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Abstract

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The case

In Newport Rhode Island in the summer of 1833, a minister of the Methodist Episcopal Church, Ephraim Kingsbury Avery, was tried for the murder of a mill-worker, Sarah Maria Cornell, in the small settlement of Fall River, near the Rhode Island-Massachusetts border. The case had wide publicity coverage, and set judicial precedents: forty eight jurors were challenged before twelve were empannelled; the trial took over four weeks (7 May to 6 June) instead of the usual two at most; the defense called dozens of witnesses, at one point bunching nine women character witnesses (all unfavourable to Cornell), and at another seven men who provided minute-by-minute alibis for Avery (Kasserman 1986: 169), to make a cumulative 'serial' effect on the jury. It recalled numbers of prosecution witnesses to the stand for aggressive cross-examination, and managed to shake the prosecution's most important eye-witness identification of Avery. Even the charges against Avery were awkwardly framed, perhaps designedly to cover doubts as to whether the cause of death was from being bashed, strangled or hanged, or perhaps to preempt the claim that Cornell had suicided; all of these explanations were favoured in some quarters.

LETTERS OF THE LAW: THE TRIAL OF E. K. AVERY FOR THE MURDER OF SARAH M. CORNELL

Judith Barbour

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When it became evident that the trial would be lengthy, the jurors pleaded with the trial judge, Chief Justice Samuel Eddy, to be allowed to take notes, and were refused. However, the judge revoked the ban on contact with their families during the trial (Kasserman 1986: 168), and the families in turn had contact with witnesses, and all had contact with the large gallery of press

reporters and publishers' shorthand notetakers in the court. This all adds up to a fatal fulfilment of the prosecutor's evident anxiety in his opening address to the jury, 'Some cases of murder which are most strongly established are those where no positive proof can be procured. It is not to be presumed that an individual about to commit murder would impart the fearful resolve to his neighbour. It is locked in his own heart'.³ The prosecution case would be wholly circumstantial, lacking a confession, apprehension *in flagrante*, deathbed or sworn deposition, or positive identifications of the weapon, the manner, and the cause of death. The defense case was ideological, a covert struggle between the Methodist church's regional propaganda network and the industrial manufacturers' interest in a mobile and manageable workforce of unmarried women aged from teenage to thirtysomething.

Sarah Maria Cornell began work in the textile industry as an apprentice tailor at age fifteen and was murdered in December 1832 aged thirty. Cornell was the youngest child of her parents' marriage. Her father James Cornell was a paper-maker and black sheep who deserted his family soon after Sarah Maria's birth. The mother was born a Leffingwell, daughter of a rich paper-manufacturer of Connecticut, who cut her and her three children out of his will because he disapproved of her runaway match with Cornell, his unsatisfactory junior employee. Sarah Maria was boarded out in relatives' homes, then apprenticed to a tailor at fifteen, and had been an itinerant seasonal weaver and factory-floor machinist of cotton and wool in mill towns in Massachusetts, Connecticut, and Rhode Island since 1822. Her last job was in Fall River.

A flood of newspaper and book publication spread well beyond the bounds of Rhode Island where the crime and trial took place. These publications were barely reined in by the trial judge while the case was *sub judice*, and first the *Boston Morning Post* (Kasserman 1986: 180), and then other papers defiantly came out before the verdict, and continued for many months, after an acquittal on all counts was handed in by the jury on 6 June 1833.

Avery was acquitted on 6 June 1833 (Kasserman 1986: 211), and the body of Sarah Maria Cornell was at last left in its grave on Durfee's farm (Kasserman 1986: 9, 254). The forces in battle were at once intensely parochial and, because of the press coverage, electrifying in the way that news was manufactured, circulated, and promulgated across the New England region, and westward at least to Ohio, where in the sequel the minister Avery and his wife and children went into eclipsed retirement.

Sarah Maria Cornell was a factory hand in the wool and cotton mills driven by the water power of the rocky rivers of New England, and since the work was seasonal, and the mills laid off workers when it suited them, she

had changed jobs, and moved frequently ever since she began this working life at age nineteen. The court heard evidence that the murdered woman was at least four months pregnant with a female fetus. She had followed Avery from one town to another since 1830, when she had first been attracted to his inspirational preaching at one of the tent revival meetings which recruited followers and funds for the Methodist churches. But this itinerary, according to one complex section of evidence, had been forced on Cornell, because Avery had retained possession of letters she had written to the Methodists, confessing that she was a very sinful person. As well, Avery was at one point writing references on her behalf, to try to have her admitted to membership of a Methodist congregation near her workplace, and at another point threatening to write letters countermanding his reference. She had named him to her brother-in-law and sister Rawson as the father of the child she carried, and told them that on August 30 (1832) she had followed Avery into the woods near the camp meeting at Thompson, Connecticut, where he had promised to give back her letters, but that he had forced her to have sex with him. This was never admitted into evidence, since it was neither a sworn statement nor a deathbed deposition. And the Rawsons made no bones about sending her away, six weeks pregnant, to try to catch up with Avery and force him to pay her to have the child in some distant hideyhole. Her body was found on 21 December 1832 and a number of letters were found among her possessions which included three anonymous letters urging her to keep her pregnancy a secret, and made an appointment with her in Fall River on the day she was murdered there.

