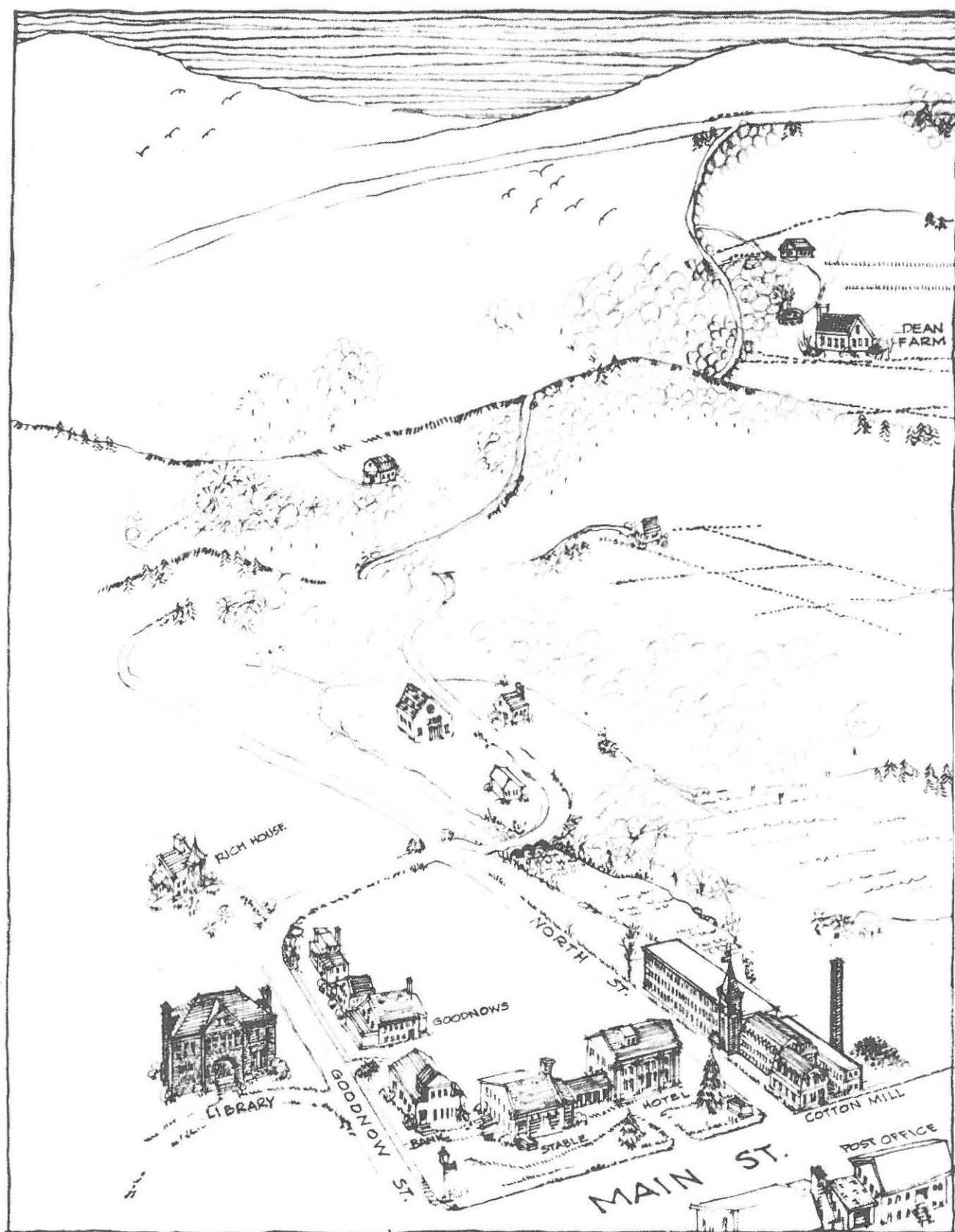


HEARING *by the* GRAND JURY
on the DEATH *of*
WILLIAM K. DEAN





East Jaffrey, New Hampshire, in 1918
by B. Leonard Krause

HEARING *by the* GRAND JURY
on the DEATH *of*
WILLIAM K. DEAN

APRIL 11-22, 1919
COURT HOUSE
KEENE, NEW HAMPSHIRE

Court Stenographer: Lena T. Marsh



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THE DEAN MURDER CASE

On a hot night in August 1918, at a time when this country was patriotically and emotionally involved in World War I, a respected citizen of Jaffrey, William K. Dean, was brutally murdered on his farm.

There is good reason to believe his murder was directly connected with the war since there were federal agents in the area investigating alleged signal lights and spy activities, and Mr. Dean had told someone he had important information to give them.

The tragedy was compounded in Jaffrey because of spy-novel complications. The victim's brother, Frederick Dean, brought with him from New York State a criminal psychologist, Dr. DeKerlor, a European, whose methods fascinated some people, and horrified others.

Dr. DeKerlor was later repudiated by Frederick Dean, but was retained by the selectmen for his "expenses" and this became a bone of contention in Jaffrey. It is almost unbelievable that this kind of fictional character should have played a major role in the case.

Another strange character was a rather mysterious Mr. Colfelt from New York. He and his wife were residents here in 1917 and 1918, not just for the summers, but year-round. It puzzled the natives that someone who was independently wealthy should choose to spend the winter in New Hampshire. It aroused people's indignation and suspicion that he neither worked, nor served in the armed forces.

The Colfelts had rented Mr. Dean's large house on the hill, while Mr. and Mrs. Dean, because of finances,

moved into the smaller farmhouse. Was Mr. Colfelt a German spy, and did Mr. Dean find out and have to be eliminated?

The atmosphere in the town itself was one of tensions—patriotic, economic, and religious, and the most unsettling piece of the mystery came about when another prominent citizen of Jaffrey, Charles Rich, became a suspect. Mr. Rich was Cashier of the Monadnock Bank, a district judge, Town Moderator, and Choir Director at the Universalist Church. An untimely black eye on the morning after the murder led to increasing suspicion that he was somehow involved, although no motive was ever uncovered.

It wasn't long after the murder when many townspeople began to take sides for or against Mr. Rich, and soon there was almost complete polarization. In April of 1919, eight months later, a Grand Jury Inquest was held in Keene. The testimonies were conflicting and uncertain. The verdict, "murder by person or persons unknown," resolved nothing.

As long as the murder remains unsolved it will continue to hold a grim fascination, and people will hold to one theory or another.

For those who lived through it, however, it had been a traumatic experience. It was an unhappy time for the town of Jaffrey. Yet as months and years went by, natural friendliness and warmth took the place of suspicion and resentment. Jaffrey recovered with strength and compassion from a very difficult episode in its history.

THE STORY BEHIND THIS TRANSCRIPT

I don't remember just when, after Jack and I were married in 1938, I first heard about the Dean murder. It was part of Jaffrey folklore, an intriguing unsolved mystery. I soon became aware, though, that for Jack's father, known as D.D., it was still a bitter episode and he was reluctant to talk about it.

For the rest of us it was a fascinating topic of conversation and everyone had a solution or theory to offer. There had been a book written about it at the time by the Boston newspaper reporter who had covered the case, but copies were rare, and it resolved nothing for certain. There is a copy of his book in the Jaffrey Library. There are clippings from Boston newspapers, and there are the personal recollections of a handful of people.

Dr. Frederick Sweeney had been, with Jack's father, a concerned citizen of Jaffrey at the time. Some of their concern was due to the fact that the selectmen had retained the controversial Dr. DeKerlor for his "expenses." From the Town Report Year Ending January 31, 1919:

Detail 31 Expenses on the Dean Case	
Paid	
Mrs. E. M. Bryant	\$27.00
District Nurse Association	18.00
C. T. Johnson, pictures	38.85
C. E. Sweatt, repairs	3.97
F. R. Enslin, board	60.00
C. A. Hamilton, notary	2.00
Robert Hamill, auto	15.00
W. F. Coolidge, auto	39.00
F. A. Stratton, auto	283.25
Toy Town Tavern, board	13.48
W. DeKerlor, expenses	1,473.01
Mercer Bros., auto to Manchester	11.00
C. H. Cutler, M.D.	15.00
	<hr/>
	\$1,999.56

Dr. Sweeney's son, Bud [DeForrest], now an English professor in California, was born after his father re-

turned from France. As a youngster he'd heard his father talk about the case, and a few years ago he thought he'd like to write a story based on the unsolved murder. On a trip east he collected as much material about it as he could, including a talk with Jack to share recollections, and a trip to the Keene Court where a Grand Jury Inquest had been held.

Sometime later we had a letter from Bud enclosing a letter from Stillman Rogers, Clerk of the Superior Court in Keene. It said that in rebuilding and enlarging the Court House, a brown paper package had turned up that contained twenty notebooks of Pittman shorthand, the recording of the Dean Murder Grand Jury Inquest held in April 1919. Since Prof. Sweeney had made inquiries about the case, they thought he would like to know about this. Bud wrote to Jack and me, "Any ideas?"

My interest leaped! In my pre-marriage days I had worked on Wall Street and Pittman shorthand was my tool. I had taken an advanced course in it at Pace Institute in New York City, and had attained a confident competency in it. Since then, Gregg shorthand has become more popular than Pittman and there are fewer people who know Pittman. With Bud's approval, I went to the Keene Court House and asked if I might try to transcribe the notes.

It required official permission, which was given. The arrangement was that I might take two notebooks at a time, and only when they were returned could I have two more. And that began my absorbing work, fitted into a busy schedule like handwork, for the next six years.

Adding to the challenge and the thrill of my work was the knowledge that these notes had never been transcribed. Transcriptions of Grand Jury inquests are not ordered unless there is an indictment and a trial, or a specific need. It protects the confidentiality of the Inquest, and saves the cost of the reporter's transcription.

Another unusual experience was ahead for me. I was working on the first notebook, making progress but having some difficulty. We were going to Jamaica for a month's vacation and I took the notebooks with me,

knowing there would be more time for uninterrupted work.

I couldn't believe it when Jack, reading the Jamaica Gleaner newspaper, said, "Hey, listen to this!" On the front page, with a picture, was Mr. Samuel Fitz-Henley, a Jamaican, and an expert in Pittman shorthand, who had just been paid some thousands of dollars in Florida for transcribing the notes of a reporter who had since died. A man's life depended on the transcription. The article told how Mr. Fitz-Henley had a worldwide reputation and was often called on to transcribe notes from many years before, in research projects, or even Congressional situations.

We were in Montego Beach, Mr. Fitz-Henley was in Kingston, so I telephoned him, and he graciously agreed to see me when we were in Kingston before returning to Jaffrey.

That meeting was a milestone. He told me why I was having difficulty with some of the notes. The court stenographer, Lena Marsh, had not been careless. He said she was an excellent reporter. But Pittman shorthand had been changed over the years and there were some differences. He showed me a teaching manual and a shorthand dictionary from the early 1900's, books Lena Marsh would have used, and pointed out the major points of change. Once I understood this, the transcription moved much more quickly and smoothly. Through a book service I was able to buy used copies of both these books and use them for reference.

There were times when I could work fairly steadily, and other times when the books were untouched for periods of time. Then an unexpected blow caused a major delay. In March 1983 I had a letter from the Clerk of Superior Court in Keene which read:

"I have been instructed by Judge Contas to request that we hold up on the transcription of the Grand Jury materials relative to the Dean Murder Grand Jury inquest. This is done in light of the Supreme Court's opinion in the case of the State of New Hampshire v. Rotha J. Purrington. . . . It may be that Chief Justice King will allow an exception to the rule in this case since no person was ever indicted by the Grand Jury."

It took the best part of a year to resolve this difficulty, but finally Chief Justice King did allow an exception and I was given all the notebooks. At last the job could be finished.

On one of my trips to the Court House, Mr. Rogers had asked if I would like to see the contents of a box he had which was marked "Dean Case." Of course, I would! He brought out a cardboard box in which were Mr. Dean's sneakers, the rope with which he was tied, and a few other things. A morbid thrill!

When I had completed my first rough draft, I started from the beginning, working with both notes and transcription, to make any changes or additions. As I became more familiar with the style of Lena Marsh, my transcription became more complete. For my final review, I worked from just the shorthand notes again, to be doubly sure the work was done thoroughly.

If a word seems unusual, it is included because I am sure of it. Occasionally Lena Marsh would write an unusual word in longhand, which was very helpful in confirming that it was the right word. She occasionally wrote names in longhand, but sometimes her handwriting was more of a challenge than her shorthand! As I worked, it kept impressing itself on me that these people weren't saying what some author thought they should say, but were speaking their own words, expressing their different backgrounds and characters, from the distinguished Miss Mary Ware (who, with her mother, gave the Glass Flower collection to Harvard College) to Fred Stratton, the local livery stableman.

It was also a little awesome to remember that no one had heard these words since they were first uttered in April 1919 under carefully guarded Grand Jury Inquest rules.

This Inquest took place almost nine months to the day following the murder. In that time some of the witnesses had rehearsed to themselves and others what they had witnessed to the point that it became conviction. It was for the jury to sort out conflicting testimony.

Here is a drama of ordinary people, caught up in a violent and mysterious happening that became an outlet for their prejudices, and compounded the already complex tragedy of the Dean Murder Case.

Mrs. Dean died quietly in September 1919 at the home of the Rev. F. R. Enslin, with whom she boarded.

Mr. Colfelt returned to New York and never again came to the towns of Jaffrey or Temple. His stepdaughter, Natalye Colfelt, graduated from Vassar College and earned her Ph.D. from Stanford University in 1926 in Political Science and Economics. In 1934 she married Warren Hall in California, and the wedding invitation showed both her parents were living at that time. She lost her only child, a boy, in infancy.

Mr. Rich's life went on in Jaffrey, seemingly a normal life, but in reality a quiet tragedy of its own kind, for he was never able to exonerate himself. He won a suit against the Boston American newspaper for libel, was awarded one dollar, but it changed no one's mind. He continued his banking and business career until 1930, when a stroke left him an invalid. He died in 1933 at the age of eighty, leaving his wife and a sister. There were no children.

THE EVIDENCE

I did not always see Mr. Rogers, Clerk of the Superior Court, when I stopped in at the Court House to return two notebooks and pick up two more. More often than not, he was busy and acknowledged me with a smile.

But one time he was free, and he asked me if I would like to see something interesting. Of course I said yes, and he brought out a cardboard box. As he opened it he said, "This is the evidence from the Dean Inquest."

I had already transcribed enough of the notes to quickly recognize the items as he removed them from the box. My reaction was an emotional one. This was no longer an impersonal transcript, but the unfolding of a real and gruesome murder.

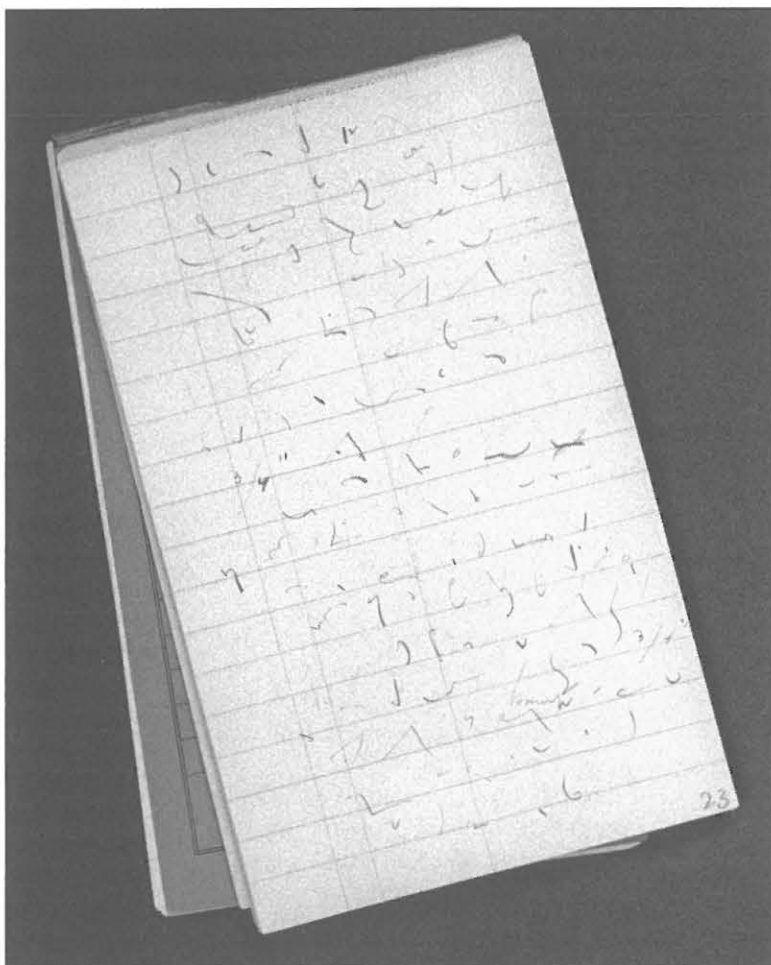
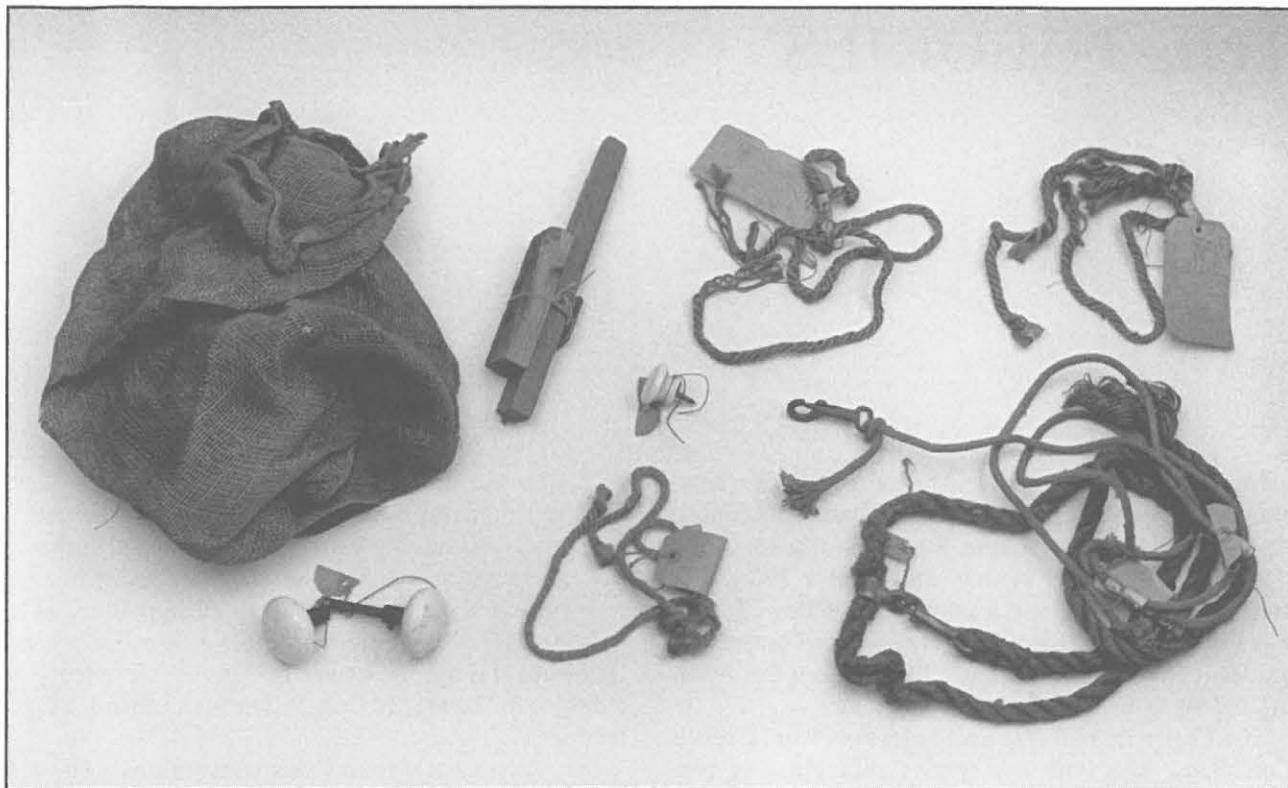


ABOVE: The calendar for August 1918 "was hanging back of the stove in the kitchen and on the date on the calendar of August 13th there is written over the letters 13 'Billee' and under the letters 13 'died' and all encircled with a pencil mark."

BELOW: To see the "rubber foam canvas shoes and long black socks" Dr. Dean had been wearing made him suddenly very real, and I felt the grip of the panic and anger he had experienced in those last few moments of his life.

I cringed at the dark-colored blotches on the horse blanket, still showing the stains of the blood that had spilled that night. It had been wedged up against his head to stanch the flow.





ABOVE: The burlap bag had been tied over his head, holding the blanket and the stone that were to weigh him down in the cistern.

The white porcelain doorknobs had been smudged by a bloody hand, but didn't show fingerprints.

Pieces of wood, taken from the porch steps, had "marks showing where something was dragged over it ... and there was one blood spot on it."

Here were ropes that had been pulled so tight around his neck that they fractured a bone and killed him. Others had bound his hands and feet and been tied securely with square knots.

LEFT: The Pitman shorthand notes became very familiar after working with them for six years. Lena Marsh, the Court Reporter, had high marks from my expert Pitman friend, Samuel Fitz-Henley, of Kingston, Jamaica. This page reads:

... was that Mr. Dean died from strangulation, that is, he wasn't drowned. In other words, he didn't breathe after he went into the water. Wound around his neck twice was a hard hitch rope, or halter, one of those kind such as you gentlemen are all familiar with, a hard $\frac{3}{4}$ inch rope.

Now Mr. Pickard is going to draw a little chart of the particular points, not, of course, according to scale, but so as to give you gentlemen a little idea of the situation up there at the Dean homestead.

I was telling you about the rope which was around Mr. Dean's neck. It was a hard $\frac{3}{4}$ -inch hitch rope with a snap on one end, and back a couple of feet or so, and I would say you could put this. ...

THE THEORIES

Mr. Rich became the central figure in the Dean case, and the one who made it an emotional issue and caused the town to polarize. There were many factors. Mr. Rich was a Mason, a member of the elite Protestant men's group in town, and his defense by fellow Masons was seen to be a question of their loyalty rather than his innocence. And Mr. Rich had a black eye on the morning following the murder!

The Catholics in town, many of whom were French Canadians, were still overcoming difficulties of language and economics. Some people felt that Father Hennon, the Catholic priest, assumed too much power in his pastoral charge when he became a prominent figure in the situation, apparently adding to the suspicion about Mr. Rich. There was some talk that his housekeeper's son had run into difficulty with Mr. Rich in the question of the amount of money he delivered from the church collections.

Four theories emerged:

1. That MRS. DEAN did it. She was a few years older than her husband, and had become slightly childish in her later years. Her husband enjoyed the company of women in a harmless way. Did Mrs. Dean, in an irrational and jealous frenzy, kill her husband?
2. That LAWRENCE COLFELT from New York, the mysterious and well-to-do stranger, was actually a German spy. Why else would he spend the winter in New Hampshire? He rented Mr. Dean's large house on the hill, and when Mr. Dean found out too much, Mr. Colfelt arranged for his murder.
3. Strongly held by some people was the possibility of HOODLUMS, drinking and perhaps with girls, who were found by Mr. Dean in his barn when he went to milk at midnight. Reacting to his anger, they accidentally killed him, and then carefully tied him up and carried him to the cistern.
4. That CHARLES RICH was involved in some way, although a motive was never clear. Did he have financial problems and was paid by Colfelt for his help? Was he, too, a German sympathizer

who was aiding and abetting Mr. Colfelt? Most incriminating was Mr. Rich's black eye the morning following the murder. Was it a tragic, untimely accident, or was he involved in a deathly fracas?

Murder is a serious crime and almost unheard of in small towns. But this was wartime, and murder is justified when it is for one's country. This gives credence to a motive for Lawrence Colfelt if he was, indeed, a German spy.

Mr. Rich's background was conventional. He was born in Calais, Vermont, in 1853, a graduate of M.I.T., taught school before coming to Jaffrey in 1883 to work at the Monadnock Bank. He married Lana M. Hodgkins of Rochester, Vermont, in 1881. His long record of stability, civic service, and an active church life, seems inconsistent with a violent crime, even for a taciturn and reserved man.

Or was he involved in some lesser way, and the murder itself accidental and the result of an unexpected struggle?

The case is documented in Washington, D.C., a thousand pages of reports from Federal agents who investigated Mr. Colfelt and the lights. Because of the Freedom of Information Act, I was able to get a copy of the complete record, and there was never conclusive evidence about either Mr. Colfelt or the signal lights. However, Mr. Colfelt was under suspicion before he came to New Hampshire. As to the signal lights, the record does not make clear whether the investigation was initiated by Miss Ware and Mrs. Morison, or was independent of them.

After reading the government record, one would almost feel, if it were a matter of signal lights and spies, the case could be dismissed as wartime hysteria. But Mr. Dean was killed, in a coldblooded and strange way, so it remains a mystery.

In this Grand Jury trial we are allowed to go back in time, to hear the very people who lived through it tell in their own words of a violent murder in their small New England town, a drama that was hidden in those twenty notebooks wrapped in brown paper.

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“Now as I expect you know, there is
nothing more cruel than talk, and there
is nothing more difficult to combat.”

Agatha Christie
Thirteen Problems

THE HEARING

ORDER OF WITNESSES

Friday, April 11, 1919

9:00 A.M.

OSCAR L. YOUNG,

Attorney General of New Hampshire

EDWARD H. LORD, *Sheriff of Cheshire County*

WILLIAM T. COOLIDGE,

Chairman Jaffrey Board of Selectmen

EDWARD C. BOYNTON, *Jaffrey selectman*

FREDERICK STRATTON, *Liveryman*

GEORGIANA HODGKINS,

Sister of Mrs. Charles Rich

PRESENT: *Attorney General* **OSCAR L. YOUNG**

County Solicitor **ROY M. PICKARD**

PICKARD: Mr. Foreman and gentlemen, I take great pleasure in introducing to you Oscar L. Young, Attorney General of the State of New Hampshire.

YOUNG: Mr. Foreman and gentlemen of the Grand Jury, I will briefly state to you some of the circumstances concerning the death of the late William K. Dean. The purpose of this investigation is if we can deduce such facts as will satisfy you gentlemen that the matter ought to be inquired of further by a Petit Jury with respect to any particular person.

Now, William K. Dean, a physician by profession but who never practiced, as I understand it, was a rather peculiar person. He was born in New York State in 1855, and in 1880 he was married to the woman with who he lived until the time of his death.

Shortly after his marriage he removed to the town of Jaffrey and about a mile and a half or two miles from East Jaffrey he bought a tract of land, an old farm, remodelled the farm buildings, and at a short distance above the farm buildings constructed quite a large summer house and lived there, probably alone with his wife, until the time of his death.

At that time he was sixty-three and a half years of age, a man rather small of stature, and a man of scholarly attainments, who liked books, but had some peculiar habits and characteristics. For in-

stance, he had a habit of milking at midnight and at noon. He sat up very late at night, of course, and as a consequence remained in bed quite late in the forenoon.

Now the 13th day of August, as I remember it was a Tuesday, late in the afternoon, and you will bear in mind, gentlemen, when we speak of the time of day, that suntime was an hour earlier than the time that will be mentioned.

As I was saying, late in the afternoon of Tuesday, the 13th of August, Mr. Dean drove down to the village of East Jaffrey, with the horse attached to a little road cart, one of those kind where one end of the seat tips up, you get in, tip up the seat, walk through the opening and sit down, all fenced in. You have seen that kind of wagon undoubtedly.

He made some purchases at the various stores and when he had finished his shopping he went to call at the house of Mr. Rich, the Cashier of the Monadnock Bank at East Jaffrey, a man of some prominence in that community, and a man with who, and with whose family, Mr. Dean and his wife had been, and were at that time quite friendly. As Mrs. Dean became physically handicapped, Mr. Dean continued to exchange visits, going to Riches alone.

There may be some dispute as to the hour at which Mr. Dean left Mr. Rich's house that night. Fixing the time is a matter that presents no small difficulty. People witnessing an occurrence will oftentimes have different ideas as to what hour of the day this occurrence took place. So we have no theory as to the exact time Mr. Dean left Mr. Rich's house, but it is assumed that he drove up the road in his roadcart on his way home and several people saw him, and one or more heard a team go by at about that time and assume it was Mr. Dean's carriage, and finally Mr. Dean arrived at his home.

The road is a somewhat secluded road. The house where Mr. Dean lived is perhaps a couple of hundred yards in from the main road, the road that leads from East Jaffrey to Peterborough, and at the south of that road, some two hundred yards further, I think it

would be, is this large summer house, and in about one hundred fifty feet of the summer house was the stable where he kept his horse.

Now to go back just a moment to Mrs. Dean. Mrs. Dean at that time was sixty-eight years of age. She was an exceedingly well educated lady, a lady of refinement, and a lady who, in her younger days, was a very attractive woman indeed, but of late years her mind has faded somewhat and she was suffering from that malady from which we will all suffer if we live long enough, senile dementia. Her mind was not clear. If it were not for that fact, we could probably fix definitely the hour at which Mr. Dean arrived at his home.

Mrs. Dean's story, as we gather it from her, was that he arrived at the house somewhere around half past nine, that he brought in some things he had bought down to the village, some things the Riches had given him on his call there, left them at the house, drove his horse to the barn, put up his horse and came back to the house, got a little something to eat and at eleven o'clock left the house and went up to the barn to milk the cow, telling her he would return in an hour or, as she puts it, saying he would return at twelve o'clock.

That, gentlemen, was the last time Mrs. Dean ever saw her husband alive, or ever saw her husband so far as the authorities know.

Her story is that she waited for him in the darkness there at the home, wondering why he didn't come back, and at five o'clock she went out to look for him. She found the lantern in the stable overturned and out.

Not finding him and having no knowledge as to where he had gone or why he didn't return, she called up people down to the village. The story became current downtown that Mr. Dean had disappeared, and as a result some of his friends, Mr. Rich among others, called up to find out about it, and she immediately announced to them that Billy, that is her husband, was dead.

When she came to be interviewed by the authorities she still stuck to that assertion. When I interviewed her she insisted to me that Billy was dead and when I asked her why she thought he was dead, she, in a rather incoherent way, went on to state that his head hurt and that he undoubtedly fell over in the deep water, and when we inquired where the deep water was, she would point down across the valley where there was no water other than a swamp, and when I asked her if she could take us to the deep water she said she couldn't unless we were able to walk on top of the trees.

I speak of that merely to show you gentlemen in a way the condition of this woman's mind.

As a result of the report that Mr. Dean had disap-

peared, of course, an investigation was immediately begun. When they arrived there down at the barn they found blood stains on the doorstep, or it wasn't a doorstep but there was a little portico built out where this door was that went into the stable, a little portico built out about four to six feet with a pitched roof to shed the water that came off the eaves of the roof so it wouldn't run down a man's neck when he wanted to go in the stable door.

On that little platform were several blood stains, and on the edge of the step leading down to the ground there were blood stains. On the doorknob, and on the door leading into the barn, there were blood stains.

We took that doorknob off and sent it to the best fingerprint place at the Boston Police Department, and they informed us it was not a print but a smudge, so that brought us no results.

Undoubtedly it was human blood, and undoubtedly blood from Mr. Dean, and the theory of the State is that he was assaulted there, near that door, either in the stable or outside on this little platform, and that undoubtedly he received his death when he was.

Now, up at the corner of this summer house, which they call a bungalow but which is not a bungalow for it is a large two-story and a half house, but which some people over there, called the bungalow and if that term is used I presume that is the building they refer to.

This building was built by Mr. Dean first to live in, and then he concluded to rent it, and that building had been rented for a considerable time up to the early part of June of that year. And from June 5th, I think it was, until the time of his death, it had been vacant.

Now at the corner of that bungalow and about a hundred fifty feet distant from the stable, there is built into the ground a rainwater cistern and the inside of that was built after the plan of the inside of a jug, that is, it was circular, eight or nine feet in depth, seven or eight feet in diameter at the bottom, and then the sides, as they came up, were narrowed in until at the top it was about four feet and a half, and the top of the cistern was just even with the ground, with the exception that around the edge thereof had been laid bricks that projected just the thickness of the brick above the ground. And at one time the crevices between those bricks had been filled with Portland cement mortar, but owing to the erosion by the elements and the frosts, perhaps, those bricks had become loosened.

All the ground around that cistern was grassed over, with the exception of where the wagon tracks led down to the barn and another track led up to this house. Now I think between the stable and this cistern was a grade, perhaps in going a distance of a

hundred fifty feet, perhaps a rise of twenty feet, so that it was uphill from the barn to the cistern.

Now when the people began to collect in response to Mrs. Dean's request, they searched in every possible place around the barn and around the field, and finally someone conceived the idea of investigating the cistern, and they went to get a hard ice pick. You have probably seen those things they use in the ice house to shove cakes of ice around, long handles, seven or eight feet long, with a straight face on one end to push with, and a hook to pull with.

They fished around in the cistern and discovered there was something there, and finally got hold of it and found it was undoubtedly the body of Mr. Dean. There was nothing further done at that time until the coroner and the sheriff arrived, and the body was taken out of the cistern, and it very plainly impressed itself upon the minds of everybody there at that time that it was undoubtedly a case of deliberate, premeditated, well-planned and carefully executed murder.

An examination showed that on the side of Mr. Dean's head — he was baldheaded, a little more so perhaps than I am — and on the side of his head there were two cuts. They were not parallel, that is, if they had been continued far enough they would have come together. One was about an inch and three quarters in length, and the other was about an inch and a quarter. The investigations of the Medical Examiners disclosed that under one of these cuts there was a fracture of the bone. The report was that Mr. Dean died from strangulation. That is, he was not drowned. In other words, he didn't breathe after he went into the water.

Wound around his neck twice was a hard hitch rope or halter, one of those kind such as you gentlemen are all familiar with, a hard, three-quarter-inch rope.

Now Mr. Pickard is going to draw a little chart of the particular points, not according to scale, but so as to give you gentlemen a little idea of the situation up there at the Dean homestead.

I was telling you about the rope which was around Mr. Dean's neck. It was a hard, three-quarter-inch hitch rope with a snap on one end and I would say you could put this around a horse's neck, put the other end over the body and hitch it to a post.

That was wound around his neck twice, and the ends laid by, like that, but it wasn't tied. Undoubtedly your conclusion will be that at some time that rope was pulled with considerable pressure because there was an indentation around the neck where the rope was, and above it it was discolored. There will be some evidence that this bone in the neck was fractured.

There was a rope tied around the knees, a cord, probably the same kind of cord as you will find on a

window, one of those stiff, heavy woven cotton cords. And on the end of that there was a snap, the same as was on the end of the halter, that you could snap into the ring.

His hands were tied behind his back, and around the right wrist was another piece of this white window cord, looped like a slipknot. That is, the rope doubled, put around, and the end put through the rope and pulled tight, and that undoubtedly at some time had been pulled tightly because it showed the mark upon the wrist.

The hands were tied behind the back, the knees were tied together with this window cord rope which I have described, and a horse blanket was folded and wrapped around his head. Inside of that blanket was a considerable amount of blood, and in all probability the reason why there were not more blood stains, because he must have bled a considerable amount, was because of this blanket, and quite likely it was put around for the purpose of preventing the flow of blood.

Now then, over all that was pulled a gunny sack, a hard potato sack such as you gentlemen who live on farms, and some of you who do not, have seen hundreds of. Inside of that sack was a stone which weighed, as I remember it, twenty-seven pounds. That was inside of this gunny sack and the sack was pulled down to the waistline, or as far as it would go, and these ropes that he was trussed up with, were tied into the edges of that sack so that it wouldn't come off, and some of them, I believe, were tied into the belt loops on his trousers.

At that time he was dressed in a pair of short trousers — I forget whether they buttoned or laced at the knees — something the same as officers wear, as we have been informed by the officer in the room. Below the knees he had on a pair of long black stockings, and for shoes he had on a pair of low arctic overshoes. There was a heavy dew that night and it was exceedingly warm and when he left the house, so Mrs. Dean says, he took off the shoes he had worn downtown and put on these rubbers to keep his feet dry.

He left his coat, left his watch which was in his coat, and so far as we know, and so far as Mrs. Dean could tell us, he had no valuables at that time, either money or otherwise.

Now we have told you probably all that we know about the case up to that point.

Now, to go back a little bit, it seems that on the Monday night, that is the night preceding the murder, Mr. Dean had an interview with a Mrs. Morison. There had been numerous rumors current there in that neighborhood with respect to activities of spies, pro-Germans, or German agents. There had been numerous reports about lights which were thought to

be signal lights. They had been shot from the mountain tops to the mountains in that vicinity, so many people claimed, and there was a theory prevalent in that community that there was a bed or an organization of pro-German agents or German sympathizers or German agents, whatever you want to call them.

As I started to say, Monday night, the night preceding the murder, Mr. Dean had some talk with Mrs. Morison who he knew occasionally went to Boston and who was going to Boston the following day, and he told her to go to the Department of Justice at 47 Milk Street and tell them he wanted someone to come up there and investigate German activities, or words to that effect, and she asked him about it, some of the details about it, and he replied it was a man's job, it wasn't a woman's job, and he wanted her to go in there and have them send out a man.

The following morning she went to Boston — hadn't heard of the murder, the train left early — and went to the headquarters of the International Division of the Department of Justice at 47 Milk Street and related the story as Mr. Dean had told her and delivered the message he had given to her to tell to the Department of Justice.

Thereupon someone said that possibly there was some German agent, or pro-German, in that vicinity whose activities had become known to Mr. Dean, and fearing exposure, that this murder was committed to close the mouth of the man who knew.

Now, then, to go back to last spring and for a considerable time prior to the 5th of June, there was a man by the name of Colfelt who lived at this house we have designated the bungalow, the big house up on the hill, and perhaps this would be a good time for me to refer to Mr. Pickard's plan.

This is the road leading from East Jaffrey to Peterborough. It isn't so level as that, gentlemen. To go up there, up to the house where Mr. Dean lives, is quite a steep grade, so when you find the line up here near the end of the road, near the square marked "the big house" you are on the beautiful little mountains there.

You gentlemen have been there and will agree with me it is beautiful. The mountains overlook the valley to the south, and to the east the Temple Mts. It might well be selected as a place for sending signal lights.

The farmhouse, so called, that is, the place where the people originally lived who owned this farm that Mr. Dean bought, was a story and a half shingled house with a little ell built on in which he had a billiard or pool table, and the lower part of the back part of the house was all finished off into a room in which Mrs. Dean had a couch hammock swing, and I understand from her she spent most of her time in that room.

Around the edges of it there were bookshelves and they were all filled with books, and the door that led up to the barn, to the right here, you may see out through the middle of the house, like that, and she claimed she sat here on this couch and looked at the road toward the barn expecting to see Billy come back with his lantern, and it was too dark for her to go out and she stayed there until daylight.

This little square up here marked "Barn" is the stable. There is a large door here, large enough to drive in a load of hay, a small one-horse load, and the platform or porch built up. The ground at this end of the barn drops off very precipitately, and this is where you can get in with a team.

To repeat a little bit, it seems that he came from East Jaffrey that night, up this road, up to his house, stopped there, left his team and went in and delivered the articles that he had got downtown, drove his horse up here, drove the carriage into the barn, put up his horse, came back, ate his supper, whatever he had. Mrs. Dean wasn't clear about that, and the only thing found in his stomach were some raisins, as I understand it. And then at eleven o'clock, as she said, he went up to the barn to milk, saying he was coming back at twelve, but he was never seen afterwards.

There is a door here that leads into the barn where the white doorknob was I told you about, and the blood stains were on that doorknob, on the platform, and on the edge of these steps.

The cistern is indicated with a green circle here and the distance is about a hundred fifty feet between the cistern and the stable. The green line, I presume, indicates the possible route that the murderers took, for Mr. Dean was assaulted here at the door of the barn and they carried him up and put him in the cistern. Along this path — we inquired of those who were there first — and they all said there was nothing to indicate that anything had been dragged over, that there was nothing around the barn which we can discover was used as a conveyance, nothing like a wheelbarrow or anything like that, and no indications of any wheels having gone over the grass.

This square that Mr. Pickard has labeled "the big house" is the bungalow, and it stands on the highest point on the mountains there, a beautiful spot. The windows from the rear here and from the northeast side look out over that valley, clear way down into Massachusetts, and to the Temple Mts. on the east.

There have been many claims about seeing lights up around here. There is some claim on the part of the United States authorities that one of these windows in this house had been treated with some kind of preparation to prevent water coagulating on it, their theory being that it would have a tendency to disperse light rays if the rain stayed up in globules,

but this preparation would keep it separated out.

Now as to whether there is anything to that or not, it is for you gentlemen to say. This sheet of glass, I have seen it. It presents the same appearance that you get when you drop a drop of oil on the top of water, that kind of purplish appearance. Now whether that is a preparation or whether that condition of the glass very naturally occurs, I will have to leave it to you gentlemen to say. I am going to say that I have seen many panes of glass like it in old houses. Possibly some of you gentlemen may know more about it than I do. I have been unable to find anybody who could tell me anything about it from a scientific standpoint.

Now, as I said, sometime previous to June of last year this house, which we'll call the big house, was occupied by Mr. Colfelt, and he kept his automobile down here in the barn with Mr. Dean's carriage. There have been some rumors about Mr. Colfelt's activity as a German sympathizer. At least he was not a man who worked. He had an income sufficient to support him without working. But you will remember along about that time there was a considerable sentiment in this part of the country, New England particularly, that a man ought to be something more than a consumer while we were engaged in this World War and everybody was doing all they could to make it a success. There ought not to be an able-bodied man sitting around using what other people produced but not contributing to it some way.

You remember the "work or fight" order that was promulgated. Mr. Colfelt felt that that "work or fight" order might get to him. So on Saturday before this murder was committed, he went to Portsmouth and obtained a job with the Atlantic Shipbuilding Corporation. He had plenty of money so he hired a room down to the Rockingham Hotel, rather an extraordinary thing for a man to be working in the shipyards, living on the pay they paid them, to have a room at the Rockingham Hotel, but he did it, had the money to pay for it, and I presume he had a right to.

So far as we can discover from the Hotel, and so far as we can discover from the shipyards, Mr. Colfelt was there Tuesday night.

He drove a battleship gray Marmon car. There are many rumors in East Jaffrey about a car of that description in that vicinity that night, but investigation on the part of the authorities disclosed the fact that Mr. Colfelt's car was absolutely in a Nashua garage since the Monday before.

That is, he drove to Portsmouth Sunday night and the young man who took him over brought it back Monday and it was absolutely Monday it was in the garage there, from that time until long after the murder was committed.

I speak of these things, gentlemen, because we are

going to put before you all we can bring in, everything we can, to see if you, a Grand Jury of intelligent men, can suggest anything to help us in this most deplorable situation, in a case where a man, a respectable citizen, a man well liked, a friend of everybody, was violently murdered in his own dooryard, right here in the countryside town of Jaffrey.

Now there have been other rumors current. Mr. Dean, as I told you, and Judge Rich of East Jaffrey had been friendly for many years, visiting each other's homes. They were men of similar tastes. They were both somewhat scholarly, that is, they liked good literature. And they liked good things to eat. And they both enjoyed sitting down and having a cigar smoke together. And they liked to play billiards. And so it came about that they were frequently in each other's company, either at one house or the other. And Mrs. Dean and Mrs. Rich were friendly. And a Miss Hodgkins, a sister of Mrs. Rich, was very friendly with the Deans as well. And Miss Hodgkins was at home for a visit at the Riches that night when Mr. Dean called there.

Now it seems that sometime during the night of August 13th Mr. Rich sustained a very severe injury to his eye. That is, he got what we describe as a beautiful black eye. It was discolored way down on to the cheek, and way up, including the eyelid, and up on to the side of the nose.

Mr. Rich reports that he sustained that injury by reason of a kick from his horse, that is, the horse was standing in the stable, Mr. Rich went in to feed it, didn't turn on the lights assuming the horse would hear him coming. He put his hand on the horse's flank and the horse, not knowing he was there, and being a high-spirited animal, kicked, and whatever Mr. Rich had in his hand was driven against his face, and he had a black eye, a real black eye. I saw it and it was really black then.

Now, there have been various stories as to how Mr. Rich acquired that black eye. There have been various conflicting stories as to where Mr. Rich was and what he was doing that night.

It is claimed on his part that Mr. Dean left there that night before the murder at somewhere around half past ten. We shall bring to you everyone along the route who claims that they saw Mr. Dean.

Mr. Rich's claim is that when Mr. Dean came there, he, Rich, had just been hurt by the horse, was applying hot water baths to the eye. And Mr. Rich says that because of the pain he was suffering and because of his attention to the eye, he didn't talk with Mr. Dean very much that night, and didn't know very much about what was going on.

There will be witnesses here, gentlemen, who claim they saw Mr. Rich later in the evening, later than the time when he said it was, and that he didn't

have a black eye. There will be witnesses here who will claim they saw him out on the street later in the night.

Now I want to say this, gentlemen, that in matters of this kind a suspect has no friends. And I want to say also that personally I am entirely satisfied with everything which your Sheriff and your County Solicitor has done. I believe their investigations have all been reported to me from a perfectly disinterested standpoint, having in mind just one purpose, that we might discover who perpetrated this awful deed.

I want you gentlemen to understand that so far as the State is concerned, if it is possible to find out who did it, we don't care where it falls. Therefore, I want you gentlemen to approach this thing fearlessly, understanding that you are investigators the same as Mr. Pickard and myself and the Sheriff here, and we called you in here to help us, and if, when we are all through here, if as intelligent business men of affairs, you reach a conclusion that we have got evidence enough upon which we might properly conduct a jury trial to determine the guilt of any person with a fair degree of possibility of convicting them, it is immaterial to us who that person may be, and we shall expect you will find an indictment.

