Whitney—(called by the Government.) So far as I have seen or known, there is not a more humane man in being than the prisoner.

Mercy Whitney. The vest which Barrett wore on the Sunday in question is at our house. I noticed it a few days ago; it was quite clean; no spots of dirt or stains on it.

The evidence being all in, at half past 3 o'clock, Mr. Newton commenced the closing argument for the defence. He reviewed and discussed in an able, faithful, and elaborate manner, all the facts evolved in the case, and the circumstances which bore in vindication of the prisoner; and closed at half past 7, when the court adjourned to 9 o'clock, next morning.

*Wednesday, October 9.*

At the opening of the court, the District Attorney concluded the case for the Government, in a clear, dispassionate, and convincing argument, which occupied about two hours. The Charge to the Jury was by Judge Hubbard, and occupied an hour, and was distinguished for ability, and in tone against the prisoner.

Our limits will not admit a more particular notice of the concluding arguments and charge.

At half past 12 o'clock, the Jury retired. At half past 2, they came in, and being called, answered to their names.

*Clerk.* Thomas Barrett. [Here prisoner stood up.] Gentlemen of the Jury, have you agreed upon your verdict?

*Jurors.* Agreed.

*Clerk.* Who shall speak for you?

*Jurors.* Our foreman.

*Clerk.* Prisoner, look upon the foreman. Foreman, look upon the prisoner. What say you, Mr. Foreman, is the prisoner at the bar guilty or not guilty?

*Foreman.* Guilty.

The prisoner was slightly moved at the verdict; the Jury was dismissed, and the prisoner remanded to prison.



*Thursday, October 10. Sentence.*

At half past 9 o'clock, the prisoner was brought into court to receive the Sentence of the law. His Honor the Chief Justice inquired of the prisoner if he had any thing to say before the passing of the sentence.

*Prisoner.* I am innocent of all and every thing that has been said here before the Court and Jury and all—so help me God. I am ready to have the sentence passed.

The Chief Justice then addressed the prisoner in the following solemn and deeply affecting manner, during which the prisoner manifested much agitation and grief:

Thomas Barrett, you are now set to the Bar for the last time, and it has become the painful duty of the Court, to perform the last act incumbent upon them, in the conclusion of this distressing trial. That duty is to pronounce the awful sentence, which the law affixes to the heinous crime of which you stand convicted;—a sentence which must shortly consign you to an ignominious death.

In performing this act of official duty, we are unwilling that an occasion of such deep and thrilling interest, should pass away as a mere cold, legal formality. Deeply impressed, as we are, with sympathy for a fellow being, whose days on earth are shortly to be numbered and finished, we would fain avail ourselves of the opportunity, to take a slight review of the circumstances which have led you to this most painful crisis—to remind you of the course and termination of your trial—and, by some allusion to the awful consequences which await you, to awaken you to a consciousness of your forlorn condition; to a realizing sense of the need you have of devoting your few remaining days to sincere penitence for your past offences; to earnest endeavors to make your peace with God.

You have been legally and formally accused by the Grand Jury of this County, of two crimes of the most atrocious character. You have been brought to trial for one of them, under circumstances the most favorable to make your innocence appear, if innocent you was. Three full juries were summoned, for the special purpose of this trial, from whom twelve, of your own choice, were selected. You have had the advice and assistance of able, faithful, and eloquent counsel, to examine the witnesses and to present to the jury the most favorable views of your case;—to whose judicious management, and untiring exertion, we can bear ample



testimony. You have had an opportunity to command the attendance of any witnesses, who could give testimony in your favor to the jury;—and after the fullest examination, and the most deliberate consideration of this evidence, they have pronounced you *guilty*. To this verdict no ground of legal objection has been taken; and in behalf of the Court, I am constrained to say, that with this verdict they are entirely satisfied. The evidence, though circumstantial, was of a character which a jury might well consider as full and conclusive.