The defense indulged in transparent antics as witnesses were badgered (Kasserman 1986: 148, 209) by the junior defense lawyer, and mystery witnesses swore to stumbling upon damning evidences of collusion and fabrication by the prosecutors and their Fall River clients. The prosecution called the younger of the Fall River GPs, young Dr Foster Hooper, who performed the only autopsy of any scientific merit (a dissection, and removal of the fetus, on 26 January 1833). His description of the body, including details of the open cervix of the uterus, and the evidence of vaginal penetration and internal haemorrhage, was the only direct testimony to an attempt at mechanical abortion of the foetus (the only phrase that any of the prosecution's female witnesses would utter was 'she had been abused'). Hooper was badly mauled in cross-examination by allegations that he had been heard to speak slightly of the order of Freemasons (hence, against Methodists, who were rumoured to be soft on Masonry) (Kasserman 1986: 191-2), and his autopsy was discredited by the defense's final medical witness, Dr Channing, Professor of Gynecology and Obstetrics at Harvard (Kasserman 1986: 163). Conspiracy theory fanned out from Cornell's sexual obsession with Avery, to communal antagonism between Fall River

men and the Methodist sect, and a scenario of victimology was engineered by the defense to cut away the ground of prosecution. Finally, Avery got off because the defense reversed the charges and the dead victim Cornell, not the ostensible defendant Avery, was tried by hearsay as a vengeful whore in the grip of hysteria who had concocted a syndrome of false accusations against the true priest, Avery.

The narrative

Catharine Williams was 'a celebrated Rhode Island author who enthusiastically took up Sarah [Cornell]'s cause after death' (Kasserman 1986: 32). It was the Methodist campaign of counter-accusation against the dead woman, carried on inside the courtroom, canvassed in newspaper editorials, and rumoured in streets and houses all over New England, which stung Williams into writing her book. Before she could speak for the dead Cornell, she must cope with the grotesque counterclaim of victimisation of a minority, victimisation by a woman who has been blackmailed, raped and murdered by the very man identified with their cause. Williams summons up a legacy of the American colonial puritan past, to identify Avery as the hypocrite, the 'whited sepulchre'. She calls on her readers for a righteous verdict, after the legal verdict has inexplicably broken the social credibility compact.

Williams was astonished and appalled by what she saw as a travesty of justice, but her stake in the matter went beyond the expression of indignation. Williams herself was fortysix, the divorced mother of a daughter she was raising on her own by writing books and journalism, and 'a member of the genteel class and of the established Episcopal Church, disdainful of what she considered the excesses of evangelical religion' (Caldwell 1993: xvii). Caldwell does not specify how Williams got initial hold of the story, access to the witnesses, and the remit to write her book, but accredits her simply as 'a pioneer of nineteenth-century investigative reporting' (Caldwell 1993: xvii). Williams began work on her *Narrative* straight after the trial, encouraged (if not actually commissioned) by the Fall River Citizens and Vigilante Committee, as they struggled to reestablish local confidence and regional pride after their failure to nail the crime on the Methodist preacher, who because of the itinerant nature of his calling had few local attachments. Actually, the male citizens of Fall River had set up two committees, the Vigilante Committee being the small executive committee which commissioned Harvey Harnden to pursue the fugitive Avery and return him, first to Bristol, for the January examination before Justices Howe and Hailes, and, after a second exhumation and second autopsy, to procure an arraignment before the Supreme Court in Newport. D R Kasserman points out that David Anthony, the owner of the Fall River mill where Cornell had been working in the last three months of her life, was a member of the

Vigilante Committee, and had a vested interest in keeping popular sentiment focussed on Avery and Methodism's disruptive influence on young women factory workers (Kasserman 1986: 21-3).