I would propose to say also that should you not indict anyone, that doesn't necessarily mean the conclusion of the affair by any means, because if we later are able to obtain further evidence as to who did this, why this investigation may begin all over again, and we can indict in the future just as well as we can at the present time.

Now, gentlemen, what I have started out to make a brief statement has developed into quite a long statement, and I hope I haven't wearied you. I ought to say also, gentlemen, in your role as investigators, if there is anything occurs to you that we don't bring out here, you have as much right to ask questions as we have.

MR. EDWARD H. LORD, SHERIFF

Direct Examination by Mr. Pickard

PICKARD: What position do you hold in the County?

LORD: Sheriff of Cheshire County.

PICKARD: Were you Sheriff last summer at the time of the Dean murder?

LORD: I was.

PICKARD: What have you in the bag with you?

LORD: Various things that were taken from Mr. Dean's body and the vicinity.

PICKARD: Will you spread these exhibits out and tell, as you do so, what each is?

LORD: This rope here was tied to Mr. Dean's legs, just above the knees. That rope there was one of the ropes that was tied around his wrist with his hands

behind him, and this rope here, with the snap catch on the end of it, was tied around his hands, and this was caught into the bag that was over his head, around in the rear.

This part of the halter with the snap on the end of it was around Mr. Dean's neck twice. I think I can illustrate that. About in that position, with the ends over his shoulder.

PICKARD: Was the rope tied?

LORD: It was not.

This bag was over Mr. Dean's head. This rope was on the front side and was fastened to one of these little buttons on his trousers. And this piece of the halter with the snap in the end of it was caught into the loop on the back.

This rock was in the bag.

This horse blanket was over Mr. Dean's head. The biggest part of it was on his left shoulder and that side of his head.

PICKARD: Are there any blood stains on the blanket?

LORD: There are some blood stains on the blanket here where it was in contact with his head.

PICKARD: How was the blanket folded?

LORD: It wasn't folded. There was this portion of it that came up over his head, something like this, and the biggest part of the blanket seemed to be sort of wrapped up next to his head.

PICKARD: You have some pieces of wood here, have you?

LORD: Those are two pieces taken from the steps that lead from the small door out of the barn, the side that faces towards the house and towards the cistern, that have marks showing where something was dragged over it.

PICKARD: This was the edge of the step?

LORD: The edge of the step, yes. This piece here was taken from either the end of one of the boards on the piazza or from the step, and there was one blood spot on that board.

This calendar was hanging back of the stove in the kitchen and on the date on the calendar of August 13th there is written over the letters 13, "Billy" and under the letters 13, "died." And all encircled with a pencil mark.

That's the knob that was on this door, this small door leading from the barn. There were blood stains on the knob. It has been at the office of the State Chemist at Concord for ascertaining whether it was human blood or not.

PICKARD: Now, at any time before it went to the State Chemist at Concord did you make a trip to Boston with it?

LORD: I did, for the purpose of ascertaining if there were any fingerprints on the knob.

These are rubber foam canvas shoes that were turned over to me and I took them to the State

Chemist at Concord for the purpose of ascertaining if there were any blood stains on them.

PICKARD: Were you there when the body was taken away?

LORD: I was.

PICKARD: Do you know whether or not all these you have described were on the body at that time?

LORD: What I have mentioned — the bag, blanket, the rock, and the ropes — yes.

JURYMAN: Were the ropes around the wrist and legs tied very securely?

LORD: I would say they were.

PICKARD: What kind of knots?

LORD: Square knots.

PICKARD: Do you remember how Mr. Dean was dressed?

LORD: Mr. Dean had on short trousers, with black stockings and overshoes on his feet.

PICKARD: What kind of a shirt? I mean a stiff shirt or a soft shirt?

LORD: A soft shirt.

PICKARD: Were you there when the cistern was pumped out?

LORD: I was not.

PICKARD: At this time I won't go into the detailed points you have made. That will come a little later. That's all, unless there is some further question in relation to these things. Mr. Lord will later be introduced to go over the investigation he made, but for the present I merely introduce him to show these various things.

YOUNG: On this calendar, Mr. Lord, in the circle around the figures the 5th of June, is written in pencil "Colfelts left."

And around the figures 25 in the same month there is a circle and inside of that is the word "information." Now around the figures 27 under Thursday in that same month is another circle, and in that the words, "Prince came." ["Prince" could refer to a stray animal. They took in many stray animals. —MCB.]

JURYMAN: May I inquire if it is known whose writing that is?

YOUNG: Yes. This, under the 13th of August 1918, was undoubtedly written by Mrs. Dean. Somebody suggested to her that she make some mark on the calendar.

JURYMAN: Who was this Colfelt?

PICKARD: He was the man who had lived in Jaffrey more or less for about two years. Came here from New York State. I hope to be able to produce him and his wife and daughter before you. We have heard from them and they will come in later.

WITNESS DISMISSED

WILLIAM F. COOLDGE

Direct Examination by Mr. Pickard

PICKARD: You are a member of the Board of Selectmen?

COOLDGE: Happen to be Chairman this year.

PICKARD: How long have you lived in East Jaffrey?

COOLDGE: I moved there in November, the 20th day of November 1899, and I have been there ever since.

PICKARD: Did you know William K. Dean?

COOLDGE: I didn't when I came there first, but since then I have known him ever since I lived there.

PICKARD: How far from you did he live?

COOLDGE: Well, we call it two miles. It isn't quite that, I think, but that's what we call it to the Dean corner.

PICKARD: Do you know whether or not he had to go past your house?

COOLDGE: Almost always he went by my house because that was the shortest way to town.

PICKARD: What is that road known as that he lived on?

COOLDGE: Old Peterborough Road.

PICKARD: Do you know why it was so called?

COOLDGE: That's the way they used to have to go to Peterborough from Jaffrey before the railway road was built. That was years ago, of course, but I happen to know that.

PICKARD: What about the number of neighbors Mr. Dean had?

COOLDGE: He had no near neighbors.

PICKARD: And the one you would say was the nearest?

COOLDGE: I think that Charlie Deschenes must have been the nearest neighbor.

PICKARD: Did you know Mrs. Dean?

COOLDGE: Quite well, yes. I knew her fully as well as I did Mr. Dean. Being on the Board of Selectmen I had the appointment of Mrs. Dean as Trustee of the Library so that I had to see her occasionally.

PICKARD: What sort of man was Mr. Dean?

COOLDGE: A quiet man, always tended to his own business.

PICKARD: Educated man?

COOLDGE: Apparently he was very well educated.

PICKARD: What about his wife?

COOLDGE: She seemed to be.

PICKARD: Do you know anything about their domestic life together?

COOLDGE: None whatever. Apparently, when I have been with them, they have always seemed all right.

PICKARD: What about Mr. Dean's physical strength? Was he a quite well man or not?

COOLDGE: I wouldn't think that he was. He never seemed to work very hard, what I have known about him. He always had someone get his hay for him so far as I know, and I don't believe he was ever what

you could call a really well man. I heard that he had heart trouble. I don't know whether it's true or not.

PICKARD: Well, about Mrs. Dean's mental condition. What about that?

COOLDGE: When I first saw her she seemed to be all right, but in the last two years she has been growing more or less demented.

PICKARD: What about her physical strength, her bodily strength and health?

COOLDGE: I remember six or seven years ago when I noticed it first she seemed a little bit tired and didn't seem just right. I didn't think anything about it but what she was all right, but then a year or two ago I would hear occasionally that she was getting a little bit childish.

PICKARD: Who were Mr. Dean's best friends in Jaffrey, if he had any?

COOLDGE: I didn't know that Mr. Davis was as intimately connected with him. I knew he went there occasionally but I always supposed that Mr. and Mrs. Rich were his best friends, Mr. Charles L. Rich.

PICKARD: He is a resident of East Jaffrey?

COOLDGE: He is. East Jaffrey. One of the trustees of the Savings Bank, which I am also, and Cashier of the National Bank.

PICKARD: He has been in East Jaffrey how long?

COOLDGE: I can tell you by figuring out. It must be thirty-three years I think. Maybe thirty-five.

PICKARD: What sort of reputation did Mr. Rich have in East Jaffrey?

COOLDGE: He has always had a very good reputation.

PICKARD: Judge of the Police Court?

COOLDGE: He is now Judge of the Police Court. I signed his appointment.

PICKARD: Do you know who else were intimate friends of the Deans, if anybody?

COOLDGE: Of the Jaffrey people, I don't know. They were very intimate with Prof. and Mrs. Robinson, and I think one or two other summer people. Miss Ware of Rindge. They were quite intimate with Miss Ware, and there was another lady, I can't think of her name now.

PICKARD: Mrs. Morison?

COOLDGE: Well, I didn't know her, never heard of her as connected with them until recently, but there were several of the summer people they seemed to be very intimate with.

PICKARD: What do you know, if anything, about Mr. Dean's habits of milking?

COOLDGE: I didn't know a thing until his death.

PICKARD: Or about his habit of going to town?

COOLDGE: Well, that I knew because he went by my house. I used to see him go by and that's how I happened to know about that part of it, and generally he went in the afternoon, and during the summer, of

course, it was later than it was in the winter and quite often I used to be going back and I would get in and ride with him as far as my house. I was late going and I would ride with him, and Mrs. Dean used to do the same thing.

PICKARD: Has Mrs. Dean recently been going back and forth to the village?

COOLDGE: No, she hasn't. I would say it may be three years since I have seen her drive. She used to drive altogether those years when he wasn't as well as he has been for the last two or three. At least he hasn't been going to the village so much since she has been a little under the weather.

PICKARD: Had you ever had any talk with Mr. Dean about any of his tenants or neighbors?

COOLDGE: Not a thing.

PICKARD: Had you, at any time, heard him complain with reference to German activities or things of that sort?

COOLDGE: Not a particle, no.

PICKARD: Had you, up to the time of his death, any reports from him of German activities around his house?

COOLDGE: Not from him, no.

PICKARD: Or from anybody?

COOLDGE: Well, there were two Federal officers that came up a year ago about this, up from Boston, and naturally they would come to us or the Chief of Police, and then they came to us to get special appointments as police and we appointed them, and that was probably the first I had any definite information about those people.

PICKARD: What people?

COOLDGE: Well, the Colfelts, really. That's who it was.

PICKARD: Where were the Colfelts living at that time?

COOLDGE: They were living in what we call Mr. Dean's house, the bungalow, where they lived.

PICKARD: Now this sketch somewhat roughly represents the situation, not drawn to scale. Here's the old road leading from East Jaffrey over to Peterborough. Here's the road that goes into the Dean premises. Here's the house where Mr. and Mrs. Dean lived. Going down straight along you come to the big house where the Colfelts lived, and branching off to the left was the barn, and the cistern where Mr. Dean's body was found was in this position, right in that vicinity somewhere. That fairly represents the situation?

COOLDGE: Yes.

PICKARD: Now, will you tell the jury what is the location of this big house. Was it in a valley?

COOLDGE: It's right on top of the hill.

PICKARD: What prominent places can you see from that place?

COOLDGE: You can see all the mountains. You can

see Monadnock and the Temple Hills, Pack Monadnock, Crotched Mt., and Kearsage, I think.

PICKARD: You said before that Federal authorities came there early last year to make some investigations. Do you know the result of their investigations at that time?

COOLDGE: No, I don't. Probably Mr. Gifford will be able to tell just what they were.

PICKARD: Were there any arrests made?

COOLDGE: None whatever.

PICKARD: Now, when did Mr. Colfelt come to town?

COOLDGE: I can't tell directly. He came to town and lived on what we call the Baldwin place one season, and then he was gone awhile. I can't remember just when that was. And then he came back, I think a year ago last fall. Of course, I wasn't interested particularly, so I don't know.

PICKARD: Where was he living at that time?

COOLDGE: He was living, a year ago, in Mr. Dean's house. I got acquainted with him when he was living in the other house.

PICKARD: What members constitute his family?

COOLDGE: I couldn't ever tell. All I ever saw to be sure of is Mr. and Mrs. Colfelt, but I wouldn't know her if I saw her now. I had no occasion to meet her at all.

PICKARD: Now do you know whether or not you have ever seen yourself any of the alleged mysterious lights?

COOLDGE: Not a particle anywhere, and I looked for them to the mountains, but I live in more or less of a valley so don't be surprised at that.

PICKARD: But you knew they had been reported?

COOLDGE: I knew they had been reported.

PICKARD: And know people who have seen them?

COOLDGE: Yes, and I have been to look for them myself and waited for them for hours and nothing doing.

PICKARD: Have you ever seen any lights or any mysterious doings at the big house or any other place about the hill?

COOLDGE: No, sir. None whatever.

PICKARD: Were any mysterious doings reported to you by the Federal authorities when they investigated before the murder?

COOLDGE: Not by the Federal authorities. Those two men a year ago said they had had it reported to them.

PICKARD: When did you first know that William K. Dean was missing?

COOLDGE: Well, it must have been about half past nine on the morning of the 14th of August.

PICKARD: Who notified you?

COOLDGE: I was called to the telephone, I happened to be at home that morning. I was called to the telephone and asked who it was. He said, "Garfield." I

said, "What's the matter?" I can't tell the words exactly but he said, "I am over to the Dean place and Mr. Dean is missing." And he said that Mrs. Dean had called him up and said that Mr. Dean went to the barn the night before and — I think he must have told the whole of this over the telephone — that he had been gone ever since he went to the barn the night before and she had called him up and he had gone over but couldn't find him and he wished I would get some men to go out and hunt for him, and that's all that was said over the telephone, so far as I can remember.

PICKARD: Who is Mr. Garfield who called you up?

COOLDGE: Martin P. Garfield. He lives as near as anybody to the Dean place. It's just a little over a mile.

PICKARD: He had a telephone?

COOLDGE: Yes.

PICKARD: To Mrs. Dean's?

COOLDGE: Yes. There was one in both houses. In the bungalow and in the house.

PICKARD: All of them in good operating condition?

COOLDGE: Yes, but he couldn't get in the house and telephoned from the bungalow.

PICKARD: In response to that call, what did you do?

COOLDGE: I took my car, went up to the village, and I stopped at Mr. Hogan's when I went up.

PICKARD: Who is Mr. Hogan?

COOLDGE: He is one of the selectmen. And I went to the Police Station to get Mr. Enos. He was acting more or less as Chief of Police because Mr. Nute wasn't very well, and I said, "Mr. Enos," I said, "Mr. Dean is apparently lost and we must go out and try to hunt him up." But we didn't consider it anything serious, and he said, one of us, that we wanted to be sure Charlie, that is Charlie Nute, the Chief of Police, went with us, and ought to get somebody else to go with us, but everybody was busy, and he said he would go, and we went down to get Mr. Hogan and drove over to the Dean place.

It must have been probably a little after ten o'clock when we got there, but I'm not sure. This is as near as I can remember. And when we got there we drove into the yard and Mrs. Dean came out of the bungalow and I asked her where was Mr. Garfield. She looked kind of wild and she said, "Who is Mr. Garfield?" I said, "Matt Garfield." Well, she didn't seem to know. She said, "There's somebody here. There's a man here." And we found Mr. Garfield right off.

He told us what he had done, had looked the premises over very thoroughly from beginning to end, went through the fields, through the barn, and finally went through the house and bungalow and into the cellar, and looked into the well by the house and there was nothing visible, and the impression was, what all of us thought, since the milk pail was

missing, that he had left the barn with the milk pail and perhaps had more or less, we thought, had wandered off.

No suspicion of any foul play in any way. And finally, after going all through the woods and the open fields, I came around up by the barn and Mr. Hogan was around the other side of the barn and he said, he spoke of it first, that he was thinking we better look into that cistern.

We had asked Mr. Garfield about the cistern before and he said he had looked in it. I think Mr. Hogan spoke of it first, and I told him I had been thinking of it, too, and we started up there and we got one on each side of the cistern and we lifted the cover back.

Then Mr. Garfield came up and Mr. Hogan asked him if there was a pole that we could reach into the cistern. Mr. Garfield went to get a pole — you probably remember it there — and reached down into the cistern and he seemed to catch into something. We asked him what it felt like, somebody did, I don't know whether Mr. Hogan, Mr. Enos, or I.

Just about that time there was a car from Stratton's stable with Charlie Stratton and I think Windsor Priest. Mrs. Dean had called up the Stratton stable to have somebody come up to look after the horse, and she had come out to the barn, but before she got there Mr. Garfield let the pole loose. Did I say that Mr. Garfield said it felt as though it got caught into a bag?

Then he let go of the pole. I don't remember why. I took hold of the pole and instead of doing it the way he did with that kind of pole, I took it up altogether and then down again into the well and I could locate something, and then it was I could feel it give a little bit, and in Mr. Scott's report I think he put the words in but in Mr. Valkenburgh's he changed the words a little bit, but I said, "He's there all right." Those are the words I used.

Then is when Mr. Charlie Stratton came and they got an iron ice hook, and then was when Mrs. Dean got to the barn and I said, "You fellows look after this and I'll go down and see Mrs. Dean doesn't come up here."

They took the hook and Charlie Stratton got down into the cistern, or somebody got down in. I don't say because I didn't see it, but they said it was Charlie Stratton, and reached in and hooked the body enough so they could see he was tied up, and they immediately told me.

Now here's the most important point in my testimony. Immediately within three minutes of the time they had found him, I went immediately to the bungalow to telephone and Mr. Enos followed me right along. Nobody was there. Nobody could get into the other house because it was locked up, and nobody

was in the bungalow, and nobody knew definitely that Mr. Dean was dead until within three minutes of the time I got to the bungalow.

I went to the telephone and called up the bank — the first thing when Mr. Dean was dead was to get someone to look after Mrs. Dean and the first thing was to think of Mrs. Rich being so friendly — and I went to the telephone to call the bank up to get Mrs. Rich to come up there to look after Mrs. Dean, and before the bank had answered, Mr. and Mrs. Rich and Miss Hodgkins drove up into the yard with Mr. Leighton's car.

PICKARD: Who is Mr. Leighton?

COOLDGE: He is the undertaker. What I want to impress upon everybody that's here is that nobody had occasion to telephone after we found that he was dead but myself.

PICKARD: Where was Mrs. Dean all this time?

COOLDGE: She was in the barn. She stayed out to the horse and cow.

PICKARD: Do you know whether or not she telephoned from the house at any time?

COOLDGE: I think she had.

PICKARD: That was about half past eleven?

COOLDGE: It must have been very nearly twelve. I don't know just what time it was.

PICKARD: And then the body was let back into the water?

COOLDGE: Let back into the water.

PICKARD: And what did you do?

COOLDGE: After they had got there, Mr. Leighton came in and whether he telephoned to you or Mr. Enos, I don't know. I think he did. And he telephoned to Dr. Dinsmore, or I did. I can't remember. Of course, we were all mixed up to such an extent we couldn't remember definitely, but it doesn't make any difference. We got you and Dr. Dinsmore on the wire in time.

PICKARD: And that was in the vicinity of noontime?

COOLDGE: Just about noon.

PICKARD: Was anything done about removing the body until we got there?

COOLDGE: Not until you got there.

PICKARD: That was when?

COOLDGE: Between two and three o'clock, I think.

PICKARD: Can you tell us whether or not you were present when the body was taken from the well?

COOLDGE: I was.

PICKARD: Can you tell what the condition of the body was?

COOLDGE: I didn't help pull the body out of the cistern. I was back perhaps ten feet.

PICKARD: Did you see the body after it was taken out?

COOLDGE: Yes. After he had been put into the basket and was in the house, I happened to be near by,

so I helped bring the basket into the kitchen.
 PICKARD: Do you know how he was tied?
 COOLDGE: Yes, I saw that. I couldn't tell perhaps every knot and tie there was.
 PICKARD: Do you know whether or not there were any square knots?
 COOLDGE: All that I noticed were square knots. I can't remember definitely as to every one, of course, but the ones that I noticed especially was the square knot.
 PICKARD: And it's true that he had a bag over his head?
 COOLDGE: Yes. And a stone in the bag, and the bag was tied to his pants, and ropes around his neck.
 PICKARD: Now, what happened that afternoon about three or four o'clock when we were going back?
 COOLDGE: We ran into a thunder storm and it obliterated all traces of everything.
 PICKARD: Most violent thunder shower we had last summer?
 COOLDGE: I think it was much the worst.
 PICKARD: Were the Colfelts living on the Dean farm at that time?
 COOLDGE: They were not. There was no one in that house.
 PICKARD: Do you know when they moved away?
 COOLDGE: No. I would have said it was about the first of June. It may have been before or after.
 PICKARD: Was your attention directed to anything on the early morning of the 14th of August going by your house?
 COOLDGE: No, not in the early morning. It was just before twelve o'clock.
 PICKARD: Tell us what that was?
 COOLDGE: Well, it was a hot night and I was sleeping in a different room and it happened to be in the northeast corner of the house, right next to the street, and I was sound asleep, but there was a peculiar kind of noise and it woke me up instantly, and I recognized it because I run a car myself, and it was the shifting of the gear going down hill and I jumped up immediately and I saw the car go down under the trees by my house so I saw the back end of the car and I couldn't say what was in the car.
 Just a few minutes afterwards I heard a team going the other way, and a car, and a few minutes later a car came back. We afterwards found out, the next day — I think it was the next day — who those cars were, but the team, I don't know whose it was.
 PICKARD: That is, those cars that night had nothing to do with the murder?
 COOLDGE: I think not. Not direct.
 PICKARD: The team you don't know?
 COOLDGE: I don't know anything about that. The car that went over and back was just gone a few minutes and I could tell by the sound it was a Ford car.

PICKARD: Now, there have been different investigations of the murder?
 COOLDGE: Yes, quite a number of them.
 PICKARD: And you have had an agent investigating the case for the Selectmen?
 COOLDGE: Yes.
 PICKARD: What has been done with the evidence which his investigation has disclosed?
 COOLDGE: I don't quite catch your meaning.
 PICKARD: Has it been delivered to some authority?
 COOLDGE: It has been delivered either to you — you had part of it — I don't know whether you had it all or not — it has been delivered to the Federal Department anyway, the whole of it.
 PICKARD: Your investigator was Mr. DeKerlor, or Kent?
 COOLDGE: Yes.
 PICKARD: Now, of your own knowledge have you anything further to state with reference to the person who committed this crime?
 COOLDGE: Well, I can't quite get that?
 PICKARD: Of your own knowledge have you anything further to state? I mean, do you know of anything further than I have asked you that you wish to state to the Grand Jury? For instance, have you, since the time of the murder, seen any of the mysterious lights?
 COOLDGE: No, I never have seen any of them at any time.
 PICKARD: Do you know anybody who has?
 COOLDGE: Mr. Boynton has.
 PICKARD: He is one of the selectmen?
 COOLDGE: Yes.
 PICKARD: And he is here to testify?
 COOLDGE: He is here to testify. I am perfectly willing to answer anything I know about. I think I have told everything, unless it has reference to the exhuming of the body of Mr. Dean the first time. It isn't necessary, only so far as my evidence would corroborate someone else's statement.
 YOUNG: Now, what was the character of the ground between the stable and the cistern?
 COOLDGE: It was sloping toward the barn.
 YOUNG: And the grade was about how much, would you say, for a guess?
 COOLDGE: It's about a hundred seventy-five feet between the two, and I would say that there might be a twenty foot fall.
 YOUNG: On the day the body was discovered, how was the grass?
 COOLDGE: It had been walked through.
 YOUNG: And naturally turned downhill?
 COOLDGE: Just where it happened to be trod down.
 YOUNG: Did you make any examination between the stable door and the cistern to discover whether anything had been dragged or wheeled across there?

COOLDGE: Yes, we did.
 YOUNG: Was there anything to show?
 COOLDGE: Nothing at all, so far as we could see. Of course, it had been tramped over.
 YOUNG: Of course, after the rain, anything that had been there had been obliterated?
 COOLDGE: Yes, but we looked before. Immediately we looked in all directions from the barn.
 YOUNG: You at once reached the conclusion, I presume, that the assault took place down by the stable?
 COOLDGE: Yes, must have been.
 YOUNG: Any blood anywhere else, so far as you discovered?
 COOLDGE: So far as we discovered, no, there wasn't.
 YOUNG: Did you look along the way to see if there were any drops of blood on the grass?
 COOLDGE: I don't know as I did.
 YOUNG: Somebody did?
 COOLDGE: Yes.
 YOUNG: There was nothing between the barn and the cistern to indicate anything had moved across, was there?
 COOLDGE: Well, Monday Mr. Garfield told us that he was sitting on this porch with his boy and the boy picked up a piece of grass right there with some blood on it. He never told us that before but he told us this very last Monday when we were over there. He must have told someone.
 YOUNG: Well, what I want to get at is this, whether there was anything on the ground to indicate that a body had been dragged across it or carried across it?
 COOLDGE: Not at all. No appearance of it.
 YOUNG: Now, then, up around this cistern, around the mouth of the cistern, how was that constructed?
 COOLDGE: That's brick, and the brick are loose more or less.
 YOUNG: Were those bricks all in one place or had they been knocked in?
 COOLDGE: They had been knocked in. I noticed those bricks were loose and had been knocked in.
 YOUNG: Did you knock any of them in while you were getting the body out?
 COOLDGE: No, I don't think there was anything moved. Mr. Pickard can tell that better than I can probably.
 YOUNG: This cistern was covered over with a wooden cover?
 COOLDGE: Yes.
 YOUNG: And that was all weather-beaten and discolored so it wasn't noticeable for any distance?
 COOLDGE: Yes.
 YOUNG: There was nothing about the cistern to attract anybody's attention to the cistern?
 COOLDGE: No. Anybody didn't know anything about the premises, they never would have noticed it. I

never knew, as many times as I've been there, the cistern was there.
 YOUNG: As you understand it, that was a rainwater cistern and the water was used from that? . . .
 COOLDGE: I don't know what it was used for. I don't know whether it was used for a toilet perhaps in the house or not. I think for the toilet perhaps.
 YOUNG: What kind of shape and dimensions was this cistern? How was it inside?
 COOLDGE: I don't know as I can describe it, only that it was smaller at the top and much larger at the bottom.
 YOUNG: How deep?
 COOLDGE: I would say about ten or eleven feet.
 YOUNG: And the opening at the top where this wooden cover was — four feet and a half or so?
 COOLDGE: It was just about four feet, I think. Somewhere around that.
 YOUNG: Now the edge of the cover had a projection around it so when it went down over the top of those bricks it was stationary and couldn't slide off?
 COOLDGE: Yes.
 YOUNG: Now at first there was a lot of talk about the milk pail, and as a result of that the wells around the place were all pumped out?
 COOLDGE: Yes.
 YOUNG: And afterwards it was thought he didn't use the pail they thought at first he had?
 COOLDGE: Well, that never has been found.
 YOUNG: And the milk pail that hasn't been found they talked about was a tin milk pail with a strainer on the side, and then subsequently it was quite clear he had used the agate pail?
 COOLDGE: Yes, that pail was blue and white, as I remember.
 YOUNG: When was it you appointed the United States agents as special police?
 COOLDGE: I think it was about the 15th of April. Might have been a little later.
 YOUNG: It would be about four months before the murder?
 COOLDGE: Yes. It might have been May. I can't remember.
 YOUNG: During that time were the Federal agents investigating this so-called German activity?
 COOLDGE: I don't know.
 YOUNG: Ever see them there more than that one time?
 COOLDGE: No, I never did. I heard there were others there, but whether there were or not, I don't know. You would hear lots of stories.
 YOUNG: Did the report you heard at that time have anything to do with the Colfelt place or the Dean place? At the time you made those appointments, I mean.

COOLDGE: That's what it was about.

YOUNG: And the result was they wanted to investigate up around the Dean place?

COOLDGE: Yes.

YOUNG: What did they tell you the nature of the activity was?

COOLDGE: They didn't tell us. They didn't talk very much.

YOUNG: Now, when you got up there, the day the body was found, you saw Mrs. Dean first?

COOLDGE: The first thing.

YOUNG: Now, can you recall the conversation that took place then? What you said to her, and what she said to you?

COOLDGE: Well, I said it once, but I asked her where Mr. Garfield was.

YOUNG: Didn't say anything about Mr. Dean?

COOLDGE: I think I asked her something about it perhaps, but probably she told me that Mr. Dean was gone.

YOUNG: Did she say anything at all that day about Mr. Dean's being dead?

COOLDGE: Well, at some time, I won't say it was that day, I was talking with her — I was over there most every day for two weeks and I would say it was probably the same day, certainly wasn't Thursday anyway — in talking about Billy, as she called him, she said, "Billy is gone. He went away to the barn that night and," — I think it was the first day — "he went to the barn and he had been gone and I think he is over there in that deep water," and she motioned over to that swamp over in the valley.

YOUNG: Is there any deep water over there, as a matter of fact?

COOLDGE: I think you will find from some of the witnesses, they will say there is. I've never been across there so I couldn't tell, but I know there is a swamp in there.

YOUNG: But no path or road that leads down there?

COOLDGE: No.

YOUNG: Were you present that Friday afternoon when I had the interview with her?

COOLDGE: I was there. I wasn't in the house. I was outside.

YOUNG: Well, now, at this time when she made this statement he was over in deep water, did she say anything about his head feeling bad?

COOLDGE: Yes, at the same time she said he had trouble with his head. She said that to me quite a number of times. "Billy had trouble with his head and I think he is gone over there in the deep water."

YOUNG: Did she say anything about his legs bothering him?

COOLDGE: I won't say certainly she did, but she spoke of his head being bad.

YOUNG: Do you know anything about the Colfelts of your own knowledge? That is, anything about their connection with this in any way?

COOLDGE: No, not a particle.

YOUNG: Don't know whether they were implicated in showing lights or not?

COOLDGE: No, I don't know anything. Only by hearsay.

YOUNG: Do you know anything of your own knowledge where Colfelt was at that time?

COOLDGE: No, only what I've heard.

YOUNG: Had you seen his car around there anywhere near that time?

COOLDGE: I knew his car when I saw it but I don't remember when I saw it last. I guess it was when he was in town the Saturday night before. He was to the bank the Saturday night before and he was up to Shattuck's because the clerk of Shattuck's Inn told me they asked for reservations on the next Wednesday, the 14th.

YOUNG: Do you know whether they came on the 14th?

COOLDGE: I know they didn't. Mr. Marshall told me. I think it was the night of Thursday after I had been to Concord that I met Mr. Marshall at the station and asked him about it. I had heard they had been up there Saturday and he told me they had asked for reservations but they didn't come.

YOUNG: Do you know of your own knowledge where Colfelt was at that time?

COOLDGE: Not of my own knowledge, only what Mr. Emerson or someone told me.

YOUNG: Do you know anything about Mr. Rich, of his whereabouts, or what he did on that night?

COOLDGE: Not of my own knowledge, not a thing.

YOUNG: Do you know anything about his having a black eye?

COOLDGE: I know about that because you couldn't help noticing when you saw him. When he came in and drove up to the bungalow with the Leighton's car, the first thing I noticed was that.

YOUNG: Did you ever hear him tell how he acquired it?

COOLDGE: I don't know. I think not, unless he told you and I when we were sitting together.

YOUNG: Do you remember what he said at that time?

COOLDGE: No, I don't.

YOUNG: In a general way, do you remember how he said he got it?

COOLDGE: No, I don't remember I ever heard him say how he got it. I've heard lots of things since.

YOUNG: Do you know where Mr. Rich was that night?

COOLDGE: Not of my own knowledge.

YOUNG: Whether he was at home or out?

COOLDGE: Not the first thing.

YOUNG: Did Mrs. Dean say anything to you about what Dean said to her when he came home, about where he had been?

COOLDGE: No.

YOUNG: Did she tell you what time Mr. Dean got home?

COOLDGE: Yes, she did. She said half past nine, I think. I wouldn't say certainly whether she said half past nine or not, but I think so.

YOUNG: Did you ever talk with Rich to find out what time he left their house?

COOLDGE: No, I don't think I did.

YOUNG: Did you ever talk with anybody along the route that Dean went over with a view of ascertaining the time he went by?

COOLDGE: I don't believe I ever talked with anybody except Charlie Deschenes who lives in the nearest house to Dean's.

YOUNG: You didn't see Mr. Dean when he went by?

COOLDGE: I didn't see him either way that I remember.

YOUNG: Have you any idea of the time of night it was you heard this wagon go by?

COOLDGE: It must have been just about midnight.

YOUNG: That would be on the road to Dean's?

COOLDGE: Yes.

YOUNG: Did you look at your watch or fix the time in any way?

COOLDGE: No. I heard the clock strike some time but whether it was just before or after that team went by, I can't say.

YOUNG: Any possibility it might have been Dean on his way home after he left Rich's house at 10:40?

COOLDGE: Oh, no, because I'm only a little way from the Riches.

YOUNG: Do you remember what time you retired that night?

COOLDGE: Probably about half past ten.

YOUNG: That would be just about the time he went home, if he left at the time they say?

COOLDGE: Yes.

YOUNG: You didn't hear anything of his team?

COOLDGE: I don't remember.

YOUNG: Do you know what kind of a team he drove?

COOLDGE: I think then he was driving a kind of buggy cart.

YOUNG: The sort you will see where the seat tips up, you walk in and sit down and tip the seat back?

COOLDGE: Yes. He drove that. Whether he had it that night or not, I don't know.

YOUNG: You saw the one in the barn when we were over there?

COOLDGE: Yes.

YOUNG: Do you remember how that was shod, whether rubber or iron?

COOLDGE: No, I don't. I never said it was rubber. I

would have said it was iron. Some people have questioned it, but I don't know.

YOUNG: You investigated to find out whether it was rubber or iron?

COOLDGE: I have not, personally.

YOUNG: Weren't you there when we were looking that over so carefully?

COOLDGE: No, I wasn't. I don't believe I saw you down in the barn at all.

YOUNG: Your impression is that it was iron shod?

COOLDGE: That's my impression. It might have been rubber just the same.

YOUNG: You haven't investigated it since?

COOLDGE: Not personally, no.

YOUNG: Did those Federal agents who you appointed special officers make any report to your board in any way?

COOLDGE: Not at all. I don't know when they went away even. They probably told Mr. Nute.

YOUNG: Did they find, or anybody find, where this stone came from that was found in the bag?

COOLDGE: I looked myself on the wall and it looked as though I found a spot that would just about fit that stone.

YOUNG: Did you take it up there and find out if it did fit?

COOLDGE: No. It was gone.

YOUNG: Did somebody come over from the jail and fit it in?

COOLDGE: I don't know.

YOUNG: Now this mark is where it looked as though a stone was taken out?

COOLDGE: It was right on top of the wall. I would say about thirty feet from the barn. It was taken right out of the top of the wall, absolutely. Right near by where it was convenient to get it.

YOUNG: Did anybody find one of these little three-tined hand cultivators? Do you know anything about that?

COOLDGE: All I know, when Mr. Dean's body was taken out the last time for Dr. Magrath's investigation, long after it was completed, I was in the village and Charlie Bean came to me and he said, "Where are the Federal officers?" I told him I didn't know, and he said, "You find them and tell them to hunt me up. I've got something to tell them."

YOUNG: Did you ever see this digger?

COOLDGE: That's what I was getting to.

YOUNG: Did you ever see it?

COOLDGE: Before, no.

YOUNG: At any time?

COOLDGE: That's what I'm getting to. He wanted the Federal officers to come to see him. I asked him what for and he said, "I've got something to tell them." I went home and called up the place where they were stopping and they weren't there.

YOUNG: Well, without going through the conversation that took place, at some time you saw the three-tined digger?

COOLDGE: Well, I'll be glad to say in just a minute. This is more or less important. I just got home and was sitting down to my supper and Charlie Bean walked into my dining room and handed me a bundle. I undid it and it was that digger. It's five-pronged. We call it a hand cultivator. I had one myself.

YOUNG: How long a handle?

COOLDGE: About so long.

YOUNG: About fourteen inches?

COOLDGE: Just about, I'd say. It might be an inch or two out of the way, but about fourteen inches.

YOUNG: What kind of a shaped handle?

COOLDGE: Just a hard, round small handle.

YOUNG: The same as a hoe handle would be?

COOLDGE: Just about.

YOUNG: How was it fastened on to the handle?

COOLDGE: I would say the same as a garden rake.

YOUNG: Now these prongs. How large around were they?

COOLDGE: Just about as large as the smaller end of that pen holder. Probably Dr. Magrath will bring that here. He has it in his possession.

YOUNG: Now when, with reference to the murder, when was it that Charlie Bean brought this digger over to your house?

COOLDGE: That was last January. The 14th of January the exhumation was, wasn't it?

YOUNG: When Dr. Magrath was there?

COOLDGE: Yes, I think so.

YOUNG: Well, right away after the murder in August. The murder took place probably the 13th or 14th, and right away after that did they exhume the body?

COOLDGE: About the first of September. I don't know what date it was.

YOUNG: He was murdered there Tuesday night or Wednesday morning and the following Friday or Saturday I was over there with you at the funeral?

COOLDGE: Yes.

YOUNG: Now the next day after that was Sunday, and wasn't it a week from that Sunday that the brother, Frederick Dean, came here with this Mr. DeKerlor?

COOLDGE: He was in Keene that day. No, it wasn't Sunday, it was Tuesday. Sunday they telephoned to me. No, it wasn't either Saturday or Sunday, I don't think.

YOUNG: But it wasn't more than two weeks, you think?

COOLDGE: I think so. I think it was sometime in August. He wasn't here the first of September.

YOUNG: Now the purpose of digging the body up at that time was to take some pictures of the body?

COOLDGE: Of the body.

YOUNG: For the purpose of showing to some psychologist?

COOLDGE: Yes.

YOUNG: Were you present when the body was exhumed?

COOLDGE: I was.

YOUNG: Who else was present?

COOLDGE: Mr. Leighton, Mr. Boynton, Mr. Nute, Mr. Enslin, Dr. Dinsmore, Dr. Childs, Mr. Rich, and I was there, of course, and Mr. Kent was there also.

YOUNG: You and the officer were there representing town authorities?

COOLDGE: Yes.

YOUNG: And Mr. Dinsmore as Medical Referee of this county?

COOLDGE: Yes. And Dr. Childs was there, too.

YOUNG: Now they took the body up and took some pictures of it?

COOLDGE: Yes.

YOUNG: Who took those pictures?

COOLDGE: Mr. Johnson. Yes, he was there also.

YOUNG: He's the local photographer?

COOLDGE: Yes.

YOUNG: Got any of those pictures with you?

COOLDGE: I haven't.

YOUNG: Do you know what was done with them?

COOLDGE: I can get them by Monday, I think. Probably there will be somebody here, probably the Federal men have some.

YOUNG: Those posthumous pictures were never turned over to your department?

COOLDGE: I don't know that.

YOUNG: Were they?

COOLDGE: I don't know. I never saw them and I don't know that they were. I didn't have to do with them. I was sick that day. I wasn't well enough to look at pictures even.

YOUNG: Now, after they exhumed the body and opened the casket and took the pictures, did this man, Kent, or anybody, do anything with them?

COOLDGE: Well, he took a piece of paper. I wasn't very near so I couldn't definitely tell what he did. Mr. Boynton saw well enough to tell what he did. He laid this on Mr. Dean's head and made some marks with a pencil, I think, on this paper, from the marks on Mr. Dean's face and head. I wasn't very close.

YOUNG: What did he do with the paper after that?

COOLDGE: He kept it and we went over to the Dean house. There he tried that paper on the plank of this porch of the barn.

YOUNG: What was there there?

COOLDGE: There were some marks.

YOUNG: Can you show us what they were, or draw them, or anything?

COOLDGE: Well, I don't know that I can.

YOUNG: Well, do it on the blackboard the best you

can. Just the lines to show what kind of shape marks there were.

COOLDGE: Well, there were marks, not as long as that, but I would say they were just about the distance apart of that weeder.

YOUNG: Was this a two-pronged or three-pronged one?

COOLDGE: The found one was five, I think.

YOUNG: There were two marks that you found down here on the steps of the barn?

COOLDGE: Yes. I wouldn't say there weren't three. I'm not sure. That board will be brought here.

YOUNG: And those marks there, were they parallel as though something had been dragged along?

COOLDGE: Yes. Well, they weren't very long. More like that.

YOUNG: But they were parallel?

COOLDGE: Yes, as if something had been pushed along.

YOUNG: Now, then, he took it down here and tried it on those marks?

COOLDGE: Yes.

YOUNG: What did that disclose?

COOLDGE: That they were the same width as the marks on that paper.

YOUNG: Were those marks on Mr. Dean's head? . . .

COOLDGE: I didn't get near enough, as I said. I was sick.

YOUNG: So you didn't see the head at all?

COOLDGE: I could see it.

YOUNG: Tell me this. Were those marks on Mr. Dean's head parallel like that, or were they lines which eventually, if they extended enough, would have come together?

COOLDGE: No, I don't think they would. I saw him when he was taken out of the cistern with the marks on.

YOUNG: Were they parallel?

COOLDGE: I think they were.

YOUNG: So if the lines were extended indefinitely they never would have come together?

COOLDGE: I wouldn't think so.

YOUNG: Now after he fitted them on to those marks on the doorstep, they apparently corresponded?

COOLDGE: Yes, as near as I could see.

YOUNG: Was Mr. Rich there when that was done?

COOLDGE: Yes.

YOUNG: After that, what was done?

COOLDGE: We came up to the house and there were fresh marks on that stone right next to the house, a stone that was part of the fence of the big house, and I would say there were some absolutely fresh marks there.

YOUNG: How many?

COOLDGE: I think there were only two there.

YOUNG: And the prints on the stone were all the

same distance as if something had been dragged across it?

COOLDGE: Yes.

YOUNG: Through the discoloration of the stone, did it show the fresh cut?

COOLDGE: Yes, quite plainly.

YOUNG: Looked like a blow, or as if something had dragged?

COOLDGE: Looked as though something had dragged.

YOUNG: How did those marks on the paper that were copied from Mr. Dean's face compare with the marks on the stone?

COOLDGE: Apparently the same distance apart.

YOUNG: After that, what was done?

COOLDGE: Mr. Rich sat right there and Mr. Kent took that paper and went over to Mr. Rich's face, after he had made a little bit of a speech, and he said, "Strange to relate" — or strange something — "these marks on this paper fit the dents on Mr. Rich's face. Mr. Rich, where did you get your black eye?" That's as near as I can remember. Put the paper right up against his face.

YOUNG: Will you describe the marks on Rich's face that there were?

COOLDGE: Well, I wasn't close enough absolutely to tell just what they were, but there were marks there, and as near as I could see, those marks fit that paper. I can't swear that those absolutely fit.

YOUNG: What kind of marks were they?

COOLDGE: They were scratches, those on his face were.

YOUNG: Whereabouts?

COOLDGE: I would say right across down there, across his eye.

YOUNG: Across his cheek bone?

COOLDGE: Yes, away from his eye.

YOUNG: Deep scratches or just through the skin?

COOLDGE: I wouldn't say they were more than through the skin.

YOUNG: More than two?

COOLDGE: I think not but two.

YOUNG: You have seen this digger?

COOLDGE: Yes. I've got just the same thing.

YOUNG: Were the scratches on the steps of the barn such as could have been made by that one that was found?

COOLDGE: Yes.

YOUNG: Have you ever investigated to see whether that particular digger fits into those scratches?

COOLDGE: No.

YOUNG: Did you ever try them on the stone?

COOLDGE: No, I haven't been over to the house at all.

YOUNG: Do you know how they fit this paper?

COOLDGE: No.

YOUNG: Is that piece of paper that Kent copied off the old man's face still in existence?

COOLDGE: Probably it is. I haven't asked him. Either he or Dr. Magrath probably has it.

YOUNG: Now then, you were all right there in a group, I presume, in close proximity to each other when this demonstration was made on Rich's face by Kent?

COOLDGE: Yes.

YOUNG: After that, didn't you look to see about the scratches on his face?

COOLDGE: No, I didn't.

YOUNG: Weren't you interested to see whether they did fit or not?

COOLDGE: I was afraid there was going to be a fight.

YOUNG: Did he accuse Rich then and there?

COOLDGE: Oh, no, he didn't. I think he didn't say anything more to him. He stepped back.

YOUNG: He said, "Strange to relate, those marks fit the marks on Mr. Rich's face. Mr. Rich, where did you get your black eye?"

COOLDGE: Yes. I remember the words he said.

YOUNG: What did Rich say?

COOLDGE: He said, "I don't know as I can tell," I think.

YOUNG: Well, let's get that right. If he did, that might be of some importance. You think Mr. Rich said "I don't know as I can tell."

COOLDGE: I think those are the words he said. And then Mr. Dinsmore said, "Mr. Rich," — I think those are the words he used — "can you tell where you got your black eye?" Then, I don't know, everybody turned away, and Mr. Rich said something like, "At the right time and place."

YOUNG: Had there been any suggestion up to that time that Mr. Rich was in any way implicated in this thing?

COOLDGE: Personally, I didn't believe it then.

YOUNG: I am asking you if you had, up to that moment, ever heard any suggestion on the part of anybody? . . .

COOLDGE: Yes, I had.

YOUNG: Who?

COOLDGE: Charlie Deschenes, I think, mentioned to me the night of the funeral that he had heard it. I said, "There can't be anything to it."

YOUNG: Everybody was wondering where Rich got his black eye?

COOLDGE: Yes. It had been mentioned around town, so I've been told.

YOUNG: Your recollection is that Rich never told you where he got his black eye?

COOLDGE: I don't think he did. I don't remember it unless he told you and I together when we were sitting there in the bank.

YOUNG: Well, if he did, you don't remember?

COOLDGE: No, I don't.

PICKARD: Do you remember about those scratches on his face at the time?

COOLDGE: Well, you couldn't go anywhere near him without noticing it.

PICKARD: You didn't go to the funeral?

COOLDGE: No, we were busy with you and we didn't either one of us go. There was some talk why it was Mr. Rich didn't go to the funeral.

PICKARD: The reason he didn't go to the funeral and the reason you didn't go was because you were up in the bank?

COOLDGE: Yes.