And what is the crime, the aggravated offence of which you thus stand convicted? One of the most cruel and atrocious, which a man can commit; the forcible violation of the chastity of an aged, respectable and lonely female, and the cruel murder of the same person, to conceal the foul act already done. Every generous sentiment—every manly feeling—the plainest dictates of common humanity, must have spoken in trumpet tones against the indulgence of any passion which could tend to such a deed; but it spoke to a heart dead to every sentiment of duty and humanity. She was a female; she was aged; she was alone and unprotected, except by the consciousness of her own innocence, and her belief in the honesty of others. Quietly seated by her own evening fire, under her own humble roof—seeking divine wisdom in the scriptures of divine truth—making the best preparation in her power, for that change of worlds, which she was admonished by her declining years, so soon awaited her, when she suddenly became the victim of your brutal lust, and was forthwith sent to her final account, with a degree of force, violence and cruelty, which actually appals the imagination, and makes humanity shudder.

The law of Massachusetts puts the crime of rape in the list of its most atrocious offences, and affixes to it a penalty as high as that against murder itself; and this in accordance with well established and long settled public opinion. We are happy to believe, that if there is any one sentiment, more deeply impressed than another, upon the hearts of the people of this State, it is that of respect for woman. Every female of pure life and good character, be her station, occupation, and condition in life what it may—exalted or humble—young or old—married or single, is considered as entitled to that delicate respect and deference, which secures her not only from injury, but from insult.



As fathers, as brothers, husbands, and sons, we cherish this feeling; we impress it deeply on the minds of our sons. It is cherished and inculcated not only as a manly sentiment, but as the surest basis of social duty and happiness. It not only promotes refinement of manners, and a general respect for the rights and feelings of the tenderer sex, in the external intercourse of society; but it sanctifies the relations of home, and adds purity, dignity, and strength to the domestic affections. So prevalent and general, we are happy to believe, is this pure and elevated sentiment in this community, that the pervading impression is not that the possession of it is remarkable, but that the want of it is infamous. Had you possessed the faintest spark of this manly feeling—this respect for woman—it must have repulsed that first movement of passion, which led to consequences so much to be deplored.

But a fact came out in the course of this evidence, which to a certain degree accounts for these cruel and detestable acts. It is, that you had been indulging in the use of intoxicating liquor. Indeed, it became necessary for your counsel, in their very able and ingenious attempt to defend you, not only to admit, but to rely on the fact, that you were intoxicated. If this indulgence was habitual, it goes far to counterbalance the evidence of good character, which was offered in your behalf, especially if, as it was intimated, you sedulously concealed this fact from your employers. This adds another to the long catalogue of atrocious crimes, which owe their origin, directly or indirectly, to intoxication. He who permits himself to indulge in this baneful practice, puts himself in that dangerous condition, in which the passions are inflamed, reason darkened, the voice of conscience stifled, and the wretched man is thus fitted to become almost against the dictates of his better nature, the atrocious criminal. Let this instance serve as a new and additional caution to all; not only to foreigners, but to our own people; not only to those of mature years, but especially to the young, to avoid the first beginning of that vice, which, though it may appear venial at first, leads to consequences so appalling.

In recalling your recollection to the incidents which have been disclosed in this trial, and the deep and awful criminality which it exhibits, it is not our object to excite painful feelings, by the review, except for your own benefit; and to awaken your own conscience, if possible, to a just sense of



your sinful condition. We regard you with feelings of compassion; and though erring and criminal, still as a man and a brother. We would gladly be of service to you. We would therefore kindly, *but earnestly* advise you, in view of the ignominious and speedy death, to which the law, through us, is now to sentence you, to consider the heinousness of your crime—a violation at once of the laws of God and man; to review your past life, and by sincere repentance to seek the forgiveness and pardon of God, as your only refuge.