Williams's *Narrative* announces itself as a cautionary tale, 'a salutary and timely warning to young women in the same situation in life' 'without any of the odious details in the trial' (Williams 1833: 3), extracting from the 'indecent' exposé by the newspapers the message of tighter supervision in the home and workplace.⁴ This positions the book for social profit-taking from a deplorable violent incident, assigning increased police powers to the dominant group at the same time as calling for greater self-discipline by the victim's group. Williams then is a female Providence recuperating fallen Fall River, which she later passed over with slight mention, 'a manufacturing place and scene of romantic incidents', in her autobiographical 'Sketch of My Life' published in the 1850s (Caldwell 1993: xvi). Her *Narrative* tends to slide between argument from material data (paper, handwriting, dates and times), and interpretations of the letters' contents and the correspondents' written exchanges with each other; so despite her access to the original court exhibits, which allowed her to read for herself in full what the Newport jury could only be told in part, she retains the privilege over her readers of silently amending, conflating, and occluding parts of the documents at her disposal.

Caldwell emphasises the energetic stream of Williams' narrative improvisations, but this license to improvise raises doubts as to how much Williams was actually relying on gossip or local consensus as fuel for her fire, while she herself only showed a little smoke. An example is the first visit by Cornell to a Fall River G P, Dr Wilbur, which Williams dates 8 October, in her Chapter 2. Williams offers a pretext for her creative editorialising ('on the side of delicacy') of this 'first interview between the physician and the unfortunate heroine of the tale; where it is said the phraseology is improved without altering the facts' (Williams 1833: 6). The written evidence that Cornell (whether on Avery's urging) had considered and rejected aborting the pregnancy is the letter No. 4 which Williams resists reading. The date when Cornell confronted Avery in Fall River has been fixed by Kasserman from the facsimile letters and trial transcripts as 20-21 October (Kasserman 1986: 66-68, 70), and it is four weeks later on 18 November that Cornell writes to the Rawson couple: 'he said as I told you he would that if that was my case it was not his and said I must go to a doctor immediately' (Cornell MS 1832: No. 4)⁵. Cornell made five visits to Dr Wilbur⁶ and Williams conflates them, to intensify her charge that Avery had urged Cornell to abort herself with oil of tansy. Not only does this make Avery a blacker villain, it accounts to Williams' satisfaction for the vial of oil of tansy found after her death in Cornell's trunk. Williams must construe Avery's demand 'go to a doctor immediately' to read 'get an abortion',

without tripping the wire of populist antipathy to the medical profession, for Dr Wilbur is one of the paternalist heroes of her piece. Moreover, although letter no. 4 makes it plain enough that Cornell is not thinking of aborting (had she kept the oil of tansy by her till too late?), her attitude is not the christian compliance with shame with which Williams drapes her (Williams 1833: 21), but a spirited decision to stay at the mill till she was six months' pregnant, go through with the birth, find a place to board the baby, and go back to work.⁷

Williams reproduces herself as the first in a matrilineal succession to the rescued and vindicated Cornell of her *Narrative*. This is a popular and durable archetype of feminist possibility. The female baby (its sex was unknown to Cornell, of course, and is never explicitly referred to by Williams) is incorporated by Williams into a scenario of the seduced woman's shame, penitence, and exemplary suffering. Writing a vindication of Cornell gives Williams a belated retrospectivity over Cornell's unhappy life, adopts the younger woman into maternal guidance, and commissions Williams herself to write both the obituary and the charge sheet of belated justice.

Williams boldly enters the marginal overlap between a polluting 'in your face' dead and deranged woman's body and her own writing (a journalism which seizes the day), the dangerous supplement which repeats, projects, and evades that unmendable *postfactum*. She probes the solidarity of the Methodists as they capitalise on their victory in the trial by imposing censorship in its aftermath, a group economic huddling to contain damage and limit the price paid. 'Since writing this book we observe there has been a great hue and cry among a certain class—that religion was in danger from dwelling upon this subject—that it was better to have it smothered, or in their language, *dropt*' (Williams 1833: 169 [emphasis in text]). Deliberately or not, her rhetoric invokes the dead, aborted, murdered body of Cornell's baby. She instals an icon of Cornell as *pharmakos*, within the christian ideology of the sacrificed body as expurgated, expungeable, an icon for an expanding commercial frontier over-extended in christian proselytising and over-supplied with factory hands and wombs.

The problematic conjunction of illegitimacy, headless families, and abortion is coopted: Williams identifies Avery as the abortionist-murderer, absolves Cornell (i. e. forbids the very conception of the pregnant woman as self-aborter), and fuels specular panic at a site of the whole (male) foetus ripped and torn, casually botching her description of the dead body ('mangled remains' 'indecent details') so as to conflate the violence to the woman and the violence to the pregnancy as an accusing physiognomy (an 'identikit') of the abortionist-

murderer.⁸

Williams's Appendix (1833: 147-67) is a hostile account of Methodist camp meetings for exposing unmarried girls to moral danger, adulterating white religion with black slave primitivism, and ultimately threatening anglo-protestant individualism and its protocols of privacy, separateness, and respectable female 'passing' in a world belonging to men. Liberal-feminist exasperation at the reluctance of male juries to exact retributive penalty for violence against women slides into an argument against women's freedom to move, work, and engage in sexual activity.