PICKARD: And after I came over there, there was some suggestion made that it would be well to look in Mr. Dean's? . . .

COOLDGE: I told you that day when you had told Mr. Leighton not to have the body buried and we came down in front of the bank and I suggested that Mr. Dean had a box in the bank and he might have put something in his box that had some bearing on the case.

PICKARD: And it was thought advisable to go over and look in the box?

COOLDGE: Yes.

PICKARD: Now, over to the bank there was you and I, Agent Grieves of the United States Department of Justice, and Mr. Rich?

COOLDGE: That's all at the table.

PICKARD: But there was somebody else working in the bank?

COOLDGE: Miss Henchman was there, I remember. And Mr. Townsend.

PICKARD: Do you remember where Rich got the key?

COOLDGE: Do you want me to begin there, or back with what somebody else told you?

PICKARD: No, what you saw.

COOLDGE: We asked Mr. Rich about a key. He had no one with a key to his box because Mr. Boynton had told him, when he asked him what he thought of it, and he had told Mrs. Rich to keep that key to the box.

PICKARD: Who did?

COOLDGE: Mr. Boynton.

PICKARD: How did you understand Mrs. Rich got a key to the box?

COOLDGE: She found it over to the bungalow.

PICKARD: Didn't Mr. Rich say to us in there that he told Mrs. Rich, when she went up to the bungalow, if she saw anything of that key to get it?

COOLDGE: Now that you speak of it, I think that was because if you had to break into one of those boxes, it was quite complicated. And she found it.

PICKARD: And had the key over to the house?

COOLDGE: Yes. But she had asked Mr. Boynton about keeping it and Mr. Boynton told her to keep it.

PICKARD: And Rich telephoned over to the house and asked Mrs. Rich to bring the key?

COOLDGE: Yes. And she came in with the key, and I took that key and with Mr. Rich opened the box.

PICKARD: And you and I and Mr. Grieves and Mr. Rich had the box in the directors' room and went through it?

COOLDGE: Yes.

PICKARD: And the box contained some jewels, two wills of different dates, and do you recall looking those wills over? Mrs. Dean was mentioned as beneficiary in both of them, and there were some old memos that didn't seem of any importance, sermons from Mr. Dean's father who was a minister, and then Mr. and Mrs. Dean's marriage certificate was there, wasn't it? And then there was a story, a geneology of the Dean family?

COOLDGE: Yes, quite a lot of stuff.

PICKARD: And Mrs. Dean's will, and in that he was beneficiary, her sole beneficiary. And then there were Liberty bonds and some other securities?

COOLDGE: Yes.

PICKARD: But nothing that, to anybody's mind, threw any light on this situation?

COOLDGE: No.

PICKARD: Did you get any statement from anybody as to Mr. Dean's financial situation? Did Mr. Rich make a statement to us there at that time, as you recall?

COOLDGE: Well, the impression I have, I got it some way, was that he wasn't very well off.

PICKARD: Didn't Mr. Rich tell us about Mr. Dean's bank account being overdrawn \$16, or some such amount?

COOLDGE: I don't know how much. A small amount.

PICKARD: Did he also make some statement about Mr. Dean's having borrowed some money of him, a few dollars, a few days or weeks before?

COOLDGE: Yes.

PICKARD: And he was carrying this overdraft on the bank account as his personal liability?

COOLDGE: Yes.

PICKARD: So Mr. Dean was owing him \$74, \$75, or \$76 then?

COOLDGE: Yes.

PICKARD: But that Mr. Dean had some money coming on an insurance policy and it was going through Mr. Rich's hands, and there would be enough to square up everything?

COOLDGE: Well, I don't know anything about that.

PICKARD: Did Mr. Rich say anything about Colfelt being there on the Saturday before?

COOLDGE: I think he told you and I both he was there on the Saturday before, in the bank.

PICKARD: Do you think of anything else you want to state?

COOLDGE: No. I wish I could.

PICKARD: What about this blood-stained clothing?

COOLDGE: I don't know. Mr. Boynton can tell about that.

PICKARD: Do you know anything about who found it?

COOLDGE: The first lot, I think the Proctor boys found.

PICKARD: When was that found?

COOLDGE: I don't know. I can't remember.

PICKARD: Was there more than one lot found?

COOLDGE: I heard afterwards there was, and I don't know who found the second lot. The other lot was found down to the pond, but whether it had any bearing on this case or not, I don't know. I didn't see it, but Mr. Boynton will tell all about it.

PICKARD: You never saw it?

COOLDGE: No, sir.

PICKARD: And did Boynton see it?

COOLDGE: He certainly went over to get the bundle from over by Proctors.

PICKARD: Who found the second bundle?

COOLDGE: I don't know.

PICKARD: What was done with it?

COOLDGE: I think Dr. Magrath has it.

PICKARD: Who is Dr. Magrath?

COOLDGE: He is the Medical Referee of Suffolk County in Boston, Massachusetts.

PICKARD: Was he the person to whom the hand cultivator was turned over?

COOLDGE: I think so.

PICKARD: Also the blood-stained clothing?

COOLDGE: I don't know. I didn't have anything to do with that. The cultivator I did have to do with so I know what happened to that.

PICKARD: You told me, I think, that the blood-stained clothing was delivered to who we thought were proper authorities, the Federal authorities?

COOLDGE: Well, I don't know whether it was or not. I don't know who had it. I'm not positive about that. It was in a letter because Boynton dictated that.

PICKARD: Well, you all sent it?

COOLDGE: Yes, that's right, but whether they have it now. I think Dr. Magrath has. I think it probably was turned over to the Federal authorities in the first place. I didn't have anything to do with it, so I don't know.

PICKARD: The Federal authorities had been investigating the case very closely?

COOLDGE: All the time, almost, since the murder.

PICKARD: And you've had an investigator on all the time?

COOLDGE: Well, not for the last two months he hasn't been there, unless he was there for a day at a time.

PICKARD: Up to that time you have had some man investigating?

COOLDGE: Yes.
 PICKARD: And that man was Mr. Kent?
 COOLDGE: Yes.
 PICKARD: Who came on from New York State with Frederick Dean?
 COOLDGE: Yes.
 PICKARD: How long did Mr. Dean remain about?
 COOLDGE: Something like a week, I guess.
 PICKARD: Did Mr. Kent go back with him?
 COOLDGE: He did.
 PICKARD: And since that time he has been in your employ?
 COOLDGE: Yes. Well, he has been in our employ. He never received any salary except his expenses, that's all.
 YOUNG: Is he working for his health, or for fun, or what?
 COOLDGE: Well, we didn't pay him any salary. He calls it expenses.
 YOUNG: Was anybody paying him?
 COOLDGE: Nobody else that I know of.
 YOUNG: Was there anything further you wanted to state?
 COOLDGE: Not that I can think of.
 PICKARD: Would any of the Jurymen like to ask the witness any questions?
 JURYMAN: I would like to inquire about the expenses. Were they itemized or put in writing?
 COOLDGE: Yes, up to within a short time we have an itemized account that the auditors all went over at the time of the report.

WITNESS DISMISSED

MR. EDWARD C. BOYNTON

Direct Examination by Mr. Pickard

PICKARD: How long have you lived in East Jaffrey?
 BOYNTON: I have lived there, I think around thirty years.
 PICKARD: You are a selectman at the present time?
 BOYNTON: Yes. This is my fourth year.
 PICKARD: How well did you know Mr. Dean?
 BOYNTON: Well, quite well. I had the putting in of the cellars there, in the place when he built, and got quite well acquainted with him.
 PICKARD: Do you know how long he has lived on that farm?
 BOYNTON: Well, thirty years or more, I think.
 PICKARD: With who? Who was in his family?
 BOYNTON: There was only his wife, as I know.
 PICKARD: No children?
 BOYNTON: No children.
 PICKARD: When was the big house built?

BOYNTON: Well, I judge maybe sometime in '92 or '93.
 PICKARD: Has it been occupied ever since?
 BOYNTON: No, sir, not all the time.
 PICKARD: Was the cistern near the house built at the same time?
 BOYNTON: No, sir, I don't think it was.
 PICKARD: Do you know when that was built?
 BOYNTON: No, I don't.
 PICKARD: What its purpose was?
 BOYNTON: It was on a hill there. It was to get water. I remember one thing about it, that he had a pump and a pipe which pumped water from the cistern to run it down to the barn.
 PICKARD: Well, did that come from the cistern or from that well across the road?
 BOYNTON: It came from the cistern, I think. I'm not sure. I think the pipe ran down across the cistern at one time from the pump in the cellar which connected with the cistern.
 PICKARD: In any event, there was water in there?
 BOYNTON: Yes.
 PICKARD: How much water was in there at the time Mr. Dean was killed?
 BOYNTON: I think about ten feet.
 PICKARD: How deep was the cistern?
 BOYNTON: Why, I would judge it was — I won't swear there was ten feet of water — but I would say there was seven or eight feet. Might have been less. I knew at the time the depth of the water.
 PICKARD: It was deep enough to cover up the body?
 BOYNTON: Oh, yes. It was at least six feet deep. I wouldn't swear just to the depth.
 PICKARD: How long have you known Mr. Rich?
 BOYNTON: Well, ever since I have known Mr. Dean.
 PICKARD: What is his reputation over there?
 BOYNTON: It has been really a very good one. He is usually, in cases where there has been a little trouble, he has been the first one to get out there to help and the last to leave.
 PICKARD: A leading citizen and well respected?
 BOYNTON: Yes.
 PICKARD: Now, how intimate had you been with the Deans?
 BOYNTON: Why, no great intimacy. Just as an acquaintance. I didn't visit the place.
 PICKARD: Had they ever visited your place?
 BOYNTON: No, I don't know that they did.
 PICKARD: Had you ever spoken to Mr. Dean personally?
 BOYNTON: Oh, almost always spoke to him.
 PICKARD: Can you tell us about when it was the Department of Justice agent came there?
 BOYNTON: Only from memory. I would say it must have been somewhere around the 20th, or perhaps a little after that. Thereabouts.

PICKARD: For the first time?
 BOYNTON: Oh, for the first time?
 PICKARD: Yes. Weren't they there last spring?
 BOYNTON: I couldn't say as to that. I might have heard they were. I had no part in it.
 PICKARD: Didn't your Board of Selectmen give them a special appointment as special police?
 BOYNTON: Last spring?
 PICKARD: Yes.
 BOYNTON: Federal authorities?
 PICKARD: Yes.
 BOYNTON: To my remembrance, no.
 PICKARD: Did you know the Federal authorities were there last spring?
 BOYNTON: No, I have no reason to know that they were there.
 PICKARD: Was it reputed that they were there investigating?
 BOYNTON: I had heard something about an investigation but that was at someone else's request.
 PICKARD: Whose?
 BOYNTON: Why, it was reported that Miss Mary Ware of Rindge ...
 PICKARD: Did you know of your own knowledge that they were there?
 BOYNTON: No, I didn't. I want to say now I will take that back. I'm going to state there was. Charlie Nute, if I remember right, did send to Boston and I think there were two Federal officers came there and I think we gave them permission to carry loaded revolvers. That might have been considered as an appointment.
 PICKARD: Did they report to you from time to time?
 BOYNTON: No, we never had a report.
 PICKARD: Were any names mentioned in connection with that investigation?
 BOYNTON: No, not that I know of.
 PICKARD: That is, did they say they came there to investigate Mr. Rich?
 BOYNTON: No, sir.
 PICKARD: Or Mr. Colfelt?
 BOYNTON: No, sir.
 PICKARD: Or Mr. Dean?
 BOYNTON: No, there were no names that I remember spoken.
 PICKARD: Was there anything said about any investigation centering around the Dean place?
 BOYNTON: No, I don't think so. I think they stayed at Peterborough so I don't know what they were looking up. I don't think I ever had but a little conversation with them.
 PICKARD: At that time had there been any rumors of pro-German activities around East Jaffrey that you had heard?
 BOYNTON: No, I don't remember it.

PICKARD: When did you first begin to hear about those things?
 BOYNTON: Well, the first I heard was about the lights. My first interest in the case was after the murder of Mr. Dean.
 PICKARD: Previous to that time had you heard rumors about those alleged mysterious lights?
 BOYNTON: Yes.
 PICKARD: And had you actually seen them before that time?
 BOYNTON: No, I hadn't.
 PICKARD: Had you looked for them?
 BOYNTON: Not particularly.
 PICKARD: Do you live in a place where your view is a widely extensive one?
 BOYNTON: Quite extensive. Particularly towards the north and northeast.
 PICKARD: And previous to the Dean murder you had never seen any of those lights?
 BOYNTON: No, I never had seen any of those lights.
 PICKARD: Had you heard it reported that there were lights?
 BOYNTON: Well, just a rumor. I couldn't say from who I heard this today.
 PICKARD: And where were those lights?
 BOYNTON: That I couldn't say.
 PICKARD: Were they seen from the Dean place?
 BOYNTON: I couldn't say.
 PICKARD: Did you ever hear they were before the murder?
 BOYNTON: No, I don't think that I ever did.
 PICKARD: And the Department of Justice didn't make any reports to you?
 BOYNTON: Not to me.
 PICKARD: Did you know Lawrence M. Colfelt?
 BOYNTON: Not very well. I don't know that I ever spoke with him but a few times.
 PICKARD: Did you know his family?
 BOYNTON: No.
 PICKARD: What kind of a looking man was he?
 BOYNTON: Well, he was quite a straight-built man. I think he had a mustache, and I would say a man of about 180 pounds, right around there.
 PICKARD: How old?
 BOYNTON: Well, just a guess. I would guess he might have been forty or more.
 PICKARD: How long had he lived in your town of Jaffrey?
 BOYNTON: He had been there, I don't think continuously, he had been there I think off and on a couple of years, perhaps more.
 PICKARD: Lived in how many houses in town?
 BOYNTON: I think he lived on the Baldwin place, and also on the Dean place.
 PICKARD: How far is the Baldwin place from the Dean place?

BOYNTON: Why, I would judge a mile perhaps.
 PICKARD: Is that place well down in a valley?
 BOYNTON: No, it's quite elevated.
 PICKARD: As high as the Dean place?
 BOYNTON: Not quite as high, no, sir.
 PICKARD: Any view from it?
 BOYNTON: Quite a view toward the mountains. I don't remember as to the view toward the south. Yes, quite a view because I think the view from there would cover the village of Jaffrey.
 PICKARD: Well, when did you first hear, if you ever did hear, anything against Mr. Colfelt in relation with pro-German activities?
 BOYNTON: I think the only rumors I heard were started from the Humiston boys.
 PICKARD: When was that?
 BOYNTON: I couldn't say. It was sometime before the murder.
 PICKARD: What were those rumors?
 BOYNTON: Well, of German officers being there in uniform. He didn't tell this to me. It's a rumor I'm telling you.
 PICKARD: You never saw any German officers in town?
 BOYNTON: No, sir.
 PICKARD: Did you ever see anybody that did see them?
 BOYNTON: No, just a mere rumor. That's what I'm giving it to you as.
 PICKARD: Was Colfelt living on the Dean farm at the time of the murder?
 BOYNTON: No, sir, I don't think he was. No, sir, I know he wasn't.
 PICKARD: Was he a working man?
 BOYNTON: I don't think he was.
 PICKARD: Do you know where he got his money?
 BOYNTON: No, sir, I don't.
 PICKARD: Now, did you know Mrs. Dean?
 BOYNTON: Well, in a way, very little. I never was intimate with the family, and of course I didn't visit there.
 PICKARD: When did you first know about this murder?
 BOYNTON: I think it was around possibly two o'clock on the following day.
 PICKARD: That would be on Wednesday, the 14th of August?
 BOYNTON: On Wednesday, something around two o'clock, I judge.
 PICKARD: Who told you?
 BOYNTON: Mr. Coolidge.
 PICKARD: What did he say?
 BOYNTON: Well, I was getting ready to go to Fitchburg at the time, I was going that day, and he came up and said I would have to go over to the Dean place, said Mr. Dean had been murdered. I immedi-

ately got ready and got into his automobile and went over.
 PICKARD: And you were there when the body was taken from the well?
 BOYNTON: Yes.
 PICKARD: It's true that the body was tied with ropes and a blanket over the head, and a bag over that, is it?
 BOYNTON: Yes.
 PICKARD: Well, did you go to the barn at any time that day?
 BOYNTON: Yes.
 PICKARD: When?
 BOYNTON: Well, I think I went down there before they arrived back from Keene, and I didn't stay there a great while. I was down later in the day and we milked the cow, Mr. Hogan and myself. Mr. Hogan started to milk her and I finished it up. He wasn't used to cows.
 PICKARD: Now, how much milk did the cow give?
 BOYNTON: Well, I would judge that night she gave, as I remember it, perhaps a third of a pail. I don't know whether you would call it an eight or ten quart pail. Perhaps a third full.
 PICKARD: Do you know Mr. Dean's habits of milking, that he milked at midnight?
 BOYNTON: Only as I have heard. At midnight and twelve o'clock at noon.
 PICKARD: Was it your impression when you milked that cow that she had been milked the night before?
 BOYNTON: I couldn't tell anything about it. I don't know how much milk she was giving. Her bag wasn't hard, or anything of that kind. If she had been giving a bagful we might have decided better. I wouldn't want to swear she wasn't milked the night before, and I wouldn't want to swear she was. I didn't think of the matter in that light at all.
 PICKARD: What around there did you see that would lead you to believe there might have been a struggle?
 BOYNTON: At the time I didn't see anything that would lead me to believe there was a struggle.
 PICKARD: No blood stains or marks?
 BOYNTON: No, I didn't see any blood stains or marks.
 PICKARD: When were those called to your attention?
 BOYNTON: I think it was after the coroner was there and was looking it over. I'm not sure whether it was one of the deputy sheriffs that called my attention to those or not.
 PICKARD: Where were they?
 BOYNTON: There was some on the grass close to the porch, and I think there was a little on the porch, and I think it was that day that they discovered some signs on the doorknob there. I won't swear it was that Wednesday. On the whole, I think it was the next day, although I wouldn't want to swear.

PICKARD: Were there any marks or anything on the door going into the barn?

BOYNTON: No, sir.

PICKARD: No smears or anything of that sort?

BOYNTON: No, I didn't notice anything of that sort.

PICKARD: Did you search for any evidence as to where a body might have been dragged from the barn to the cistern?

BOYNTON: Yes, I did.

PICKARD: What did you find?

BOYNTON: I couldn't find any evidence of any dragging. We looked that over very thoroughly.

PICKARD: How far is it from the barn to the cistern?

BOYNTON: Well, it might be possibly three hundred feet, although I would consider it might be a little less. I would say a little less rather than more.

PICKARD: Do you know what kind of knots were on this body?

BOYNTON: There were square knots.

PICKARD: Now what was done with reference to guarding the premises that night, if you know?

BOYNTON: I think there was a police force that was put up there to guard the premises.

PICKARD: Do you know whether or not that was kept there for some time?

BOYNTON: Well, for several days. I think it was kept there, if I remember correctly — I won't say — it strikes me that until Saturday night, and I think they were kept there until Mrs. Dean was carried away. I can't say what day that was.

PICKARD: She went to the hospital at Worcester?

BOYNTON: Yes.

PICKARD: Where is Mrs. Dean now?

BOYNTON: She's stopping with Mr. Enslin.

PICKARD: Now, won't you tell us when it was that you began to see lights?

BOYNTON: Well, it was sometime after the Dean murder before I discovered much. I couldn't tell exactly when it was. I started in looking for them soon afterwards and it took me some time to get them located. They were not very high. I was looking for the lights higher than I found them.

PICKARD: Was some investigation made to find out what they were?

BOYNTON: Yes. I made several visits myself.

PICKARD: What were they?

BOYNTON: When the lights were flashing I took a straight stick and fastened it on my window, upward towards the lights. In the morning I could locate where the lights were flashing, and I visited the Dean place several times, and I also visited the Garfield hill once or twice, and on the Garfield hill one night I had another man with me and I think if there had been any communication made I would have found something. We were on top of the hill, a passable hill,

I couldn't say the distance at the foot of the hill, and saw a light begin to flash.

I had already located the level from my windows and we were on top of the hill. The lights were flashing at the bottom when there was an automobile come down over the Dublin Road with a light at right angles with the road that shot out through the fields, and the lights at the foot of the hill were immediately stopped, and I don't think they were aware that we were on the hill. I took every pain that they wouldn't.

PICKARD: They were at the foot of the hill?

BOYNTON: They were at the foot of the hill, close to the road.

PICKARD: And in the clearing or in the woods?

BOYNTON: There was no woods. It was a partial clearing. There was a strip of woods along side of the road and that was about all.

PICKARD: How far above the ground were those lights?

BOYNTON: Why, as a man would naturally carry them.

PICKARD: Where could they be seen from that place?

BOYNTON: Well, they couldn't have been seen from that place very well. They were evidently getting ready to go to the top of the hill to flash the lights.

PICKARD: How far were you from them?

BOYNTON: I couldn't have been much, it doesn't seem, as I remember. Something over a hundred yards perhaps.

PICKARD: Did you see anybody?

BOYNTON: No.

PICKARD: What time of night was this?

BOYNTON: I would say around nine o'clock.

PICKARD: Did you hear any voices?

BOYNTON: No.

PICKARD: How soon was it before you came down to where those lights were?

BOYNTON: Well, we were down to where those lights were — we waited there not to stop them coming up for sometime — it might have been three quarters of an hour before we went down to where we saw the lights.

PICKARD: Was it right near the road where the lights were?

BOYNTON: It was right near the Dublin Road where we saw them that night.

PICKARD: Was there another auto there besides the one you saw going past?

BOYNTON: I don't know that there was.

PICKARD: Did you see any team there?

BOYNTON: No.

PICKARD: How did those lights get there, the ones you saw at the foot of the hill?

BOYNTON: Well, must have got there by some human power. I don't know because I didn't see anyone.

PICKARD: By a team?

BOYNTON: Well, I would judge not.

PICKARD: Or by auto?

BOYNTON: On foot. They were dropped off when the auto was in motion, dropped off from the auto that night from a secluded spot, to go up on the top of the hill.

PICKARD: Did an automobile or team take them up?

BOYNTON: I couldn't say.

PICKARD: Were there any evidences of footprints there?

BOYNTON: We couldn't discover any. There was grass on the ground and in the night we couldn't anyway, and I didn't go back the next day to look because I met — that night as I went back to Jaffrey — I met the Federal officers and they asked me where I had been and I told them I'd been on the Garfield hill, swinging around by the Dean hill, and they said keep away from there as we have men that have covered those places and you might clash with them if you were out. So for some time I didn't go out, and when it got colder I didn't care to go.

PICKARD: That was after the Dean murder?

BOYNTON: Yes.

PICKARD: How far from the scene of the murder?

BOYNTON: Well, possibly it might have been two miles.

PICKARD: And in a low place at the foot of the hill?

BOYNTON: Those lights we saw, where I saw the lights flashing, was on top of the Garfield hill, which was a high hill on a level probably with the Dean hill.

PICKARD: How many times have you seen lights flashing on top of the Garfield hill?

BOYNTON: Well, I couldn't remember them. Many times.

PICKARD: Have the Federal officers and your own investigator been investigating the lights?

BOYNTON: Why, the man that we had was over there with me at that time.

PICKARD: Have any arrests ever been made with reference to those signal lights?

BOYNTON: Not that I know of, no, sir.

PICKARD: You have never been able to tie those lights up to any particular man?

BOYNTON: No, only as I located them in certain places. I've had the lights located.

PICKARD: Where do you mean? At a building or on a hill?

BOYNTON: I think at a building.

PICKARD: Who lives at the building?

BOYNTON: I have inquired. This is only by inquiry. This building where I have seen a great many lights is said to be occupied by Kaufman, I think. I might have the name wrong.

PICKARD: What is his first name?

BOYNTON: I couldn't say.

PICKARD: Where does he live?

BOYNTON: He must have lived, I think, in Peterborough.

PICKARD: And that's been detailed to the Department of Justice?

BOYNTON: Yes.

PICKARD: And they made an investigation of those premises?

BOYNTON: I couldn't say as to that.

PICKARD: He hasn't been arrested?

BOYNTON: Not been arrested, no.

PICKARD: Do you know whether he was a friend of Mr. Dean?

BOYNTON: I think he used to go there. I've been told that he was a German.

PICKARD: Did you ever see him on the Dean place?

BOYNTON: No, I never have.

PICKARD: Ever seen him in the Colfelt house?

BOYNTON: No, I don't think I was ever at the Colfelt house. That is, when he lived there.

PICKARD: Have you ever seen yourself any lights on the Dean place?

BOYNTON: Yes.

PICKARD: When?

BOYNTON: It was soon after the murder.

PICKARD: In the house?

BOYNTON: I didn't say that I had seen them in the house. I've seen them on the west side of the house, on the south side of the house, on the slope — I would judge down in the lower mowing on the south. Might have been twenty rods below the house, or might have been more.

PICKARD: How lately have you seen those lights?

BOYNTON: I haven't seen them — I don't think I've seen any lights on the Dean farm since the snow came.

PICKARD: Have you seen anybody who has?

BOYNTON: Yes.

PICKARD: How lately have they been seen?

BOYNTON: They have been seen — I think it was last Monday was the last time — and had been seen repeatedly before that.

PICKARD: Now, what is your theory as to the purpose of those lights at this time?

BOYNTON: I have none whatever. The only thing I could say was that they were German propaganda. No reason, of course, but suspicions aren't evidence.

PICKARD: And you haven't any evidence as to who produced those lights?

BOYNTON: None at all.

PICKARD: Have you any evidence as to whether the perpetrator of those lights at any time had anything to do with the murder of Mr. Dean?

BOYNTON: I certainly haven't. With regard to proof

of the lights, while I haven't seen them I think there is evidence that will probably be introduced as showing as to one particular place where the lights have been flashed from.

PICKARD: Where is that?

BOYNTON: That is from C. L. Rich's house.

YOUNG: Who knows about that?

BOYNTON: The Humiston girls, I think, will give evidence as to that, as I understand it.

PICKARD: You think that's the proof that Mr. Rich is interested in pro-German propaganda?

BOYNTON: I don't know but what it might be. I couldn't help associating some circumstances with that propaganda.

PICKARD: Previous to the murder?

BOYNTON: No, and for a long time after there was no suspicion in my mind whatever.

PICKARD: Were those lights flashed from Rich's house before or after the murder?

BOYNTON: After the murder. That's the only ones I know of. I couldn't say they were not flashed before.

PICKARD: Where does Rich live?

BOYNTON: He lives in back of the library, on a little hill, just below Goodnow's store.

PICKARD: In a secluded place?

BOYNTON: Not in a secluded place. In a very prominent place.

PICKARD: Easy to see from the street?

BOYNTON: It was easy to see from certain places in the street, of course.

PICKARD: That is, he doesn't live on some out-of-the-way farm?

BOYNTON: No, it's right there on the village street.

PICKARD: And the lights from his house might easily be seen?

BOYNTON: Yes.

PICKARD: By all the townspeople?

BOYNTON: Particularly from the Humiston house. I've been on the flat roof of the Humiston house and you can look right into the windows, gable windows of his house, without any obstruction whatever.

PICKARD: Now, probably I won't ask all the questions that will cover this, but leaving that for a moment as I understand it, you have no evidence yourself that you can bring to help us to connect up those lights with the murder of William K. Dean?

BOYNTON: No, I don't know that I have. Only my suspicions.

PICKARD: Do you know of anybody who can produce any evidence of that kind?

BOYNTON: Unless it's the Federal officers or Mr. Kent.

PICKARD: Mr. Kent is your own detective?

BOYNTON: Yes.

PICKARD: Has he ever referred anything to you that

would connect up the perpetrators of those lights with the murder of Mr. Dean?

BOYNTON: The only evidence I have which is evidence, as you may say, is the connection of Mrs. Morison to the lights. We know there must be an objective for the murder. The only thing I can figure in my own mind, which is just conjecture, is that the lights being sent from the Dean hill — there was a glass in the house. . .

PICKARD: Tell us about that.

BOYNTON: The windows were from the north side and the south side. They were very badly colored, a friend of mine said, from some kind of a chemical, and the window screens in the porch, completely protected from all storms — the door opened on the porch, and also on the other side of the house where the lights might have been flashed — had crumbled all to pieces, which was told me by this friend was an indication of either an electric current or a chemical preparation.

PICKARD: Did he tell you which it was?

BOYNTON: No, he didn't tell me which it was.

PICKARD: Have they ever been investigated by anybody to determine which it was?

BOYNTON: I think some of the glass was taken from the windows and sent off for inspection. I couldn't say where or anything about it.

PICKARD: Did you see the exhumation of the body?

BOYNTON: I did, yes.

PICKARD: Who was there?

BOYNTON: The first time — I mightn't name them all — there was Will Leighton, Will Coolidge, myself, Charlie Nute, Dr. Childs. There was Dr. Dinsmore, C. L. Rich, I think Mr. Kent, Mr. Johnson the photographer, and I think Father Hennon was there.

RECESS UNTIL 2:00 P.M.

(Spent with this witness at this time)

WITNESS DISMISSED

FRIDAY, APRIL 11, 1919

2:00 P.M.

PICKARD: I want to introduce to the jury at this time a note taken from the 1918 Old Farmer's Almanac for 1918, the time of the rising of the moon on the night of August 13th, which may become material.

It is given here at 9:36. That is sun time, which would be the same as 10:36 our revised time.

JURYMAN: Can you give us the time of the setting of the sun on that day?

YOUNG: The sun rose at 4:48, set at 6:50. That would be the same as 7:50 our revised time.

FREDERICK A. STRATTON

Direct Examination by Mr. Pickard

PICKARD: How long have you lived in East Jaffrey?

STRATTON: All my life, excepting six years, I guess.

PICKARD: What is your business?

STRATTON: I'm in the livery business.

PICKARD: Were you living there and in the livery business last August when Mr. Dean was killed?

STRATTON: Yes.

PICKARD: Did you know about the carriage that Mr. Dean used?

STRATTON: Yes.

PICKARD: How do you happen to know about it?

STRATTON: Well, I've known the carriage ever since it came to town about. Mrs. J. H. Robinson brought the carriage there and I think seven years ago last summer she hired a horse from me to use in this carriage, and I did all her livery work while she was there probably. Some of the time she had a horse and part of the time she didn't.

She wasn't there last summer but she wrote me if I couldn't sell that carriage for her, she had no use for it because she used motors, and she also said she had a harness she wanted I should dispose of and wanted I should go up to get it, it would be at her summer cottage.

Some way or other it was I didn't go that day, and then she notified me she had driven it down to the barn in Jaffrey Center and she wanted me to come and get it and drive it over to Mr. Dean's, as they were good friends, Mr. Dean and Mrs. Robinson.

I took the carriage over there and she told me what she would take for the harness and I bought it and I took the carriage over to Mr. Dean's.

PICKARD: When was it that the carriage was delivered to Dean's?

STRATTON: I couldn't tell you without looking at my book. I would say it was in July 1918.

PICKARD: Will you describe to the jury the kind of carriage this was?

STRATTON: Well, you could use it for two seats or one. The back seat folded over and the front seat came right to the top of that and you could use it for one seat, and if you wanted to raise up your front seat and fold it back, you could use it for a two-seated light carriage. It was finished in wood but steel-tired.

PICKARD: Did it ever have rubber tires on it?

STRATTON: No, sir.

PICKARD: Where is the carriage now?

STRATTON: In Dublin.

PICKARD: Have you seen the carriage since the murder?

STRATTON: Yes, certainly.

PICKARD: Where?

STRATTON: In my barn, and over to Mr. Dean's.

PICKARD: Who took it from Mr. Dean's barn.

STRATTON I did.

PICKARD: Under whose orders?

STRATTON: Mrs. Robinson's. She wrote me to go over and get the carriage, and she also said she had a riding saddle and a bridle and she wanted I should go over to get them over there, and she had a pony, so I took the pony back up to her place and took the carriage to my own place, and the saddle and bridle, and later on I bought the carriage, and the bridle is up to her summer residence, and also the saddle.

PICKARD: What do you say to the suggestion that the carriage once had rubber tires on it?

STRATTON: Never had them.

PICKARD: It has the same tires now?

STRATTON: Yes.

PICKARD: Always had?

STRATTON: Always had.

PICKARD: You don't know anything of the murder itself?

STRATTON: No, sir.

PICKARD: Do you know whether or not that was the carriage that Mr. Dean rode in the night of the murder?

STRATTON: No, sir. I didn't see the carriage that night. I saw Mr. Dean, but not the carriage.

PICKARD: What time did you see Mr. Dean that night?

STRATTON: I would say it was about twenty minutes of nine, or a quarter of nine, as near as I can remember.

PICKARD: Where?

STRATTON: At Mr. Goodnow's store.

PICKARD: Anybody with him?

STRATTON: No, sir.

PICKARD: Dressed in his usual manner?

STRATTON: I would think so, yes. When he came down town he almost always came down that way.

PICKARD: You have known Mr. Dean how long?

STRATTON: Ever since he came to town probably.

PICKARD: Who were his best friends?

STRATTON: Everybody in town. I never knew he had an enemy, for that matter. I did all his work for nine years, all his livery work, etc.

PICKARD: How often would you be called to go up there?

STRATTON: Well, quite often. If it happened to be a stormy day or anything and he went down town he would call me up to bring up the things, some groceries at one store, a bag of grain at another, and he almost always called me to bring up his mail.

PICKARD: Did you ever have any talk with him about any fear on his part of injury?

STRATTON: No, sir.

PICKARD: He never expressed anything like that?

STRATTON: Not a thing, no.

PICKARD: What do you know about the relations be-

tween him and his wife, whether they were pleasant and friendly or not?

STRITTON: Very fine, I always considered. I was there quite often and everything seemed to be very fine.

PICKARD: You talked with him that night you saw him at Goodnow's store?

STRITTON: Yes.

PICKARD: What did you talk about?

STRITTON: Well, I'll tell you just the conversation. I met him on the porch as he was going out, was apparently going home, and underneath his arm he had several purchases. He said, "Good evening, Mr. Stratton," and I said "Good evening," and I walked into the store, and when I got into the store I looked around and he was right behind me, and he said, "Have you an automobile now?" I said, "Sure," and he said, "Bring me a hundred pounds of sugar, will you?" I said, "Yes, I'll be right over with it." He laughed and he went right out. I never saw him in better spirits in my life than he was that night.

PICKARD: Do you know anything about the mysterious lights around Jaffrey?

STRITTON: No, sir.

PICKARD: Ever seen them?

STRITTON: No.

PICKARD: Ever look for any?

STRITTON: Yes, after this case I have, but I never saw any.

YOUNG: Was he a man who was prone to joke the same as he did about the sugar?

STRITTON: Yes.

YOUNG: He was rather peculiar in his speech in that respect, wasn't he?

STRITTON: Yes.

YOUNG: He made even more of a joke by talking just as though he meant it, the same as he did about the sugar?

STRITTON: Quite often he would be full of those things.

YOUNG: Do you know anything about the Colfelts?

STRITTON: Well, I know that I don't know a great deal about them.

YOUNG: Do you know where they came from?

STRITTON: No, sir.

YOUNG: Ever have any business dealings with them?

STRITTON: Yes.

YOUNG: How did you find them?

STRITTON: Found them first class. Did a lot of business with them.

YOUNG: Ever talk with them in any way about their attitude toward the German government or toward the war?

STRITTON: No.

YOUNG: Ever hear them express any opinion about it in any way?

STRITTON: I went to Boston with Mr. Colfelt one day. We met on the train and he came in and sat down and picked up a paper with some heading with something like that. I can't tell now just what he said but he spoke that he was glad they were getting the best of the Germans, or some remark like that.

YOUNG: Some remark indicating he was in sympathy with the United States government?

STRITTON: Yes, that's what he meant.

YOUNG: You ever talk with him about those lights?

STRITTON: No, sir.

YOUNG: Ever talk with Dean about the lights?

STRITTON: Never in the world.

YOUNG: Do you know Mr. Rich?

STRITTON: Yes.

YOUNG: Did you ever hear him talk about this thing at all?

STRITTON: Never mentioned it to me.

YOUNG: You didn't see him that night?

STRITTON: No, sir.

WITNESS DISMISSED

GEORGIANA HODGKINS

Direct Examination by Mr. Pickard

PICKARD: Where do you live?

HODGKINS: Great Neck Station, Long Island.

PICKARD: What is your profession or occupation?

HODGKINS: I teach in New York State.

PICKARD: Are you a relation of anybody in Jaffrey?

HODGKINS: I am the sister of Mrs. Rich.

PICKARD: What is Mrs. Rich's husband's name?

HODGKINS: Charles Leon.

PICKARD: He is Mr. Charles Rich who is the banker?

HODGKINS: Yes.

PICKARD: How long have you known Mr. and Mrs. Dean?

HODGKINS: I think about twenty-five or thirty years.

PICKARD: Where?

HODGKINS: Always in East Jaffrey.

PICKARD: What season of the year?

HODGKINS: In the summer. Well, I've been here for short vacations and have seen them at Christmas vacation or Easter vacation.

PICKARD: How intimately were you acquainted with them?

HODGKINS: Quite intimately. I knew them very well and we often exchanged Christmas cards, and even Christmas gifts of small value.

PICKARD: Was that true of both Mr. and Mrs. Dean?

HODGKINS: Yes.

PICKARD: When you were at Mr. Rich's house did they call on you there?

HODGKNS: Yes, they always made a point of coming over while I was there.

PICKARD: What do you know about Mr. Dean's physical condition the last year or two?

HODGKNS: He seemed somewhat better during the last year or two than in previous years.

PICKARD: What about Mrs. Dean's condition?

HODGKNS: Mrs. Dean's mind was deteriorating and has been for three or four years.

PICKARD: In what way do you mean?

HODGKNS: She was losing her memory. She repeated herself.

PICKARD: Could she remember you?

HODGKNS: Oh, yes. Her memory for names, memory for words.

PICKARD: Sometimes gave the wrong word when she was trying to make a statement?

HODGKNS: Yes.

PICKARD: Do you know of any trouble Mr. and Mrs. Dean ever had between them?

HODGKNS: No, I think they were very fond of each other.

PICKARD: Now, what were Mr. Dean's habits with reference to carrying on his dairy matters with milking, do you know?

HODGKNS: He always went late to the barn to do the chores because he liked to sleep late in the morning, and it was their custom to sleep late, and he often went down as late as midnight to see that the animals were fed and the cow was milked so that he wouldn't have to get up early to tend to it in the morning.

PICKARD: Now, do you know the Colfelts?

HODGKNS: I met Mrs. Colfelt this summer at Mr. Dean's the day after his murder.

PICKARD: Had you ever met Mr. Colfelt?

HODGKNS: No, sir.

PICKARD: Was that the first time you had ever seen her?

HODGKNS: I think I did meet Mr. Colfelt, that is, his name was mentioned to me, but that was all. I never had any conversation with him.

PICKARD: So that's the first time you had seen her?

HODGKNS: Yes.

PICKARD: Were you acquainted with the daughter, Natalye?

HODGKNS: No, I had never seen her.

PICKARD: When was the last time you saw Mr. Dean alive?

HODGKNS: The night before he was discovered murdered.

PICKARD: Do you remember the day of the week?

HODGKNS: Yes, I know the day of the week because it was the day that the stores were open at night, and it was Tuesday.

PICKARD: Where did you see him?

HODGKNS: I met him on the street in front of the post office and he came up to the house.

PICKARD: Had you seen him before that time, or talked with him before that time?

HODGKNS: No. Mrs. Rich had, but I hadn't.

PICKARD: Did he have any information that you were in town?

HODGKNS: Mrs. Rich spoke to him that day and he asked if he couldn't come in and call.

PICKARD: When did you come to East Jaffrey. Was it that week?

HODGKNS: It was within a week. Must I be exact? I think it was Friday, the Friday before, but I'm not sure about the day without looking it up.

PICKARD: But you had been there two or three days before this happened?

HODGKNS: Two or three days, yes.

PICKARD: What time was it when you saw Mr. Dean first that night?

HODGKNS: On the street? Of course, I made no estimate of it until afterwards, but I would say it was about nine o'clock. It was perhaps quarter of nine o'clock. I've thought about it, to look it up. The moon was still above the horizon a little way. That might fix the time exactly.

PICKARD: Where did you meet him?

HODGKNS: In front of the post office.

PICKARD: Did you talk with him there?

HODGKNS: Yes.

PICKARD: What was the conversation?

HODGKNS: Well, such as you do say, "Glad to see you and how is the family, etc." And then he said he was just going up and if I would go over to where the team was, he would bring me up to the top of the hill, and in the meantime we met Miss Lucia Cutter, whose mother had just died, and we stopped to talk to her about her mother.

PICKARD: Did you walk from the post office over to the team with him?

HODGKNS: Yes, with him.

PICKARD: Where was his team?

HODGKNS: Down behind Mr. Goodnow's store, hitched in the shed there.

PICKARD: Did he have any packages with him?

HODGKNS: Yes.

PICKARD: Do you know what he had?

HODGKNS: No. I just know he put some things in at the back of the wagon.

PICKARD: And where were you when you got into the wagon?

HODGKNS: I was standing in the road as he turned the horse around.

PICKARD: Where did you go from there?

HODGKNS: Up to Mr. Rich's.

PICKARD: What time did you get there?

HODGKNS: It was about ten or fifteen minutes later than I met him. It was in the neighborhood of nine o'clock, but I didn't look at the clock.

PICKARD: Who did you see when you got out on the hill where Mr. Rich lives?

HODGKNS: Mrs. Rich came out. She heard the wagon and came out to meet us and she was in the kitchen with Mr. Rich.

PICKARD: What was Mr. Rich doing?

HODGKNS: He was putting hot water on his eye.

PICKARD: What had happened to him?

HODGKNS: He had been injured by the horse.

PICKARD: I want you to describe what sort of injury he had.

HODGKNS: So far as I know, he had gone out into the barn—the horse was eating her supper—to give her something extra, and without stopping he put out his hand on her hide and she kicked out. He said he felt—of course, I wasn't there—but he said he felt she hit the pipe against his cheek because it wasn't the force of the heel of the horse, but it knocked him down.

PICKARD: And who saw that besides you? Who saw him bathing his eye?

HODGKNS: Mr. Dean and Mrs. Rich.

PICKARD: Did Mr. Dean make any remark to Mr. Rich about it?

HODGKNS: He asked what he was doing for it and Mrs. Rich said that he put on [. . . extract] and he was using hot water, and Mr. Dean made some laughing remark about the extract probably not doing it any harm, but he felt the hot water was what would do it good.

PICKARD: Where were the cuts, if any, on Mr. Rich's face?

HODGKNS: Well, I don't feel sure there was a cut.

PICKARD: Any scratches?

HODGKNS: Oh, perhaps of some sort under the eye, along about here, I think.

PICKARD: Was the skin broken?

HODGKNS: Well, it was bruised. I must say I don't know. I ought to know that, but I don't. I only know that it was discolored and I think the surface skin was scraped somewhat.

PICKARD: What further talk did Mr. Dean have with Mr. Rich while in your presence?

HODGKNS: Mr. Dean went through on to the porch after a little, and then when the call was over he went back that way and Mr. Rich went out as he went away.

PICKARD: Where had Mr. Rich been in the meantime?

HODGKNS: He had been there all the time. Mrs. Rich had been going back and forth to get him hot water, and he had been there all the time, bathing his eye.

PICKARD: Who had been talking with Mr. Dean in the meantime?

HODGKNS: I had, and Mrs. Rich at intervals as she came back and forth.

PICKARD: What did you talk about?

HODGKNS: Mr. Dean talked about a great many things. Some, for instance, about his home, some in connection with the war and its effect, and what impressed me especially was that he wanted to know of me what I thought about the possibilities of the after-fate of those young fellows who were giving up their lives now, and the serious part of the conversation was really on that subject, of the fate for those boys who hadn't had their full lives.

PICKARD: Did he discuss a fate for himself?

HODGKNS: No. Yes, he did. He said he hoped, when I told him what I thought, he hoped more for himself than that. But it was only incidental. He didn't dwell on any fate for himself.

PICKARD: Had you ever heard him discuss those matters before?

HODGKNS: No, not just that, but he was rather interested in psychological discussions. Interested in almost every topic.

PICKARD: What about his range of reading and education?

HODGKNS: Very wide.

PICKARD: He was a well-read, well-educated man?

HODGKNS: Very well educated, very widely read, very cultivated.

PICKARD: Did you notice anything strange in his impression or talk that night?

HODGKNS: I was impressed with the fact that he considered my view pessimistic and said he did, although he laughed when he said it, and it worried me a little because I felt that he was having a hard life and that if I had said anything to make it a harder life, it left me with a little sense of worry.

PICKARD: What do you mean by saying he was having a hard life?

HODGKNS: Well, Mrs. Dean's malady had weakened so. He could get very little support from his talks with her, and all the work was falling upon him. She wasn't able to do anything and it seemed a sort of sad thing for a man to be doing all the family work, with the outside work, and I thought that the best his friends could do would be to be cheerful.

PICKARD: What did he call his wife?

HODGKNS: Polly.

PICKARD: Did he ever make reference to Polly as "my job"?

HODGKNS: I never heard that, but I've heard others say he said that.

PICKARD: Did he seem glum or downcast?

HODGKNS: No, he never seemed glum. He was a naturally cheerful nature.

PICKARD: Did he express fear of anybody?

HODGKNS: He spoke three times that night about his

regret that he must go home without a light. He had a flashlight with him that he said he had hoped to get fixed, he wanted a new battery, and he said at first, "I am disturbed about this. I can't get a new battery and they say I can't get one for a week." That he said on the street, and again he spoke about it when he was on the porch, "I am distressed about that battery." And then when he went out to get the horse he spoke again about the light. That's why I know that the moon was gone then. I said, "There's a moon," and he said, "No, it's gone down." Then I said to my sister, "Why, Leon has a lantern and he can take it." That was my brother-in-law. She said yes, and Mr. Rich went into the barn to get it.