Perhaps you have hitherto indulged the belief, that if the deed, of which you are convicted, was done in darkness, if no human eye witnessed the act, it could not be detected. But if such has been your belief, you have now to learn, by sad experience, that as all deeds of darkness are open and visible to the eye of God, as if done at noon-day, so he has furnished his intelligent children, in the course of his wise and beneficent Providence, with the means of discovering and punishing secret crimes, as effectual, as the testimony of eye witnesses. But will you not from this, learn a deeper and holier lesson, and believe that every secret act of your life, every concealed recollection and thought of your heart, are known to that Omniscient Being who is the author of our being and the Governor and Judge of men; and learn, also, that there can be no hope of his pardon, but by a true, hearty, and sincere repentance of all your secret, as well as of all your known and open sins.

Let us earnestly entreat you, during your few remaining days, to devote the whole energies and faculties of your soul to penitence and prayer; and ask the aid and advice of the ministers of religion, to instruct you in the truths of our holy faith, and aid the efforts of your own mind, to fit and prepare you for that change of worlds, which so soon awaits you. Humble yourself, then, we beseech you, before that Being, with whom is abundance of pardon, and you may yet hope for mercy, in another and better world.

And now, nothing remains for us, but to pronounce the solemn sentence of the law, which is—

That you be taken back to the prison from whence you came, and thence, at such time as the Executive Government of the Commonwealth may, by their warrant, appoint, to the place of execution, and there be hung by the neck until you are dead.

And may God, of his infinite compassion, have mercy on your soul.



## UNSUCCESSFUL EFFORT FOR PARDON.

Yesterday, January 2nd, a petition having been presented to the Governor for his reprieve, a hearing was had before a committee of the council.

Rev. Mr. Pierpoint and Wendell Philips, Esq. appeared in behalf of the petitioners. After a patient and candid hearing, the committee made a report against the petitioners, which was unanimously accepted by the council. So the reprieve was not granted.

## CLOSING SCENE.

The executive warrant, issued some time since, was this day, January 3, carried into effect; an account of which follows: The Execution was as strictly private as the circumstances of the case would admit. A gallows was erected in the passages of the jail, and no one was allowed to be present, save the physicians of the place, the deputies and other officers, the county commissioners, and a few others as witnesses of the awful scene. At 15 minutes before 10 o'clock, the prisoner was brought out from his cell. He looked pale and haggard, and manifested the greatest alarm, trembling, and shaking from head to feet; so that with difficulty he could keep himself upright. He betrayed more feeling during the reading of the death-warrant than at any other time. For the most part, during his confinement, he has been savage and morose. Several times he has threatened the life of Mr. Matthews, the jailer, and at two different times has he assailed him with the stool which was allowed him as a seat. But for the last few days of his life he was very submissive and quiet, though much excited.

The Executive Warrant, fixing the day of his execution, seemed to make a very deep impression upon his mind.

The day before he was hung, he requested of the jail-keeper's wife, as a favor, that no more food should be brought



to him, as he did not wish to eat. He has been attended in his confinement by a Catholic priest, who promised to pray him out of purgatory, which seemed to afford him great relief. When he ascended the platform, he cried out, "O God! God have mercy on my soul!" &c. He then asked the forgiveness of Mr. Matthews and of all others. After being pinioned in the usual manner, and the cap drawn over his eyes, he bid all present a farewell, and gave the signal of his being ready. The High Sheriff then performed his duty. The drop fell, and the miserable man perished at half past 10 o'clock, and without a struggle. After hanging a few minutes, a slight tremor was discoverable, which was the only indication of suffering. We understand that he has made a full confession to the priest, but of what nature no one can tell, as the Catholic confessional is held sacred. We have been at great pains, and have gathered all the particulars which can be obtained.

Barrett was a man five feet five inches and a half high, thick set, light complexion, with dark eyes, and long hair. When first committed to jail on the 21st of February, he said he had no wife, but he confessed at last, that he had a wife and four children in Ireland.

Thus has perished from among us, one, who but for the inebriating cup, might have lived happy and respected. While, therefore we turn away with loathing from the wretched murderer and his crimes, let us not forget that those who furnished him with the liquor which thus inflamed his passions, and hurried him on to his deeds of blood, *still* LIVE.

Again, in conclusion, we say to the young, beware of the fatal cup—it is the cup of death—it is in truth a "*liquid fire*, it is a DISTILLED DAMNATION."