Williams cannot avoid repeating and reproducing the strategies which had got Avery off: she must romance the individual case of Cornell as exemplary of vulnerable womanhood, and sublimate its voyeuristic intensities as a manifesto of wrongdoing revealed and rights reclaimed. She unpicks every item of gossip or allegation which might darken her picture of Cornell as a daughter betrayed by a false father in the notional christian universal family. Williams implicitly appeals to paternalist anglo-american authority to redress the defects of sectarian and schismatic, commercially-minded, uncultivated New England small-town life. Her own emotional priorities are met by entitled men, like Dr Wilbur and Colonel Harvey Harnden. Her impatience and frustration with what she experiences (and gets her readers to experience) as the 'callousness of the legal system and the institutional hypocrisy of Methodism becomes a shield to fend off the evidence of Cornell's sexual promiscuity, attention seeking, and depressive obsession with Methodism in general and Avery in particular, evidence which threatens the novelistic realism of a *Narrative* in which each detail 'counts' thematically for the representation of woman as victim. The tactical barrage of vilification mounted by the defense lawyers, when an individual man's life and the corporate power base of his employers was at stake, modulates into Williams' belated voice of advocacy, angry mourning and name-calling, which tacitly designates Cornell and her pregnancy deader than dead, in order to free eloquence from literal proofs. Once the trial was over the investigation had ceased to be bound by rules of evidence and become polemical and editorial. Williams' *Narrative* — and much US liberal journalism of the mid-19th century — performs a transvaluation⁹ from British patriarchal juridical discourse under the Crown to paternalist editorialising owing primary allegiance to a text.

The letters

I shall now turn to the text in question in the Avery trial. These are the letters exchanged between Cornell and Avery from the date she met him, July 1830 (Kasserman 1986: 51), till her death, December 20 1832.

On a recent evening, in Ithaca N Y on a visit to the Department of English

at Cornell University, I discovered a folded packet, consisting of eight manuscript letters, inside an item in the stack of the Ezra Cornell Law School Library. I had been searching the main catalogues of Cornell's Olin Library, primed with references¹⁰ from the bibliography to Patricia Caldwell's edition (1993) of Catharine Williams, *Fall River: an Authentic Narrative* (1833),¹¹ published in the fall of 1833 following the acquittal of Ephraim Kingsbury Avery of a charge of murdering a pregnant factory worker, Sarah Maria Cornell, near her workplace at Fall River, Rhode Island.¹² I recognised the eight letters as the letters tendered to the Newport court by the prosecution in that case, which came into Catharine Williams's hands soon afterwards: 'The original letters now in the custody of the court have been kindly and politely submitted to our inspection' (Williams 1833: 137).

Bound in vellum covered boards, repaired on the spine with stretch cloth, the Cornell Library volume contains a collection of six pamphlets about the Avery trial, all published 1833. It is a presentation copy, 'Presented to Ezra Cornell Library 14 February 1893 In Memoriam Judge Douglass Boardman by his widow and daughter'. The first item is *Trial At Large of the Rev. Ephraim K Avery, Supreme Judicial Court of the State of Rhode Island and Providence Plantations, Sitting at Newport before Chief Justice Samuel Eddy and Judges Charles Brayton and Job Dupee for the wilful Murder of Sarah Maria Cornell at Tiverton, in the County of Newport, R. I. on the evening of 20th Decem. 1832* (1833 New York). Between the concluding page of this item (p.51[v]) and the title-page of the following item, *Narrative of the apprehension in Rindge, N. H. of the Rev E. K Avery, charged with the Murder of Sarah M. Cornell, together with the Proceedings of the Inhabitants of Fall River. By Harvey Harnden*. 2nd ed. (1833 W. Marsh & Co. Providence), is the packet of MS letters on nine folded sheets, stamped on the left headers Nos. 1 through 8, glued into a break in the cord binding. Exhibits Nos 1 and 8 are signed 'E K Avery'. No. 2 and No. 4 are signed 'Sarah M. Cornell'. The letter stamped No. 4 is on the fourth and fifth sheets, which brings up the total of nine sheets for eight numbered items. No. 3 is on yellow paper, No. 5 on pink paper, No. 7 on white paper, and these letters, 3, 5, and 7, are unsigned, written in the same or very similar handwriting, and addressed on the outer to 'Sarah M. Connell (*sic*), Fall River'. There are no envelopes, as the sheets are folded to provide an outer space on the verso page for the address and postmark, and originally, in some cases, for a wafer seal, now missing from the exhibits. The letters are quite legible, but the paper is faded and beginning to powder especially on the foldlines. The last of the six items bound into the volume is Catharine Williams, *Fall River, An Authentic Narrative*.