PICKARD: Where did Mr. Dean put his horse when he came up there?

HODGKNS: He hitched it to the post outside the barn.

PICKARD: Did Mr. Rich take any part in this conversation on the piazza?

HODGKNS: No, not at all. He was bathing his eye.

PICKARD: Where?

HODGKNS: In the kitchen.

PICKARD: How long did Mr. Dean stay up there?

HODGKNS: Well, I think that Mr. Dean went about half past ten. That's my remembrance of it. That's as near as I can tell, that he perhaps left about half past ten.

PICKARD: And during any of the time he was there did he express any worry over any enemies? Had you ever heard him express anything of the kind?

HODGKNS: No. The only thing you might feel he was worried was this about not having a light to go home with, and I didn't think seriously of that at all afterward.

PICKARD: Did he take anything with him from the house? Any packages or bouquets?

HODGKNS: Mrs. Rich sent a bouquet of sweet peas up to Mrs. Dean. They were on the table, as I remember it. She said, "I haven't anything to send to Mrs. Dean." She said, "Let me send these." As I think of it, she picked them in her own garden.

PICKARD: And Mr. Dean left in the way you have described?

HODGKNS: Yes.

PICKARD: Did you notice what kind of a carriage he had?

HODGKNS: He had an open carriage with a square back that was open so that he put his packages in the back. A light wagon.

PICKARD: The same color as the wood around that blackboard?

HODGKNS: Well, you see, it was dusk and I wouldn't know about the color.

PICKARD: Was it a spirited or a slow horse?

HODGKNS: Well, you see, there was no occasion to judge of the spirit because he drove right up the hill.

PICKARD: Mr. Rich lives on top of the hill?

HODGKNS: Yes, and I would say that it was the same old horse, slow.

PICKARD: Up to that time had you seen any of the mysterious lights around East Jaffrey?

HODGKNS: I never saw any of them. I heard there were people who thought there were some, but I didn't see them.

PICKARD: Had you ever heard there were any flashed from Mr. Rich's house? Were there, any time you were there, any signals flashed from that house?

HODGKNS: No, sir. Mr. Rich's, you said?

PICKARD: Yes, Mr. Rich. Do you know what time Mr. Rich came home that night from the bank?

HODGKNS: Do you mean from the bank work?

PICKARD: Yes.

HODGKNS: Well, he came, as I recall it, he came at the usual time for his dinner.

PICKARD: That's six o'clock?

HODGKNS: Yes. That is, in the neighborhood of six. It's a very changeable time, the time when he gets there, but I don't recall it was delayed that night.

PICKARD: Then you three had dinner together?

HODGKNS: There were four. Mr. Rich's aunt.

PICKARD: Was she there during that night when Mr. Dean was there?

HODGKNS: She was in bed.

PICKARD: What is her name?

HODGKNS: Mrs. Kaira Bliss.

PICKARD: Where does she live?

HODGKNS: She lives with Mr. Rich. I call her Aunt K.

PICKARD: What did you do after supper?

HODGKNS: Did up the dishes, and then nothing that I recall until I went down with my mail.

PICKARD: Where was Mr. Rich after six o'clock?

HODGKNS: He went back to the bank after his dinner.

PICKARD: Had he got back to the house before you came down?

HODGKNS: I think he was in the barn. I didn't see him but I think he was in the barn when I went down. I can't be sure of that.

PICKARD: You didn't see him when he went down street?

HODGKNS: No.

PICKARD: Was the light on in the bank?

HODGKNS: I don't recall any light.

PICKARD: You went by the bank?

HODGKNS: Yes, but that didn't mean anything. I am not very observing about those things.

PICKARD: Where did Mr. Rich go after Mr. Dean left the house?

HODGKNS: He didn't go anywhere. We stayed up for a few minutes and I wrung out some cloths for him to put on his eye. I could wring them out hotter than he could. And in a few minutes we went to bed.

PICKARD: When did you get up the next morning?

HODGKNS: I don't know, but we have breakfast late and I usually sleep rather late when I'm up with my sister, and I would presume I got up about half past seven or eight o'clock.

PICKARD: Was Mr. Rich up through the night that you know of, with his eye?

HODGKNS: I don't know. I don't know that he was at all. I thought I heard him go to the bathroom once and I woke up enough to know that he might be putting water on his eye.

PICKARD: Was there any noise or disturbance around the house?

HODGKNS: No, sir.

PICKARD: Hear any teams driving in or out after you went to bed?

HODGKNS: No, sir.

PICKARD: When did you first see Mr. Rich the next morning?

HODGKNS: I don't know. You see, I had no idea that it would ever make any difference. As far as I recall, it was just another day, just an ordinary day. When I got up in the morning he was usually down at the bank and getting the bank in order, and then he came up for his breakfast.

PICKARD: About what time?

HODGKNS: About nine o'clock. As I recall it, everything went on as usual the next morning but I cannot say it positively because it made no impression on me. It was the usual thing.

PICKARD: What was the condition of his eye the next morning?

HODGKNS: Well, it was black, but we thought it was better than we had expected it might be. It was discolored but it didn't seem to be very badly swollen.

PICKARD: Did you hear Mr. Rich and Mr. Dean talk anything about the blanket on the horse?

HODGKNS: Yes. Mr. Rich asked if he wanted a blanket, I think. "You don't want to blanket your horse, perhaps?"

PICKARD: What, if anything, had you heard Mr. Dean say about Billy's being younger than she and what would happen after that?

HODGKNS: Well, for the last three or four years whenever I had seen her she had said something like that. "I am getting to be an old woman but Billy is a young man."

PICKARD: Do you know whether or not he ever told her if she died he would get a young wife?

HODGKNS: No, she never said that, so far as I ever heard.

PICKARD: When did you first know there was anything wrong over to the Dean house?

HODGKNS: Mr. Rich came up from the bank sometime in the morning, rather late in the morning because we had the work done.

PICKARD: Was it before or after breakfast?

HODGKNS: It was after breakfast. I think it was half past ten, or might have been even later. It might have been even nearer noon. And said Mrs. Dean had telephoned down that Billy couldn't be found.

PICKARD: What was done in consequence of that?

HODGKNS: He suggested that we would go right up to see. He said he didn't know whether there was anyone with her.

PICKARD: Were you generally regarded as the best friends of the Deans there?

HODGKNS: I think so, yes.

PICKARD: How did you go up?

HODGKNS: We went up in an automobile.

PICKARD: Was it Mr. Leighton's?

HODGKNS: I rather think it was.

PICKARD: Mr. Leighton is the undertaker?

HODGKNS: Yes.

PICKARD: What time did you go up?

HODGKNS: I don't know, but we went up as soon as we could get ready after Mr. Rich came up and it was — I can't be sure about the time but I suppose it was in the neighborhood of eleven o'clock and I just judge from the fact that the work was done and we were sitting down talking.

PICKARD: When you got to the Dean house, who did you see?

HODGKNS: There was no one at the house. Some man came out and said they had just found him.

PICKARD: Up to that time what had you known of Mr. Dean's disappearance until you got to the house?

HODGKNS: Nothing. Well, we knew that he hadn't been found, that he had disappeared, and the message that Mr. Rich had was that they hadn't found him and were hunting for him.

PICKARD: Did Mr. Rich tell you he was dead?

HODGKNS: No.

PICKARD: Did you know he was dead when you got up to the house?

HODGKNS: No.

PICKARD: This remark that was made to you or to your party when you drove up there, was that in the presence or hearing of Mrs. Dean or not?

HODGKNS: No.

PICKARD: Where was she?

HODGKNS: She was at the barn.

PICKARD: How long did she stay there?

HODGKNS: We went right down to her, and she came up with us to the house.

PICKARD: What talk did you have with her?

HODGKNS: We tried not to disturb her and she came up and said, as I recall, the first thing, "Billy is dead," and I think, "in deep water." Which seemed very strange to us. Mr Rich said, because he had been — in the minute while we went down and exchanged greetings he had heard from the men — and he said,

"Yes, Mrs. Dean, he was in deep water," but she paid no attention to that and she didn't seem to be impressed by the fact that her own idea had been confirmed, and just went on talking.

PICKARD: That was around eleven o'clock?

HODGKNS: I think so. I am very uncertain about that hour. I would hate to have anything depend on my knowledge of that hour because it seems to me it might have been any time from half past ten to twelve. I can't be surer of it than that.

PICKARD: What talk did you have with her on the way back to the house, and after you got to the house?

HODGKNS: She said — oh, she asked me about my mother, only she called it my father, and she said you still go to the shoes every day, meaning that I went to the school. She confused her words but she remembered me perfectly well.

PICKARD: That wasn't an unnatural thing with her?

HODGKNS: No, just a slipping in of the wrong word. Then she told us, when we got to the house, how Mr. Dean came home from our house and she said that he said he had had a nice time, and told about Dr. Sweeney's having gone to the war, and she said he sat down and had a little something to eat and then he went out. He had to put his horse away first, then he had something to eat and then he went out to do his milking, and she waited for him and he didn't come back, and that she sat there all night waiting until five o'clock. She looked around at the clock as though she had it fixed in her mind. Five o'clock. About five o'clock, beginning to be light. She went down to the barn and he wasn't there and the milk pail wasn't there and she said the lantern was turned over.

And she said the pail that the little boy drank out of, that was the calf that was there, and she said, "I can't find the milk pail and I can't find Billy."

PICKARD: What time did she say Billy got home the night before?

HODGKNS: She said he came home and put up his horse and came back and had something to eat and went out about twelve o'clock to do his milking.

PICKARD: You are certain of that time?

HODGKNS: Yes, I feel sure she said that, that he went out about midnight, about twelve o'clock.

PICKARD: Did she say the exact hour when he arrived home?

HODGKNS: No. She said he put up his horse and then came back and told her the experience he had had, and then went back to milk.

PICKARD: Did you see the bouquet of sweet peas there?

HODGKNS: Yes.

PICKARD: What about the lantern Mr. Rich owned?

HODGKNS: The lantern she remarked about the very first thing. She said, "Don't forget this is yours, Mr. Rich's lantern," and she put it out for us, but we did forget it and didn't get it until the next day.

PICKARD: What kind of lantern was it?

HODGKNS: It was a bull's-eye lantern.

PICKARD: Where is it now?

HODGKNS: Mr. Rich's house, I believe.

PICKARD: Mr. Rich's lantern is one that has a spring that fastens on the dasher of the carriage?

HODGKNS: Yes. It's a dark colored lantern.

PICKARD: How long did you stay there that day?

HODGKNS: We stayed there, I think, until five or six o'clock.

PICKARD: Were you there the next day?

HODGKNS: I was there the next day.

PICKARD: What happened that afternoon, Wednesday afternoon, of unusual importance?

HODGKNS: Wednesday? Wednesday was the first day?

PICKARD: Yes. Was there a storm or anything like that?

HODGKNS: Yes. During the afternoon Miss Ware, I don't know just how long but some little time after we had been there Miss Ware came, and Mrs. Dean was very anxious about the turkeys at the barn. The storm came up and we tried to stop her from going out to feed them but she said they must be fed then, and in spite of the fact the storm was breaking just then, she went out. I couldn't hold her back. She pushed me back and went to the barn, although she hadn't been to the barn for quite a while, Mr. Dean told us, in her condition, she had been so delicate, and she went right out in the storm.

PICKARD: Did you go with her?

HODGKNS: No, nobody went with her.

PICKARD: How long did she remain out?

HODGKNS: She came back before the storm was over, thoroughly wet.

PICKARD: Did anybody else try to prevent her going?

HODGKNS: Miss Ware and Mrs. Rich advised her not to go, but in the meantime they had been called out so that I was alone with her myself when she started out. I was as persuasive as I could be but I didn't hold her because she seemed rather violent.

PICKARD: And went out in spite of what you said?

HODGKNS: In spite of what I said. We all told her at first we would go out with her afterwards to tend them, but she insisted on going then, and she did go.

PICKARD: Did you have any further talk with her about the matter to see if she could give you any further knowledge?

HODGKNS: No, that day she said nothing. She repeated about what I have told you to everybody that came in. The second day she said that Mr. Dean had been ill. I think she told us that the first day. She said he had been lame and walks like this, falls right over on the barn floor. She said his head was bad. "Did he tell you his head was bad?" she said. I said, "No, he

didn't say anything about it." She said, "His head was bad and his body was, too. And then his feet." And then she said, "He walks like this and then falls right over on the barn floor sometimes."

The next day, as I thought about it, I seemed to think she was visualizing something. She seemed to be saying something dramatic but I didn't think about it especially the first day.

PICKARD: How long was Mr. Rich's eye marked in this way? How long did it persist?

HODGKNS: Well, when I went back it was still discolored although it was fading out. Every day it faded out more or less.

PICKARD: How many days did you go up to the Dean farm?

HODGKNS: I went up that first day and was there the second day, and I was there part of the day of the funeral.

PICKARD: Were you there when she was taken to the hospital?

HODGKNS: No.

PICKARD: Have you seen her lately?

HODGKNS: No.

PICKARD: So you don't know her present condition?

HODGKNS: No.

YOUNG: Are you positive about that, that Mrs. Dean said he went up to the barn to do his milking at twelve, or did she say he went up at eleven and was coming back at twelve?

HODGKNS: No, I think, as I recall it, that it was the times as I said.

YOUNG: You don't think she fixed the hour when he arrived home at all?

HODGKNS: No, I don't think she fixed that at all.

YOUNG: You spoke of the moon. According to the almanac, the hour the moon set that night of the 13th was 9:36 sun time. That would be 10:36 by clock time?

HODGKNS: Yes, so that when I came up the hill the moon was up when we got to Mr. Rich's house.

YOUNG: You met that evening where, you and Mr. Dean?

HODGKNS: In front of the post office.

YOUNG: Was that a casual meeting?

HODGKNS: Yes, just casual. I went down to post my letter and as I turned back from posting my letter I met Mr. Dean.

YOUNG: How long did you stop and chat there?

HODGKNS: Just a few minutes.

YOUNG: Then where did you go?

HODGKNS: We went to get his team.

YOUNG: That was back of Goodnow's Store? He said, "I'm going to drive right up," and you came up and you and he got into the carriage and drove up to Mr. Rich's house?

HODGKNS: Yes.

YOUNG: Is there a driveway into Mr. Rich's stable?

HODGKNS: There's a driveway over there, rather winding and going up the hill.

YOUNG: And he drove in there and hitched his horse?

HODGKNS: Yes.

YOUNG: Did he have any blanket in his team that night?

HODGKNS: Yes.

YOUNG: Did he put the blanket on his horse, that you recall?

HODGKNS: I remember the blanket. Well, let me see if I can think what was done with it.

YOUNG: Would you recognize it if you saw it?

HODGKNS: Oh, no. It was dusk and I wouldn't know anything about it. I remember something about a blanket.

YOUNG: Did he put a blanket on the horse?

HODGKNS: No, I don't think he did. I think Mr. Rich said, "You don't need to put a blanket on the horse."

YOUNG: What was the weather that night?

HODGKNS: Warm. Very warm.

YOUNG: Was this talk about a blanket, was that a joke?

HODGKNS: Yes, it was a joke. I would almost think there was a blanket in the back of the wagon.

YOUNG: Are you able to fix the time when Mr. Rich was hurt?

HODGKNS: Well, you see, I went down with the mail and he wasn't hurt then.

YOUNG: That would be about what time, would you say?

HODGKNS: Well, I went at half past eight or quarter of nine, and when I came back he was already in the house with the water heating and was fixing his eye.

YOUNG: The stores close at nine?

HODGKNS: Well, I suppose so. The stores close late, they say, but I don't know just what the hour is.

YOUNG: According to your recollection, you probably came up to his house about nine o'clock?

HODGKNS: Just about, I think.

YOUNG: So according to your theory Mr. Rich's eye was injured between half past eight and nine?

HODGKNS: Yes.

YOUNG: Are you able to tell us whether or not he went away from the house that night again?

HODGKNS: Never, as I know. He just stayed there putting hot cloths on the eye until he went to bed.

YOUNG: Now, you think that Mr. Dean sat there and chatted with you people?

HODGKNS: Yes, for an hour or more.

YOUNG: And he left somewhere in the neighborhood of half past ten?

HODGKNS: Yes.

YOUNG: And you say there wasn't any moon then?

HODGKNS: No.

YOUNG: Well, you are speaking of the time you read on a watch at that time, not as to sun time, but by a watch?

HODGKNS: Yes.

YOUNG: That would be 10:36 that the moon actually set?

HODGKNS: I said, as he went out for his horse, I said, "Even if you have no light there is a moon," and he said, "But the moon is down," and I noticed then that it was down.

YOUNG: This lantern was lighted and put on the front end of the wagon?

HODGKNS: Yes.

YOUNG: Were there some cigars passed there or something?

HODGKNS: Yes. Mr. Dean said, "Now, Mr. Rich, when do you want this lantern back?" and Mr. Dean said, "about midnight?" And he said, just as he went away, "Would you have a cigar?"

YOUNG: Who said that?

HODGKNS: Mr. Rich. And Mr. Dean said, "No," and we tried to think afterwards what he did say, just about his cigarette, and as nearly as I can recall he said, "I'm going to light a cigarette after I've started," but he already was lighting his cigarette.

YOUNG: Didn't he light a cigar, as a matter of fact?

HODGKNS: No, I don't remember that he did. I think he said, "I'm going to light a cigarette." He might even have lighted up. But I remember his making that remark. It's hard to remember a conversation exactly if you didn't know it is going to be reported.

YOUNG: I appreciate that fact, too, but now during the time Mr. Dean was visiting there at the house did he mention in any way that he thought that there was someone engaged in German activities?

HODGKNS: No. He said this, that might be significant. He said that he lost his turkeys all the time. He said, "The foxes have taken all my mature turkeys. I don't let them out at all but some of them are taken." And we said, "Where are the little ones?" And he said, "I put them in the barn." I thought afterwards that it might be they were being stolen by somebody, but that wasn't mentioned. He said the foxes.

YOUNG: Were the Colfelts' name mentioned in any way, shape, or manner there at the house or not?

HODGKNS: I think so. It seems to me that he said he had a letter from Mrs. Colfelt.

YOUNG: Did he say what its contents were?

HODGKNS: Well, if he did I don't remember.

YOUNG: Was it with regard to some transaction over the hay?

HODGKNS: I think so, but still there was nothing in it, nothing in what he said, that would make me feel there had been any trouble.

YOUNG: I was going to ask you if there was anything

in what he said, or anything in his talk, that indicated? . . .

HODGKNS: No, sir. I think what he said was that he had a nice letter from Mrs. Colfelt.

YOUNG: He didn't say anything that would indicate to your mind there was any feeling against the Colfelts?

HODGKNS: No.

YOUNG: And did he say anything in your hearing which would indicate he had had any trouble with them of any kind?

HODGKNS: No, but you see he wasn't the kind of man who would introduce that into a conversation. He would say it wasn't of importance.

YOUNG: And he didn't say anything about having made a complaint to the Federal authorities concerning German activities?

HODGKNS: No, he said nothing whatever about German activities. I'm sure of that.

YOUNG: And so far as you can judge from anything that was said there about the Colfelts or otherwise there was nothing that suggested to your mind anything other than a friendly relationship between the Colfelts and the Deans?

HODGKNS: No. He said nothing that night at all about it. I never heard him say anything against them.

YOUNG: Were the Colfelts and Mr. Rich's folks particularly friendly?

HODGKNS: Why, I think in a passing way they were. Mrs. Rich said that Mr. Dean asked Mrs. Rich first if she had called on the Colfelts, that he had found them pleasant people when they were in the Baldwin place, and she said, "No, I know all the people I'm going to know."

YOUNG: She said that?

HODGKNS: Mrs. Rich did, but he did bring Mrs. Colfelt and Miss Colfelt there to hear her piano, so that they came to her, but she never did call on them.

YOUNG: Have you ever heard anything about his having ordered the Colfelts to leave the premises up there?

HODGKNS: I didn't hear it from him. I've heard other people say that, but I didn't hear anything from Mr. Dean about it.

YOUNG: And you don't think there was any communication between Mr. Dean and Mr. Rich that evening there except what took place in the presence of you ladies?

HODGKNS: No, I'm sure of that.

YOUNG: And if he told Mr. Rich anything about his interest about the pro-German sentiment, you would have heard it?

HODGKNS: Oh, yes, because I was present when he was with Mr. Rich all the time.

YOUNG: I believe you mentioned the fact you met

Mrs. Colfelt up there to Dean's. Was that the day after the murder?

HODGKNS: No, that was the second day. Thursday.

YOUNG: Did you have any talk with her then?

HODGKNS: Yes. I met her for the first time then.

YOUNG: What was she there for?

HODGKNS: She was there because she had just heard in Peterborough. She had come over to Peterborough to play golf and she heard Mr. Dean had been murdered and she said, "I'll go right over."

YOUNG: Anything about her appearance that aroused any suspicions in your mind?

HODGKNS: No, there wasn't in the slightest.

YOUNG: How did she appear?

HODGKNS: She was nervous, rather nervous in her manner, but Mrs. Rich had told me before this that the Colfelts were under some suspicion of German activity and so I looked at her particularly and I thought that her eyes had nothing concealed in them, that they were just perfectly open, so far as anything hidden behind them.

YOUNG: Her sympathy with Mrs. Dean seemed to you perfectly genuine?

HODGKNS: Seemed to me perfectly genuine, and she seemed shocked at the fact.

YOUNG: That is, it seemed to you she was there as a matter of neighborly kindness in deference of Mrs. Dean in her misfortune?

HODGKNS: That's the way it seemed to me, yes.

YOUNG: Did Mrs. Colfelt at that time say anything about where Mr. Colfelt was?

HODGKNS: Yes, she said he had a job and that he was working on boat building, I think.

YOUNG: How frequently during the last two or three years have you seen Mrs. Dean?

HODGKNS: I have been in Jaffrey summers only, and I have always seen Mrs. Dean, I think, every summer, once at least. I made it a point of going there once in the summer.

YOUNG: This mental condition you spoke of is one, I presume, which has come upon her somewhat gradually?

HODGKNS: Yes, it has been growing for the last three or four years.

YOUNG: Called senile dementia or old age?

HODGKNS: That's what the doctors said, yes.

YOUNG: Was there another characteristic of Mrs. Dean you have discovered during the past two or three years, or before that, so far as that goes? Ever know anything about her being jealous?

HODGKNS: Well, I had a feeling some years ago that I thought I recognized that in her relation to someone who was in town.

YOUNG: You mentioned the fact, in answering something Mr. Pickard asked you, that she said that Billy liked the girls?

HODGKNS: Yes, she did say that.

YOUNG: Now, did you understand she meant by that anything of an improper nature, or simply that he liked the companionship of ladies?

HODGKNS: Well, all young girls, she said. That he liked all young girls. I will tell you what it seemed to me like. She was a little older than Mr. Dean and she continued to be conscious of it, as sometimes does happen to a woman who is married to a man a little younger, and grow more and more conscious of it as she gets older. It seemed to me more like that than anything else.

YOUNG: Do you think she spoke of this characteristic of his in a jealous way?

HODGKNS: Well, I think she spoke of it intentionally, as a joke, but I think there was something behind it a little, and I think it was a little getting to Mr. Dean.

YOUNG: Then this element of jealousy which you spoke of, do you think there was an occasion for that, or was that — what I want to get at is whether he was a man whose attitude toward the ladies and his associations with them would be suggestive, would be likely to suggest any improper ulterior motive, or anything of that kind?

HODGKNS: Oh, no. No.

YOUNG: You mean he enjoyed a good reputation in the neighborhood?

HODGKNS: Yes, very. I think he was devoted to Mrs. Dean. I think it was just this little feeling she had.

YOUNG: Do you think she really was jealous of him?

HODGKNS: Well, I did think that in one case. I think she had no reason, no.

YOUNG: But if her mind wasn't right, she didn't need any reason, did she? She didn't need to have any reason for it. But what I want to get at was whether her delusion, if the delusion existed, was a result of her belief that he was attracted toward the ladies, or was she jealous of anybody who took his attention away from her?

HODGKNS: That's it. Just that. She was jealous of anyone, that is, I think a little jealous of any attention he paid to anybody, or any conversation he held. She felt that she wanted to be first.

YOUNG: She would be just as jealous of Mr. Rich, if she thought Mr. Rich was getting his time, as of you or any other woman who he might be with?

HODGKNS: Well, I think she looked at it in connection with women more than she did with men. It was any other woman who had his attention. At least it seemed to me.

YOUNG: Did you ever hear any suggestion that Mrs. Dean objected to his going to Mr. Rich's on that account?

HODGKNS: No, I think she felt very glad to have him go to Mr. Rich's.

YOUNG: So far as you know, there was no suggestion

that she was jealous of Mrs. Rich, your sister?

HODGKNS: No.

YOUNG: Never heard that?

HODGKNS: No.

YOUNG: You don't think there's anything to that, do you?

HODGKNS: No, I don't think so, no. In fact, she was always very cordial, both to Mrs. Rich and to me.

YOUNG: Now, speaking about her going out to the barn or to feed the turkeys, prior to that time he said she had not been to the barn for a year?

HODGKNS: As I recall it, she hadn't been to the barn for a year, and she hadn't been up and down stairs for two years because she had falling spells, and that day she went down at least twice, to my knowledge, and she went to the barn.

YOUNG: As she pushed by you, did you get any idea of her strength?

HODGKNS: I did, yes. She pushed me right aside, almost as if I were nothing.

YOUNG: Do you know her age at that time?

HODGKNS: I think she said sixty-eight, sixty-seven or sixty-eight.

YOUNG: What kind of a built woman was she?

HODGKNS: In her prime she was a very strong, tall, finely built woman, very handsome and a very strong woman, but she had been weakening physically apparently, but I didn't notice it that day. She seemed very strong to me.

YOUNG: Would you think it would be possible for Mrs. Dean to have done this job?

HODGKNS: May I say what my basis for that was?

YOUNG: Yes, go ahead.

HODGKNS: It grew on me as I was with her that she had a conviction that was perfectly fixed when we first got there. The more I thought about the conversation, it occurred to me she couldn't have known, he hadn't been found but a few hours, how could she be so convinced he was dead unless she knew?

YOUNG: Did she say anything about all the property there?

HODGKNS: Yes, she said she had arranged to have someone take the cow, and Mr. Stratton to take the horse. And she had evidently been making notes during the night as to what would be done with the things. She said, "I'm going to get rid of the place and take a room at the village." And she said, "Now, if there is anything you want." She said she wanted a few books of her own to go with her, but, she said, "If there is anything you want, take it." And she was so ready to give away anything to anybody that came in, we felt reluctant to have her remain there alone. She brought out beautiful things to give to the nurse, Miss Hiller, the District Nurse. And she did offer some to Mrs. Bryant, too.

YOUNG: To get back to the first of your story when

you first appeared on the scene up there. When she announced that Billy was dead, if that's the way she expressed it, had anybody up to that time told her he was, in fact, dead?

HODGKNS: No. They didn't know it.

YOUNG: When she mentioned the deep water? . . .

HODGKNS: Nobody had mentioned water.

YOUNG: Did she then know he had been found in the cistern?

HODGKNS: No, and she didn't know all the rest of that day.

YOUNG: Did she know, as a matter of fact, until just before they took her to the hospital?

HODGKNS: I don't know that she knew even then.

YOUNG: She didn't know anything about the funeral?

HODGKNS: No, she didn't go to the funeral. I was there at the time of the funeral and the conviction grew on me that she was thoroughly convinced of his death before any of us came there, and had made disposition of so many of his things, and she seemed better in her mind than she had for a year or two.

Now, I am going to tell you this. I have known of a case of a woman who had suddenly seized a knife and killed her little girl. A woman who was not considered at all dangerous. And she never knew it, but did it in a sudden frenzy, and her husband came back and found the little girl with his wife and took the knife away and she never knew it, and I thought as I watched Mrs. Dean whether she could be like that.

YOUNG: He was a man who would weigh 135 or 140 pounds?

HODGKNS: Yes, I would think so.

YOUNG: You wouldn't think it would be possible, if he was assaulted out to the barn she, in her physical condition, could get him to the cistern?

HODGKNS: Not in her regular physical condition, but it seems to me a frenzy might have seized her and she might have done it. And then there is one other thing, as I have thought about it, and I have thought of nothing else for some time.

It seemed to me that with her condition and with the fact that she had got her plans laid, it seemed something that a sane woman wouldn't have done. It seemed to me, particularly in the way the body was done.

YOUNG: I was going to ask you a question right there.

We are dealing with something like speculation, but you suggest in a frenzy she might have done this, but wouldn't it be natural if she had struck the fatal blow in a frenzy, before she could have done this tying up, the frenzy would have elapsed?

HODGKNS: Yes, it does seem so. It must have taken a person who had time to do it, and it seemed to me a normal man would try to get away.

YOUNG: Let me now ask the question that naturally occurs to anybody's mind. Why would anybody go to

all the bother to tie him up in that shape?

HODGKNS: Well, I see no reason unless it was with that stir of passion for a person to get it done completely.

YOUNG: Now, you say you never have seen any lights?

HODGKNS: No.

YOUNG: Ever see anyone who did?

HODGKNS: Yes. Mrs. Sweeney said she and Dr. Sweeney saw them. She argued with Mrs. Rich one night that it certainly was lights they saw.

YOUNG: That was on the Dean place?

HODGKNS: On the Dean place.

YOUNG: Before the murder, or after?

HODGKNS: Before the murder.

YOUNG: Any lights been seen since the murder?

HODGKNS: I haven't heard of any but, of course, I went away within ten days after the murder.

PICKARD: Is Dr. Sweeney back in town?

HODGKNS: No.

PICKARD: He is in France, is he?

HODGKNS: I think he is in France, yes.

JURYMAN: You spoke about the conversation you had with Mr. Dean that rather troubled you afterwards. To any great extent?

HODGKNS: Yes. I don't go to sleep when I talk seriously like that, and I did talk seriously with him. It stirs me up a little and makes me a little nervous and I didn't go to sleep that night, couldn't have gone to sleep for hours after I went to bed, partly from the nervous tension, and partly I was going over in my mind this speculation as to whether I had done him more harm than good from seeing him and depressing him in any way.

PICKARD: Your knowledge of Mrs. Dean in her earlier years when she was her normal self with her activities, was she a strong woman, a woman who exercised

out of doors and entered into sports and would be familiar with ropes and things of that sort?

HODGKNS: That I don't know. She was a strong woman, a very able woman, a very handsome woman, one of the handsomest women I ever saw, very brilliant. That's why I hated to see her the last few years. She had one of the most brilliant minds I ever met. She was active with her hands, could knit and crochet, things like that, and I suppose she might have known about tying knots, but I don't know that she did anything outside of that.

PICKARD: She used to drive some?

HODGKNS: Yes, she always drove a great deal.

PICKARD: When did you first notice her mental condition failing?

HODGKNS: I can't say exactly, but I think it was about four years, but time goes very fast. From year to year I saw a little greater change and her eyes deadened year to year, until this year, and when I saw her this year — I saw her the day after the murder — her eyes were alive, they were keen and alive as I hadn't seen them for a long time.

PICKARD: Did you notice that her physical strength, as you observed her, diminished in any way?

HODGKNS: Oh, yes, yes. She had given up going to the village because she fell from the carriage once, and she fell down stairs when she went up stairs, and so she wasn't allowed up stairs. She had been sleeping in the hammock in the living room for some time.

PICKARD: And it was from this hammock she waited until five o'clock?

HODGKNS: Yes.

WITNESS DISMISSED

JURY RESTS



ORDER OF WITNESSES

Monday, April 14, 1919

9:00 A.M.

Mrs. B. L. Robinson, *Jaffrey Center summer neighbor*
Harry L. Scott, *Pinkerton Detective Agent*
Mrs. Frazer Morison, *Summer neighbor to Mr. Dean*
Alfred J. Hutchinson, *Neighbor to Mr. Rich*
Mary K. Hutchinson, *Neighbor to Mr. Rich*
Mary L. Ware, *Rindge summer neighbor*

MRS. B. L. ROBINSON

Direct Examination by Mr. Pickard

PICKARD: Where do you live?

ROBINSON: Three Clement Circle, Cambridge, Massachusetts in the winter, and in the summer I live in Jaffrey, New Hampshire.

PICKARD: How long have you lived in Jaffrey?

ROBINSON: In the summer of 1896 we moved to Jaffrey.

PICKARD: How many years since then have you lived there?

ROBINSON: We have always lived there, except one summer when my husband was ill and we were away, and two or three summers when we have gone to Europe.

PICKARD: Did you know the Deans?

ROBINSON: Well, we have known them for a long time. We became acquainted with them slightly during the first two or three years we were in Jaffrey but didn't know them intimately until within the last ten years, since I've been president of the Jaffrey Village Improvement Society, and every year had as interesting entertainment as I could get for the Society, and Mr. and Mrs. Dean have always been very much interested in these, have always come to them, and I made it a point always of taking friends who came up, who generally stayed with me, up to the Dean house because it was such an interesting place to visit, and they would then come down to call upon those people, and in that way we came to be very well acquaint-

ed, and had gotten into the way of sending Mr. and Mrs. Dean interesting books we were reading in the winter and sending them records for their musical instruments. I would say we had come to be very good friends.

PICKARD: How far did you live from them?

ROBINSON: We lived almost in the village of Jaffrey Center and they lived a mile and a half or two miles, I don't know exactly, out of town.

PICKARD: Were you in Jaffrey in the summer of 1918?

ROBINSON: Oh, yes.

PICKARD: Did you see the Deans during your visit there that summer?

ROBINSON: Oh, yes.

PICKARD: Now, will you tell any conversations you had with Mr. Dean bearing upon the events that led up to this murder?

ROBINSON: I will. We went to Jaffrey rather late last year, didn't go up until the 28th or 29th of June, and we had been there only a very few days when Mr. Dean telephoned down to know if he might come down to call, as, he said, "I would never drop in upon you without letting you know I was coming."

Now, last December, feeling that one's memory of things gets fainter as time goes, I wrote down as accurately as I could remember an account of our conversation the first time we saw Mr. Dean last summer. Would it be suitable for me to read that? I think Mr. Dean spoke more freely to my husband and myself about his relations with the Colfelts than to anyone else.

We were late in getting to Jaffrey this year (meaning December 1918) not getting up to stay until the 28th or 29th, I have forgotten which, of June. Mr. Dean made us one of his evening calls within a very few days after our arrival.

He said, "I've had the strangest experience of my life. I don't know what to make of it. I didn't know there were such people in the world. I would like to tell you about it. May I?" Of course, we assented and he began, but he soon stopped himself saying, "No, I

won't be telling these things." I could see that he was uncomfortable, feeling that he was gossiping or tale-bearing. I urged him to go on, on the ground that it was owing to me, that I had made friends with Natalie Colfelt, and that it was only fair that I know the truth regarding the family as a basis for my future relations with the girl.

He saw the justice of this and went on, telling how somebody in the late winter, I believe Secret Service agents, had come to interview him concerning Colfelt, of whom, up to that time, I believe, he had had no suspicion although he had been greatly distressed over the man's contemptuous remarks about his, Mr. Dean's, loyalty.

Colfelt would say, "It's all very well for you to talk patriotism, you know you are safe as you are too old to fight, and you are poor so you won't have to pay war taxes. American people don't care anything about this war. In New York and Philadelphia you don't hear any of this patriotic talk. Everybody is making all the money he can out of it, and that's all they care about it."

It was really touching, the way he appealed to us, that is, Mr. Dean to us, to know if that was true, and he said, so anxiously, "Is it true that people don't care about the war? Do the people you see feel that way about it?" We comforted him by assuring him that everybody we knew talked of nothing but the war and were as loyal as he was.

He said that his relations with the Colfelts had grown more and more strained until it was uncomfortable for him to be in their presence. Each aired their marital grievances to him, especially Mrs. Colfelt, and this was a great trial to him. At times she would declare she couldn't possibly go on living with Colfelt, that he was always going off on these trips without telling her where he was going, that she had seen him with other women, that she believed he was crazy, that he had been at one time in a sanitarium for mental derangement, that she ought to have left him when Natalie was a baby, and would have done so but for the fact that she had no means of support.

She claimed to have been married very much younger and to be only seventeen years older than Natalie who, she said, was seventeen. The girl registered at Radcliffe as twenty-one. At other times she would declare the most violent passion for Mr. Colfelt and say there was no one in the world she loved as she did Lawrence.

I have forgotten how long it was before the final break between them that Mrs. Colfelt telephoned for Mr. Dean to go over to her house. He didn't want to go and tried to excuse himself but she insisted and so he went. She met him at the door, didn't invite him in, but began a tirade of abuse, mostly about people who were trying to injure them, that is, the Colfelts.

Suspicious, finally Mr. Dean said, "Mrs. Colfelt, do you mean me?" "Yes, I do," she said, "you have been telling things about us that aren't true."

He answered, "I don't remember ever having told anyone anything about you." "Yes, you did. You said over the telephone that Mr. Colfelt's mother never came to see us. We told her about it and she is very angry that you should say such a thing." Mr. Dean answered, "I do remember how that someone asked me whether Mr. Colfelt's mother had visited you and I said no, that you had said that her children all went to see her but that she didn't go to visit them. You told me that yourself, so I supposed there was no harm in saying it. But may I ask, Mrs. Colfelt, if you have been listening at the telephone?" "Yes, I have," she answered.

Mr. Dean said they seemed to be the most undisciplined, irresponsible people he had ever known. My husband asked if he thought Colfelt was a spy, and he evidently didn't wish to talk about that. He smiled and said, "He doesn't seem to me to have brains enough."

He said he had a great deal of trouble on Colfelt's account also at the barn. In renting the house he had expressly stated he couldn't let them use the barn as he needed it for his own animals. Nevertheless, they actually took possession, made themselves very troublesome, using his implements, freely admitting to breaking them.

In the spring the Colfelts announced that they were going to leave and began driving about the country looking for another place. They found nothing to suit them and at last proposed to Mr. Dean they stay, and although he needed the rent money they paid, their proximity had become unendurable to Mr. Dean and he said they must go.

The Colfelts also insisted to Mr. Dean that they were of English blood. They said more or less they were Irish, but on one occasion Mrs. Colfelt referred to her husband as a German pig.

PICKARD: This is the substance of the conversation you had with Mr. Dean?

ROBINSON: The first evening he came down to see us after our arrival in East Jaffrey last summer. We went up on the 28th or 29th and it was within a week after that. It was within a very few days after we arrived in Jaffrey.

PICKARD: Did you understand at that time the Colfelts were on the place?

ROBINSON: No, I think they had already gone. I never saw Mr. Dean so disturbed about anything. He was very much wrought up and yet anxious not to say anything which would be unjust or severe.

PICKARD: Did he, during that conversation, say anything about suspicious lights around the place?

ROBINSON: I think he mentioned it and I don't re-

member just what he said because we at that time weren't especially interested, but I think he did make a reference to it, but no one, I think, took great stock of it at that time.

PICKARD: Well, did he say that he had seen them?

ROBINSON: No, I don't think he said so, so far as I remember.

PICKARD: Did he express any fear of Colfelt?

ROBINSON: No, I never heard him express any fear. He wasn't that kind of man. He never would.

PICKARD: What was your impression at that time, that he was or was not telling you everything?

ROBINSON: It was our impression he was telling us everything because we were looking at it from our personal relation with him. We didn't know anything about all this German talk then, you know. He told us freely how troublesome his experience with them had been.

PICKARD: Do you live in sight of the Colfelt house, so-called?

ROBINSON: Oh, no. No.

PICKARD: Had you yourself, or your husband, ever seen any lights from the Dean place?

ROBINSON: No, we didn't live where we could see anything of that kind.

PICKARD: Did you know the Colfelts?

ROBINSON: Yes.

PICKARD: Intimately?

ROBINSON: No. Mrs. Colfelt was never in our house but once. That wasn't a social call. She came when I was having a concert for the Improvement Society. Mr. Colfelt came two or three times with Mr. Dean. They came down and spent an evening once. I forget what the other occasion was. But through Mr. Dean I came to know the daughter very well.

He was interested in her and she was at that time preparing for college and wanted some help for it at the time and Mr. Dean came to me and asked if we knew anyone who would help her with her studies. We did know a young woman, and Mr. Dean said she got along with Natalye.

Then later, when she came to Radcliffe College in Cambridge, I tried to have her at my house occasionally, took her to concerts, etc., and so I guess I knew her in a way as well as anyone in Cambridge did.

PICKARD: What sort of a girl is she?

ROBINSON: She was a girl of a very interesting mentality, but a very strange nature. I talked about her with the lady at the head of the dormitory where she lived, and she said, "She doesn't make friends with the other girls and she has no interests except her own unique interests, but this year she has gone to Vassar. She left Radcliffe to go to Vassar this year because she had friends at Vassar." I learned from another young lady at Vassar her friends are all Germans.

PICKARD: Did you ever have any conversation with Natalye with regard to her disposition towards the national situation?

ROBINSON: Oh, we talked politics a great deal. That was her great interest. She was a great admirer of Mr. Roosevelt, so she said, and she always expressed herself very patriotically, and I, not having any suspicion of anything wrong, I was always expressing myself with perfect freedom about the Germans and about the war, and one day I said something very severe about the Germans and she said, "Oh, but they're not all like that. There are some quite nice." That's what defense she brought. All our conversations were as loyal as one could expect.

But the last time I saw her our conversation had great interest to me. I think it has some connection with this case. I hadn't seen her since the murder and during the Christmas holidays this last year she came on from Vassar back to Cambridge and spent a few days in the college dormitory where she used to room.

One day my doorbell rang. I went to the door and she was standing at the door — remember, we hadn't met since the murder — and she was literally gasping for breath. She was going like that (indicating) as she stood at the door. I said, "Why Natalye, what is the matter?" And she couldn't speak, she was so agitated she couldn't speak, and she went on gasping, like that, and I drew her in and shut the door and said, "What is the matter? What has happened?"

Finally she got control of herself enough to say, "I guess it's because I've heard that Mr. Roosevelt is dead." In the conversation that followed I found she had known of that fact for two or three hours at least, and I didn't think myself that was sufficient reason for such agitation.

PICKARD: Any reason suggest to your mind why she should be in that condition?

ROBINSON: I think, knowing how much I had cared for Mr. Dean, knowing how sad I was in the case, meeting me for the first time after the murder, I think she was agitated with what she thought was in my mind, and what was in her mind. I think what she came to see me for was to find out if there was anything she could get from me, because after we had talked a while she said to me, "Has anything been found out about the Dean case?" Abruptly, like that. I said, "No, I think not." Then, wanting to see what she would say and how she would react, I said to her, "You probably know that there are people in East Jaffrey who suspect Mr. Rich," and I looked at her very closely to see how she would take that. She said, "Is that so? Well, if he did it I don't suppose he went up intending to do it, but they probably quarreled." That was her answer.

PICKARD: That was since the Armistice was signed, I presume?

ROBINSON: Yes.

PICKARD: Was that situation spoken of at all?

ROBINSON: You mean the Armistice?

PICKARD: Yes, the war ended after that.

ROBINSON: I don't remember that we discussed that that day. I tried to keep the conversation on inconsequential things as much as I could because we were both embarrassed and it was a casual call.

PICKARD: She suggested that Mr. Rich, if he did it, didn't go up intending to do it, but he went up and they quarreled?

ROBINSON: Yes.

PICKARD: She didn't make any suggestion as to what they would have quarreled about?

ROBINSON: No.

PICKARD: Did she say where her father was then, or what he was doing?

ROBINSON: She said he was in New York. She never mentioned her father or mother unless she was asked. Never mentioned them unless I asked her particularly where they were. She spoke this time with great affection of Mr. Dean, about her visits during the summer after they left the Dean place.

PICKARD: Did you go up to see Mrs. Dean?

ROBINSON: No, I telephoned up to the house immediately after the murder and asked if there was anything I could do be sure to let me know, but I know at such a time there is apt to be confusion.

PICKARD: Didn't have any talk with Mrs. Dean at the time?

ROBINSON: No.

PICKARD: To interrupt you a minute, did you ever know or hear anything about Mrs. Dean being jealous of Mr. Dean or not?

ROBINSON: Not until after the murder.

PICKARD: Did you learn that from her or from somebody else?

ROBINSON: Somebody else.

PICKARD: Have you any reason to suppose she was?

ROBINSON: No, I have every reason to suppose she was not.

PICKARD: You don't think she had any objection to his going to your house, or anywhere else?

ROBINSON: Not the slightest. She always sent me the sweetest messages, sent her dear love to me, and when I went to see her she was always so glad to see me, so affectionate. Her friends were his friends and his friends were hers, and nothing can make me believe there was any jealousy. I knew them too well.

PICKARD: Now about his visit down there Sunday?

ROBINSON: He spent the evening with us. It had no bearing on the case, but shows what kind of man he was.

He came in bringing a bottle of cream, he always

brought something to his friends if he could, and he began talking about the future life. He said he had been reading some books recently that interested him very much and was getting interested in it and, in fact, he said, "I can hardly wait, I am so anxious to see what is going to be on the other side." And he went on, "I don't feel people are ever to be pitied who go, but the ones left behind who deserve pity or sympathy."

And he said, "Instant death is greatly to be desired. The men who went down on the Titanic had the most glorious future because they were so generously giving their lives for other people."

PICKARD: Did he make any mention about having seen any lights?

ROBINSON: No.

PICKARD: Did he make any mention of being about to make a complaint with regard to German activities on the part of someone?

ROBINSON: No. You see, he didn't want his friends to be mixed up in such things, so he didn't want them to know anything of it. Our conversation was rather personal and hardly worth telling.

PICKARD: There are some few things to get at. You said, I believe, up to the time of the murder you never had seen any lights?

ROBINSON: No.

PICKARD: Ever seen any over there since?

ROBINSON: No, I haven't been in a position to. Our house is not situated so I could.

PICKARD: Ever talk with anybody who did see them?

ROBINSON: Yes. Miss Nina Nightingale, whose mother has a summer home on the mountain road partly up toward the mountain saw two red lights near the top of the mountain at ten o'clock one night, and she happened to be awake at twelve that night and she looked out and saw the same two signals again.

Then Miss Ware has seen them, and several people I have talked with. Mr. Robert Jackson of Peterborough has seen them.

PICKARD: Anybody ever seen any from around the Dean place, so far as you know?

ROBINSON: I haven't, and I can't tell this minute. I've heard so much talk I really can't tell you, but I have heard say they saw them.

PICKARD: Now, to interrupt you there, on your story Sunday night, did he talk about anything other than what would happen to us after we had passed from this world?

ROBINSON: Nothing, only as he went away he spoke about not being able to lift one arm to his head, and the other was going back on him.

PICKARD: Had he had a shock?

ROBINSON: No, I think it was intense rheumatism, or something of the kind. He spoke very sweetly about

it. He had to put his head down this way to throw his cap on, and he said this arm was going back on him, but he said it's wonderful what you can do with a handicap. He said people talk about how terrible it's going to be with the boys when they come back with the loss of an arm or leg but, he said, "I believe so much will be done for them they will be tremendously interested to find how well they can get on with a handicap."

PICKARD: Did you think from his conversation there was anything in the nature of morbidness, or anything of the kind?

ROBINSON: No, sir, there was absolutely nothing of that kind. It happened he had been reading along that line.

PICKARD: You think he had no premonition of death, or anything of that kind?

ROBINSON: No, I don't think so.

Do you care to have me tell you about my visit to Mr. Rich the day of the murder?

The murder occurred Tuesday night, and he spent Sunday night with us, and Wednesday morning about ten or eleven o'clock a neighbor telephoned us and said Mr. Dean had been murdered. It didn't seem possible and we didn't get any details that day but tried to inquire when we saw anybody, and they would say, "Yes, we heard Mr. Dean was murdered."

The next day I felt I must know something more about it. One of my friends took me down to East Jaffrey and I naturally went to Mr. Rich because he knew me, and the fact we were all Mr. Dean's old friends, and he was a man who would naturally come to have information about anyone of such standing.

Well, he took me into a little room down there at the bank, and I said, "Can you tell me anything about the Dean murder?" And he said Mr. Dean had been at his house the night before, and he said, "I didn't see much of him because I was bathing my eye."

And, of course, I was very much struck with the fact that Mr. Rich had an enormous black eye and a cut on his face. I wondered how he came to have it but, of course, didn't mention it out of delicacy, and I said, "Do tell me about the case," and he said it was Tuesday morning early Mrs. Dean began telephoning all around to people to try to get somebody to come up because Billy was dead. She wanted someone to come up and tend to the animals and, he said, people didn't believe her, thought she was wandering, until finally she telephoned to the Henchmans, and they told us, and I thought we better go up and see if there was anything wrong.

But he went very little into detail after that. I have forgotten what he did say, but he said something which showed that his suspicions were of Mrs. Dean.

Well, it was a very great shock to me naturally, and I said, "Why, Mr. Rich, do you mean to say you think

she could have done it?" And he said, in what seemed to me a very pitiless way, "Well, I wouldn't like to be in her place." Which I thought, for an old friend to speak in that way, made a very great impression upon me.

PICKARD: You spoke of the cut on his face. Will you describe that a little more fully?

ROBINSON: Well, I can't, fully. I can't remember accurately. I had no thought of his having any connection with anything wrong. Nobody did. I remember the black eye, of course. It was just about like that, and as I remember the cut, I would say it was on one side or the other of the chin.

PICKARD: That was aside from the black eye?

ROBINSON: I would say so, yes, but I can't remember definitely.

PICKARD: How long a cut? How long would you say it was?

ROBINSON: I would say it was much longer than my thumb nail. Three quarters to an inch.

PICKARD: Was it a deep cut?

ROBINSON: Well, not what you would call a wound, no.

PICKARD: Was it like a scratch? Irregular?

ROBINSON: No, it was a straight cut, as I remember it, and looked as if it had bled rather freely and had perhaps a little dried blood, but not what you would call a wound.

PICKARD: That was Wednesday?

ROBINSON: Yes. He was killed Tuesday night. That was Thursday afternoon.

PICKARD: And would you say there was more than one cut, or just one?

ROBINSON: I don't remember but the one. I can't say there weren't two, but I don't remember. Naturally I didn't want to stare at him.

PICKARD: Had there been any suggestion at that time, by any possibility he might be in the case?

ROBINSON: Not the slightest.

PICKARD: Do you remember when first there began to be any suggestion of that kind?

ROBINSON: No, I don't remember. But what I remember very definitely is that the first suggestion I had of Mrs. Dean having done it was from Mr. Rich.

PICKARD: Did you understand that suggestion originated with him?

ROBINSON: Nothing was said about it, but it couldn't have originated very far away, so it must have originated with him. According to his own story, he went up there the first thing.

JURYMAN: You said that Mr. Rich said that Mrs. Dean telephoned down that Billy was dead?

ROBINSON: She telephoned around to a number of people he said, as I remember it, saying that Billy was dead. I think said that Billy was dead — or Billy was gone. Billy was dead — and would they come up and

tend to the animals. He said she telephoned to several people and they thought she was wandering and didn't pay any attention until she finally called up the Henchmans.

JURYMAN: You wouldn't be positive whether Mr. Rich said that she said Billy was dead or Billy was gone?

ROBINSON: I think it was dead, but at the time it didn't seem as important as it does now. Dead. I think he said she said that Billy was dead.

WITNESS DISMISSED

HARRY L. SCOTT

Direct Examination by Mr. Pickard

PICKARD: What is your business?

SCOTT: Private detective, Pinkerton National Detective Agency.

PICKARD: How long have you been a private detective for that agency?

SCOTT: About five years.

PICKARD: And that agency has agencies in how many cities?

SCOTT: I think they have fifty-seven offices, around that.

PICKARD: You are connected with the Boston office?

SCOTT: Yes.

PICKARD: What did you do with reference to the Dean murder case?

SCOTT: Well, I think I came up about August 15th and started to work, started an investigation of the information I could dig up there and verified it. In fact, I did about everything I could do to find out something about it.

PICKARD: Well, now, how long were you working on the case?

SCOTT: I worked on the case from August 15th, with the exception of about ten days, to November 5th.

PICKARD: During that time where were your activities?

SCOTT: My activities were right in Jaffrey and the vicinity there. Rindge, and those nearby towns.

PICKARD: What notes, if any, did you take of your interviews with various witnesses?

SCOTT: I had a statement from mostly every witness I talked with. I had them sign it and read it over to them after I took it to see if it agreed with their information and had them sign it.

PICKARD: What was done with those statements?

SCOTT: These are the originals right here, and I think you have the duplicates.

PICKARD: Do you know whether or not these statements you have are true in all particulars?

SCOTT: Probably, yes.

PICKARD: I ask you that because it may be necessary to use some of these statements later, and as I understand it, you must go back to Boston to continue your Maine job over there in Maine?

SCOTT: Yes.

PICKARD: Now, there are one or two things I want to call your attention to. First, with reference to a trip to Portsmouth you made. Will you tell the jury about that?

SCOTT: Well, I went down to Portsmouth and interviewed Mr. Colfelt and took his statement. I think you have that statement. I don't remember just the details in it. I would have to refer to my notes.

PICKARD: Where was Colfelt at that time?

SCOTT: He was stopping at the big hotel down there, the Rockingham Hotel.

PICKARD: Did you make any investigations to see where he was the night of the murder?

SCOTT: Yes.

PICKARD: What did your investigations lead you to?

SCOTT: I found he had stopped in the hotel on the night of the murder, the Rockingham Hotel.

PICKARD: Where was he working?

SCOTT: He was working for the Atlantic Company Shipbuilding.

PICKARD: Now, at any time, a later time, did you see Mr. Colfelt anywhere else?

SCOTT: I saw Mr. Colfelt down at the jail.

PICKARD: Where?

SCOTT: In Keene.

PICKARD: What was he doing there?

SCOTT: Why, he was there for the purpose of looking over the blankets that were found on Mr. Dean's body, to identify them.

PICKARD: Do you know whether or not he talked freely about the case?

SCOTT: Very freely, yes.

PICKARD: Did he hesitate to answer any question you asked him?

SCOTT: No questions whatever.

PICKARD: Now, did you at any time have a talk with Mrs. Colfelt?

SCOTT: I did.

PICKARD: Where?

SCOTT: Temple, I guess, where they were living at that time.

PICKARD: And what impression did you get from her as to whether she was concealing things from you or not?

SCOTT: She talked very freely. In fact, I spent a whole afternoon with her and her daughter and I took her statement as well, which is here. She talked very freely, answered every question I could think of and told me about conditions on the Dean farm, how long they lived there, in fact everything I asked her about Mr. and Mrs. Dean that she knew of.

PICKARD: Do you know whether she showed you any letter from Mr. Dean to her?

SCOTT: Yes.

PICKARD: Dated when?

SCOTT: Dated the day before his death, I think.

PICKARD: Directed to Mr. Colfelt?

SCOTT: Yes.

PICKARD: What was the tone of that letter?

SCOTT: Very friendly.

PICKARD: Now, did Mr. or Mrs. Colfelt at any time during your interview express any hostility toward Mr. Dean or Mrs. Dean?

SCOTT: None, no, sir. Mrs. Colfelt, if I remember, at the time she heard of Mr. Dean's death was in Peterborough talking with the real estate woman there, Mrs. White, and she was greatly upset over the murder and immediately came down to the Dean place.

PICKARD: Was that verified by a talk with Mrs. White?

SCOTT: Yes.

PICKARD: What investigation did you make with reference to the disappearance, alleged disappearance or otherwise, of the milk pail?

SCOTT: Well, when I first got there there seemed to be sort of a misunderstanding about the milk pail, and some said one thing and some said another, but I found from the investigation they were very certain Mr. Dean had milked in the blue and white enamel milk pail. Particularly Smith, as he was working on the farm there, haying, and he saw them milk in this pail within two or three days.

The full evidence regarding a tin strainer pail was that he had used that pail when Mr. Colfelt first moved on the farm, and they both used that pail, but it was an old dilapidated pail and I concluded that that pail had become lost.

PICKARD: Didn't Mrs. Dean describe a pail with a strainer?

SCOTT: Yes.

PICKARD: As the milk pail she was hunting for?

SCOTT: Yes, that's right.

PICKARD: What investigation did you make in the various tin shops?

SCOTT: I covered all the tin shops and I found Mr. [Coburn] who had repaired that pail two or three years prior to that, put a new bottom in it, and it was an old dilapidated pail at that time, and he hadn't seen it since.

PICKARD: Do you know whether or not the blue and white enamel pail was found at the barn that morning?

SCOTT: It was found at the barn that morning, yes.

PICKARD: Do you know if that is in the possession of the sheriff?

SCOTT: Yes. Also the brass coal pail. If those two pails were in the barn I thought what would be the necessity

ty of the third pail because the cheese cloth was found in the house. They strained the milk there.

PICKARD: What did the brass pail have in it?

SCOTT: That was the pail they used for feeding the calf.

PICKARD: And the other pail?

SCOTT: Was the water pail for watering the horses.

PICKARD: And the blue pail?

SCOTT: Was the milking pail.

PICKARD: Now, what investigation did you make, if any, with reference to the alleged mysterious lights in and about East Jaffrey?

SCOTT: Well, we chased around there and tried to catch up with the lights. We didn't find any and we finally came to the conclusion we were men laboring under an optical illusion. I couldn't be sure of it, whether they were moving stars or what they were. I couldn't very well tell, but I think later we did see some lights on Mt. Monadnock.

PICKARD: But you never succeeded in putting your finger on anything definite with regard to the lights?

SCOTT: No, sir, nothing definite. In fact, I didn't work on that very much because I tried to keep my investigation right on the murder.

PICKARD: How thorough a search and investigation did you make of the inhabitants on the road to Jaffrey from Mr. Dean's place?

SCOTT: I think I covered every one of them, went to every house, didn't miss any.

PICKARD: From your investigation, as made over there and as evidenced by these records, did you obtain information from which you could base an opinion as to who murdered William K. Dean?

SCOTT: I could not.

PICKARD: It's a somewhat mysterious case?

SCOTT: A mysterious case, yes. I didn't see anything connected with it that could have been worked at at all.

PICKARD: Do you know whether or not those reports linked up, or appear to be linked up, at your office, with other similar crimes?

SCOTT: Yes. I went over my reports and photographs, I went over them if there were further light on it, and at the same time I kept checking for new stuff. But the statements were all taken in the presence of the person with who I talked, and written out right there, and I read it over to them after I took it and they signed it.

PICKARD: I ought to say, perhaps, I am making this examination of Mr. Scott necessarily short because Mr. Scott is engaged on an important case in another part of New England and consequently has to get back. He came over today and he must go back to work tomorrow morning.

Is there anything further you wish to tell the jury that has any bearing upon this matter?

SCOTT: I don't just know of anything. If you want to ask any questions I will try to dig it out if I have forgotten something about it.

YOUNG: It was all done in longhand?

SCOTT: All done in longhand, yes. Some of them, in fact the majority of them, I took and passed them over and asked them to read them and if they agreed to them, and then they signed it.

JURYMAN: Did you take a statement from Miss Hodgkins?

SCOTT: Yes.

JURYMAN: And Mr. Rich?

SCOTT: Yes.

JURYMAN: And Mr. and Mrs. Colfelt?

SCOTT: Yes, both.

WITNESS DISMISSED

RECESS UNTIL 2:00 P.M.

ARRIA FRAZER COTTON MORISON

Direct Examination by Mr. Pickard

PICKARD: Where do you live?

MORISON: I live in Peterborough, New Hampshire, about seven months of the year, Temple Lane Farm. Three Louisburg Square, Boston, is our town house, but we have been in Washington for the last year.

PICKARD: Were you in Peterborough last summer, the summer of 1918?

MORISON: Yes, I was there practically all of last winter after my husband went into the service. I was there for almost all of last winter, and all of the summer.

PICKARD: How far from Mr. Dean do you live?

MORISON: I would think it's about a mile and three quarters, or a mile and a half. About a mile and three quarters.

PICKARD: How well did you know him and Mrs. Dean?

MORISON: I have been in Peterborough for the last ten years and I have always known him, that is, not intimately, but known him as one does a neighbor, comparatively near neighbor.

PICKARD: You have visited their house?

MORISON: Yes, I used to go and call perhaps once or twice during the season.

PICKARD: Do you know whether or not you called on Mr. Dean at his house last summer, the Tuesday before his death?

MORISON: Yes, I called — he was murdered the 13th, wasn't it? It was the day before I was there.

PICKARD: That would be Monday?

MORISON: Yes, I think it was Monday.

PICKARD: And what was the purpose of your visit?

MORISON: I called with Mrs. [Harrington], Dr. [Har-

ington's] wife, and Mrs. [Lynch] from New York, to solicit some things for the Peterborough Hospital. We were having a Rummage Sale and they came to get me, as knowing Mr. Dean and they didn't know him, to see whether we could go up and get something. My idea in going to him was in asking him to let us have one of his white turkeys to raffle off at the fair.

PICKARD: Did you see Mr. Dean that day?

MORISON: Yes.

PICKARD: What time was it?

MORISON: It was just about half past eleven in the forenoon when we got there and we went right into the bungalow. Mrs. Dean was there and she called Mr. Dean.

PICKARD: Where was he?

MORISON: He was, I think, out in the back part of the house some place. In the bungalow, not the house. That is, the first house where they lived themselves. And we stayed and chatted with Mrs. Dean. I introduced Mrs. Harrington and Mrs. Lynch, who didn't know them, and when Mr. Dean came in I explained the object of our visit, and he seemed very much interested and said he would like to do everything he could to help. He said, "I would like to give you a good big check but I can't afford to, but if there is anything in this room you want, take it."

Naturally, we couldn't think of anything in that way, so he went to the mantelpiece and picked up a very handsome bronze and said, "Could you use that?" I said, "Mr. Dean, that's more than we expect for the Rummage Sale." "Well," he said, "you can get that much more money for it. Take it."

Then he went to his books and picked out a number of books for us, of his best books, not the soiled ones most people will give you for a Rummage Sale.

PICKARD: Now, will you give an idea of the conversation you had with him that day?

MORISON: Well, I think that was the way of it, talking about the Rummage Sale, and he picked out those books, and I remember his showing us a book his father, I think, had written in China, and he said, "I wish I might give you this but it's a little bit too precious," and he showed a great deal of interest in the hospital and he said he would like to be able to do a great deal for it. He thought Peterborough needed it very badly, and it seemed, he said, "In my own case, as you know, we have sickness here, and I might need it myself, and I would like to do all I possibly can to help you."

And after he had looked around the house to see if there was anything else he had, he said, "Can you suggest anything else?" And I asked him whether possibly he had some antiques of some kind, they always sold well at a country fair or a country auction. He said, "I haven't any here but over at the other

house I have a few and if you will come over with me perhaps you can find something that would interest you."

PICKARD: What do you mean by the other house?

MORISON: I mean the house he always rented, the large house.

PICKARD: The one where Mr. Colfelt lived?

MORISON: Yes. So Mr. Dean and I, it was hot out and the other two ladies decided to stay with Mrs. Dean, and Mr. Dean and I went over to the other house together, and in walking over we stopped to look at the turkeys a few moments, and I said, "Mr. Dean, one important object in coming over here today was to see if you could spare us a turkey. You could give it to us, or if not, we could buy it and raffle it at the fair. It would bring more money than almost any other thing."

Mr. Dean said, "I would like to, Mrs. Morison, but," I think he said, "I haven't any at all." I won't be positive of that. I said, "What has happened to them. Have they died?" I know he had had a good many that summer.

He said, "No," he said. "At least they haven't died in one way. They're being killed, or at least," he said, "they have disappeared." I said, "Foxes?" "Well," he said, "I think this one is probably a two-legged fox." I said, "Mr. Dean, can't you shut them up at night? Can they get out in some way?" I can't be absolutely positive of the words, but that was the gist of the conversation. "Why, I do," he said, "I shut them up in the barn every night," and he said, "they disappear from the barn. Therefore," he said, "it doesn't seem as though it was a fox that could get in."

And we dropped the subject of turkeys and went to the house, and in going into the house he apologized, as he had once before to me when I had been over earlier in the summer, for the condition of the house.

PICKARD: He had a key to the house?

MORISON: I can't tell you whether he opened it with a key or whether he walked in. I would say he unlocked it. I'm very sure he had some keys in his hand.

PICKARD: This was the door farthest away from where they lived?

MORISON: Yes. We walked in and the first place we went was the sitting room and he looked around and he said, "I don't see anything here, do you?"

Then he went to the mantelpiece and picked up a little pitcher, a little old-fashioned pitcher, and he said, "You better take that," and he handed it to me, and I think he picked up a little cup and saucer that was there and gave me that. I won't be positive about that. Then he said, "If you will wait here a moment I'll go upstairs to get a spinning wheel which you might like," and he left me in the room downstairs and went up, and returned in a few minutes with a spinning wheel, you know, one of the old-fashioned

ones, and also a thing for winding wool, and he said, "These are quite old and perhaps you could get something for them."

I said, "I'm very sure we can, Mr. Dean, and it's very kind of you." He asked me when the auction was to be, and he said, "Well, if I can find some more things, I'll bring them over."

We started out of the house together. I think I carried the winding reel and he carried the spinning wheel with him, and we got about halfway across the field towards the house, or the bungalow, when Mr. Dean stopped and said, "Mrs. Morison, Miss Ware told me that you had seen lights up in this part of the country." And he said, "Have you seen them lately?" I said, "Yes, Mr. Dean, I saw them last night." He said, "About what time?" I said, "I would say a little after twelve." And he said, "I wonder if you could show me from where? Do I get the same view as you do? Could you show me the place where they came from, from here?"

I walked a little further in the field and looked across the east mountains and I said, "Yes, I can show you the exact spot." I had them very well marked because I had been watching them for some months. And I showed him the exact spot of one, and then I turned to him and I said, "It's a great pity I can't see Monadnock from my house." And I said, "If I could I could follow quite a range of the two mountains." And I said, "Can you see Monadnock from where we are standing?" as I couldn't see it. He said, "Yes, if we move back a little further we can see it, but," he said, "before we move I am going to mark this place with some stones."

He marked the place with a few stones and then we walked back a few feet where we had a perfect view of Monadnock Mt. and the east hills and I remember saying, "Oh, I would give anything if I could see the lights from here some night." And Mr. Dean stopped then. He evidently had something on his mind he wanted to say, and finally he said, "Mrs. Morison, are you ever in communication with anyone who could be of any help with the lights?" I said, "Yes, I am in constant communication with the Boston office." He said, "Can you do something for me?" I said, "Yes, I'd be very glad to."

He said, "Can you get a message to send me up one of the best men they have." He said, "I want the very best, not just an ordinary man who doesn't know his work." And he spoke so seriously I felt there must be something serious back of it, and I said, "Mr. Dean, couldn't I do better than that? Couldn't you tell me what it is and I will get the message to them at once?" I said, "I'll telephone as soon as I get home."

He said, "No. I don't want you to telephone." He said, "I can't give you the message." And then he said, "Because," he said, "what I know is too danger-

ous for a woman. I have no right to tell you." I felt so impressed by his manner, I said, "Why, Mr. Dean, if it is so serious as that why haven't you sent for someone before?" And he said, "Because I wasn't ready." He said, "Two men were over here last spring but I wasn't ready," and he said, "I wanted to be perfectly sure." "Now," he said, "the quicker someone comes the better."

Again I urged him to tell me. I said, "I think you can trust me, Mr. Dean. If you could tell me I think I could give the message sooner." He hesitated a few moments, I think he was going to tell me, then he said, "No. I haven't the right to. You are a woman."

Then he asked me how soon I could get the message down and I told him that I would go early the next morning to Boston, and I did. Well, then, later we went back to the house. Oh yes, there was one other thing we spoke of. He marked that spot with some stones, too, and we started back towards the house when Mr. Dean suddenly stopped again and he said, "What do you know about the Colfelts?" "Why," I said, "I don't know anything about them."

Then I rather laughed and I said, "I think you know more than anyone else as they are living on your place." The way I remember his saying it now was, he said, "I did, Mrs. Morison. I knew just a little too much. I gave them twenty-four hours to get out." I remember his saying those words absolutely. He said, "I gave them twenty-four hours to get out." I said, "What do you mean, Mr. Dean?" I said, "What was the matter?" He hesitated again and he said, "Well, I needed the rent very much but," he said, "I am too good an American to keep people of that kind on my place." As far as I remember, that's about all he said on that subject.

At the time I gave my statement first it was much fresher in my mind then and it might be a little more than that. We then walked back to the house and after getting the other ladies, Mrs. Harrington and Mrs. Lynch, I went home, went back to my own house. I naturally didn't say anything at all to them about my conversation with Mr. Dean, and the last thing Mr. Dean said as I drove off was, "I'll go through the attic today and see if I can find some more things and if I find anything of interest I'll bring them over."

One point I forgot that is important. Mr. Dean asked me, before we joined the others, he said, "How late can I reach you on the telephone tonight?" I said, "You can get me at any time as I have five phones in the house and one right by my bed, and I'm always up late and you can reach me at any time. You needn't hesitate to call me." I said, "Why?"

"Well," he said, "if I come out here tonight and see the lights, I'll call you up." And I said, "Why, Mr.

Dean, would that be safe?" as I had thought of his telling me not to telephone. And he said, "Yes, I think so." He said, "I can call you up because," he said, "we might talk about the turkeys, even if it is late. I might say something about bringing the turkeys over and you would know what that meant. Then," he said, "if you will look out and see what you see from your place, we can compare notes afterwards."

So I told him to call me at any time. There is one other point that I didn't mention. When I asked Mr. Dean why he didn't contact the Federal agents himself immediately if he had anything to tell, he said, "I can't telephone because it isn't wise," and he said, "I can't write for the same reason," and he said, "I can't leave home on account of my wife, and also because I don't want anyone to know that I was leaving her, and that's the reason I'm asking you to do this for me." And then I went home with the ladies afterwards.

PICKARD: I would like to ask you one or two questions before we go on. I'm not quite sure about the date of this. Mr. Dean was probably killed on the night of Tuesday, the 13th. Now was it on that day, or the day preceding, that you were at his house? That is, he was killed, I suppose Tuesday night, between eleven and twelve, so it was that very day he was killed that you were there?

MORISON: Yes, it was the very day he was killed that I was there. It wasn't Monday, it was Tuesday, I'm very sure.

PICKARD: And did he call you up that night?

MORISON: That's just what I was going to tell you, now, if I may. I had company that night myself for dinner and they didn't leave until about eleven o'clock, and so I went up to my room perhaps about half past eleven. All the lights, everything had been put out downstairs, my house locked up for the night, and my own room faces East Mountain and is on the Old Jaffrey Road. We are practically on the road, and my desk is right by the window, and I had some work to do at the desk.

I pulled down the shade, and then sat down in my wrapper to do some work at the desk, and I was working when I heard a high-powered automobile coming. I had gotten used to hearing the hum of the different kinds of motors, and this was coming along the road and I remember wondering in my mind whether it was going on to Peterborough. Very rarely a car turns up our road, and this one turned up, and it went past our house at a high rate of speed.

PICKARD: What time was that?

MORISON: I looked at the clock and I can't be sure whether it was ten minutes of twelve or ten minutes past. At the time I was very sure of the exact time but

I didn't write it down and I couldn't be positive, but it was between ten minutes of twelve and ten minutes past.

The car was going towards Jaffrey at a high rate of speed, a large car. I went on then with my work at the desk and got interested and forgot about the time until I was recalled to it by the same car coming back at a tremendous speed. It came so fast I could hear it just simply roaring, don't you know, and I put up the shade because I wanted to see who it was going by so fast. I had the impression it was a light-colored car, but I can't be sure of that at all, it went so fast.

PICKARD: Lights on or out on the car?

MORISON: That I can't tell you either. I didn't get the shade up until it was partly by. The front of the car was by when the shade was up because the trees hid it almost entirely.

PICKARD: About how long would you say it was between the passing of the car going up and coming back?

MORISON: It was just quarter past one when it came back. I know that because when I looked at the clock I immediately thought, "Why it's fairly late to be up and I'm getting an early start tomorrow morning. I should be in bed." So I switched out the lights and went to bed, first pulling up the shade to look out to see if there were any lights, and there was nothing on the mountain. Perfectly dark, not even any moon or anything, and the mountain was perfectly dark, and I stood there as always before going to bed and watched for a few minutes and saw nothing of any interest, and I remember as I got into bed I thought, "Why, Mr. Dean hasn't seen anything evidently. I know he would have called me up, and now it's too late."

And then it suddenly occurred to me, I remember it passing through my mind, wondering what the time was, and I said, "I wonder if Mrs. Dean perhaps is being ill and they have sent for the doctor," and I thought, "No, that can't be because it came from the railway road, it didn't come from Peterborough.

I went right to sleep and didn't wake up until time to get ready the next morning, and I went to Boston at seven o'clock with Mr. Clement, in his auto. It happened he had asked me if I was going to Boston the next day and it turned out to be a very good time and I said, "Well, I would like to." Now he didn't say anything to me about it on the way and when we reached Boston I stopped at the Chilton Club and went in and telephoned down to Mr. Gifford, found he wasn't in his office, and so I had my luncheon and was down there, I think, about one o'clock. I told Mr. Gifford the story just as I have told it here.

PICKARD: Mr. Gifford is with the Department of Justice at 45 Milk Street?

MORISON: Yes. And Mr. Gifford was apparently very much interested and asked me to repeat it over again, and he wrote down, I don't know how much he wrote down, but I know he was making notes and writing all the time I was talking to him, and I know he said, "I will put this in the safe here," and he put it away.

PICKARD: At that time was Mr. Dean living or dead?

MORISON: He was dead, but I didn't know it.

PICKARD: So this report was made to the Department of Justice before any knowledge of Mr. Dean's death?

MORISON: Yes. I remember urging Mr. Gifford. I said, "Will you get somebody?" I said. "Knowing Mr. Dean as I do, I know this thing is serious. He wouldn't have spoken in the way he did unless it was and I have the feeling he needs some help at once." And Mr. Gifford said, "I'll send a man up on the five o'clock train, but he won't be the man I want. The man I want won't be in until the following day," I think he said. He said, "He isn't the best man I have but I don't like to wait, and I'll send him a thoroughly good man." I supposed that would be all right, and I went home on the five o'clock train that day and picked up the Transcript and saw Mr. Dean's death in it, the first knowledge I had.

PICKARD: When had you talked with Mr. Dean before that day?

MORISON: I would say about, well, somewhere in the first week or two in July.

PICKARD: Had you had any conversation upon this topic then?

MORISON: Not about the lights. We hadn't spoken of that, no.

PICKARD: Had he, at any time previous to this time you have just described, said anything that showed he was in fear of anyone or had any knowledge to impart?

MORISON: No, absolutely not.

PICKARD: Had you talked with him during the investigation carried on by the Federal authorities there last spring?

MORISON: No, I hadn't, Mr. Pickard. I hadn't seen him, in fact, until about the second week in July when I went there with my sister-in-law to look over the Colfelt's house which was for rent.

PICKARD: In this conversation you had with him about Mr. Colfelt, did he hint to you what the nature of the information was?

MORISON: Absolutely not.

PICKARD: What one specific fault, if you remember, did he find with Colfelt?

MORISON: Just that one thing, that he said, "I am too good an American to allow him to stay."

PICKARD: Did he say anything about Colfelt's having

money and he ought to make the farm productive?
MORISON: He spoke of that in July when I was there before. I went up there to see if my sister-in-law, who was staying with me and thought she might like to rent a house for a short time, would like that house, and we went over and I asked him if we could go through it and if it was to rent. He hesitated, and he said, "I don't like to have you go in there."

I said, "Why not?" "Well," he said, "it's in such perfectly fearful condition and I haven't had time to fix it up since the last tenants left." I said, "Well, tenants always leave things in rather bad condition," or something of that kind, and Mr. Dean said, "Well, it's more than that," he said. "You see, they have got out in the middle of the night." I remember it being rather peculiar.

PICKARD: Said the Colfelts got out in the middle of the night?

MORISON: Yes, that's what I understood him to say. He said, "They left in the middle of the night," and he said, "it was very hurried and everything was left in very bad condition." And when we walked in the house things certainly were in the most upset condition. Chairs were overturned, beds had been stripped and things were like as though a hurricane had been through the house. I never saw things left worse, and the second visit things were being cleared up to a great extent but everything was exactly as though there had been a skirmish through the entire house and I remember leaving and saying, "I don't blame you. I would think things were rather unusual."

Then he spoke of them very cautiously. He said, "Well," he said, "you wouldn't suppose people with their means of living as nicely as they apparently did would leave anybody's house in this condition."

PICKARD: At that time did you get any idea what his sentiments were toward them?

MORISON: He didn't speak at all in any way — I mean, he just merely said that. That's all he said. I had the feeling he felt rather hurt at the way his house had been left, but I mean he didn't speak angrily of them or anything of that kind, but when we were out on the piazza looking over the fields, I said, "What wonderful fields you have here," and he said, "Yes," he said, "doesn't it seem strange that a man like Mr. Colfelt would do no work on them at all?" He said, "I gave him every chance to make good on this farm." He said, "I didn't have the money myself to run it during these war times, but," he said, "I gave him every chance to use the land and do anything he wanted with it. But," he said, "he never had the slightest interest to raise anything of any kind." That's all he spoke of.

PICKARD: Did you know the Colfelts?

MORISON: I had never met them, no. I didn't even

know what they looked like because some little time afterwards I saw this man at the golf club and I said to Mrs. White, "Who is our German-looking stranger?" And she said, "But that's not a stranger. He's Mr. Colfelt."

PICKARD: You mean Mrs. D. M. White of Peterborough?

MORISON: Yes.

PICKARD: She's the one that rented this place to the Colfelts?

MORISON: Yes, and a very intimate friend of theirs.

PICKARD: Now, did Mr. Dean give you an indication when he had discovered this thing what he wished to have you send a man for?

MORISON: He simply said what I have repeated now, as far as I can remember in any way. Of course, I was very much disturbed and I wish I knew more.

PICKARD: Did he say the information he had was connected with the lights?

MORISON: No, but I gathered that impression. I remember his speaking of the lights and then asking me to do this thing. The way he happened to speak to me was, he started by saying that Miss Ware had said I had seen the lights and he might speak to me at any time.

PICKARD: Now, did he say whether or not he had ever seen any lights?

MORISON: Yes, he did, because when he told me to show him the spot he said, "Yes, that's just about where I've seen them."

PICKARD: Did he say he had ever seen any lights at his house, in the big house where the Colfelts lived?

MORISON: No, we didn't speak of that at all.

PICKARD: Do you live in sight of that house?

MORISON: No.

PICKARD: Have you ever seen any lights or suspicious happenings around the big house?

MORISON: No, I can't say exactly because I'm not — I don't know — the general direction might be the same but I can't say they came from the house at all. The general direction was Jaffrey on the back road. It might have been.

PICKARD: But the big house isn't in plain view?

MORISON: No, it isn't at all in view. You can't see it. I can only see from my hill where I've been out watching at nights. One night I was there with Robert Bass and several other men and that night we did see things coming from that side of Jaffrey. It might have been Rindge or might have been nearer Jaffrey. It was impossible to tell from the spot where we were.

PICKARD: There is an extensive stretch of woodland between your own house and Mr. Dean's place?

MORISON: Yes, and there are a number back roads, all of which I know very intimately because I've been all over them.

PICKARD: Was it at your suggestion that investiga-

tions took place last spring? Partly at your suggestion at least?

MORISON: Well, I lunched with Miss Ware in Rindge — she called me on the phone and she asked me to take luncheon with her. I think it was a year ago last August, and after luncheon she took me out on the piazza and said that she wanted to ask me some questions.

And then she asked me if I had ever noticed anything peculiar in the sky at night over the mountains, any particular lights of any kind, and I said no, and I didn't know what she was talking about at all. So she went on to explain a little bit more that there had been seen these different lights and Mr. [Bruce] became very much interested in them and thought there might be something of interest connected with them, and they would like to tell me because from my side of the house they would like me to keep a lookout as they knew I was always out and saw a great deal, and if I ever saw anything I was to call up Robert Bass immediately, but to be very careful what I said over the telephone.

I went home that night naturally interested, and naturally anxious to look out that same evening and see if I could see anything. I'd just moved from the little portable house which we had been living in, into the large house which had been under construction, or repair, and had been in there only a few days, and that evening all the men on the place had gone down to the movies and there was no one left in the house but a friend, Miss Loring, and myself.

We went out after supper and sat on the side piazza and as we were sitting there — I had forgotten all about the lights for a moment — was just sitting down after supper when suddenly a great flash of light came right out of the sky. I didn't think it was coming from the sky at first. My first thought was that an automobile was running into our wall and I jumped up thinking I would hear a loud crash in a few moments. The house was this way and the road this way and this light came this way, so nothing could be but that the auto would go into the wall for good.

And then it came and lighted up the whole piazza and even the conservatory and every plant in the conservatory was lighted up. Then it again sprang up into the sky, went over into the woods towards the Dean house, then it disappeared. That's all you can say. I simply sat there gasping. Then both of us stood up and looked out and two red lights dropped from the sky, very high up, going in the direction over the woods towards Jaffrey, or in that direction.

PICKARD: Hear any sound?

MORISON: Not a sound of any kind. Well, I was so perfectly thunderstruck I didn't know what to believe for a few moments and I sat there, and as I sat there

looking out over East Mountain I saw flash — flash — flash — almost like heat lightning through the sky.

And that time I thought it was time to do something, so I went in and called up Robert Bass over the phone and as soon as I got him I told him who I was — I know him very intimately, in fact, he is a relation — and I said, "Robert, have you been out on your piazza this evening?" And he said, "Yes, why?"

I said, "Have you noticed any interesting stars to-night?" I didn't know just how to put it. I'd been told to be careful what I said over the phone. And very quickly he said, "Yes, what do you mean?" Well, then he began talking French to me. So we talked in French, and I told him, and he said, "I am out on the other side of my house." I said, "This is in the direction of our house." He said, "I'll go right out there and I'll telephone if I see anything." I hung up the telephone and went back to the porch.

The lights or flashes had ceased, and while I was waiting out there Miss Loring went to the deck thinking perhaps we could see better from upstairs. I was alone in that part of the house when suddenly I heard a great banging at the front door and I went to the front door. It never occurred to me to be afraid to go any place in the country. I couldn't open it and I said, "Whoever is there, please go around to the office door on the other side." And I finally opened the office door and this man walked right in. I had never seen him before. He said, "You are Mrs. Morison?" I said, "Yes." He wanted to go to the piazza immediately.

So I took him out on the piazza and there was nothing doing at all then. In a few minutes Robert Bass and two or three others, I don't know who they were, arrived, and we all went out on the piazza, but still nothing happened, and as we were standing there, suddenly came this flash — flash — one after the other, and those two men were apparently very much interested, and they went out on our terrace with a stop watch in their hands and were very much interested in the lights.

And then they asked me if I could take them in the dark without any lantern to the top of my hill. They said, "Do you know the way?" I said, "Yes, I can go in the dark." So we went through the bars, and up the hill, where we watched for about an hour, and suddenly came just a sort of burst of light from toward the east — red, purple, and all kinds of colors, and these men seemed very much impressed, and then one of them said, "Would you be willing to have your house used at any time if we sent somebody up here from the government?"

I said, "Of course, use the house. It's at your service at any time at all." He said, "There may be men coming and going here more or less, and if you can give them any help you can, it will be appreciated."

PICKARD: What date was that?

MORISON: I would say it was in August. I wish now I'd kept a diary or something. I would say last August, in August, or the beginning of September.

PICKARD: That was the year before Mr. Dean was murdered?

MORISON: Yes.

PICKARD: None of the men concerned in this case was arrested that you know of?

MORISON: Not that I know of, but I know he had men at my place continuously the next three weeks, going and coming. The house was open all night long, people came in and out, and I even think a good many people came in who had no right to be there.

PICKARD: Where was Mr. Colfelt living at that time?

MORISON: I don't know.

PICKARD: He wasn't in Jaffrey, was he?

MORISON: I don't know. I never knew he was there. The first I heard of his being there was when I was in New York.

PICKARD: Going back to another matter about which I asked you before. You suggested to Mr. Dean that you use a telephone in giving this information?

MORISON: I suggested that I use the telephone from my own house and he said, "No, don't use the telephone." And he said, "I don't think it's safe." And he did say, "I can't telephone." I said, "Why haven't you let me know before?" and he said, "Because I can't telephone, and I can't use the mails for the same reason, and I don't wish to leave my wife alone." And, he said, "I can't go away, and besides I don't want anybody to know I am away if I go down to Boston."

PICKARD: Can you think of any reason why he couldn't use the mails?

MORISON: He gave me the impression that he thought they were watched or tampered with, or something of that kind.

PICKARD: But he didn't name any specific instance?

MORISON: No.

PICKARD: And did you get the same impression why he couldn't use the telephone?

MORISON: Yes, I got the same impression.

PICKARD: He has a party line, I suppose? Several people on that line?

MORISON: Yes.

PICKARD: Now, if you please, Mr. Foreman and gentlemen, we will take a recess at this time. As I suggested, the court is going to adjourn for a short time in memory of Justice Holmes, late Justice of Court, and after that is over we'll come back here and finish the testimony.

YOUNG: Did you mention this conversation, or anything concerning it, to any other person after you left Mr. Dean's and before you arrived in Boston?

MORISON: No, not that I can remember in any way. I know I didn't. I didn't see anyone until I got to Mr. Gifford's.

YOUNG: Didn't mention it in a casual way to any members of your family so that it could have gotten out in any way?

MORISON: No, I was very particular not to because my mother didn't know I was doing anything of the kind, and nobody in the house did.

YOUNG: So that from the time you talked with Mr. Dean there was no one knew anything about that conversation in any way, shape or manner until you arrived in Boston and told it to the Federal agents?

MORISON: No, absolutely not.

YOUNG: Now, who was the agent, do you remember, who was sent up there finally?

MORISON: I don't know.

YOUNG: Now, about those lights. You have described those you saw in August 1917. Did you see any others at any time?

MORISON: I never saw that particular kind again. That was the only time that that flashing light ever came, or that those little flashes did, but I saw other kinds of lights after that.

YOUNG: To refer again to the one you saw in August 1917, could you locate the point at which that light originated?

MORISON: No, because it was diffused through the sky. It didn't come from any particular point. It was exactly like heat lightning, only it wasn't heat lightning. More like those red tapers you buy on the 4th of July, only that it wasn't red. It was a white light.

YOUNG: It seemed the light originated in the heavens? Is that your impression?

MORISON: No, not as high as the sky. It was between the mountain and the sky, if you can say that. That's sort of vague, but it seemed to come from over the top of the mountain.

YOUNG: Those other lights you spoke of, how many times did you see them?

MORISON: Oh, I don't know as I know, but every time I did I always reported it to the Federal office as they asked me to in Boston. Oh, I suppose maybe ten or twelve times perhaps.

YOUNG: What was the nature of those lights?

MORISON: At times they were very peculiar because they were quite different from anything else. They were large. Well, the first time I saw it, I think I could explain it better this way.

I had been up to sit at the farm every Saturday to chaperone the little dances, and used to get home about one o'clock in the morning with Mr. and Mrs. [Dodge] and the others we have, and I was alone in the house, no one else was there, and Mrs. Dodge came up to my house with me when we got there to see that everything was all right for the night, and I

went to the window to pull down the shade and I stood there and stared and gasped because right in the sky was this great big red light hanging out, that big.

It was as large as the moon, but it wasn't the moon because the moon was up on the other side of it. The moon was there, too, so we couldn't confuse it with the moon. Well, Mrs. Dodge came to the window and she called to her husband and son, and all four of us saw it. The only way I can describe it, it was a great big opaque light, not a shining light but like a parchment paper lamp shade. It had sort of a glow.

It lasted for about an hour and it disappeared in the dark. It didn't go up or down, it simply floated. It had come in one spot in the darkness and hung there more or less. The only explanation I have been given was a veteran in France, when he came back, told me they were using these things over there and they were in the nature of a flash light that burned for a length of time, and that a very fine silk handkerchief was put around, sort of like a kite might be, some were white and some were red, and this flash light was tied on the back of the kite, so-called, and it burned for a certain length of time and then went out, and it was a signal used a great deal by the Germans over there.

And that same kind of handkerchief is in a drug store in Nashua, brought back by the drug store man's son who captured it in No-man's land. It was curious. I happened to be in the drug store and saw this thing and it tallied exactly with the explanation this veteran gave me. That's the only explanation I ever had of it. I never saw that but once more, and that was in the late summer.

YOUNG: Was that before or after the murder of Mr. Dean?

MORISON: It was after, I think.

YOUNG: Now, you have spoken of two kinds of lights. Were there any others?

MORISON: The others were just what looked like small balloons. Three of them would give up-and-down signals. There would be one flash red and yellow and green.

YOUNG: When did you see those?

MORISON: Those would generally come up — they rarely came up before twelve o'clock — and they would last until perhaps about one. Sometimes they would come up at eleven. These were over the East Mts., and they were some little distance away. The center one was generally higher than the other two. They weren't stars because I took a planetscope up and focused it and they were much larger. You couldn't confuse them with a planet, although they looked like one, a big planet when they came up, but they changed color so that you could see it plainly.

YOUNG: Did you afterwards discuss that there was any connection so far as point of time was concerned

between any of these lights and any troop movements in this country?

MORISON: No, I never did. I believe they did at the office but I don't know anything about it myself. I simply reported them when I saw them, and I generally tried to have someone else see them at the same time that I did.

YOUNG: Were any of these lights in the direction of the Dean homestead?

MORISON: No, they were always in the East Mts., or Temple range.

YOUNG: Those lights were always on the westerly or southerly side of those mountains?

MORISON: Yes. They very often would stop halfway up the mountain and go up. I mean, they wouldn't rise right up, they would come up and go over the mountain on the other side.

YOUNG: Is there anything further you can tell this jury, particularly, with reference to this case?

MORISON: There's nothing that I know of that I haven't been over repeatedly. The only thing I know I have left out is that the first time I was in the so-called Colfelt house — I don't know as this would have any reference to the case — but I'll speak of it.

I had with me my sister-in-law, and Mr. Dean was looking at one of the other bedrooms and I was in the bedroom being occupied by Mr. and Mrs. Colfelt, and underneath the mirror I saw a little white corner of a card sticking out and I took my nail and pulled it out, like this, and it was a card, and I took that card down to give it to Mr. Gifford because I thought it might be of interest to him. The reason I did it was that I had been asked if there was anything I knew about the Colfelts to find it out and tell them.

YOUNG: Did Mr. Gifford or the office have the card?

MORISON: They had that card, yes. It had the number of a house with some drawings pencilled on it.

WITNESS DISMISSED

ALFRED J. HUTCHINSON

Direct Examination by Mr. Pickard

PICKARD: Where do you live with reference to the house of Charles L. Rich?

HUTCHSN: This house is situated on a hill. It's maybe two thirds of the way from Mr. Rich's to Crow's house.

PICKARD: How many yards or rods?

HUTCHSN: I couldn't say exactly. I would say that from the driveway it was from a hundred to a hundred fifty feet or more. Well, I can't be sure and one of the men thought it wasn't more than thirty feet, but I think he's mistaken.

PICKARD: Do you recall the night Mr. Dean was murdered?

HUTCHSN: Yes. The first I heard of it, one of the selectmen, Mr. Coolidge came. I was going to work and he came by with his automobile. I'm a little hard of hearing and he spoke to me and I thought he said there was a murder in New Hampshire. And that's the first I knew of it.

PICKARD: Did you know Mr. Dean personally?

HUTCHSN: No.

PICKARD: Do you know Mr. Rich?

HUTCHSN: Yes, I know Mr. Rich. He is a next-door neighbor. I've known him two and a half years or more.