The set of exhibits was passed on to Catharine Williams in 1833 after the conclusion of the trial, and Avery's acquittal and release (Williams 1833:

138), and Williams's is the last published account of the originals,¹³ which were copied by lithograph in Boston in 1833, and then vanished from view. Kasserman's plates of four of the exhibits, Nos. 1, 5, 2, and 7 (Kasserman 1986: 59, 106, 116, 195), are taken from these facsimiles, produced by David Melvill at Pendleton's Lithography in Boston.¹⁴ Neither Kasserman nor Caldwell make any mention of the disappearance of the MS originals, or of how they came to Cornell University.

Marshall and Brown, court reporters and publishers of Caldwell's major sourcebook, *The Correct, Full and Impartial Report of the Trial of Rev. Ephraim K Avery, Before the Supreme Judicial Court of the State of Rhode-Island, at Newport, May 6, 1833, for the Murder of Sarah M. Cornell* (Providence 1833), were also the co-publishers of Williams' *Narrative*. Either they or the court officers may have procured the exhibits for her to work on: unless she got them from David Melvill after he had made the lithographs. David Melvill, a Newport Rhode Island man, was as partisan as any: 'Theoretically a neutral document designed to let the public compare handwriting, Melvill's pamphlet contained a helpful list of points of comparison by which readers could convince themselves that Avery was the author of the disputed letters' (Kasserman 1986: 234-5).¹⁵

Of the eight letters in the exhibits, three (Nos. 1, 6, 8) undisputedly were in the handwriting of E K Avery and with his signature, sent to fellow clergymen, and three were written anonymously to Sarah Maria Cornell (Nos. 3, 5, 7, on yellow, pink, white paper respectively). Nos. 1, 7, and 8 are written on white laid paper with the watermark H&O and the trademark 'Pendleton's Lithography Boston'. Letter No. 5 (anonymous, on pink paper) is reproduced in Kasserman (1986: plate 106 and n. 10), from the Melvill *Facsimile*, and the trademark 'Pendleton's Lithography Boston' is visible in the facsimile, but I did not note it in the original. The trademark may have been added at the later stage of producing the lithograph copy. Or perhaps it was on the pink paper when the original was new, and has faded since, although the paper is still quite a bright pink.

These manuscript letters glued into the volume in the Cornell library forge the only material link with the alleged blackmailing, rape, attempted abortion, and murder of a woman with the surname Cornell (whether Sarah M. Cornell and Maria S. Cornell were one and the same woman was contested).¹⁶ The identities of the writers of the letters produced in court, their signatures, the precise dates, locations and other circumstances of postage and delivery, the handwriting, the paper, the orthography, were all hotly contested, each side calling on the level of technical expertise available. Successive interments and exhumations, and successive medical and forensic findings preliminary to the Newport arraignment confused the

communities on both sides of the Rhode Island-Massachusetts border. The claim that Cornell had suicided, so as deliberately to make it look like murder and to bring ruin upon Avery and his Methodist sect, was fiercely wrangled. The second last day of the trial heard the defense summing-up: 'Suicide is so common a termination of their career that it may almost be termed the natural death of the prostitute' (Kasserman 1986: 202, citing Hallet 1833b).

Williams's *Narrative* describes two sets of letters, the five found in Sarah Maria Cornell's locked trunk after her death (Williams 1833: 26, 34-5), and the eight stamped exhibits, of which Nos. 2, 3, 5, and 7 were four of the five in the trunk (Williams 1833: 137-9). In her final chapter, Williams makes a last stand to persuade those 'honest, though prejudiced people' on the Avery side that Sarah Cornell could not conceivably have 'had any hand' in composing or writing the 'letters designated the yellow letter, pink letter, and white one'. She appeals to her recent experience of transcribing a bundle of Cornell's early letters to her mother, and she is 'perfectly confident' that she, if anyone could, would detect Cornell's authorship claims:

But oh when they were compared with the acknowledged letters of Avery to Mr Bidwell, Mr Drake*¹⁷ and Mr Storrs, the conviction which they brought to my mind was absolutely overwhelming. We thought we had fully believed in Avery's guilt before, but we feel we never had, until then, a gush of feeling which we could not prevent, choaking utterance for some moments. We do not wonder that his friend Mr Bidwell could not help saying that one of them was evidently his handwriting. That one of them was the plainest, but they all discovered one common hand, all the peculiarities, the turn of the letter, the dash stops, the breaking of some and the leaning of others, the spelling — of folding and sealing, even to the most minute particulars, was exact in accordance' (Williams 1833: 137-8).

That 'oh' is an *aurora editorialis*, the more than material immediacy of possession of the graphic clincher of certitude. The 'gush of feeling' flows unchecked towards an epiphanic self-presencing letter of law. Posthumous adoration of Cornell sorts well with Avery's post-trial immunity from double jeopardy, and brings the author-narrator Williams before the bar of her reader. No such emotion circulates frictionless between author-narrators Williams and Cornell. It is 'Avery' who is the quarry of Williams' heavenly hound whereas Cornell's actual letters belie the fiction of vindication-as-commission.

Williams can only deplore Cornell's habit of writing unguarded letters to Avery, and other Methodist clergy. Brushing aside the contents of the signed letters, Williams fixates on the three anonymous letters Nos. 3, 5, 7,¹⁸ and Cornell's note of 20 December naming Avery, 'If I should be missing'. No

letters from Cornell to Avery were ever found or produced at the trial,¹⁹ and Williams insists that the anonymous letters too would have disappeared if Cornell had not hidden them in her locked trunk, since the anonymous writer urged Cornell to bring them to him to the fatal tryst on December 20, and stole the pocketbook in which she had usually carried them (*Narrative*: 139).²⁰ As on other occasions, Williams overdetermines her point in her anxiety to link the anonymous letters to Avery as the murderer. Williams' stress on the missing pocketbook is a distraction, since the letters were not in it but in Cornell's trunk, and Williams seems to be constructing a conjectural ziggurat with the pocketbook on top but nothing inside! The letter No. 2 from Cornell to Rev. Bidwell is dismissed by Williams as 'full of Methodism and relating to her religious feelings' (Williams 1833: 101)—a religious character of no ilk known to Williams—while the crucial letter No. 4, which Cornell wrote to her brother-in-law Grindal Rawson, is referred to by Williams as 'the letter to her sister', and its contents (which are quite toughminded) are never discussed.

No. 2 was written, Kasserman conjectures, because Cornell saw that it was inevitable she would be expelled by the Methodists for having a bastard child, 'and so renounced her church affiliation ... to forestall the investigations that expulsion proceedings would entail'. She did not post it, and waited 'plagued by hopes and fears' for Avery to reply to her letters (probably writing to him on 12 and 19 November) (Kasserman 1986: 70-1). The letter No. 2 is a 'reproach', an ancient liturgical form: When I came to this place I thought I should enjoy myself among them [Methodist society] but as I do not enjoy any Religion at all I have not seen a well nor a happy day since I left Thompson Campground you will therefore please to drop my name ... The Methodists are my people when I enjoy any religion. To them I was indebted under God for my spirual (sic) birth I once knew what it was to love God with all my heart once felt that God was my Father Jesus my friend and Heaven my home but have awfully departed and somtimes (sic) fear I shall lose my soul forever ...' (Kasserman 1986: 116). This dares to name Thompson Campground as the place where God the Father and Jesus the friend awfully cast her down and in fear of her soul. The pathetic mix of self-reproach and accusation is childish, abused child-like.

The prosecuting attorney failed in repeated attempts to have yellow No. 3 admitted as evidence (Kasserman 157, 196).²¹ No. 5 (pink) was admitted but the defense denied Avery's authorship of it, the defense lawyers shook the evidence of the riverboat pilot who swore that he recognised Avery as the man who had given it to him to deliver to Cornell, and the prosecution's

expert technical witness Isaac Fiske conceded that the handwriting if it was a man's was deliberately "assimilated" to look like a woman's. (Kasserman 1986: 196). The defense lost no time in arguing that if it could be a man (Avery) pretending to write like a woman, it could also be a woman (Cornell) pretending to write, not only like a man, but like the very man she was plotting to destroy. From this it would also follow that she had posted it to herself, and there was no technological apparatus to demonstrate the truth or otherwise of this hypothesis. No. 7, dated 'Fall River Dec. 8', was the most incriminating if it had stuck. In Williams' phrasing 'the last, final and fatal, letter' from Avery to Cornell, setting up the meeting at which she was killed, it was linked to a note, not included among the stamped exhibits, by the trial judge, Chief Justice Samuel Eddy, in his summing-up instruction to the jury, '[c]autioning [the jury] to use the penciled note found in the bandbox and the letter of December 8 only as evidence to rebut the assertion of suicide' (Kasserman 210). This penciled note is not among the MSS I found at Ezra Cornell Library. Kasserman reproduces it as his frontispiece, 'The note found in Sarah Cornell's bandbox, which aroused suspicion against the Reverend Ephraim Kingsbury Avery', sourcing it to Melvill's *Fac-simile*, which in the absence of the original has become the sole text.