PICKARD: On the night before the murder do you recall anything that happened particularly?

HUTCHSN: Well, my wife and I — my wife has consumption and we sleep out on the piazza facing Mr. Rich. I went to bed that night, I don't know exactly what time, I didn't look at the clock and I couldn't swear to it, but I would judge half past ten. I don't know anything about it only it was quite late.

I saw a team come out of there with a man in it, well, I would say a horse and buggy, and the man had either a pipe, a cigar or a cigarette in his mouth, and drove out very slow.

PICKARD: How long was that after you went to bed?

HUTCHSN: Might have been ten or fifteen minutes maybe.

PICKARD: That would bring it to half past ten?

HUTCHSN: I would judge so, yes. I couldn't say positive because there's no way of knowing. I didn't look at the clock.

PICKARD: Did you recognize this man when he came down the road?

HUTCHSN: I didn't.

PICKARD: Did you notice anything whether his wagon had steel or rubber tires?

HUTCHSN: I didn't, no, sir.

PICKARD: You could hear it coming?

HUTCHSN: No, I didn't hear it particularly, I saw it come. There was a tree there in Mr. Rich's yard and I saw the team as it started out of the yard, and then it came by that tree and I saw the man full in the face, and he was a man I never saw before, and I've never seen him since.

PICKARD: Was it Mr. Rich?

HUTCHSN: No, it wasn't Mr. Rich. He was a different looking man. And it wasn't Mr. Rich's horse because Mr. Rich's, his has a white face and this horse didn't have.

PICKARD: What kind of a horse has Mr. Rich, with reference to high spirits or not?

HUTCHSN: Very high spirits, and he turns him loose there in his own yard and he capers around, a very lively horse.

PICKARD: What about this horse that came down Rich's driveway?

HUTCHSN: Well, this horse, I got the impression, was kind of a farm horse, didn't go very lively. He walked out of there. Of course, the man might have had a reason, being a strange driveway, or something of that sort. It's downhill and the driveway is kind of winding and downhill.

PICKARD: Did you notice which way he turned when he got there?

HUTCHSN: I didn't because the barn is in the way and I couldn't tell whether he turned north or south.

PICKARD: Now, when did you see Mr. Rich after this murder?

HUTCHSN: I saw Mr. Rich the next evening. Well, you know, the power broke down at that time in the factory after the thunder shower, so we didn't run the next afternoon. I came home early and it might have been half past six or seven o'clock. He came down to get his horse and we were out on the piazza and I guess I was reading the paper and he came up and talked to me, talked to my wife and me, too, and I told him, I said, "Heard of this murder?" And he said, "Yes, there's a bad one." And he stood facing us, and then he told us about the accident happened to him. He said he wasn't sure, he suspected the horse kicked him. If he hadn't spoken about it, I wouldn't have noticed that anything happened to him. He said he had a bad eye and his wife and wife's sister were worried about it, but he said he got a blow on the ribs that was very painful, and his eye didn't bother him, but that was very painful.

PICKARD: What sort of a looking eye did he have?

HUTCHSN: I didn't notice particularly that night, but the next Saturday morning I got my automobile, which I keep in his garage, and he came out, I couldn't say whether feeding his ducks or not, but he had two pails of water in his hand anyway, and I noticed. I said, "Mr. Rich, you have a pretty bad eye, haven't you?"

PICKARD: Did you notice anything else the matter with his face except the black eye?

HUTCHSN: No, nothing but the black eye. Whatever hit him hit him between the cheek bone and the nose on the lefthand side.

PICKARD: How do you know?

HUTCHSN: Well, I looked at it very close and there was no skin broken.

PICKARD: When was this?

HUTCHSN: This was the Saturday morning after the murder. I was going on my vacation and I went up to get my automobile ready to start that noon. We work five days and a half and I was going that noon as quick as I could. In fact, I already met with the sheriff that noon when he came downhill from the factory. I didn't know he was the sheriff at that time, but they told me he was after I got into the automobile.

PICKARD: Now, what do you say again about whether

that team was Mr. Rich or not? That team that came out at half past ten. Was that Mr. Rich or not?
HUTCHSN: It wasn't Mr. Rich. I know Mr. Rich quite well.

PICKARD: Do you know who it was?

HUTCHSN: I don't know who it was, no, sir.

PICKARD: Have you ever told anyone that you thought it was Mr. Rich or Mr. Rich's team?

HUTCHSN: No, sir, I have not. I might have said this, that I thought it was Mr. Rich when I first saw the team, but I thought it wasn't afterwards. I might have said that. I won't say positively.

Another thing it appeared to me, you've seen the way old men, they lean forward like this. That's the reason I thought he was an old man. That was my impression at that time.

PICKARD: You didn't know Mr. Dean?

HUTCHSN: No, sir. I didn't get to meet him in my life.

The nearest I came to meeting Mr. Dean was the first winter I was there my wife and I wanted to get over to the Peterborough Road. I was going by the Dublin Road and I didn't know which was the road and I drove into this road and when I got in there I saw some white turkeys and I made up my mind it was a white turkey farm and when I got in there I thought I got into somebody's private place and I was trespassing on their premises, and I thought the best thing I could do was to get out of there, so when we came out there was a lady came to the bungalow window and she motioned for us to come in but we didn't know her and we kept out.

PICKARD: Mr. Dean's farm was known as a white turkey farm?

HUTCHSN: Yes. A friend of mine and I, we were always going up there to see the place but we never did. That's as close as we ever got to getting acquainted with Mr. Dean.

PICKARD: When you saw Mr. Rich on this Wednesday after the murder did he say anything about Mr. Dean's being at his house that time?

HUTCHSN: He did, yes.

PICKARD: What did he say about that?

HUTCHSN: He said that he had this accident and Mr. Dean was up there and I think he joked something about it. I think he said something about putting alcohol on and he said alcohol might have some effects on him but he didn't know whether it would do the black eye any good or not and hot water would do as much good as anything.

PICKARD: That's what Mr. Rich told you Mr. Dean told him?

HUTCHSN: Yes.

WITNESS DISMISSED

MRS. MARY K. HUTCHINSON

Direct Examination by Mr. Pickard

PICKARD: You are the wife of Alfred K. Hutchinson who just testified?

MARY H: Yes.

PICKARD: And Mr. Hutchinson said you lived near Mr. Rich?

MARY H: In the next house, yes.

PICKARD: And did you know Mr. Dean?

MARY H: I didn't.

PICKARD: Will you tell your recollection of what you saw, on the night that Mr. Dean was murdered, in the neighborhood of Mr. Rich's house and your house?

MARY H: I saw absolutely nothing on that night. At the time that Mr. Hutchinson saw this team, he has probably told you about, drive out, I was in the house. We were asked nothing about this case until about three weeks after the crime was committed and that being the case I haven't been able to recollect just why I wasn't on the piazza where we slept at the time that the team drove by. I might have been taking a bath or might have been reading. At any rate I went to bed a little later than Mr. Hutchinson and I didn't see the team.

PICKARD: Now, did Mr. Hutchinson mention the team to you?

MARY H: Mr. Hutchinson mentioned he saw the team the next day.

PICKARD: And did he say anything about who it was?

MARY H: Mr. Hutchinson said it was a man who sat forward in his team in this way. He said he got the impression that he was rather an old man from his sitting in that position. He knew it wasn't Mr. Rich, and he knew it wasn't Mr. Rich's horse. The horse went down the driveway very slowly and Mr. Hutchinson said rather like a farm horse, or else like a horse which was being held back by the driver who was not quite familiar with the driveway. Mr. Rich's horse is very active, very young, doesn't get enough exercise and goes down very rapidly.

PICKARD: You say this was mentioned to you the next day?

MARY H: The next day.

PICKARD: Before or after you knew of the crime?

MARY H: Just about the time he knew of the crime.

PICKARD: But before anybody had spoken to you about it?

MARY H: No, it was at that time when Mr. Rich told us about the crime. We heard about it first from Mr. Rich. Mr. Hutchinson said then, when Mr. Rich said that Mr. Dean was at his house the night before, Mr. Hutchinson said, "Well, I guess I saw him when he drove away." But, of course, Mr. Hutchinson wasn't sure he saw him because we didn't either of us know Mr. Dean.

PICKARD: Do you know about what time it was Mr.

Hutchinson saw this team leave the Rich house?
 MARY H: Well, Mr. Hutchinson places it I think somewhere between ten and half past.
 PICKARD: But you didn't see the team yourself?
 MARY H: No, I didn't. Mr. Rich told us about this the day after it happened, and at that time Mr. Rich told us about the accident which happened to his eye.
 PICKARD: How did he say it happened?
 MARY H: Mr. Rich said that he wasn't quite sure exactly how it did happen, that he thought he was stunned for a few moments, but his impression was that when he went in his barn that the horse kicked and he had his pipe in his mouth and he thought the blow of the pipe struck his cheek. At the time he showed it to us he had what I would call a very black eye.
 PICKARD: Any cuts on his face?
 MARY H: I saw no cuts whatever. At the Board of Trade meeting, Mr. Kent, or DeKerlor, thought Mr. Rich had on his brow the marks of a three-pronged instrument. Now I'm absolutely certain that on the day after the crime was committed Mr. Rich had no marks on his brow, or any recent wound.
 YOUNG: Did Mr. Hutchinson ever say, or to your own knowledge did anybody ever claim that he said, that it was Mr. Rich who drove out of there that night?
 MARY H: Mr. Hutchinson has never said it was Mr. Rich because he said definitely he was sure it was not Mr. Rich who drove out. I wonder if Mr. Hutchinson explained that we make a sleeping porch of the south end of the piazza? The statement has been made by some people that after Mr. Dean went away from Mr. Rich's house that Mr. Rich drove out either in an automobile or a team. Now, I'm very sure that that would have been absolutely impossible without my knowing it because after I went out — I'm a very light sleeper and wake very easily — and I'm sure I would have waked if another team or another automobile went up.

WITNESS DISMISSED

MARY L. WARE

Direct Examination by Mr. Young

YOUNG: Where do you live?
 WARE: My city residence is Boston.
 YOUNG: And summers, where?
 WARE: West Rindge, New Hampshire.
 YOUNG: Where were you living during the summer of 1918?
 WARE: West Rindge.
 YOUNG: Were you acquainted with one William K. Dean?
 WARE: I was.
 YOUNG: How long had you known him?

WARE: For about twenty-three years, I think. Twenty-three or twenty-four years.
 YOUNG: When last did you see him prior to the date of his death?
 WARE: About three or four weeks. I don't remember exactly, but I think about three weeks before his death.
 YOUNG: Were you a frequent visitor or caller there?
 WARE: Well, it depends on your definition of frequent. I've been there a great deal, of course, in the twenty-five years I've known them because Mr. and Mrs. Dean were old friends of mine.
 They were perfectly delightful people. Educated people. Very well educated, very intelligent, and though they lived apart by themselves up there, they always kept in touch with everything that was going on in the world, and there was no subject of interest that they weren't both of them, ready to discuss and talk about.
 The relations between Mr. and Mrs. Dean were delightful. I never have seen a greater intimacy, or really a closer companionship between husband and wife than they had.
 YOUNG: What do you say about when it was that Mrs. Dean first began to fail a little mentally?
 WARE: Well, I would say really quite a number of years ago that it began, but the decline was so slight it didn't amount to anything until the last four or five years, perhaps.
 YOUNG: How would you describe her mental condition in the summer of 1918?
 WARE: I think it was evidence of the loss of mind, as old persons lose their minds.
 YOUNG: Do you know her age?
 WARE: Yes, I think she was about sixty-eight or sixty-nine years old. But if it would be of any use to you, I asked Dr. Hatch about her condition before he went overseas — he had taken care of her for some years. I said I supposed the mental condition was due to hemorrhages she had suffered from so many years, and he said, yes, that would exhaust the brain.
 YOUNG: What was her physical condition?
 WARE: Getting weaker with time. She was naturally a very strong and well woman until she had these serious hemorrhages which lasted off and on for years, and she was subject to them, she never knew when. The flow would affect her knees and she didn't seem equal to crossing the room, she told me. She was so subject to them she was very unwilling, the last two or three years of her life, to leave her place except to go to East Jaffrey, and she took very limited excursions two or three times during the summer.
 YOUNG: Do you know anything about her family history?
 WARE: I did not hear it from her or Mr. Dean, but from my cousin.

YOUNG: What do you know of her family?

WARE: Her father was a physician, very well known, a delightful man, apparently, in Rochester. Her mother and her grandmother both suffered with the same trouble, only in different directions, at the same period of life, and both of them died out-witted, and she had always told me she supposed she would end her life in that way.

YOUNG: Her mother died of insanity?

WARE: Not insanity, I think, but severe hemorrhages which caused her death, and with Mrs. Dean they came from the nose.

YOUNG: Are Mr. and Mrs. Dean related in any way?

WARE: They were cousins, and Mr. Dean was brought up in China with his brother and they came back to Mrs. Dean's when they were both boys. I think the interest between Mr. and Mrs. Dean began when they were very young and they decided they cared more about each other than they did anybody else.

Then Mr. Dean studied medicine, and I've heard from a friend of his who had known him for some years, and had studied with him, that they felt very badly that Mr. Dean had given up the practice of medicine when he was a young man, but he had always insisted his health was not equal to vigorous work of any kind. He had a tendency to tuberculosis and was sent up here to East Jaffrey to recuperate, and when I first knew him that's what he said, that he came up on account of his health because he had tried medicine and something else and had been unable to pursue either of them.

YOUNG: Did you ever hear it suggested that there was any feeling of jealousy on the part of Mrs. Dean?

WARE: I never should have dreamed of it until I heard it suggested this autumn and it seemed to me so absurd I didn't pay much attention to it.

YOUNG: Well, do you know, as a matter of fact, whether there was any evidence for such a thing?

WARE: I have only heard the person's word for it, and I have heard that person's word wasn't reliable, but I did hear this cousin related to Mrs. Dean say, and she had known them, and said Mrs. Dean as a girl had an absorbing interest in her emotions and cried a lot and might have been rather jealous, but she didn't think of it in the way it is spoken of usually. I know I never dreamed of it. I had known them both well for years.

YOUNG: Perhaps, using the term jealousy in a little different sense than what it might be inferred it was used, did you ever hear it suggested that she disliked to have anyone claim Mr. Dean's attention, or detract it, from her?

WARE: I never heard it suggested at all. Personally, I never saw anything of it. Mrs. Dean was always delighted to have him come over to my farm whether she came or couldn't.

YOUNG: You say you saw him about three weeks before his death. At that time what was the subject of the conversation, if you don't mind telling?

WARE: Well, the subject of the conversation was very apt to be farm matters, but if I might go back a little further than that to give a story very frankly to you.

If I might go back a little further still, I have been interested very much in the lights that have been seen so much around Jaffrey for the last years, which many people think were mainly hysterical women saw them, but my attention was first called to them by someone from the outside connected with the government office at Washington, who asked me if I knew of the people of German interest there were in Peterborough, that a certain well-known German in the country, who was being watched and shadowed more or less by the American officers, was receiving mail from Peterborough, New Hampshire, and they wondered what his affiliations were there. That's what started me to take some interest.

YOUNG: Have you at any time seen any of those mysterious lights that have been spoken of?

WARE: Yes. It was after that I rather began to take interest, and then, I have forgotten who it is that had told me there were lights being seen, some people from Dublin, I think, came over to see me and asked me if I had seen extremely brilliant illuminations in the sky, and I never had, but I spoke to one or two of my men and asked them to notice during the night.

Last summer my foreman came in and said, "I believe the lights you have spoken of are visible." I looked up and behind Monadnock, supposing that was the peak of the mountain, there were rays of light, brilliant shining lights, all out into the heavens, quick as heat lightning, and yet it didn't look like heat lightning particularly because the mountain, the one shoulder of the mountain, was outlined by a solid bar of light, which as we looked at it seemed to be two feet long and about an inch or two high, if you can describe it that way. But beyond that was this mass of light spreading out, and this, at the time, went on for some ten or fifteen minutes. And someone telephoned over to me from Dublin and said, "That light is coming on now, are you seeing it?" We said yes, and we thought it was heat lightning, and an hour or two later they telephoned and said it was not heat lightning.

YOUNG: Did you ever see it again?

WARE: Yes, about two nights afterwards my foreman came in again and we went out and watched, and I saw this great mass of light, like this, just this brilliant illumination.

YOUNG: Could you see the origin of it?

WARE: No, you couldn't say it came from anywhere. You couldn't conceive how anybody could produce that result, but there it was.

They told me I must go out to investigate the places here and in Fitzwilliam, and we went to see if we could see anything. And we saw a series of lights circling around the house at the foot of Gap Mountain and one which we were quite sure was in Rindge.

YOUNG: Did you ever discover what occasioned them?

WARE: We thought some of them were in the house of Finns, and others he thought were in the house of some Germans who lived over there, one over at Rindge, on Todd's Hill in Rindge, which we placed as being near some camps up there. Then that same autumn a light was seen again by the constable at Rindge, but by the time he got up there to explore it the light had gone, and he lay behind the stone wall for an hour and a half, but it was a cold October night and by that time he got tired of it and went home.

Then we saw airplanes once or twice, flying around. We saw what seemed to be airplanes, I couldn't explain them any other way, at dusk in the afternoon. Whether they were government or what they were, we had no means of knowing. Once they flew over Todd's Hill toward my house and then turned and went off to the east, towards Temple, in that direction.

YOUNG: You say this gentleman over to Fitzwilliam found these lights in the house of Finns and Germans?

WARE: Yes, by that time lights were seen across Monadnock.

YOUNG: Have they been seen of late?

WARE: A man in Marlborough has seen the airplanes go over. Five in the last month.

YOUNG: Did you, at any time, have any conversation with Mr. Dean about those lights?

WARE: Yes, and Mr. Dean always rather laughed at me and liked to get other people to think they were non-sensical and generally he rather pooh-poohed them.

But I was asked by another friend of mine who works for the government, who was up there trying to unravel some of those lights, if I had known of any trouble with the Colfelts, the man who was living on Mr. Dean's hill. I said no, I never did, and that I thought they were delightful people and were glad they were living there, although I hadn't known them but slightly.

He said nothing more, but it rather set me to notice. Then Mr. Butler was driving me one day in June and he said, "You know Mr. Colfelt has left Mr. Dean's place." I expressed surprise. I had only seen Mr. Dean once since I came up in the spring. He said, "Colfelt called me and I went over to get him at Temple, and he told me how to get there." The house was in a mile and a half from the main road and when he got there Mr. Colfelt was there and he found the

place was in possession of two Germans, one who could speak English, and the other who couldn't. I sat up and took notice of that.

YOUNG: Who were the Germans, do you know?

WARE: I don't know.

YOUNG: Were those men Frank Romano and Charles Lynch?

WARE: I don't know. Romano would be the man that worked for Mr. Dean. He was an Austrian, I think. I don't know who they were, but they were two men in possession of the house, living there, and Mr. Colfelt went there. Mr. Colfelt went there and settled in. I went to see Mr. Dean and I said, "I heard of the Colfelts leaving suddenly. Why was that?" He was rather non-committal, wouldn't say anything at first, and finally I pressed the subject and he said, "I asked him to go." I said, "I thought you found them very pleasant neighbors, Mr. Dean. What is the trouble?" "Well," he said, "I didn't care to have them."

I said, "Was there any trouble?" And he said, "They have gone off owing me money and have taken some of my things, not very valuable things, but it did make me see what they were." And he said, "Well, I didn't like them, didn't care to have them stay any longer, couldn't bear to have a man here able to work, even had the means, and the strength he had, here on my place. There were ample acres here to work."

And he said, "I don't want to be bothered by all of it. It's nothing to me." And Mr. Dean felt quite stirred up by that because he said, "Here am I with neither the strength nor the money and I can't do anything."

I think it was on that same call he turned to me and said, "I have had a threatening letter." And I expressed great surprise and I said, "Have you got any enemies, Mr. Dean?" He said, "I didn't know I had."

"Where did it come from?" "I don't know, there is no postmark on it. It was dropped by hand in my RFD box at the end of the roadway. That's all I know."

YOUNG: Didn't say what the contents of it were?

WARE: No. I'm awfully sorry I don't remember more definitely and didn't take more note of it at the time. He said, "What would you do about it?" And I said, "I wouldn't pay any attention to it." I said, "I would pay no attention and see what further comes of it."

He went back to it again, and I said, "I tell you what I would do. I would take it to Jaffrey and show it to the police, or somebody there, and see what they think of it."

YOUNG: Do you know, as a matter of fact, what he did do with the letter?

WARE: No, what he did with the letter I don't know, but I know what I tried to do about it.

If I might go back again to the lights. I rented, last

summer, a farm for myself because I wanted to carry on more horticultural work if I could, and went to see a man by the name of [Hunter Crosby]. It was on a high hill, having a superb view of the country, and I asked the man if he saw any lights around the country at any time.

My foreman had seen a very brilliant light above Temple, about the place where Mr. Colfelt had gone. So far as we could see across, came this brilliant light, reaching way up, and went over Temple, so that Mr. Cleaves, coming down the hill was quite positive this was a reflecting light and went around and came back again, and that same night he found the reflecting light was reported to Mr. Leavensaller's office in Concord.

Then three days before the murder Mr. Crosby called down four or five times and said he had seen lights and they came for the most part on Saturday and Sunday, and sometimes Monday, and he wished I would come up and see them, that he had shown them to Mr. Cleaves and the lights were over near my place.

I didn't like that very well so I proceeded to telephone to Mr. Leavensaller and he sent Mr. [Towne] by my place, and I called Mr. Butler's machine and we went up to this hill at the time Mr. Crosby said the lights came, and we stayed there about fifteen or twenty minutes and nothing happened.

Then little fancy lights kept coming in the woods, in places where we knew there were no houses, and these were not so brilliant, Mr. Crosby said, as they had been before. They were like balloon lights, one of the sort to give signals, and changed color, and that was all that I saw that night.

YOUNG: This was over Rindge hill?

WARE: Yes. It went up again at twenty minutes past ten, a balloon light, and it seemed about so high, over the trees, sprang to the north and then sprang back again. And then a second one came, and the two sprang together, this way, back and forth, one across the other, and sometimes one dropped below, and so it went on for an hour and a quarter. And then all about the atmosphere came the big splash of light I had seen the year previous, and we sat and watched, and there was no particular place you could have said it came from. It was right in the atmosphere, and it was perfect evidence of heat lightning to me, and I said to Mr. [Laton], "Would you consider it possible that could be heat lightning?" And he said, "No, not possibly."

And then on Todd's Hill, at the same time these lights were springing over Rindge one or two lights came out but they were hard to define, and we might have confused them with an automobile. Then we walked off towards the back of the hill and a red balloon came up and sprang in the heavens.

And then over toward the north side of the mountain was another red light like the one on Peterborough hill which also sprang and moved and shone out, but I think there was no combined light, I think, just the one light. Then suddenly a rocket dropped in the sky from nowhere. Unless you had happened to be looking, you wouldn't see it at all, but I think three of us did see it, and certainly two saw it. We waited there and those lights went on until about quarter past ten and the only home we passed leaving there was the home of some Finns.

YOUNG: By that house you spoke of, that isn't the Finns of the Jaffrey Town Farm?

WARE: No, not at all. It's near my place.

Sunday night we went up again. This is the Saturday and Sunday before the Dean murder. Sunday night. And we had seen some others up on Todd's Hill and I had explained to the Chief in Rindge and asked him to go out on the Rindge hill to see if he could place them any better, and we went up to the place I had been the night before.

The light came out and it was brilliant enough to shine through the fog, but so far as we could see, there was only one light.

Monday night we went up again hoping to see something. We had some children with us who wanted to see those lights. There was nothing.

On Tuesday night we stayed home, and I was telephoned to about eleven o'clock in the evening to go out and see the very brilliant search light there was over Peterborough hill. My foreman and a friend who was staying with me and I watched for ten or fifteen minutes, and it was about the time Mr. Dean was being murdered, and since the night of Mr. Dean's murder those lights seen near my place have never been seen. Mr. Crosby kept watch for them and they were never seen again.

YOUNG: Now, to go back to this anonymous letter which Mr. Dean spoke of as a threatening letter, was there anything more you can tell us about that?

WARE: Nothing I can swear to. The only thing I can say was that afterwards, and I think it might have been important, we thought that it said something about dropping in the well, or something of that sort, but I don't know that that was anything more than a thought that came afterwards.

YOUNG: You don't know what became of the letter itself?

WARE: No, but the day of the murder, or the day after, I was called up by Mrs. Charles Wellington and I went directly over to Mrs. Dean and the farm with her every day. I supposed nobody else had heard of that letter, and I went to the selectmen and asked them if they would give me permission to look for that, which I thought nobody else had, and I knew Mrs. Dean wasn't in condition to get it.

I looked everywhere and Mrs. Rich watched me while I did so, and her sister, Miss Hodgkins, too. They were the only ones there at the time.

YOUNG: Did you make a thorough search of the house for that letter?

WARE: As far as I had time to that afternoon, but after that I had no opportunity to.

YOUNG: And the selectmen, as you understand it, continued to search, did they not?

WARE: Yes, I think they looked thoroughly.

YOUNG: And as far as you know, the letter was never found?

WARE: Evidently not, unless it could have been locked up in Mr. Dean's safe and found by the officials and by Mr. and Mrs. Rich.

YOUNG: That's the safety deposit box of Mr. Dean which was examined Friday afternoon by Mr. Rich and myself?

WARE: Yes. I know it was, and nobody found anything, but Mrs. Rich had a key to that. All during those days previous, they had it in their possession. Someone gave the key to Mrs. Rich, I think, to give to her husband that very same day.

YOUNG: Now, were you acquainted with the Colfelts at all?

WARE: No. At least I can scarcely say I was acquainted. I don't think I would know them if I met them.

YOUNG: You don't know where they came from or anything about them?

WARE: I have heard quite a little about it in a way, but not firsthand.

YOUNG: Who does know about that, do you know?

WARE: The person I heard from first wasn't about Mr. Lawrence Colfelt directly, it was about the family. It was a gentleman of Washington this last week who had known Mr. Colfelt, Sr., if he was the person, had known him for ten years or more, and he was a person who would go to stay at Newport.

He wasn't a German, I think, at all. It was an English name, so far as I know. Mrs. Colfelt was a woman who ran downhill very rapidly. She had two children, Mr. Sydney Colfelt and Miss Edith Colfelt. The son was the sort of man who wanted to try out everything that was going on as to sports, and did so. He married a young girl who apparently flitted around in Newport society a good deal and led a very sociable life with various other people, and he did more or less the same, but he was capable and quite brilliant and he wanted to help when the war came and he signed up for ambulance work and did very good ambulance work, distinguishing himself in that, and then he turned to aviation, and distinguished himself in that.

YOUNG: What relation was he to Lawrence?

WARE: I would judge a brother, if they've got the right family. Edith Colfelt, the sister, was so peculiar that

she followed in her mother's footsteps and took to drugs and finally died in the insane asylum after a very sad career. This doctor said what he was telling me was public property down at Newport.

I don't know about Lawrence Colfelt, but Mr. Colfelt, the father, had left this drinking woman and lived with another woman who he eventually married, and I think the doctor thought that she was the mother of Lawrence Colfelt. If so, it doesn't tally up with the person who is supposed to be Lawrence Colfelt's mother in Boston. She has been there this whole winter. She had been on the shore this summer, and a great deal of automobile travel going from the house in the night. She is under suspicion by the Federal government, in other words.

YOUNG: You don't know anything about the night of the murder, I presume?

WARE: Nothing more than I have heard from Mrs. Morison. Mr. Dean did tell me one thing when we were talking about the letter and I tried to get something more from him about the Colfelts because I felt he had begun to know something, and he said finally, "Well, I don't want to get you into trouble. I would rather not tell you anything more." I don't think he knew very much. I would judge from what came afterwards he was beginning to be suspicious.

YOUNG: Did he have any enemies?

WARE: Absolutely none. He was very loved by all who knew him. Unless it was Colfelt. He was a good neighbor to everybody, a perfectly delightful man.

PICKARD: Did Mr. Dean speak of the authorship of this letter?

WARE: No. I felt as if he suspected somebody from the writing and didn't want to say.

PICKARD: Did he say anything that would lead you to believe he did know the author of it?

WARE: No, he didn't say further than that, so I think he suspected I was very unhappy over it and worried, and Mr. Dean was a very fearless person naturally and didn't want to make me anxious about living up there alone with his wife. He had always pooh-poohed the idea, said it was perfectly safe, they were perfectly happy and contented, but that day a new expression came into his face that I had never seen before, a look of vague fear that he didn't want to actually show.

YOUNG: What did he say he was going to do with that letter?

WARE: I know I advised him to show it to somebody, but I don't think anybody else ever heard of it.

YOUNG: He knew the handwriting of Mr. and Mrs. Colfelt and of Natalye Colfelt?

WARE: Yes.

YOUNG: Did you understand it was none of their handwriting?

WARE: No, I had no understanding of it at all.

YOUNG: It wasn't postmarked?

WARE: It wasn't postmarked and not post-stamped.

YOUNG: How long before his death was that?

WARE: I think it was about the last week in June.

YOUNG: Had you seen him between that time and the time he was killed?

WARE: Yes, I saw him once or twice, and each time, I think I asked him this each time, I asked him if there was anything new, and he said, "No, nothing new, nothing whatever."

YOUNG: Did you particularly mention the letter those times you saw him?

WARE: I think I did the first time, I think I didn't the second.

YOUNG: What did he say at that time?

WARE: Nothing.

YOUNG: That look of fear, was it gone or was it still with him?

WARE: I wasn't in a position to find out. Both times there were other people there and I was only able to ask him on the side as we went out of the house.

YOUNG: At that time he didn't give you any further information?

WARE: No, there were other people there, as I say, and he was talking about other things.

I have never known a lovelier or more delightful pair than they. Then health broke down, first one and then the other.

YOUNG: You were there after the murder?

WARE: I was there those days that Mrs. Dean was there.

YOUNG: Were you there the day Mrs. Colfelt came?

WARE: Yes. I was looking around at the house and Mrs. Rich came up to tell me she was there, and I told you and Mr. Emerson, and you went down to the house and reported that Mrs. Colfelt showed symptoms of nervousness in her voice, and when I went back to the house afterwards I stopped on the piazza and she had gone off and left her fur boa, her silk scarf, and some packages, and she never came back for them.

YOUNG: Were you there at the house when she greeted Mrs. Dean?

WARE: No, I wasn't there. I kept out of the way.

The only story of Mr. Dean's death that I got when I first arrived there was from Mrs. Rich. At least, that was the first. She said — of course, I knew nothing, I came over very much moved and troubled — and she said that the first they had known of it was Mrs. Dean calling up Miss Henchman, I think it was in the morning, and saying that Billy was dead and in deep water, "and we came up here," and then she described how the various men turned up on the place.

Afterwards Mrs. Rich said to me, "Has it occurred to you, Miss Ware, Mrs. Dean might have actually committed this act herself in a fit of insanity?" And I

said, "No, not for an instant, Mrs. Rich, it doesn't occur to me for a moment." And then the man who was there the same day with Dr. [Thompson], I believe, said that it was absolutely and physically impossible that she could have committed the act, it had been so complicated in every way.

And he explained the water, which seemed to perplex us all somewhat at the time, the deep water. He found Mrs. Dean had been anxious about some mud-hole there was about the place and when Mr. Dean had gone down there and he was pulled out, she had questioned them about this mudhole, and it seemed it was in her mind that — and Mr. Dean was lame with rheumatism at the time and not very strong — and I think in her confusion and lack of logic she thought that's what might have happened to him.

YOUNG: Were you there when I was interrogating Mrs. Dean?

WARE: No, I don't think I was present in the room. I didn't hear what you said. You took her to the well, didn't you?

YOUNG: No, I took her to the cistern, but it was Friday, the day before when Mr. Pickard and I interviewed her there. Were you there then?

WARE: No, I don't think I was. I have no recollection of it. I don't know if there is anything else?

YOUNG: Do you know the Riches?

WARE: Why, yes, I have known them for years. I know so many of the people up there.

YOUNG: Do you know anything about their whereabouts or what they were doing the night before the murder, or the night of the murder?

WARE: Only what I have heard the officers say and what has been discovered one way or another. And the story which Mrs. Rich gave me has proved to be absolutely false, so far as I can see.

YOUNG: What is the story she told?

WARE: Mrs. Rich told me that Mr. Dean had passed the evening, or a large part of it, at their house the night before, that curiously enough he had talked about immortality a great deal. Well, I happen to know he was very much interested in the subject of psychic phenomenon at the time and frequently had talked to me on psychological subjects and that seemed perfectly natural to me. He had gone there for the evening, but I found afterwards that his movements in the village that night were proved, step by step, but he never went in their house or up their avenue, and I think it is absolutely a contradiction.

YOUNG: Can you tell us who gave the view that he didn't go to Rich's house that night?

WARE: Well, Dr. DeKerlor is the first person to check it out, step by step, and Mr. Boynton since has had evidence from some of the people in the village who saw Mr. Dean drive up the road in his buggy all alone past Mr. Rich's avenue to go straight home, and

more than that, when he got up the road beyond Jaffrey, on the outskirts of the village, some children were playing in the road and the mother called them in and said good night to Mr. Dean, and he raised his cap as he passed. The mother called the children in out of Mr. Dean's way and said good night to Mr. Dean, and he returned the greeting and then raised his hat and went on.

YOUNG: Do you know what time that was?

WARE: I think it was about ten minutes after nine. And Mrs. Dean has said to every human being who has cross-examined her, as I understand it, both the doctor who saw her in Worcester, and to every person who has asked her, she said Billy got home at half past nine.

YOUNG: Judging from that information, you claim that Mr. Dean was never at Mr. Rich's house that night?

WARE: As I understand it.

YOUNG: That being so, how do you explain the statement of Mrs. Dean, made to the Attorney General and others, that he reported that night after he got home that he had been there?

WARE: I don't know.

YOUNG: Didn't you hear Mrs. Dean tell us that Friday and Saturday when I was there, Friday and Saturday after the murder, didn't you hear her tell about Mr. Dean bringing home the things Mrs. Rich sent up, the nice things to eat, etc.?

WARE: No. I rather kept out of the way. I thought I wouldn't be wanted around and thought it was proper to keep out of the way. I only know that this mother of the children, and Mr. and Mrs. Somebody who they were with, sitting in front of the place there, saw Mr. Dean drive up the road in his buggy all by himself, and more than that, the fact he got home at half past nine, as I understand it, with provisions which, by the evidence, he took with him, and which he was known to have purchased.

Dr. DeKerlor says he went to the village and went to the bakery where he got some buns, and Mrs. Dean described what he did when he got home, took off his town clothes, put on his farm clothes, sat down and ate one or two buns and drank some milk, and about half past eleven he said, "I'll go out to the barn now and milk the cow," and the examination of his stomach after the death, showed that the larger part of those buns had digested entirely and that was just about how long Mr. Dean was killed after he ate the buns, and that tallied absolutely with the time he got home according to his wife's statement.

YOUNG: Mr. DeKerlor will be also known as Mr. Kent?

WARE: Yes. I know he came up under that name. He was doing detective work in New York and he didn't

want it known there he was doing detective work here, so he took that name.

YOUNG: You are not well acquainted with the Colfelts?

WARE: No, not at all, no.

YOUNG: Did anybody ever reach any conclusion as to what the purpose of those lights were?

WARE: I think the Federal officers think they were definitely pro-German, and my friend who was working in the Federal offices in Boston the first part of the time, but no longer is there, said they had reported especially great activity in the lights at Rindge and Jaffrey whenever it might be troop ships were sailing or troops on trains, and the Federal officers consider they had become a regular means of communication which avoided the difficulties of telephone and post office.

YOUNG: Do those lights still continue?

WARE: Yes.

YOUNG: There is no movement of troops now?

WARE: No, but I think we have got to consider another thing, that the Germans still have their communications and won't give them up until everything is done. They still feel they are at war, I think.

YOUNG: Do you know of any particular fact, of your own knowledge, that connects anyone with the murder of Mr. Dean?

WARE: Nothing more than I have told you. I have told you facts from my own view there that first day of the murder with the situation of Mr. and Mrs. Rich and Miss Hodgkins, and from my own view as to the Colfelts.

YOUNG: What was the inference?

WARE: That was the inference, that he was a man who was under suspicion. I think he was not trustworthy. I have never known of Mr. Dean getting into a quarrel with anybody, and I think it would be with Mr. Colfelt, if anyone.

YOUNG: Has there been any specific thing in your knowledge to connect Mr. Colfelt with the lights referred to as German signals?

WARE: I think so.

YOUNG: Anything other than what you have related here?

WARE: I had secret inside information from someone who is from Boston, Massachusetts, and he got it from there.

YOUNG: Can you give us the name of that person?

WARE: No, I can't. I can't tell.

YOUNG: Can that be given to the Federal authorities?

WARE: I would get it from them if I could, but I don't know whether I can or not. It was someone who did a great deal of work on the subject.

YOUNG: Was it anyone connected with the Federal Department?

WARE: I can't tell you anything about it. I would not

have spoken of it if you hadn't asked me because I can't give anything further.

YOUNG: You understand the deliberations taking place here are secret?

WARE: I do.

YOUNG: What I'm trying to get at is this, if there is anything whatever that would be absolute proof it ought to be in the proper hands.

WARE: I think it should, and I can communicate with that person and see if I can get it before you.

YOUNG: If it concerns this murder, it ought to be before this Grand Jury.

WARE: Well, it doesn't positively concern the murder itself, but it concerns the lights.

YOUNG: Then it ought to be before the Federal authorities.

WARE: Well, I can't say any more about it, that's all. But I will if I can. If I can get further information for you, I will do so.

JURYMAN: May I ask one question? What were the weather conditions on the nights you saw those lights?

WARE: Clear, generally, but you couldn't see them cloudy nights.

JURYMAN: Did they seem to appear well up in the air?

WARE: Yes. As I say, it was as if I was looking straight out from that chimney, right out in mid-atmosphere, those big splashes of light. But the balloon lights, as we called them, used to appear directly over something.

YOUNG: You remarked, I think, that it was rumored at least that the Colfelt house was occupied by Germans, German officers, that two or more were there?

WARE: I didn't say that. I had understood that Mr. Colfelt had told someone that he had been a German officer in German uniform.

YOUNG: I understood there were two men living in possession there who were Germans?

WARE: Yes, but I didn't understand they were officers.

YOUNG: Did you get that from someone?

WARE: I got it from Mr. Butler, the one who took them over, and that has been verified by Mr. Emerson and by the Federal authorities, I understand.

YOUNG: That was at the time they moved away?

WARE: Yes, it was at the time they were moved. I know that a man by the name of Romano had worked for Mr. Colfelt at the time he was at Mr. Dean's. Romano is in New York State somewhere now.

YOUNG: But you don't know whether he was one of the men mentioned by Mr. Butler or not?

WARE: No, I don't know that. I judge from what he said, I supposed they were a finer type of man than that Romano.

YOUNG: You seem to have one thing you want to tell us, which we'd be glad to hear.

WARE: Well, as I say, I was told that secret matter, and when and if I can find out to give the information to you, I will. I can only tell you that it is a fact there has been a lot of movement up through the Contoocook Valley, up through Jaffrey, Peterborough, Dublin, and Rindge, etc.

YOUNG: I want to impress upon your mind the necessity of getting that information before the proper authorities, whether Federal or County. It really should be getting to the proper authorities.

WARE: Well, as I say, I can't say any more than I have said. Good afternoon.

WITNESS DISMISSED

PICKARD: We have worked somewhat beyond our closing hour. It seems perhaps necessary that we continue until five most of these days. Is that a difficulty to anyone especially? This case is going in a somewhat slowly manner and we ought to work as long hours as possible, so I'm going to suggest, Mr. Foreman, we work from nine until half past twelve, and from two until five, with intermissions.

YOUNG: I would like to make this suggestion, and I might as well make it now, because I might forget it later. I presume that you gentlemen may not have a very clear idea about the strict realities of the evidence, but I assume everybody knows you can't convict a person of a crime by testimony that comes through three or four different persons before it comes to the person who finally tells it on the witness stand, and I think you ought to know there is about ninety percent of that kind in here, as with Mrs. Morison and Miss Ware.

You could not make the kind of story which you could use in trying this case before a Petit Jury, and what somebody told them that more or less was what somebody said, or the witness thought somebody said, couldn't be used in the trial of the case.

And I call your attention to that fact because when you are deliberating whether you return an indictment or not, insofar as it is possible, that evidence which is given in here in that way should be eliminated from your consideration.

If there should be an indictment here we must be pretty fairly sure that he is indicted on legal evidence, evidence that we can use in public before a Petit Jury. Perhaps you may hear things in this situation that are not absolutely strict evidence, but it expedites the matter somewhat, and it shows you the story, and I think you gentlemen will be able to sift out what you should consider and what you should know when you finally get to the question of an indictment.

JURYMAN: I would like to ask you one question. It might appear that there may be a good deal of suspi-

cion about some person. Are we or not to have some testimony with regard to the facts?

YOUNG: Yes. That's the matter I have just spoken of. When you try a man before a Petit Jury you must be convinced beyond a reasonable doubt, that is, you must eliminate from your minds every doubt for which they cannot give a reason. You must eliminate every reasonable doubt as to his innocence. That is, every doubt for which a reasonable man can give a

reasonable reason. Any doubt which exists must be eliminated before you may convict a man, and you may have all the suspicions in the world, but you cannot convict a man unless you have something to place him there and indicate pretty clearly that he is the one that did the job.

RECESS UNTIL 9:00 A.M.



ORDER OF WITNESSES

Tuesday, April 15, 1919

9:00 A.M.

SAMUEL WADSWORTH, *Keene weatherman*

MARY L. WARE, *recalled, Rindge summer neighbor*

DR. GEORGE B. MAGRATH, *Medical Examiner from Boston*

SARAH E. LAWRENCE, *Laundress in Jaffrey*

WILLIE WENDT DeKERLOR (alias Mr. Kent),
Criminal Psychologist

MR. SAMUEL WADSWORTH

Direct Examination by Mr. Pickard

PICKARD: How long have you lived in Keene?

WDSWRTH: Sixty-two years.

PICKARD: Will you tell us whether or not you keep any account of the weather records, or things of that sort?

WDSWRTH: General weather records for thirty-three or thirty-four years.

PICKARD: At my request, you made an examination as to the time of the rising and setting of the moon on the night of August 13, 1918. Will you tell the jury about that?

WDSWRTH: The moon at that time was a little less than quarter full, consequently it rose during the evenings and was invisible. At the time of the sunset the moon would appear in the western heavens somewhere at about an angle of forty-five degrees over the horizon. Consequently, the moon would shine from sunset until it set, which was scheduled at this latitude for 9:49. That is, standard time. As that was summer time last year, it would be 10:49 at the present time of saying.

PICKARD: I don't think I asked you last night, but did you, in looking up this matter, did you make any note of the weather conditions at that time?

WDSWRTH: The weather on August 13th was clear and I presume it was a clear night, but I didn't keep a record of that, but the weather was clear the 13th and 14th up to the afternoon of the 14th when we had a thunder shower here. August 13th was a clear day.

JURYMAN: Do you have any account of the time of the setting of the sun on that day?

WDSWRTH: Scheduled about seven o'clock.

JURYMAN: And the setting of the sun, that was scheduled at seven o'clock standard time?

WDSWRTH: Yes.

JURYMAN: That would be, ought to be, as the clocks were last summer, it ought to be eight o'clock.

WITNESS DISMISSED

MARY L. WARE, *recalled*

Direct Examination by Mr. Pickard

PICKARD: Miss Ware has something further she wishes to add to her testimony.

WARE: There are one or two things I thought I might be allowed to come back and say this morning. On the first day Mr. Pickard had asked us to see if Mrs. Dean had any big colored hairpins, that a woman's hairpin had been found near the well.

I didn't think much more about it, but the second day I was up in the house which had been occupied by the Colfelts and I was looking around to see if I could see anything, any trace of anything, and in Mr. and Mrs. Colfelt's chamber upstairs my eye hap-

pened to fall upon the bed and in the middle of the spread was a long wire hairpin, and I didn't touch it but I went to Mr. Emerson and he took it to Mr. Pickard and showed it to him and he said it was exactly like the one he had. The pin Mr. Pickard had was found near the cistern, as probably he has told you.

Then you were asking with regard to Mrs. Dean's jealousy. I don't think she had the slightest jealousy, but since her mind has begun to go, she has changed toward Mr. Dean, and other people, too, and I think people who had seen her only the last few years have heard her say things really quite silly with regard to Mr. Dean and that might be taken for jealousy.

I didn't think of it in that way, only as the subject was brought up. She said, "When I am gone Billy will marry again. He likes the young girls." Mr. Dean was very jolly and cheerful with everybody, old and young, but I never saw a touch of jealousy in Mrs. Dean.

Then, with regard to that first day there, over there with Mrs. Rich and her sister, I was absorbed in trying to hear from her all that had happened and I was quite struck with the fact that Mrs. Rich showed very little sympathy, she was as hard as she could be about it. She wasn't kind to Mrs. Dean, as anybody would have been under the circumstances, but she and her sister watched what I did very carefully, and when I was looking over the letters in the drawer, they were watching very sharply, and I felt afterwards that she hadn't shown the tenderness and gentleness you would to a woman under such circumstances, and she and Mr. Rich had been the oldest friends and I would have said the best friends of Mrs. Dean.

PICKARD: Can you mention any particular instance of that to explain a little more clearly what you mean?

WARE: Simply that she looked hard and unsympathetic all the time, although she would do kind things, and her sister was helping to clean the house, and it needed it very badly, and they were helping Mrs. Dean as anybody would under the circumstances. She impressed me as hard and unsympathetic and I thought to myself I was surprised because I supposed Mr. and Mrs. Rich friendly and that they cared so much for Mrs. Dean, just as I did. That occurred to me at the time, but I didn't mention it to anybody else until afterwards.