So only as evidence of Sarah Cornell's self-possessed behaviour on 20 December, when she wrote the unnumbered note, and had in her possession an unsigned letter, No. 7, making the appointment which she kept, did these two items of textual and graphic evidence make it into the jurymen's deliberations. The prosecution had cautiously claimed only that Cornell wanted to leave instructions for forwarding her bandbox through Avery if, as he had promised, he arranged for her to bear her baby in discreet hiding. By this late stage in the trial, the prosecution was obviously leaning backwards. The defense had argued that Cornell wrote the unnumbered note as part of her deep-laid vengeful plot to cast suspicion on Avery after her planned suicide. Williams, freed by the prosecution's defeat in the shooting war from the need for cautious prevarication, insists that Cornell wrote the note in fear of Avery's violence against her; and the note 'in case I am missing' has been a staple of crime fiction ever since.

The note, written in pencil on a piece of soiled paper found in Cornell's locked 'bandbox' in her boarding-house room after her death (Williams 1833: 27, 29), runs:

If I should be missing enquire of the
Rev Mr Avery of Bristol he will
know where I am - Dec 20th
S M Cornell

Sometime on the night of December 20th the dead or dying body of Sarah Maria Cornell was hung by the neck by a marlin cord from the roof-tree

of the hayloft at Durfee's farm, Tiverton, just inside the Massachusetts border where it passes close to Fall River, Rhode Island. In the morning, it was found by the farmers, cut down, and carried to the farm on the back of a cart. The rope which was knotted around the dead woman's neck was left behind in the hayloft, and had vanished by the next day. The women of Fall River who laid out her corpse touched her for the first time then, after she was dead.

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NOTES

¹ In January 1833 the Bristol examination or preliminary hearing was nearly aborted by a challenge to the residential qualifications of the hastily-sworn panel (Kasserman 1986: 98-117). In May the Newport trial was held up because of 'difficulties unprecedented in the annals in forming a jury', and potential jurors were grilled on

whether they had read newspaper accounts which had prejudiced their minds. During the trial, allegations of bias and incompetence by the jurors still circulated (Kasserman 1986: 168-9).

² Avery was charged 'with choking and strangling Sarah Maria Cornell', and that she 'was bound to a stake', and 'received various bruises or wounds', 'whereof she instantly died' (Williams 1833: 43; Anon. New York 1833: 3-4).

³ *Trial At Large of the Rev. Ephraim K Avery, Supreme Judicial Court of the State of Rhode Island and Providence Plantations, Sitting at Newport before Chief Justice Samuel Eddy and Judges Charles Brayton and Job Dupee for the wilful Murder of Sarah Maria Cornell at Tiverton, in the County of Newport, R. I. on the evening of 20th Decem. 1832* (Anon. 1833 no publisher New York), 9.

⁴ The women who laid out the corpse before its first burial gave Catharine Williams a dramatic description of the bloody and bruised thighs and abdomen (Williams 1833: 25-6), but were tongue-tied in court. Either they fobbed off questions about unpleasant details (there were mashed faeces on the inside of the skirt, indicating that Cornell had been strangled lying on her back); or when they did speak up, the male court reporters suppressed the details from their transcripts (Kasserman 1986: 143-45).

⁵ he said, as I told you he would, that, if that [pregnancy] was my case, it was not his [child]'.

⁶ Kasserman clears up one point, that 'incontrovertibl[y] [Cornell] consulted Wilbur about her pregnancy five times during October and November'. but is less than resolved on another point, 'and that she inquired about the use of tansy to induce abortion'. Williams insists that Cornell's only inquiry was to Wilbur, and was a naive question as to whether the dōse that Avery (she said) had urged her to take would be fatal (not whether it would be efficacious) (Kasserman (1986): 70. Cf. Williams 1833: 21, and note*)

⁷ Cornell MS exhibit No. 4; and Kasserman 1993: 70, citing Hallett (1833a), the published trial transcript most favourable to the prosecution case against Avery.

⁸ Williams' semi-fiction (prosopopeia) of the village women's conversation as they laid out the body turns on a naive 'reading' of bruises on the abdomen and thighs as 'marks of hands ... spots of the thumb ... and fingers distinctly visible ... a large hand ... one only, the person they called aunt Hannah, found her hand to fit' (Williams 1833: 25-6). The 1983 Lindy Chamberlain trial in Darwin, NT, heard 'expert' evidence which 'read' blood marks as a 'hand-print'. The connection to the Rorschach test should be noted.

⁹ The association of the term 'transvaluation of values' with the fin de siecle signature of Friedrich Nietzsche points to the Nietzschean project of transvaluing in reverse, from a liberal feminist reforming protestantism to an archaised masculinist divinatory 'power'. In turn, Freudian analysis calls into question infantile narcissism and its revanchist agenda in Nietzsche's polemics.