PICKARD: You didn't mention it to the Attorney General or to me?

WARE: No, I didn't.

PICKARD: And afterwards?

WARE: I mentioned suspicions that had been brought to me against Mr. Rich, and I know he is suspected by one or two people in a rough way, and he was considered as one of Mr. Dean's best friends, too.

PICKARD: Can you give me the names?

WARE: Miss Plummer was one of them. She could tell her own story. She simply said she thought he didn't seem as sympathetic as she would have expected him to be.

PICKARD: Are there any people who would be here?

WARE: Mrs. Robinson, who you had here the other day.

PICKARD: You didn't hear Mr. Rich use any of this language yourself?

WARE: No, I saw him only a few minutes that day, and he simply didn't express any great feeling about it, and it was an occasion when you naturally would express deep feeling if you had any because he had been at Mr. Dean's house a great deal and had a great deal to do in Mr. Dean's business affairs.

PICKARD: Were Mr. and Mrs. Rich and Miss Hodgkins there when you arrived?

WARE: Miss Hodgkins and Mrs. Rich were the only women who had seen Mrs. Dean up to the time I arrived. They were there when I arrived and had been there since ten o'clock in the morning, and as I understand it, they came soon after they heard of Mr. Dean's death, that Mr. Henchman was called up in the morning and through him they heard of the death and came down to Mrs. Dean. I would have expected to find Mrs. Rich there when I went over because I knew they had been good friends. Mr. Henchman, it seemed to me, was very reluctant to come. Mrs. Dean was in a great state of anxiety to get her animals taken care of and was doing for them more than she had had the strength to do for several weeks.

PICKARD: Do you really think Mrs. Dean knew her husband was dead and the body found when you were there?

WARE: No, I know she didn't know the body was found until she went down to Worcester, it seemed to me. If she heard that she would be in confusion and I think that the kindest thing was to keep it from her, and I think Mrs. Rich felt as I did, it was better for her not to know. She was in a very confused state and exhausted.

PICKARD: Were you there in the midst of the thunder shower?

WARE: Yes, I was. I believe she did start out with an umbrella in pursuit of the turkeys.

PICKARD: You didn't stay there that night?

WARE: No, I didn't stay any night. The District Nurse came up, a Mrs. Bryant. I stayed until half past nine in the evening and then went home.

PICKARD: Do you know, as a matter of fact, Mrs. Dean was judged insane and taken to Worcester Hospital?

WARE: Well, I've heard it called senile dementia, if you call that insanity. Mr. Dean's brother wasn't on very good terms with Mrs. Dean.

PICKARD: Well, so far as you know, there was no conspiracy to shut up Mrs. Dean, was there?

WARE: Not at all. It was my suggestion. I suggested [Dr. Parnell] first because I knew him. I thought he could get [Dr. Thompson] because he couldn't get Dr. Parnell.

PICKARD: There was no conspiracy on the part of Mr. Rich, or anybody, to shut up Mrs. Dean in the hospital?

WARE: No.

PICKARD: Dr. Thompson has been with the Gardner State Clinic?

WARE: Yes, I believe so.

PICKARD: And Dr. Cutler of Peterborough acted as a consultant to pass upon Mrs. Dean's insanity?

WARE: Yes, I believe so. Dr. Childs came over from Dublin the day she left. I think it was Dr. Childs and Dr. Cutler.

PICKARD: Have you anything further?

WARE: No, I think that's all. Except, you asked me if I knew positively that Mr. Colfelt had been suspect and I said yes, I did, and I think you will get that information before your hearings are over. I'm going back to Boston, by the way, this afternoon, unless you want me again.

There's one other little thing. I would like to corroborate a statement that will come later that there were no fresh sweet peas in Mrs. Dean's room before Thursday, if then. There was a story somebody brought some sweet peas there. At one time it was supposed I might have done so. The time I came over from my farm the last time there was nothing but some few dead flowers in stale water in Mrs. Dean's room, possibly in three vases, and one vase had two or three little stalks of sweet peas at most, and I threw them in the pail and I put a fresh bunch of sweet peas on the table.

PICKARD: Wasn't there some suggestion that Mr. Dean, that night he got home, brought a bunch of flowers?

WARE: I don't remember what it was exactly, but something of that sort, and there were absolutely no fresh flowers in the house either Wednesday or part of Thursday. It might have been the fresh ones I brought on Friday. I'm not sure.

PICKARD: Did you hear Mrs. Dean say anything about some can of preserved fruits that were sent up by Mrs. Rich?

WARE: No.

PICKARD: Did you hear Mrs. Dean at any time say anything about anything that Mr. Dean brought up from the Riches?

WARE: No, I don't think I did. I heard Mrs. Rich say that Mr. Dean had trouble with his lantern and that they loaned him a lantern.

PICKARD: What I meant was, you went there Friday

afternoon. Didn't you hear our interview with Mrs. Dean that afternoon?

WARE: No, I didn't.

PICKARD: And you didn't hear her at any time refer to anything that was brought by Mr. Dean that night from the Rich's home, either flowers or a canned sweet or anything of that kind?

WARE: I don't remember hearing her say anything at all about it. I shall be in Boston all tomorrow and possibly Thursday, and my telephone number, if you can use the telephone, will be Haymarket 701. I shall be at Mrs. Morison's at 631 [Roadland] Avenue. If you want a statement from me would you want to have it taken by a stenographer?

PICKARD: Well, I think probably if there is anything important, that you ought to come here again.

WARE: Well, if you want me, I will come.

WITNESS DISMISSED

DR. GEORGE B. MAGRATH

Direct Examination by Mr. Young

YOUNG: What official position, if any, do you hold in Boston?

MAGRATH: I am Medical Examiner for Suffolk County.

YOUNG: And you are also a graduate physician, I presume?

MAGRATH: I graduated from Harvard University Medical School in 1898.

YOUNG: Since your graduation have you been in the practice of your profession?

MAGRATH: I have, of one branch of it, what is known as pathology, the branch that has to do with the study of causes of disease, injury, and death. I don't practice medicine in the sense of doctoring the sick, but solely in the scientific line.

YOUNG: How long have you been the Medical Examiner of Suffolk County?

MAGRATH: Twelve years.

YOUNG: I presume during that time you have had occasion to perform autopsies and make examinations of persons who came to death by violent means?

MAGRATH: Yes. Or supposed to have so died.

YOUNG: Any idea, roughly, how many, Doctor?

MAGRATH: Yes, I can tell you the exact total number of investigations as Medical Examiner I have made is 10,465 at the present. These are deaths investigated. Of that number about twenty percent are investigations with post mortem, that is, with internal examinations. The total number of post mortems I have made in twenty years is between four and five thousand.

YOUNG: Have you at any time made an examination of the body of the late William K. Dean?

MAGRATH: I have, yes, at the request of the Board of Selectmen of East Jaffrey.

YOUNG: Will you tell us the date when that examination was made?

MAGRATH: Yes. That was made on January 6, 1919 beginning at 2 p.m.

YOUNG: Now, where was that examination made?

MAGRATH: That was made in the receiving tomb of the East Jaffrey cemetery.

YOUNG: Now, will you, as briefly as you can, and as thoroughly, state to the jury the result of your examination?

MAGRATH: I found the body of Mr. Dean, when taken from the coffin, clad in his suit and coat. It was evident that much decomposition change had taken place. There wasn't as much preservation of the body as there sometimes is when the body is embalmed.

A section of the muscles had altered a good deal by decay and on the front and lefthand side of his head it was evident that there had been some sort of injury to the soft parts, just what injuries the decay prevents my saying. There had been some wound far up on the lefthand of the front of the head.

I found the body had been partially examined post mortem. The skull had been opened. The body cavities had been opened by a sharp incision along the front and certain organs removed and looked at. I found on the inside of the scalp in front some blood stains caused by wounds on the front and lefthand side of the head. I found a crack or fracture of the skull which began up in the lefthand and front side of the head.

The brain was badly decomposed so that I could tell nothing about what its condition at the time of death was. It wasn't apparent that the force that caused this fracture had damaged the brain. I found, as I say, that the stomach had been removed, the heart had been taken out and looked at and was in a healthy condition.

The lungs showed some changes due to decay. There wasn't anything that would enable me to say whether he had drowned or whether he hadn't. I found in the front of the neck on the muscle on the righthand side, the big muscle that runs from the back of the ear down to the collarbone, which was fairly well preserved, a lot of blood stains on the muscle, indicating a blow of some force to the neck which caused bleeding in under the skin. With the state of the body it would be hard to say what sort of force it was. I recall information as to the state of the body when it was discovered and I can draw certain inferences from that.

YOUNG: When did you receive that information?

MAGRATH: The bulk of it I received from the De-

partment of Justice through Terry F. Weiss, and Special Agent Robert Valkenburgh of the same bureau.

YOUNG: How did you get in touch with them? Do you remember whether it was through the selectmen?

MAGRATH: I think the very first knowledge I had of the inquiry into the death I got in a general way from the newspapers, but it was from telephone communication from the office of Mr. Gifford that I first knew that the selectmen of East Jaffrey were making inquiries and wanted some assistance. I was asked by the Department of Justice to meet them and they asked me to meet them in the office of Mr. Gifford.

Now, assuming that was due to some sort of choking force to the neck, as I was saying, then the small bone which lies in under the tongue to which muscles are attached that run down to the breastbone and up to the tongue, it is a rather brittle affair, and if that was broken it would be consistent with the force applied to the neck, choking or constricting. That is the hyoid bone.

The other evidence of injury which I found was the break in the spine so that the fourth cervical vertebrae, that is, the fourth of the little bones that make up the spine beginning from the neck down, was separated from the one above it, from the cartilage that hitches those bones together. In other words, his neck was broken at the level of what is called the fourth cervical vertebrae.

YOUNG: How much force would it require to do that? Much or little?

MAGRATH: It might be little, according to how it is applied. A man may fall from a train and break his neck. On the other hand, if from any action of a man's hand, or from a blow, it might require a very great deal of effort to produce it.

YOUNG: The result of binding pressure or strain, or of a blow?

MAGRATH: Well, in this instance I think it was due to binding pressure. There isn't absolute proof as to whether it was sustained while the blood was circulating. I don't know. There is evidence it wasn't a fracture produced in handling a dead body long afterwards. There was blood staining at the point of fracture, but whether it was before or after a rather hard hit to the body, I don't know.

YOUNG: Mr. Dean was a man about sixty-five years of age?

MAGRATH: Yes, his appearance was consistent with that. He might have weighed a hundred thirty-five pounds, and his height was five feet six inches tall.

YOUNG: A small man, rather. Malnourished?

MAGRATH: I couldn't say much at the time of his death as to his nutrition, a good deal of decay, but my inference is that he was in a pretty fair state of nutrition.

YOUNG: Were there many other injuries which you

observed? That is, you have described the appearance of the wounds on the left and front of the head, the fractured skull bone, the dislocation of the spinal column, and the bruises to the muscles of the tongue. Were there any other external or internal signs of violence?

MAGRATH: No, sir.

YOUNG: Well, now, in your judgment, Doctor, which of these alone, taking them separately, would have been sufficient to have produced death? Would the dislocation of the vertebrae have caused death?

MAGRATH: Not immediate death. That is, not immediately following the wound or injury.

YOUNG: Would the fracture of the collarbone have caused death?

MAGRATH: No, but the force that produced that fracture might, by throttling or choking to death, have caused death.

YOUNG: Was the fracture of the skull sufficient to have caused death, in your judgment?

MAGRATH: I think not. I think the force that produced that crack was one not sufficient to damage the brain to a fatal point.

YOUNG: In your judgment was it sufficient to have produced unconsciousness?

MAGRATH: It's pretty hard to say. I think a blow sufficient to have caused that crack would have produced unconsciousness.

YOUNG: You say you couldn't determine from the condition of the lungs and the condition of the body at that time whether death was caused by drowning or not. Assuming that a physician who made the examination at the time reached the conclusion that death was not caused by drowning, that is, in other words, that probably Mr. Dean was dead before the body was put in the water, how would what you found tie in with that? Would that be a natural conclusion, or do you think it is improbable?

MAGRATH: Why, it ought to be evident that death was caused by asphyxiation, that is, as the result of the damage that is done when the throat is grasped forcibly or a string is tied around it and held until it causes death.

YOUNG: Now, is it possible to determine from an examination of a dead body whether life is extinguished before it was submerged in water or not? When you find a body in the water can you reach a conclusion which you regard as fairly accurate as to whether he died under water or died before he went into the water?

MAGRATH: To this extent. One can, from an examination of the body, and the lungs, one can form an opinion as to whether a fellow breathed, or tried to breathe, while in the water. You can do that. Had the human stopped breathing, he would make no attempt to breathe in the water. It is possible to deter-

mine if the person attempted to breathe while in the water. The condition of the lungs shows that attempt to breathe air.

YOUNG: Now, from what you saw and observed of Mr. Dean's body, did you reach any conclusion as to what was the probable cause of his death?

MAGRATH: Yes, I think I can say I had an opinion.

YOUNG: What was that conclusion?

MAGRATH: Suffocation, that is, the shutting off of air. Drowning is one form of asphyxiation. In other words, the evidence I have about this body indicated three kinds of injury, three kinds of injury to the dead man, and I think it can be concluded, as I have intimated, that it was a death from suffocation rather than any other kind of violence.

YOUNG: Assuming, Doctor, when the body was found there was a hard halter of three-inch rope wound twice around the man's neck and the ends were crossed but not tied, and the neck having the appearance of having been subjected to a considerable amount of force at that point, that is, the rope making indentations into the flesh, would the result of strain upon that rope, if it is in the position I have described, be consistent with what you found upon the man's neck from your examination?

MAGRATH: I think it would, yes.

YOUNG: That is, what you saw could have been produced, in your judgment, by a rope fixed in that position, that is, assuming that it had been pulled tighter.

MAGRATH: I can say that the damage to the muscle, the blood stain on the muscle, could have been caused by that. Breaking of this little bone, the hyoid bone, if the tie was hard enough and tight enough, could do it.

YOUNG: Would the same force which dislocated the neck have broken the hyoid bone?

MAGRATH: I think it might. It is pretty unusual to find that bone broken from anything done by the hand.

YOUNG: This hyoid bone, if fractured, would usually be by something that grasps the throat from the front? That is, pressure applied from the back around the sides would barely reach it?

MAGRATH: Wouldn't reach it, wouldn't be applied in the right way.

YOUNG: It couldn't be accomplished by hanging?

MAGRATH: I was going to say that hanging doesn't break that bone. It rarely breaks the spinal column. I think that's true of the hyoid bone. It's very seldom damaged by any kind of rope around the neck.

YOUNG: It's pretty well protected by the lower corners of the jaw bone, isn't it?

MAGRATH: Yes.

YOUNG: Now, you have mentioned all the signs of violence and force which you observed about the

body. Now I wish you would, if you can, describe this wound which you say was on the man's head, a little more clearly.

MAGRATH: I don't know that I can, sir, because the state of his scalp at the time I saw the body was such as to render impossible the checking out of the wounds.

YOUNG: Were you at that time shown any pictures or photographs of the face or the head?

MAGRATH: I was shown at some period, not at the time of this examination, but I think before it, some photographs said to have been made of the dead body of Mr. Dean some time after his death. I think I was shown these in the office of Mr. Gifford.

YOUNG: Did you see Mrs. Dean on your visit to East Jaffrey?

MAGRATH: I did, yes.

YOUNG: Did you make any examination of her with respect to her mental condition or physical condition?

MAGRATH: No. I listened to some conversation that was held with her by others, and was introduced to her. I think I was in the house where she lived all told perhaps half an hour or twenty minutes, and in her presence perhaps ten minutes.

YOUNG: I don't know if you profess to be an expert on mental diseases, but from your knowledge and experience as a physician can you state as to her mental condition?

MAGRATH: I'm not an expert on mental diseases in any respect, but my impression of Mrs. Dean was that as far as her mind was concerned she was a bit childish.

YOUNG: Suffering from what is sometimes called senile dementia?

MAGRATH: Well, that's a large term. Senile dementia covers a great deal. She was perfectly well-spoken in many matters, but she would misuse words, she would call a calf a boy and say that the cow had a boy instead of a calf. Again, her words would be connected and coherent but her memory went back to matters in an unnatural way.

YOUNG: That's characteristic of senile dementia, isn't it, that the mind goes back to childhood and those things rather than the things of a more recent occurrence?

MAGRATH: I think it is, yes.

YOUNG: Did you discuss with her the death of her husband in any way?

MAGRATH: There might have been some question or some remark which brought it up, but as to the circumstances, I don't recall any direct question or that she made an impressive reply.

YOUNG: Have you at any time made any observation of Mrs. Dean with the view of reaching a conclusion as to her physical strength or condition?

MAGRATH: No, I only saw her move about the room in which I met her and she impressed me as not being decrepit, that is, burdened-down or enfeebled.

YOUNG: Did you visit the spot where it was stated the body of Mr. Dean was found in the cistern by the big house and observe the farm and the distance from the stable to the cistern?

MAGRATH: Yes.

YOUNG: And also, I presume, the opening into the cistern, the size, shape, etc.?

MAGRATH: I did. I saw the cover covering it and opened it and looked into it.

YOUNG: And you were informed as to the condition of Mr. Dean's body when it was taken from the cistern, that is, that the legs were tied back and the hands tied together, blanket around the head and a potato sack over the whole, with a twenty-pound stone inside the sack? That was all called to your attention?

MAGRATH: Yes, that description of the condition of the body when it was taken out of the cistern was given me.

YOUNG: Now, would you say from the observation you have made of it, and from these facts we have just stated to you, as to whether it is possible or probable that Mrs. Dean could have committed this crime and have done Mr. Dean's body up in the condition I have mentioned it was in when taken out of the cistern where it was found?

MAGRATH: Mrs. Dean?

YOUNG: Yes.

MAGRATH: I don't think Mrs. Dean — I understand that this means that it happened in the barn?

YOUNG: Well, here is a rough sketch, Doctor. This is the Jaffrey-Peterborough Road and this the little driveway that leads up to the Dean place. It isn't drawn to scale, but what I want to call your attention to — this is the road from Jaffrey to Peterborough — this road then turns up to the Dean place. This leads to the bungalow where they lived.

Then there is a driveway that leads down to the stable and another one that leads up to the big house. This green circle represents the cistern at the corner of the big house, and the green line represents the level, not very well defined, but the trace of the path between the stable and the house, which at the distance from the big house is estimated as from a hundred fifty to perhaps two hundred feet. Perhaps a hundred fifty. Well, I paced it myself and I call it a hundred fifty feet.

Assuming that the assault took place down to the barn, and incorporating that fact in the question I just asked you, do you think it is possible or even probable, that Mrs. Dean had the physical strength to have committed the crime, if it was committed down at the barn, prepared the body as it was pre-

pared, and carried it up there to the cistern and put it down in the cistern?

MAGRATH: I don't know.

YOUNG: Did you reach any conclusion as to whether that was the work of one, or more than one person?

MAGRATH: I had an opinion on that, yes.

YOUNG: Just before you give the opinion, Doctor, will you kindly tell us the basis for your opinion, how you reached it, and what you used as the premise for your deduction?

MAGRATH: The body is described as having had quite a number of things done in the way of tying ropes, and so on. It was also put in a very particular position, and it was put in with a weight to sink it in the cistern.

Now, the person who prepared the body, or persons, either had abundant leisure for any reason, I mean from lack of fear or plenty of help. The various things which had been done to this individual, the fact that he was overpowered by someone, I take into account, and the fact that no injury necessarily was immediately fatal, such as crushing of the skull or cutting of the throat, or any other kind of injury that I could discover on the body, or that I heard of, that would necessarily produce death very rapidly, had been inflicted on this man.

Taking all that into account, taking into account the position in which the body was found, I draw the inference that the putting of the body where it was found, with its ropings and with the weight with the intent to make doubly sure if he wasn't dead from the clutch at the throat or the rope tied around him, he would be dead from drowning, all of which implies reasonably it was not a very hurried-up job to get the body out of the way, under cover where it would decay and evidence of the death be destroyed, but to make the death certain.

In other words, it impressed me, the description of the body, as showing an intent or desire on the part of the assailant or assailants to leave no doubt as to the matter of death, and the tying of the hands and feet being in that condition as to prevent the man's releasing himself if he could free any of the ties or ropings.

Those are the data on which I rely in forming an opinion that either a person with plenty of leisure time did the work, or more than one with less time perhaps, and with support, prepared the body and put it where it was found.

Another factor is the weight of the body, of course, and the stone which was found with it. A limp body, in fact, a dead body, is a rather awkward object to handle anyway. If the legs are tied together it can be handled better by a single individual or by two or three than if they are left loose.

You had the weight of the dead man and the

weight of the stone, and take into account the one hundred foot distance, assuming the preparation for placing it in the cistern to have been done at the barn, and it is quite a task for one man to accomplish.

At least this was the line of reasoning which would rather direct me to the opinion that more than one individual did it. One could do it if he had the time and strength and plenty of leisure, really, and plenty of muscle. I think we have to infer from the condition of the cistern, which was undisturbed, as probable proof the body wasn't slid over.

That's a rather rambling answer to your question, but I discussed it, perhaps, rather than answer it directly.

YOUNG: I don't suppose you can reach any conclusion or deduction which would enable you to make a statement as to how long the preparation would be to put Mr. Dean's body in the condition in which it was found in the well?

MAGRATH: I don't think I have any special knowledge which would bear on that. I can say this, of course. With a non-resisting person one could work faster than with one who was struggling.

YOUNG: Would there be any significance in the ropes around the legs and around the hands?

MAGRATH: Well, the ropes around the legs made for convenience in carrying, but the ropes around the hands and tying up of those parts might very well indicate a desire or an intent to prevent the individual using his hands and arms to get his neck free, for instance. If the string around his neck played no part in his death, tying his hands was so he could not get that off.

YOUNG: Assuming that the man had received a blow on the head which produced the fracture which you discovered in Mr. Dean's skull, and assuming that blow was sufficient to produce unconsciousness, and that there was an intent and purpose to end the old gentleman's life with the hard hitch rope around his neck and pulled tightly, or tight enough so that it would eventually produce death, how long a time would it require after the application of that force to the neck before the death would occur?

MAGRATH: Well, pulled very tight, it's a matter of virtually minutes, less than certainly eight or ten minutes, might not be more than five with the force that could have been applied to cause death. It all depends on the degree of the force. If it is so tight as to prevent the circulation flowing to and from the brain, I would go so far as to say it ought to be a matter of seconds, less than two or three minutes.

YOUNG: What we understand by choking to death by pressure on the neck really may mean a loss of the senses and finally death by reason of the pressure applied to the chief veins and arteries on the side of

the neck with respect to the windpipe, if that could be possible, Doctor?

MAGRATH: Yes. Choking to death by the hand, by throttling, is a combination of both things, and depending on the force, may kill almost in seconds.

YOUNG: Now, pressure applied from the rear which didn't shut off the windpipe but succeeded in shutting off those arteries would produce death just the same?

MAGRATH: Yes. Not as fast perhaps, but in a few minutes.

YOUNG: He could breathe as long as he had brains enough to breathe, but eventually he would die because there was no blood flowing to his brain?

MAGRATH: Yes, that's what would happen.

YOUNG: Now, is there any other deduction or conclusion that you reached with respect to the death of Mr. Dean that you would like to state to us? If so, we would be very glad to have you state it, Doctor.

MAGRATH: Well, I think I have listed about everything I can say as to the matter of an opinion.

YOUNG: Now, at any time during your connection with this matter has your attention been called to any bloody clothing or bloody clothes?

MAGRATH: To this extent, and in this way, that Mr. Kent came to my office by his own insistence and opened some packages which he had and showed to me some clothes. He gave some account as to how they came into his possession.

YOUNG: Well, from what you saw of them and from what he told you, did they make any impression on your mind as having been connected with this murder in any way?

MAGRATH: Well, no. I saw those articles and I didn't connect them with anything. I studied them, not very closely, but with some attention, and drew my own inference as to where they might have been or around which they might have been fastened, but as to connecting them with anyone . . .

YOUNG: Well, these haven't appeared here and if you will tell us your opinion as to what they were?

MAGRATH: Certainly. Those clothes I regarded as having been surgical dressings of some sort applied for the purpose by someone, but beyond that account, I don't know.

YOUNG: Did you observe whether there was anything on them besides blood?

MAGRATH: The most conspicuous material seemed to me some sort of ointment or oil. I didn't study them with sufficient detail to have found out what that was. There might have been blood on some of them. They seemed to be cloth put together for bandage purposes, dressings, I presume.

YOUNG: Was your attention called to any implement or weapon?

MAGRATH: That had been on the occasion of my visit to East Jaffrey on the 6th of January. There was handed to me by Mr. Weiss and Mr. Valkenburgh, an implement he received from a man named Bean, and this implement has been in my keeping since.

YOUNG: Have you got it now?

MAGRATH: I haven't it here, but I have it in my safe at Boston. It is a wooden-handled, galvanized iron weeder or cultivator, one of those five-fingered hand cultivators. The whole thing is about eight inches long.

YOUNG: How many prongs or teeth?

MAGRATH: Five, which teeth are perhaps three quarters of an inch.

YOUNG: That is shaped — I believe it is patterned after one's hand. Is that something like it?

MAGRATH: Well, yes. There is a front tooth.

YOUNG: And those prongs, do they make a square as they come down, or do they bend over?

MAGRATH: They are very nearly square.

YOUNG: And the ends back?

MAGRATH: They are pointed and turned over.

YOUNG: The same as you naturally would to dig in the dirt?

MAGRATH: Yes.

YOUNG: And the whole thing is about seven or eight inches long?

MAGRATH: Well, perhaps I ought to say as much as ten. The wooden handle and four or five inches of metalware.

YOUNG: This metalware consists of one shank, I suppose, that is driven into the handle? And then that is split up into five little prongs for teeth, is that it?

MAGRATH: Yes.

YOUNG: It's an instrument to take in your hand and scratch around among small plants?

MAGRATH: Yes.

YOUNG: Something that is common in every garden, for people to use in gardens, isn't it?

MAGRATH: I think it is quite common, yes.

YOUNG: How much does it weigh, in your judgment, Doctor?

MAGRATH: I haven't weighed it. I might very well have done so. I think perhaps a pound and a half. A pound, I guess. I don't believe it weighs over a pound and a half.

YOUNG: Is the handle hardwood or softwood?

MAGRATH: Softwood. It might have been birch. I guess it's a birch handle.

YOUNG: Now, those prongs to dig with, how long were they?

MAGRATH: Half or three quarters inch. Three quarters inch, I guess.

YOUNG: Were they turned over?

MAGRATH: Yes.

YOUNG: What do you say, Doctor, about that instru-

ment. From your observation of the body and the skull of Mr. Dean, what is your conclusion as to whether the fracture of his skull could have been produced by a weapon such as was handed to you and which you now have in your possession?

MAGRATH: Used as a club, yes, if it was wielded with very quick force. It's a pretty unlikely instrument to have been the cause of that fracture. I don't say it couldn't have been.

YOUNG: Well, if it had been used as a weapon and the point of contact had been one of the five prongs, that would have produced a fracture of the skull, would it? Or would it not?

MAGRATH: Why it might do that if force enough in connection with the blow to drive those prongs in had been applied.

YOUNG: What I want to get at is, I don't know much about how a skull breaks when you hit it hard enough to break it. What I want to get at is, if this blow which fractured Mr. Dean's skull, assuming that the blow was delivered with this five-pronged instrument you have, if the blow had been delivered by the points of the instrument toward the head, wouldn't the prongs have gone through the skin or made a dent in the skull if sufficient force had been applied to produce the fracture which you saw there?

MAGRATH: Well, I can say yes to that. I can't imagine the fracture I found resulting from the hitting of the five prongs down or about the head. You would have to use it as a club to produce a fracture.

YOUNG: Assuming that you turned it over and used the back of the thing, how many wounds, how many cuts, would that have produced?

MAGRATH: It wouldn't produce any. The prong side would have turned perhaps. I don't think it would produce a crack. Turning it over and using it on one side, you might get a cut, or break in the skull very well. It might have produced a fracture if used as a club.

YOUNG: Can you tell whether those wounds upon the head were cuts or whether they were bruises or scratches?

MAGRATH: From my examination, I couldn't tell. The state of the body wasn't such as to tell that.

YOUNG: From those photographs which were shown you, did they appear to be cuts or did they appear to be bruises or scratches?

MAGRATH: My recollection of those photographs is that they showed the likelihood of what we call a contusion wound, two of them, made by a blunt instrument or something of that nature. That's my recollection. I haven't seen the photographs recently.

YOUNG: What you mean by that is, Doctor, that they might have resulted from a blow inflicted by a club, a policeman's billy, a hoe handle, or anything of that kind?

MAGRATH: Yes.

YOUNG: Not a thing that had a sharp cutting edge on it?

MAGRATH: Not a sharp cutting edge.

YOUNG: Now, on the whole, thinking it all over and using every bit of information you have got here, and your examination, and what you were told about the condition of the body, together, Doctor, what would you say is your best opinion as to whether this instrument you now have in your possession, this five-pronged hand digger, caused the fracture to Mr. Dean's skull, or did not?

MAGRATH: It's the first time I've had it connected with the fracture of the skull. I didn't say I would study the body with that possibility in view. My best judgment at the present moment is, not having seen those wounds themselves, and having seen and made some broad studies of this implement, is that it is unlikely that it was the cause of the fracture. Whether he had some trace on the soft parts it could have made, I don't know. I can't quite say. Or whether it was turned around and the handle used as a club, if by any possibility it could be so used and cause the fracture, I don't know as I would affirm or deny.

(Looking at pictures) Yes, these are what I recall. This photograph shows some wounds on the scalp. There is one. There certainly is another one, and there it shows again. This corresponds with this one, I take it. And there's this one. Now that one there is the one with which the fracture is connected, in my judgment. A blow with a blunt instrument. I'm referring to the left of the middle line near the top of the head.

YOUNG: What was the condition of Mr. Dean as to having hair or being baldheaded?

MAGRATH: As far as my examination went, there wasn't anything to go by. There was some scalp hair but mostly from behind.

JURYMAN: Those wounds pictured there are only at right angles, aren't they?

MAGRATH: There's one here which is crosswise on the head.

YOUNG: Is there any deduction to be gathered from the fact, Doctor, that they aren't parallel? That is, that one appears to be running in one direction and the other in the other direction?

MAGRATH: Well, if these are the two wounds, this one and this one. If the head here is bent forward and if it is tilted forward. I don't see. If I may use you as a model for a moment? I will use your left side. This one in this picture appears to have been like this, and the other one like this. Well, they aren't really very much out of the same place.

YOUNG: Could they have been accomplished, in your judgment, by the same blow or by two blows?

MAGRATH: Two. These two are two separate wounds.

YOUNG: What I am getting at, Doctor, is this. This one appears to me as though it was this way, and the other one this way.

MAGRATH: Well, the whole is tilted forward and if this is crosswise of the body . . .

YOUNG: You think they would be both in the same line?

MAGRATH: Not far from it, yes.

YOUNG: Perhaps this one shows it, perhaps.

MAGRATH: That I assume to be the wound, the first wound, and this I assume to be the second one.

YOUNG: Is this a wound here, too?

MAGRATH: Well, that I don't know. It doesn't seem to show here in this one.

Two wounds that I recognize here are the one near the top of the head crosswise and to the left of the middle line. Another on the lefthand side of the head above the ear. That's what I will go on record as saying I can see in these photographs.

YOUNG: Since you have refreshed your recollection by the photographs, do you still adhere to your original opinion that they were caused by some blunt instrument rather than by the instrument with the sharp cutting edge?

MAGRATH: Yes. That's borne out partly by what I found, by the fact that the outer surface of the skull wasn't cut but it was broken, cracked, as it would be from a club.

JURYMAN: What is this?

MAGRATH: That's a cut made at the first examination, at the autopsy.

JURYMAN: This is a wound here?

MAGRATH: It's hard to tell if it is or not. At the time I made the examination the front and lefthand side of the scalp was so much softer I couldn't pick the wounds out.

YOUNG: Can you give us any opinion as to how many blows must have been applied to the head?

MAGRATH: From my post mortem examination, I couldn't. From the pictures, all that together, I would say not less than two. Assuming two blows made with sufficient force to crack the skull. The thickness of the skull was a factor.

YOUNG: At that point, this front upper part of the head, wouldn't that stand quite as much pressure as anywhere?

MAGRATH: Yes, the top and front and the back of the skull are the thicker parts.

YOUNG: Then if this fracture had been caused by his striking on the head when he went down into the well, it would have been on the back of the head, wouldn't it?

MAGRATH: No, I don't connect this crack in the skull with anything but a blow.

YOUNG: And the fracture is directly under the point of contact?

MAGRATH: Yes.

YOUNG: Whereas if he got it from constant application or pressure from the top of the head?

MAGRATH: Well, I suppose he might, but the crack in the skull followed a blow.

YOUNG: Just the same as if you got a blow on the knuckles there you might break your wrist?

MAGRATH: Yes. I was going to say the line of the fracture would appear at right angles to that of the force of the blow to get a fracture of the skull.

YOUNG: To get your best impression again, Doctor, from all that we know about the condition of the body, and with what we know that has been discovered about it since, from those photographs, and your examination, what is your best judgment as to whether the injuries to Mr. Dean's head were produced by the five-pronged digger instrument which you have in your possession in Boston, or whether they were not?

MAGRATH: They might have been, but I would say probably not. The injuries disclosed by those photographs suggest to me something clublike. To say that this instrument, used as a club, might not have produced them, of course, would not be possible.

YOUNG: Is it heavy enough to have done that?

MAGRATH: Well, it's doubtful.

YOUNG: Assuming that the injuries to Mr. Dean's head were caused by this instrument which we are referring to, in your judgment would that injury necessarily have been caused by the handle end, or by the digger end? That is, if you can give us any light on how it could have been used as a weapon in order to produce the results which you saw, we would be glad to have you do so.

MAGRATH: If the instrument were turned on its side, that is, held so that one edge of the prong end would come down on the scalp while so held, if it were used as a club, that would produce such a scalp wound, if applied with sufficient force.

YOUNG: Your attention at one time was called to some marks or scratches or blood spots on the side of the barn, wasn't it?

MAGRATH: At the time of my visit to East Jaffrey and the barn, I was shown the barn door.

YOUNG: Returning to Mr. Pickard's picture here, and assuming this little projection on the barn is the portico where it is suggested the murder took place, was it the door that led into the barn from there, or the big door?

MAGRATH: The door that led into the barn from this portico.

YOUNG: On the inside or the outside?

MAGRATH: As I recall it, on the inside. That is, on

the bottom side. There were no marks I have studied as blood spots.

YOUNG: You are familiar with blood spots, of course?

MAGRATH: I am. I didn't make any attempt . . .

YOUNG: Were the marks you saw there, in your judgment, blood stains or not?

MAGRATH: I formed no opinion at that time. I didn't take any steps to either locate them exactly or describe them. Didn't do either. I was shown some marks on the door.

YOUNG: Were you shown some marks on the steps?

MAGRATH: I think I was. One of the steps had been taken out. It was a matter of minutes and I made no attempt at that time . . .

YOUNG: You can't say whether those spots shown there on the inside of the door were blood stains or not?

MAGRATH: No, I can't.

YOUNG: Was any attempt made to connect the blood stains on the barn with that digger?

MAGRATH: I never heard any. I heard the condition of that door and the injuries to Mr. Dean's head were connected, but not with any digger.

YOUNG: Well, this instrument I have called a digger, was it connected up with the blood stains at all at that time?

MAGRATH: No, sir. No attempt to.

YOUNG: Was your attention called to scratches on the stone up by the big house?

MAGRATH: Yes. As I recall it, it was a stone near the cistern with three scratches.

YOUNG: Three parallel scratches, would you say?

MAGRATH: As near as I can recall them, they were parallel, or nearly parallel.

YOUNG: As though some metallic substance had been drawn across it?

MAGRATH: Well, I can't say that, but something had scratched the stone. Metal would be the most likely thing.

YOUNG: Was there any attempt by you or anyone else, to your own knowledge, to connect this so-called digger with those scratches?

MAGRATH: I've heard that suggested. The digger was not there and those were pointed out to me as marks on the stone which, in the opinion of someone, could have been made by such an instrument. That was said to me there.

YOUNG: And did that seem plausible to you?

MAGRATH: I hadn't seen the digger and wouldn't know surely whether it was or not.

YOUNG: Those marks looked fresh or otherwise?

MAGRATH: They were distinct. I don't know whether I could characterize them. I would say fresh.

YOUNG: You have seen the digger and we haven't, Doctor. Now what do you say as to whether one could supply sufficient force to that digger, using it so

as to have produced the scratches or marks which you saw upon this stone there by the cistern?

MAGRATH: I think so, yes. And certainly a test could be made of that.

YOUNG: Yes, that's right. Did you make any examination of the digger to see whether there were any blood stains or fragments of hair clinging to it?

MAGRATH: I made a microscopic study of the digger and I found three small spots consistent with blood, not determined by final tests exactly what those spots are.

YOUNG: You haven't made any solution from them to see whether they were human blood or animal blood?

MAGRATH: No, I haven't.

YOUNG: Does the microscope examination you made from this determine whether it is blood or not?

MAGRATH: They responded to the test for blood, animal blood of some kind, but as to whether it is human or not, I haven't the knowledge to say.

YOUNG: Is there enough blood, if it is blood, so that you could do that test, do you think?

MAGRATH: In the microscopic test for corpuscles there are two spots about as big as the head of a match which would enable an examination of that sort.

YOUNG: Were there any hairs or anything clinging to it?

MAGRATH: There were two small wisps or bits of what may be hair. Whether animal or human, I do not at present know.

YOUNG: Was it represented to you that this little digger was the implement with which the blow was delivered upon Mr. Dean's head?

MAGRATH: I don't recall that it was. I've heard the implement spoken of perhaps in some way connected with the case, a factor in it, but as the implement which caused the scalp wounds, I don't know whether I've heard it said that was believed to be it or not.

YOUNG: Well, there weren't any shovels or rakes or things around there at that time?

MAGRATH: There were some tools. I recall a wooden maul, and there must have been some other instruments.

YOUNG: To refer again to the digger, were those wisps of hair you found there, was that human hair?

MAGRATH: I say, I haven't attempted to determine whether they were human or cat's hair. I think I can.

YOUNG: That can be done, can it?

MAGRATH: We could get the size of the hair and test it by other similarities.

YOUNG: Has anybody made sure as to whether it is human hair or not?

MAGRATH: Certainly I haven't, and it's never been out of my possession since I received it on the 6th of January.

YOUNG: This clothing, these blood-stained clothes, etc., which were called to your attention, I guess I asked you once but I haven't got it quite clear, were they articles of clothing or were they not?

MAGRATH: They were both. They were some wrappings which seemed to be bandages, and there were other pieces, if I remember, which seemed to be a woman's night dress or something of that sort. The examination was more or less casual, not with the intention of studying the articles with a view of saying either what they were or what was on them.

YOUNG: The examination of blood stains and blood spots is part of the work of pathologists, is it not?

MAGRATH: Yes.

YOUNG: You have had a vast amount of experience along that line?

MAGRATH: It's a matter you can make frequent use of. You rarely have a murder case in which blood stains or blood spots do not play some important part. Except for poisoning, it is usually a factor in the evidence.

YOUNG: In poisoning you make strong deductions from the examination of the blood, don't you, in cases of arsenic poison?

MAGRATH: Yes. Some of this examination, or series of examinations, are things which a chemist only does. I am not referring to chemical analysis in cases of poisoning as a part of my work, but the examination of blood stains is a part of my professional work. It has to do with the use of the microscope mostly.

YOUNG: Have you had any experience in discovering — or perhaps before I ask you that, I ought to ask you if it is a common procedure to use photographs of blood spots and blood stains?

MAGRATH: Yes.

YOUNG: Have you ever had any experience of discovering pictures of the faces of human beings in photographs of blood spots?

MAGRATH: I don't think I quite understand you.

YOUNG: I say, did you ever have any experience, or have you in any of your experiences, discovered the faces of human beings in or upon the plates or photographs of blood spots or blood stains?

MAGRATH: Do you mean by double exposures?

YOUNG: I don't know how.

MAGRATH: I will answer no to that question.

YOUNG: What I want to get at is whether, assuming that the picture had been taken of blood spots on the door down there to the stable which you have described, upon the developing of the plate has there ever been anything in your experience which would lead you to believe that the faces of the persons who committed the murder might appear upon that plate?

MAGRATH: I never heard of any such speculation.

YOUNG: Assuming that there was such a claim as that,

from your own experience in these matters what would you say as to whether it was possible or whether it was, to use a slang expression, all rot?

MAGRATH: Well, I say I never heard of such a thing. I don't know what it's all about.

YOUNG: You've never read this article in the Sunday Post January 19, 1919, shortly after your examination, of this idea?

MAGRATH: No, I haven't.

YOUNG: Your examination was made January 6th?

MAGRATH: Yes.

YOUNG: This story was thirteen days later.

MAGRATH: I haven't seen the article in question, no, sir.

YOUNG: If it were claimed that those blood spots on the woodwork of the tiny porch of the barn were photographed, and that upon developing the plate there appeared — that is, by the plate I mean the negative — there appeared a small whitish formation which, upon a closer inspection, became a human face, and that afterwards, upon the continued examination of the same plate, two other human faces appeared with it, I say, assuming that the facts I have just related were claimed to have taken place, what would you, from your experience as a pathologist, say?

Is there, in the undertakings which you profess to be familiar with, anything which would give foundation for the claims such as I have related?

MAGRATH: Why, what you have heard I would say sounds like a double exposure, a photograph on a photograph and the plate developed. No, sir. I can't place any other interpretation on those words than that it was a double exposure.

YOUNG: Then, as a pathologist of experience, would you say there was anything about blood stains or blood spots which could be shown on a photographic plate or developed in such a way that the plate would bring forth or show photographs of human beings, whatsoever, in any way, who might be, or possibly be, connected with the blood stains in the first instance. Is that a possibility or is it ridiculous?

MAGRATH: Why, I would say it was absurd. You can't photograph on a negative anything that is not in front of it. If the face was in front of it, all right, but it would have to have been in front of it. I have photographed a good many blood stains and have never found any faces coming out yet.

YOUNG: Unless some members of the jury have something they would like to ask, I think he would be ready to answer?

MAGRATH: I am entirely at your service, gentlemen.

YOUNG: Doctor, you say Mr. Bean delivered that into your hand?

MAGRATH: That was placed by Mr. Weiss, I think, finally in my hands. On the occasion of my visit to

East Jaffrey, before I went away this instrument, brought in the hands of Mr. Bean, I think, was passed to Mr. Weiss who handed it to me, and I placed it in an envelope after examining it, and it has been in my possession ever since.

WITNESS DISMISSED

SARAH E. LAWRENCE

Direct Examination by Mr. Pickard

PICKARD: You live where?

LAWRNCE: Jaffrey Center.

PICKARD: How far is that from East Jaffrey?

LAWRNCE: It's two short miles from East Jaffrey.

PICKARD: How well did you know the Deans?

LAWRNCE: Why, I don't know how well. I used to go there quite a good many times. I used to meet them there.

PICKARD: Have you seen as much of Mrs. Dean in the last three or five years?

LAWRNCE: I haven't seen a great deal of her. It's three years last October since I was to the house.

PICKARD: What caused it? Why haven't you seen so much of her lately?

LAWRNCE: Well, because I haven't taken the team to drive over there and haven't been out so I could see her.

PICKARD: Was there any change in her condition that made your visits less interesting?

LAWRNCE: Well, her mind was getting bad so that I didn't enjoy it so much. Didn't care to.

PICKARD: Childish?

LAWRNCE: Yes. Sometimes she would get kind of excited over something. Not much. I didn't talk with her much. I thought that was the best.

PICKARD: Now, do you know Mr. Rich?

LAWRNCE: I do.

PICKARD: Can you tell us whether or not you saw him at any place on the day that Mr. Dean's body was found?

LAWRNCE: I saw him in the bank.

PICKARD: Did you have any talk with him at that time?

LAWRNCE: I went in on business and I merely asked him if it was a case of suicide, as that's what I'd heard on the street, and he said, "I don't know." And he said, "He's dead, and that's the most I can tell you." That's all that was said.

PICKARD: About what time was that?

LAWRNCE: I can't tell you whether it was half past one or half past two. It was after dinner but I can't tell you just what time. I didn't think enough about it.

PICKARD: Did you notice anything peculiar about Mr. Rich's face at that time?

LAWRNCE: I noticed there was a little mark on his eye. That's all I noticed.

PICKARD: What we usually term a black eye?

LAWRNCE: It wasn't very black, I didn't think.

PICKARD: What kind of a mark was this that you noticed?

LAWRNCE: I can't tell you, only it looked a little discolored and it appeared hurt. I don't remember much more about it.

PICKARD: Were there any cuts or scratches did you see on his face?

LAWRNCE: Not that I saw.

PICKARD: Did he wait on you personally when you went to the bank?

LAWRNCE: Yes.

PICKARD: You were on one side of the counter? As far from him as you would be if you sat on one side of this table and I sat on the other?

LAWRNCE: I would think it ought to be. I would say so.

PICKARD: Did you have any other talk with him at that time?

LAWRNCE: Nothing in regard to the Dean case. I was talking about some of my own personal affairs.

PICKARD: At a later time was anything brought to you for laundry work?

LAWRNCE: There was. On Sunday following. Sunday afternoon.

PICKARD: Who brought that?

LAWRNCE: Miss Elsie Plummer. She was in an auto with some friends.

PICKARD: Where did it come from?

LAWRNCE: It came from Mr. Dean's house, and she came there and asked me if I would do her a favor.

PICKARD: What did that package consist of?

LAWRNCE: That's a question I can't exactly answer because there was a list, and I had no list of it, but there were sheets, there was a dress that belonged to Mrs. Dean, and there was a turkish towel. What the other things consisted of I couldn't tell you but L. W. Davis has the list.