¹⁰ No MSS are sourced to Cornell University Law Library by Caldwell (1993) or Kasserman (1986) Caldwell (1993: ix) acknowledges MSS in Catharine Williams' Papers, Brown University Library, R. I; engraving of Sarah Maria Cornell from the

Brief and Impartial Narrative of the Life of Sarah Maria Cornell (New York, 1833); lithograph of Ephraim K. Avery from *The Correct, Full and Impartial Report of the Trial of Rev. Ephraim K Avery, Before the Supreme Judicial Court of the State of Rhode-Island, at Newport, May 6, 1833, for the Murder of Sarah M. Cornell* (Providence, 1833), John Hay Library of Brown University Library. Kasserman (1986) acknowledges two MSS sources: 1) Avery Trial Papers in the Papers of Albert Collins Greene, Rhode Island Historical Society; 2) New England Methodist Historical Society.

¹¹ First published as 'By the Author of Tales, National, Revolutionary, &c, &c', i.e. Catharine Read Arnold Williams, by Lilly, Wait & Co. Boston, and Marshall, Brown & Co. Providence. See 'Note on the Text' in Caldwell's edition in Brown University Women Writers' Project (Caldwell 1993: xxii).

¹² D R Kasserman's *Fall River Outrage: Life, Murder, and Justice in Early Industrial New England* (1986), is the 'most comprehensive source of information about the facts' of the Avery trials (Caldwell 1993: n. p.)

¹³ Williams's arguments from the evidence of the letters occupy much of her *Narrative* (Williams 1833: 26-7, 34-7, 45, 47-8, 137-9).

¹⁴ Pendleton's Lithography was also a paper manufactory, and it is an awkward fact for modern editors that Pendleton's made the paper on which *both* the originals of Avery's signed letters and incriminating unsigned letters, *and* the facsimiles were produced.

¹⁵ Melvill's lithographs were published in *New England Galaxy*, on 16 November 1833, joining the attack begun on the Methodist Conference by 'Aristides' [W P S Van Ness], whose *Strictures on the Case of Ephraim K. Avery*, begun straight after the verdict in June 1833, continued in the Providence, Rhode Island, *Republican Herald*.

¹⁶ The Rhode Island press claimed after the acquittal that a 'particularly base' woman calling herself 'Maria Snow Cornell' had made herself notorious in Providence during the other S M Cornell's time (Kasserman 1986: 221).

¹⁷ *The asterisk is a footnote which glosses letter No. 8, from Avery to Rev. Drake on 22 December 'before Avery knew that he was suspected of [the murder]' (Williams 1833: 138). But Kasserman produces convincing evidence that Bidwell had already tipped Avery off (Kasserman 1986: 13, 14).

¹⁸ No 7, making the appointment for 20 December, was dated 8 December. Williams writes: 'The circumstances of the letters were sworn to, and half a sheet of paper found in the store where the letter of the 8th of December was supposed to be written, which exactly matched the one of the letter, both the watermark and even the very fibers of the paper' (Williams 1833: 36, 45). '[Harvey Harnden's] investigation, he testified, had conclusively proven that the letter found in Sarah Cornell's possessions, dated in Fall River on December 8 — the one that set up the fatal December 20 interview — was written on a half sheet of paper whose mate, identified by microscopic analysis of fibers along the tear, was found in the supply of paper in Iram Smith's store' (Kasserman 1986: 149). I found that the Cornell MS No. 7 is written on the top half of sheet of white laid paper, with the Pendleton's watermark 'H & O' showing, as on No. 8, but not the bottom margin trademark 'Pendleton's Lithography

Boston,' which shows on No. 8 and No. 1.

¹⁹ Kasserman presents detailed evidence of letters from Cornell to Avery at Bristol posted on 12 and 19 November, but in court the defense produced witnesses to swear that they had received other, non-related letters of identical appearance on the same dates (Kasserman 1986: 175, 194-5).

²⁰ Williams writes: 'The fact is it was confidentially anticipated by the author of those letters (Nos. 3, 5, 7) they would never come to the light, she [Cornell] had been directed so positively to burn them. One said, however, "you may keep the letter till you come and bring them and I will bring mine." It was thought no doubt she had them with her in her pocketbook or wallet which she always carried in her pocket. It was stated to [me] that when found the pocketbook was not about her' (Williams 1833: 139). Williams is apparently quoting from the pink letter No. 5 in the Cornell MS, which has a postscript on the verso 'let me still enjoin the secret keep the letters in your boosom (*sic*) & burn them up.'

²¹ No. 3 bears a Warren, Rhode Island, postmark, on yellow paper, dated Nov. 13th 1832:

I have just received your letter with no small surprise . . . keep your secrets ... say nothing to no one,' addressed, like Nos. 3 and 5, to 'Sarah. M. Connell. Fall River.'