PICKARD: Any nightclothes of Mrs. Dean?

LAWRNCE: No, I don't think so. I only remember the dress that was hers.

PICKARD: Can you tell us whether you made any examination of that clothing? For instance, whether or not you noticed whether there were any blood spots on them?

LAWRNCE: I looked the clothes over as I always do when I do anything for anyone, where the dirt is to be rubbed off, and I saw no blood stains on them at all, on anything.

PICKARD: And you understood that was the dress Mrs. Dean had on at the time?

LAWRNCE: Well, they didn't tell me where the dress came from, or when she had worn it, or where she

had worn it, or anything of the kind. It was just a wash dress, gingham dress, a wash dress, blue and white little checks.

PICKARD: Was the blue well marked, or what about that?

LAWRNCE: Well, if I remember right, as I remember it, I don't think the dress had been washed much so that the colors were very good, as I remember it. I can't exactly tell you.

PICKARD: Let me ask you one more question. I think perhaps I've asked it before but I'm not sure. When you saw Mr. Rich at the bank that day did you see any cuts or scratches or any breaking of the skin on his face?

LAWRNCE: I didn't see any.

PICKARD: Can you say whether there were any or not?

LAWRNCE: I can't say if I didn't notice them.

PICKARD: But you did notice the black eye?

LAWRNCE: Well, I did notice that. I didn't think it was very black. I didn't think so.

WITNESS DISMISSED

WILLIE WENDT DeKERLOR

Direct Examination by Mr. Young

YOUNG: You reside where, Doctor?

DKRLOR: I reside in New York.

YOUNG: What is your business or profession?

DKRLOR: I am a psychologist, a criminal psychologist, a doctor, and a lecturer.

YOUNG: Are you a physician?

DKRLOR: No, I am not.

YOUNG: Your title of doctor comes from some degree?

DKRLOR: Yes.

YOUNG: From what college?

DKRLOR: From Cannes.

YOUNG: When were you graduated from there?

DKRLOR: Quite long ago. 1897 or 1898.

YOUNG: With what degree?

DKRLOR: Something that corresponds to Bachelor of Laws.

YOUNG: What is the degree called?

DKRLOR: (in French) Bachelor of Philosophy.

YOUNG: What has been your employment or profession in New York State?

DKRLOR: Writing, lecturing, and handing up criminals on two various occasions.

YOUNG: With how many criminal cases have you been connected as an investigator?

DKRLOR: Two, probably.

YOUNG: What are those two?

DKRLOR: The Annapolis murder case of August

1917, and the Pseudo LeRoy case in Poughkeepsie, New York, in February 1918.

YOUNG: By who were you employed in connection with those two cases?

DKRLOR: At the special request of Mrs. Grace [Hermanston], who was then working for the Washington Times, who was specially consigned by Mr. [Burstons] to run down this matter, and knowing of my psychological abilities and knowledge, she asked me to work as her psychologist on this case, and within ten minutes I gave to Major Pullman of the District of Columbia Police, I gave him the correct theory on which an arrest was made within forty-eight hours.

YOUNG: And in the other case, Doctor?

DKRLOR: The other case I was specially requested by the editor of the Poughkeepsie Eagle News to unravel the mystery of the mistake in identity. It was a man identified by the whole family and buried as the brother of their family, who was besides identified by twelve other friends and distant members of the family, and this man turns up in the early part of February and says to these people, "Well, you have buried me but I am still alive."

So I had to dig to unravel this mystery and I was busy on it for about seven days, and we were going to have the body exhumed for some specific reason and the search was pointed in a certain direction, and the people there wanted to drop it, and they dropped it.

YOUNG: Was this man who returned the original member of the family who was supposed to have been buried?

DKRLOR: No, sir. The man who was murdered, the man who first of all was supposed to have committed suicide and turned up alive, was thought to be a suicide, but investigation pointed to the fact that this man's room had been shot into from a distance of about eight or ten feet and the hole in the skull had been produced of a diameter of an inch and a half. If he had been a suicide the whole discharge would probably have splintered the back of the brain to smithereens, and as it was, there were no traces of powder or anything of the kind.

YOUNG: I thought you said he was shot in the back of the head?

DKRLOR: No, sir. He was shot in the front of the head but the discharge didn't go through the back of the head.

YOUNG: What I want to get at, was the man who finally appeared and claimed that he was the original LeRoy, was he, in fact, the original LeRoy?

DKRLOR: Yes, he was the original LeRoy.

YOUNG: So the family were mistaken in the burial of the original person?

DKRLOR: Yes, that's right.

YOUNG: And have you been employed by the State or

government in connection with any of this work of which you speak?

DKRLOR: At the present time, in this government, no. I have been employed by the police in Cannes on several occasions in the past, and also in England on some accident, but particularly in Cannes. I am interested in these matters, but not in the way police know. If it bears on some psychological problems, it does interest me. I have no interest in hard murder cases.

YOUNG: Have you been employed or connected with the investigation of the case of the death of the late William K. Dean in any capacity?

DKRLOR: The story of my engagement by the town of Jaffrey comes naturally in a very roundabout way. First of all, Mr. Frederick K. Dean, who my wife and self know for the last year and a half, together with the whole of the family of the Deans, have been, until last August, on a very friendly footing.

On Thursday morning of August 21st, Mr. Dean, at eight in the morning, telephoned to my wife and asked if she and I would come up to his house for his brother had just been murdered in the most cold-blooded way and he wanted my psychological light upon that case. I said I'd be glad to come.

We arrived there at about 8:15, at his house, and talked of this case until about half past one in the morning, after which Mr. Dean telephoned to the railway station ascertaining if there was a train for Jaffrey in the morning.

On Friday, the 23rd, I think, at twelve o'clock, we took a train and reached Rindge at about 8:20. Later on we drove in a car from Rindge to Jaffrey and reached Jaffrey at about ten p.m. That was Friday night.

YOUNG: That was ten days after the murder?

DKRLOR: Ten days after the murder.

YOUNG: Were you in the employ of Mr. Frederick Dean at that time?

DKRLOR: Mr. Dean had been a great friend. We knew that Mr. Dean was a very poor man. As a matter of fact, he had to borrow the money with which he had to pay his fare and my fare, and I said to Mr. Dean, "I have four days before me and I will give you my services in spite of the fact that I have got a great deal of work to do right here and I have to return to New York on Monday at twelve o'clock, or Tuesday at least."

Then he said, "Well, I don't like to do that. I don't like to take your time, but if you wish to, well, let us say if things are successful and I feel I can give you something . . ." I said, "Mr. Dean, please don't think about that, but if you feel inclined to give a present to my wife or myself, we'll see, but don't talk about it at this juncture."

That's the sole understanding of remuneration be-

cause for the three or four hours during which Dean and myself threshed this case out, he presented three theories. And I asked Mr. Dean, after having exhausted the other two theories, I asked Mr. Dean to give me a map of New Hampshire, for to me, the Town of Jaffrey sounded more or less like a town over there in the Caucasus. I didn't know East Jaffrey, had never been in New Hampshire, had never been as far as Boston. My trips had been farther to the west or down in the Washington area. I didn't know East Jaffrey.

So I took this map of New Hampshire which he presented from the volume of the Encyclopedia, and I saw exactly what I thought, that there was on this map a chain of mountains headed by this Mt. Monadnock, and I found the altitude was 3,186 feet high, and I said to Mr. Dean, "Does the property of your brother, is it situated on a hill, on an altitude of some sort?"

And he said, "It's a long time since I've been there — eight or ten or twelve years — and I remember that from his property this big mountain can be seen on the one side, and it's a hill and there is a beautiful view all around." And he didn't seem to attach any particular importance to the position of his brother's villa or property, the situation or locality of it.

And I said, "Well, then, have there been any rumors around that there might have been any lights? Were there any stories about spy activities of any kind?" He said, "Well, in the village the people of Jaffrey have been speaking of strange lights being seen from the direction of the house of Colfelt."

I said, "What did they mean, exactly?" He said, "I don't know." So, of course, immediately I thought of my experience in England when we had been told as early as the month of September and October 1914 by the various authorities that we couldn't travel in the train with lights up. We had to pull the blinds down.

We were also told by various friends that in some cities in England the blinds had to be pulled down, for a good many of those so-called German spies were in the habit of flashing signals by pulling blinds up and down in front of the lamps, either the lamps on the tables, or if they didn't pull the blinds up and down they would be walking back and forth in front of the lamps and thereby relaying a lighted message to perhaps a submarine or some other spy out at sea.

Then when I left England — I am skipping a matter of six or eight months while still in England — I had the opportunity of knowing about spies, a good many in England and a good many in France.

Then I came to France to present myself before the French military authorities and I was rejected involuntarily. And while in the south of France, from the month of July 1915 until April 1916 in my home-

town, Cannes, and Nice, which is a military center, I got to learn from my friends in the army and the Polish authorities that a good many of the hotels on the Swiss border — which you may not know is called the Riviera where a good many of your Americans go to spend the winter — probably the whole of the Riviera from Marseille to Menton, Italian and French, all the hotels, at least a good many hotels, and in Cannes there were no less than six or eight hotels, very wonderful big ones such as you rarely have any idea of over here except in New York like the Plaza or the Ritz, tremendous hotels, very high, with spires on top — those hotels had in their spires flashing lights and also wireless apparatus.

In the grounds of these hotels were platforms built supposedly for tennis and other games or social events, but which were, in reality, platforms sufficiently strong to hold mounted guns, big heavy guns.

YOUNG: Well, Doctor, hadn't you better get back to what you did at East Jaffrey?

DKRLOR: Well, I merely want to say, do you see, that this is the knowledge I had at the back of my brain when I first came on this case, brought by Mr. Dean. So on the first day, Friday, the 23rd of August, we talked with Miss Ware, and Miss Ware corroborated some of my suspicions with regard to spy activities, for at the time I wasn't prepared to take the various stories until I had been personally on the premises of Mr. Dean.

What I wanted to do on the way to Jaffrey was to stop at the farm in the dead of night, for it was, I think, a starlit night but the moon wasn't out, and I wanted to rehearse with Mr. Dean the whole scene of the murder in the dark.

YOUNG: Could you do that then?

DKRLOR: No, we couldn't because there were two or three men posted on the premises and Dean didn't think it was wise. They were men working for the town of Jaffrey. Officers.

YOUNG: They were guarding the premises, as you understood it?

DKRLOR: Yes.

YOUNG: Did you at any subsequent time make that experiment?

DKRLOR: No, I didn't do so. I've made other experiments of a psychological nature which have nothing to do with this.

YOUNG: Now, after your talk with Miss Ware, what did you do next?

DKRLOR: We got back to Jaffrey, went to the boarding house, had a little something to eat, and went to bed.

YOUNG: What did you do Saturday?

DKRLOR: Saturday morning I went to the barber and had my head washed, and after this I went to Mr.

Rich at the bank, went there about ten o'clock in the morning.

YOUNG: What was the nature of your interview with him?

DKRLOR: Mr. Dean went to the bank where the guardian is, and he called Mr. Rich and said, "Mr. Rich, I want to introduce you to my friend here, Mr. Kent."

YOUNG: You were known in Jaffrey as Mr. Kent?

DKRLOR: Yes, that's right.

YOUNG: What was the reason for that?

DKRLOR: The reason for that was that Mr. Dean and I had agreed in the train, after we had picked up in the paper the notice that on Mt. Washington, that very same morning on Mt. Washington, had been grabbed four men manipulating lights. Two of these men were released while two other men had been put in jail. I think only two names were published, I'm not very sure, and when I saw that there were spy activities on Mt. Washington I thought, "Well, I better not use my name at this juncture because it might be unwise."

So Dean and I talked the matter over and he said, "In any case your name is a bit long and is unusual for an American, so what other name do you think you could use?" I said, "Let's use a short name, Kent, for instance."

YOUNG: The reason for that was you didn't want to disclose your presence in New Hampshire?

DKRLOR: No, sir, not at all.

YOUNG: What was the reason? I didn't know it was important.

DKRLOR: No, it isn't very important.

YOUNG: If you have any reason for it, state it briefly. If not, go to something else.

DKRLOR: The reason is this. I am very well known, not only in New York, Washington, and in France as well as England and Italy, but I am very well known probably all over the world through my various writings and my various activities, and my going on a murder case in the capacity of a psychologist would later, if my name ever arose about that, that I was busy on a case, later would arise what you call scorn on the lips of people more or less skeptical of psychological methods.

YOUNG: What country are you a citizen of, Doctor?

DKRLOR: I am a citizen of Poland. My father is a Pole, my mother is French-Swiss. I was born in Geneva, Switzerland, which you know has now been located as the site of the meetings of the future League of Nations.

I resided in France from my early boyhood until later when I was nineteen. Then I traveled in Germany for four years and I stayed in Stuttgart, in Frankfurt, and Dresden, and in Berlin. I resided in England for twelve years. I have visited in Italy for a year.

YOUNG: You speak these several languages?

DKRLOR: Yes, I speak five languages. I speak German and French best of all. I speak English, Polish and Italian next best, and Spanish afterwards. I have studied about eighteen other languages besides. I can read them but I don't speak them much. I know some Russian.

YOUNG: Those books you spoke of as having written, in what language are they written?

DKRLOR: Some are written in French. Others are written in English.

YOUNG: What are some of your English books?

DKRLOR: One is called "Our Hidden Fears."

YOUNG: Who is that published by?

DKRLOR: Frederick Stoke Company. The other is called "The Psychological Point of View." I have contracts for three other books. One is almost completed now. They are all on psychological matters. I am also, by the way, vice president of the International Congress for Experimental Psychology which met in Paris in 1910 and 1913 at the Sorbonne.

YOUNG: Now, to get back to your visit to the bank at East Jaffrey, what was your interview with Mr. Rich at that time?

DKRLOR: Mr. Dean sat as you are sitting there. Mr. Rich, who came from the inside of his bank, sat over here, and I sat right here, and I had this camera in my hand, and I sat just like this, with my camera here. It was a very hot day and as Mr. Rich sat in the chair the first word he uttered was, pointing to this camera, he said, "I am much more afraid of this instrument than of the . . ." and he never finished his sentence. And I said to Mr. Rich, "These are quite inoffensive, quite harmless."

As Mr. Rich had put his chair by the side, I had noticed on Mr. Rich a cut, here on the lobe of the ear, and I also had noticed that there was another cut about an inch and a half. It was in the process of healing and was caked over and here on the cheekbone was still an abrasion or mark, you know, it was bluish and blackish, but was in the process of healing.

YOUNG: How many marks altogether?

DKRLOR: There were only two marks in the process of healing, one here and one there, that I saw twelve days after.

YOUNG: One at the ear and one at the corner of the mouth?

DKRLOR: Yes, one right there where the wrinkle is.

YOUNG: How far a distance? About from the lobe to the ear?

DKRLOR: Yes. The ear, you see, there was a continuing mark right here on the cheekbone and it made one mark, two marks, three marks.

YOUNG: Describe a little more fully, if you please, this mark on the lobe of the ear and this one at the corner of the mouth.

DKRLOR: Now, you see, gentlemen, I did learn afterwards that the eye of Mr. Rich was the blackest eye anyone had seen in the history of Jaffrey. The mark I had seen was a mark here, caked over, and the lobe of the ear was more or less cut in this fashion, and it was almost as large as that. Dr. Dinsmore, who was present on the day of the exhumation of the body with the selectmen as well as several other persons present, had noticed that Mr. Rich still had a caked wound here at the base of the ear.

YOUNG: Is this a photograph you have?

DKRLOR: This is a photograph of Mr. Rich, yes.

YOUNG: One you made yourself?

DKRLOR: It was enlarged by Mr. Johnson.

YOUNG: From a plate which you made?

DKRLOR: From a photograph of Mr. Rich.

YOUNG: From one you made?

DKRLOR: No.

YOUNG: You didn't take his picture at all?

DKRLOR: No, I haven't taken one, no. Mr. Johnson, the photographer, did take these pictures.

YOUNG: Mr. Johnson took it after the injury?

DKRLOR: Yes.

YOUNG: How long after? Do you know how long it was after the injury that Mr. Johnson took the picture from which this was enlarged?

DKRLOR: Yes, it was on Thursday, the 29th of August.

YOUNG: All the scratches or cuts or abrasions showed at that time?

DKRLOR: The contusion mark was still showing and the caking of the ear was still there. But the caking over had disappeared by Tuesday morning, the 27th of August.

YOUNG: So that that didn't show in the photograph?

DKRLOR: No, sir, that didn't show.

YOUNG: Did the mark on the ear and the condition of the eye appear on the photograph that Mr. Johnson took?

DKRLOR: No, because Johnson took the photographs a few days afterwards.

YOUNG: So didn't any of the marks or cuts show in the photograph which Johnson took?

DKRLOR: Not at the time. At least, yes, this one here, the one at the lobe of the ear.

YOUNG: That one on the ear showed in the photograph Johnson took?

DKRLOR: Yes.

YOUNG: Have you a copy of that?

DKRLOR: You had them here this morning, I think.

YOUNG: Those were of Mr. Dean, as far as I saw.

DKRLOR: Yes. I beg your pardon. They were in the same bunch. And this, you see the photograph here with a magnifying glass and you can see there is still a black spot.

YOUNG: Now, as you observed those scratches and

cuts on Mr. Rich's face, were they regular scratches or were they cuts?

DKRLOR: They were like this. You see, this thing here was just like a cut such as couldn't be explained readily in any way, and the cut here could also not be explained. I thought perhaps at the time he might have scratched his face with a wire or perhaps with a wire fence or something of the kind.

YOUNG: Were they deep cuts or just superficial?

DKRLOR: They were superficial cuts.

YOUNG: Did you say anything about his face to him at that time?

DKRLOR: I didn't say anything because I didn't want to put Mr. Rich wise in any way because my suspicions became aroused.

YOUNG: What had there, up to that time, taken place to direct suspicion toward Mr. Rich?

DKRLOR: My suspicions became aroused only at that moment.

YOUNG: When you saw the scratches on his face?

DKRLOR: Yes.

YOUNG: That was the first intimation or suspicion that you had, or, as far as you know, that anybody else had?

DKRLOR: Yes. Mr. Dean in New York had told me, in a very offhanded way, that Rich's face had been hit by a horse. It was Rich's story he had been hit by a horse, and I had in my mind that Mr. Rich had been hit by a horse, and when I saw Rich's face on Saturday morning the first thing I thought, "Well, how can a horse kick a man's face and produce a cut here and a cut there and that kind of a black eye." It was very strange, and he was so cross afterwards, because he pointed to the camera and spoke heatedly, and he was more or less ill at ease, and I must say for the last fifteen years I have interviewed a great many men besides him through work. I am an efficiency expert. I go into big business houses and select types, etc.

YOUNG: Who do you do that for, and in whose employ are you when you do that?

DKRLOR: I have done so for the National Cash Register Company of Dayton, Ohio, and for the Bloomingdale Brothers in New York on 59th Street, and particularly for Martens, Ltd., the tobacco importers of Piccadilly, London.

YOUNG: And your work in connection with these people is the selection of employees who you think would be particularly adapted to the particular kind of business for which they are being selected?

DKRLOR: That's it, yes.

YOUNG: Now, to return again to your interview with Mr. Rich, you say that he displayed a feeling of uneasiness? Was there anything said, besides his reference to the camera, which to your mind indicated uneasiness on his part?

DKRLOR: He spoke with Mr. Dean at this first interview most of the time. I didn't say a word beyond what I said to Mr. Rich, "You needn't fear, this camera is perfectly harmless."

YOUNG: What connection did Mr. Rich understand that you had with the Dean case?

DKRLOR: None whatever.

YOUNG: Had Frederick Dean introduced you as in any way connected with this case?

DKRLOR: No, sir. He introduced me to Mr. Rich — because I said to Mr. Dean, "For goodness sake, don't tell anybody I am here as your detective. I want you to explain I am here, but create the impression I am only staying here on a four days' vacation."

YOUNG: Were you at that time in any way connected with the New York World?

DKRLOR: Yes.

YOUNG: In what capacity?

DKRLOR: This is one bit of communication from the New York World, "Received clippings story. Left to telegraph editor." Then I think on the same day . . .

YOUNG: What I inquired was if you were at that time in any way connected with the New York World?

DKRLOR: As a correspondent, yes.

YOUNG: Was one of your missions to East Jaffrey to obtain a story for the New York World? Or only as exclusively employed in the investigation of the murder case for Mr. Dean?

DKRLOR: Well, the understanding with Mr. Dean was this, for owing to certain mishaps which frequently do happen in the conduct of such cases which are in the stage of mystery, as in my experience with the Poughkeepsie mistaken identity case, when you go so far and then the police, for some reasons best known to themselves, drop everything like that, I thought this time I better make sure, for on a case of this nature, when the country is at war — for last August we were at war and very much afraid Germany was winning — I thought I better make sure that no mishaps took place, and I fixed everything up with the New York World and I told all this to Mr. Pickard when I met with Mr. Pickard the afternoon of the morning when we first met Mr. Rich, and I told Mr. Pickard that if he wanted me to use the New York press that I could do so but I wouldn't do that unless he, Mr. Pickard, wished me to proceed with using the press as a help in this case.

YOUNG: You were not at any time, as I understand it, employed by Mr. Pickard, were you, or by anyone representing him or his department?

DKRLOR: As far as I understand, I have not been employed or engaged by Mr. Pickard.

YOUNG: Therefore you were perfectly free to do whatever you saw fit with reference to Mr. Pickard, were you not?

DKRLOR: Yes.

YOUNG: And speaking of the ability that the police

had of unexplainably dropping a case unless it served themselves, did you have the idea that the authorities had dropped this case?

DKRLOR: As far as I was concerned, no.

YOUNG: No, I mean had you gotten that impression or information of any sort that the authorities had dropped the Dean case?

DKRLOR: I don't know that I had that impression distinctly, no.

YOUNG: Have you ever had that impression or that information that the authorities had ceased to work on the Dean case?

DKRLOR: Well, that's why I gave that dimension a great deal of thought.

YOUNG: Well, you know what your idea is about it and that's what I'm asking you?

DKRLOR: My first impression was that, first of all, the primary investigations were conducted, as they are always conducted in small places, they were conducted with the least degree of efficiency.

YOUNG: That is to say, your theory was that the officials had done as well as they could with what ability they had, or efficiency they possessed?

DKRLOR: Well, when I met the gentlemen afterwards I thought it was rather strange for men of the caliber of Emerson and Wellington and yourself, well, but no, you were not there at first.

YOUNG: Well, you might as well include me.

DKRLOR: You see, when I got there the place was, in the morning, overrun by everybody who wanted to come on the premises. This man Henchman had been cleaning up the barn. Even Mr. Pickard admitted himself he had been moving about the barn.

YOUNG: Well, now, to get back to your story. You thought your conclusion, as I understand it, was that the authorities had probably done everything which their experience, such experience as they had, such capabilities as they had, naturally led them to do, but they hadn't gone so far as an expert could go on the subject?

DKRLOR: I think so, yes.

YOUNG: Now, then, as I understand you, your suspicion was first directed to Mr. Rich when you saw those three cuts upon his face and the black eye?

DKRLOR: Yes.

YOUNG: Now, then, did you at that time say anything to anybody about your suspicion?

DKRLOR: Do you mean just at that time?

YOUNG: Well, perhaps a more sensible way to put it would be, when did you first communicate your suspicion, or when did you first make any reference to it?

DKRLOR: To Mr. Dean, as we went out from the bank, because Rich went out of his way to come to the door and say, "Well, come again. Come again.

Come again," with a peculiar look in his eyes, and he behaved strangely.

YOUNG: Now, can you state any other facts other than those you have already stated upon which you base your conclusion that he behaved or acted strangely?

DKRLOR: Well, when we left the bank we went over to the Dean farm. We reached the farm about eleven o'clock and we got into the bungalow.

YOUNG: You mean the little house where they lived?

DKRLOR: Yes. You see, gentlemen, this is how you get to the place, here, and this bungalow, this is where the Deans lived, and this is the Deans' barn. This is where the barn is, and this is the Colfelt house, the big house so-called by the Deans, where the Colfelts lived.

The property of Mr. Dean is enclosed in a small stone wall, like this, from which there is, on the limit, a kind of wire fence. Here's the fence all around here. Now there is, at the foot of his property which is enclosed in timber, there is a road that goes right down here, like that, do you see, and which connects with a small path on the other side. This is the main road which goes to Jaffrey Center.

YOUNG: Why wouldn't it be convenient for you at present to point to this sketch right up here on the blackboard where everybody can see it?

DKRLOR: Yes. (Witness points to blackboard) You see, this is the bungalow. Over here is the north. Mt. Monadnock lies in this direction, Mt. Temple lies here, Pack Monadnock over here, north, Pack Monadnock over here, and Mt. Crotched and Mt. Wachusit here, farther down here, to the south.

So you see, this way, like this, is Mt. Crotched which you know, I suppose, is a mountain about 2,080 feet. The high hills here to the north when you stand on Colfelt's platform, you see there is a kind of platform facing south, you can on clear days see Mt. Wachusit, which is also about 2,300 feet high. The highest mountain is Mt. Monadnock.

I got to this bungalow at eleven in the morning and I saw in this house Mr. L. W. Davis, the appointed guardian of the estate. He was busy looking over papers, dusting books, packing, etc. He was at that moment rather assorting articles. Mr. Dean introduced me to him as Mr. Kent, and told Mr. Davis then that I was his special appointed detective.

YOUNG: So it was disclosed to Mr. Davis finally that you were acting in the capacity of detective at Mr. Dean's suggestion?

DKRLOR: Yes, quite so. And I was very angry with Mr. Dean for having done so though I didn't argue with him in any way, though I said, "Mr. Dean, it is unwise for you to have done that. I know Mr. Davis is closely connected over there at the bank. It is unwise." However, it didn't matter.

Mr. Davis then told us of ashes which had been found in the hearth. Some buttons were burned and other things. Mr. Dean also asked Davis if he had come across that threatening letter.

YOUNG: Did you ever see the threatening letter?

DKRLOR: No, sir, I didn't see any threatening letter although I have seen various people who have said that Mr. Dean mentioned it to them.

YOUNG: Who have you heard say Mr. Dean mentioned the letter to them?

DKRLOR: Mrs. Robinson and Miss Ware.

YOUNG: Anyone else?

DKRLOR: I think not. Afterwards Mr. Davis and myself got in close quarters and I asked Mr. Davis if he could help us in any way by throwing light on this case. He said, "No, I couldn't," and he kept on working, working, working, paying no attention to my questions.

I also said I had a camera and I wanted to take a few pictures and I thought it was rather nice to have Mr. Davis and Mr. Dean pose together in front of the house. He demurred. He wouldn't have his picture taken. My object at the time was purely one of sympathy. I had no designs on Mr. Davis, none whatever, at that juncture. I thought it would be nice just as a matter of spirit to have them both together in front of the house.

It was perhaps after an hour waiting in that room that I succeeded in having Mr. Davis sit on a chair and to look at me and answer a few questions.

YOUNG: What did you learn from Davis? What did you get from him?

DKRLOR: I said, "Mr. Davis, do you know Mr. Rich?"

He said, "Yes." "When did you see Mr. Rich's face?"

He said, "On Wednesday morning." He said he had been away from Jaffrey for Monday and Tuesday and he had returned Wednesday morning at about ten or eleven to noon. He had met Mr. Rich and seen that face and said to him, in a joking manner, "Where's the other fellow?" To which Mr. Rich said, "Well, I don't know. A horse smashed the pipe in my face."

So I said to Mr. Davis, "Well, here you are. You are smoking a pipe. Now," I said, "just picture in your mind's eye how a horse would kick this pipe in your face. Can you see that this pipe would actually make a cut here, another cut there, and hit you here to that extent? As to giving you the biggest black eye you have ever seen!"

He said, "Well, of course, the horse's hoof might not have kicked the pipe." I said, "How do you mean?" And he said, "Rich went to his barn to feed his horse some bits and, of course, it was dark and stepping up to the horse, the horse might have raised his harness." I said, "How do you think the harness could get into the way and kick the pipe in the face?"

I said, "First of all, if that happened, where would the teeth be? The teeth would be broken."

YOUNG: Did Davis say anything about seeing the scratches?

DKRLOR: No, sir. Then I said, "The teeth would be broken," and I took his pipe and illustrated, and I said, "Mr. Rich never smoked a pipe like this. He smokes a Meerschaum pipe, and naturally where the horse would kick it, a few bits would remain in the curve, and Rich told me later, he said that he had two or three pieces of Meerschaum in his mouth which he expectorated, which he spit on the floor after the pipe was smashed."

I said, "Mr. Davis, do you really believe that a horse can so kick a man's face so as to produce such a state of affairs, a cut here and a cut there. If the horse did kick, the whole face would be smashed to atoms." I said, "I've studied medicine enough — I studied medicine about three years, I am still studying it — and I know enough to know that a horse's hoof would do something terrible to the face."

And he said, "Well, I don't want to be drawn into this. I have nothing to say. I don't know really. I can only tell you what Rich told me."

I said, "Where was Rich that night?" "He was in the barn." "Well, when did he meet Dean?" "Well, he was at the house. Dean was at the house." Then he said, "Rich loaned Dean a lantern to see his way."

YOUNG: That's all that Davis told you?

DKRLOR: Yes.

YOUNG: Did Davis say anything about having seen the scratches on Rich's face?

DKRLOR: No, he didn't.

YOUNG: Did he say that he didn't see the scratches, or did he say there were no scratches?

DKRLOR: He didn't say that, no. I didn't ask him if he had seen any, if he had seen the cuts and the scratches on Rich's face. I merely put it this way. "Can you explain how those cuts can be on the face?" And he didn't say that there were cuts or that there were no cuts. He admitted it more or less, as a matter of fact.

YOUNG: After you got through with your interview with Davis, what did you do next?

DKRLOR: We went to the barn.

YOUNG: What did you do there?

DKRLOR: We sat on the steps and I discovered in the wood three prong marks.

YOUNG: Whereabouts were they?

DKRLOR: On the porch. Here's the porch, and the plank was here, right here. The two holes were blood-stained. You see, there's one hole, here's another hole, here's another hole. I'm sorry the plank isn't here. (shows copy to jury)

Here's the bungalow of Mrs. Dean. Here's the

Colfelt house. Here's the barn. Here where the murder took place. Now this plank, that is from the barn boards. The conclusion I had come to at the time was that this hole was blood-stained and this hole was blood-stained.

Then we looked at the door and the door I found was smeared with a white mixture which presumably was calf's feed with which Mr. Dean was given to feed his turkeys. Every night he fed his turkeys. And there were, under this, kind of smudges of calf feed, scratches there, with a great many spots of blood, and you could see very clearly there was some blood on it all and that really that door was stained as if a man who had been hurt and was bleeding here or bleeding there, had either fallen in this fashion against the door, or had tumbled into it with a stained hand, do you see? And so on.

YOUNG: I am getting to these three marks here. You say these showed blood stains?

DKRLOR: No, sir. Only this one and this one. Only two. This one didn't.

YOUNG: How far apart were they in actual measure on the wall?

DKRLOR: I'll show you.

YOUNG: Those blood spots were ones that were called to the attention of Dr. Magrath?

DKRLOR: Well, yes. I gave all the things to Dr. Magrath. Dr. Magrath was suggested by the Federal authorities to the Town of Jaffrey and I had taken pictures which also I had taken to the Federal authorities, the pictures which you have there, and the other ones here, and Magrath followed that up.

YOUNG: Do you know what his conclusions were about it? Did he determine whether they were blood stains or not, those on the door and on the step there, did he determine whether they were blood stains or not?

DKRLOR: I think so, yes.

YOUNG: Were you there when they were pointed out to him?

DKRLOR: No.

YOUNG: Those spots that you described on the door-step on the platform there at the barn you discovered Friday?

DKRLOR: No, sir. I discovered them Saturday morning, the 24th.

YOUNG: Now, there were some marks found on the stone by the cistern?

DKRLOR: Yes.

YOUNG: Do they show in these photographs here? The same one you had here?

DKRLOR: Yes. Here they are. One, two, three.

YOUNG: And what kind of stones were those?

DKRLOR: It's kind of a rock. Another right there in the corner.

YOUNG: Part of the foundation of the house?

DKRLOR: That's right, yes. Here's a little wall, like that, and here's a trap door, and here's this stone, right here, like that.

YOUNG: It forms the foundation for what we call a bulkhead door, the door that goes down into the cellar, where the doors tip up edgewise and you walk down into the cellar.

DKRLOR: Well, this is the entrance to the big house. The trap door is right there and right here is that stone, about twelve feet from the cistern.

YOUNG: Just describe as well as you can what those marks were, how they looked.

DKRLOR: Well, at the time I thought it is very funny, the scratches here go this way, you see, and the scratches here, you see the instrument is placed the other way and goes this way also. Is that clear enough?

YOUNG: Your conclusion is that the marks on the floor of the platform at the barn and those on the stone were made by the same instrument?

DKRLOR: Yes.

YOUNG: Did you measure them to see whether they compared or not?

DKRLOR: Yes, I measured them very carefully, and seeing that the stone is a very hard material, a difference of perhaps a tenth of an inch made me conclude it must be the same instrument.

YOUNG: Were those scratches on the stone, did they scratch into the stone perceptibly?

DKRLOR: They were deep indentations.

YOUNG: Now, let's see, some time or other there was discovered a five-pronged weeder instrument?

DKRLOR: Yes.

YOUNG: Who discovered that?

DKRLOR: Charlie Bean.

YOUNG: Can you indicate on this plan where it was found?

DKRLOR: Yes. Right here. About two hundred fifty to three hundred feet beyond this barn.

YOUNG: Who pointed that out to you?

DKRLOR: Charlie Bean pointed to where he found it sometime in the middle or latter part of January. He didn't let me know anything about it until that time.

YOUNG: Where was it before that time?

DKRLOR: From the second Wednesday of November it was in his possession.

YOUNG: That was the day he found it?

DKRLOR: Yes.

YOUNG: And from that date until it was turned over to Dr. Magrath it was in his possession?

DKRLOR: Yes.

YOUNG: What was there on that digger?

DKRLOR: According to Bean's description . . .

YOUNG: Didn't you see it?

DKRLOR: I haven't seen the instrument. Never saw it at all.

YOUNG: So you don't know whether that fits those marks on the platform of the barn portico and the marks on the stone or not?

DKRLOR: Bean suggested they did. They were one for one. But I don't know precisely.

YOUNG: You never took any measurements of the digger?

DKRLOR: Of the holes, yes. Not of the digger.

YOUNG: So you don't know, of your own knowledge. Do you know whether he tried them on the door and tried them on the stone or not?

DKRLOR: I don't think he did, no. He said there were some gray hairs and some blood on the digger.

YOUNG: You didn't see that?

DKRLOR: No.

YOUNG: Now, then, to get back, after you discovered those spots on the portico down there, on the platform, and the scratches on the stone, did you compare those two sets of marks and your conclusion was that they were both made by the same instrument?

DKRLOR: Yes.

YOUNG: Now, have you had this instrument described to you at all so you know what it is?

DKRLOR: Yes.

YOUNG: Do you know how heavy it is?

DKRLOR: Yes.

YOUNG: How heavy?

DKRLOR: Not any more than this instrument here.

YOUNG: No heavier than that?

DKRLOR: No.

YOUNG: How long?

DKRLOR: Slightly longer. About ten to twelve inches.

YOUNG: And a wooden handle?

DKRLOR: Yes.

YOUNG: You understand it is a wooden handle into which is driven the iron part which branches out into five prongs?

DKRLOR: Yes, three small ones and two standing up so when the instrument is like this the two lowest teeth don't touch.

My theory is, perhaps I am wrong, perhaps I am right, I don't know, but here was the instrument lying this way, and that bag was put over that, and the stone must have been dropped on that instrument to create the deep marks in the stone.

YOUNG: How much apart do you understand these prongs are? Didn't you understand they were very small?

DKRLOR: Well, they are very strong. I have in my hometown quite a large property there and we use a great many similar weeders.

YOUNG: Well, the prongs themselves are about as large around as the end of a pen holder?

DKRLOR: Yes. Well, thicker, slightly thicker.

YOUNG: And as big as a lead pencil?

DKRLOR: I think so, yes.

YOUNG: Now you think that instrument is strong enough so that it could have made a deep indentation?

DKRLOR: Well, it cut the scalp. It didn't perforate the skull.

YOUNG: Do you think that instrument is strong and heavy enough so it could have made the deep indentation into the field stone up there at the corner of the house without its being injured?

DKRLOR: Well, as I have said, it is only a theory. If the stone was dropped on that instrument the stone could easily fall right here, right here like that, see, and made the scratches this way without breaking the handle in any way.

YOUNG: What would have given it the movement you described?

DKRLOR: Well, because this stone, as you have seen, probably is a rock twenty-seven pounds heavy, and it is irregular in shape, and if it did drop here, like that, it would produce this motion, this way.

YOUNG: If it had dropped here and sat on top of the instrument, and assuming that you had a twenty-seven pound stone on top of that stone, do you think that another stone with pressure of only twenty-seven pounds would have made the deep indentation into the stone it was resting on?

DKRLOR: No, it's not on another stone. It's on the same stone.

YOUNG: I think you are talking about the stone weighing twenty-seven pounds, the one found in the bag, that had fallen on top of the digger?

DKRLOR: Possibly.

YOUNG: What is your theory? That's what you did so well. My understanding was that your theory was that this stone which you say was found in the bag, inside of the bag which was around Mr. Dean's head, which weighed twenty-seven pounds, may have fallen on top of that digger. I asked you if you thought, and if, from your experiments you concluded, that a stone twenty-seven pounds in weight would have been sufficient to have indented the rock deeply?

DKRLOR: Yes.

YOUNG: Without injuring the digger?

DKRLOR: Without injuring the digger to any great extent.

YOUNG: Well, we haven't the digger here, unfortunately, but if that had been so, if that had been dented the way you suggest, the digger being dragged across the stone with sufficient force so as to make deep indentations into the stone across which it had been dragged, the ends of the digger would show it.

DKRLOR: No, it wouldn't necessarily be blunted. You see, here's the stone and here are the scratches.

YOUNG: It's the same one?

DKRLOR: Yes. That's exactly the position. You see the scratches are over there and the stone, you must

understand, is here, about four inches high, and at the back here about eleven inches high. It is a single stone.

Let me say at this juncture that I have never attached a very great importance beyond the fact that the three marks here and the three there tally and it is a remarkable thing. And they also tally with the ones on the dead man's skull, and they tally also with the wound on Mr. Rich's face.

YOUNG: You say you don't attach any great importance to the marks on the stone, no particular importance to? . . .

DKRLOR: Oh, yes, I attach great importance to this because there are two blood stains here.

YOUNG: The particular importance you attach to the whole thing is the fact that on the floor of the porch, on the stone at the cistern, on the head of Mr. Dean, and the face of Mr. Rich, the marks are all similar? That's the importance that you attach to the marks which possibly may have been made by this instrument, and which may not have, so far as you know. Is that correct?

DKRLOR: Yes.

RECESS UNTIL 2:00 P.M.

TUESDAY, APRIL 15, 1919

2:00 P.M.

DeKERLOR resumes stand

Examination resumed by Mr. Young

YOUNG: If this digger was called to your attention by Mr. Bean did you or not reach the conclusion that it was the instrument which had produced the marks which you have described on the platform of the porch at the barn and also on the rock at the house by the cistern?

DKRLOR: I was particularly anxious to have Bean describe to me this thing, for while he had found it and presented it to the Federal officers, I had been away in New York. And he described it.

YOUNG: Well, did you reach any conclusion as to the matter?

DKRLOR: From the description Bean gave I was led to think it was almost the thing, and I was insistent for him to tell me whether the handle was bloody and how the prongs were, and he said, "Well, well, sure there were blood spots on that instrument handle."

YOUNG: Now, in your story of what you had done there, Friday the 24th, you had gone down to the barn and discovered the marks on the portico floor. After that, what did you do? What is the next thing?

DKRLOR: The next thing I did when we found all that in the barn and by the cistern, I said to Mr. Dean, "Please get us in touch with Mr. Pickard, the County

Attorney." And Mr. Dean telephoned to Mr. Pickard, and Mr. Pickard came down. It was, I think, between three and three thirty that Saturday, the 24th of August.

I said, "At this juncture it seems to me we have clues which have not been found." We looked around and we didn't find anything else but we thought at the time the matter was sufficiently important for us to volunteer this information to Mr. Pickard immediately and to come in contact with him so that we might tell him.

YOUNG: Was the body of Mr. Dean exhumed afterwards?

DKRLOR: No, sir.

YOUNG: What do you mean by "no, sir". Wasn't the body dug up afterwards?

DKRLOR: Yes, afterwards. That's right.

YOUNG: When was that?

DKRLOR: Four days afterwards. No, five days.

YOUNG: At whose suggestion was that done?

DKRLOR: At my suggestion.

YOUNG: And for what purpose?

DKRLOR: To ascertain what was the nature of the wounds on Mr. Dean's skull, for no one could give me a description of those wounds.

YOUNG: Did you take the matter up with Dr. Dinsmore to get the description?

DKRLOR: No. I asked Mr. Pickard and Mr. Dean and I guess other people in town. And Mr. Davis and Selectman Nute.

YOUNG: Did you take it up with the undertaker, Mr. Leighton?

DKRLOR: I hadn't had time to meet him.

YOUNG: So you decided it was necessary to take the body out of the grave and take some photographs?

DKRLOR: Yes. I beg your pardon, I saw the undertaker.

YOUNG: Finally, on Thursday, the 29th, you think that was done, and I presume those photographs which were shown here this morning when Dr. Magrath was testifying here, copies of those photographs had been taken at the grave. Is that right?

DKRLOR: Yes.

YOUNG: Now, up to that time there had been nothing, as I understand you, to connect the marks on Mr. Rich's face, the marks on the platform of the portico at the stable, the marks on the stone near the cistern, with the marks on the head and person of Mr. Dean because you then hadn't seen the latter, is that right?

DKRLOR: That's right.

YOUNG: Who was present at the time the grave was opened?

DKRLOR: Dr. Childs, Dr. Dinsmore, Rev. Enslin, Johnson the photographer, Boynton the Selectman, Mr. Coolidge, George Nute Chief of Police, Mr. Rich, and two grave diggers.

YOUNG: How did it happen that Mr. Rich was there?

DKRLOR: I asked Mr. Rich that day if he would come with us.

YOUNG: So he was there at your request?

DKRLOR: Yes.

YOUNG: What reason did you have in your mind for requesting him to come?

DKRLOR: To see his behavior, and I had in my mind to see if the wounds on the dead man tallied either with the marks on the stone and on the wood of the porch, and I had in mind to take a rough drawing, actually a copy of the cranium of the dead man and I would compare the distance of his wounds with those on the plank, and afterwards compare them with the face of Mr. Rich.

YOUNG: What had occurred there in his conduct which you described in the bank which directed or had the tendency of directing your suspicions to Mr. Rich as being implicated in this crime?

DKRLOR: Nothing that I can say. I wasn't able to see anything. I came there perfectly free in my mind. Dean had suggested Henchman as being a queer character. Curious, but I can't say that anything had led me to suspect Mr. Rich, or anyone, until I put two and two together. What was hard, he occupies the position of leading banker in this town. We know that bankers are used by Germans as a means to pay their servants, and Colfelt has a strange name. His movements are curious for a man of his apparent means, of his money, and I will give you later on the amount of money that he put in that bank.

Well, these inferences led me to believe that, of course, coupled with Mr. Rich's peculiar attitude and the signs on his face, I thought we may justify this as a theory. If the theory works, then there's something in it.

YOUNG: Right there let me ask you if it has been determined by anyone that Mr. Colfelt or any of his family are pro-German, or German agents, or that they have been occasionally engaged in behalf of the German government in any way?

DKRLOR: Positively I would say not, but there are many signs which point to it.

YOUNG: Now, as a matter of fact, it seemed to us true that, notwithstanding that Federal agents and the Federal authorities have been giving a great deal of attention to this matter and have been spending a great deal of time in that vicinity, that they have not obtained such evidence as to them apparently justified the arrest of Mr. Colfelt or any member of his family, have they?

DKRLOR: I'm not able to say anything about that.

YOUNG: As far as you know, he hasn't been arrested?

DKRLOR: He hasn't been arrested, but it seems to me it is a matter of opinion. I can be justified in giving opinions.

YOUNG: But it's true that the Federal authorities have been investigating Mr. Colfelt?

DKRLOR: In France and in England that man would have been locked up on the first day. Unfortunately it is a different thing.

YOUNG: It's true that they have been investigating him, and been investigating rumors current in East Jaffrey, ever since long before you came there?

DKRLOR: I understand in April the military department agency in Boston did send several people up there.

YOUNG: And whatever information they obtained, it is true that no arrests, so far as you know, have been made?

DKRLOR: Not in this vicinity, no. But so far as I know, I know that a great deal of evidence points towards Mr. Colfelt. I have personally dug up a good deal on Mr. Colfelt but I have left it in the hands of Federal authorities.

YOUNG: All the information you have obtained with regard to Mr. Colfelt and his activities as a German agent has all been turned over to the Federal authorities?

DKRLOR: Yes.

YOUNG: Now, then, getting back to the digging up of the body, after the body was removed from the grave, did you make a drawing or copy of the face, as you said?

DKRLOR: Yes. This is the actual drawing of the holes of the wounds on the cranium with a few pencil marks which roughly indicate the contour of the face and the cranium, and at the back here is the blood such as was left on this paper last August, and it is this very same diagram you see here which was put against Mr. Rich's face.

YOUNG: Now, then, let's see. Whereabouts were these? These marks represent the cuts?

DKRLOR: Yes. Here, there, and there, those three cuts in the skull.

YOUNG: And that represents the length of them?

DKRLOR: Approximately, as far as it could be done.

YOUNG: So there were three cuts, were there?

DKRLOR: Yes. I looked at the scalp very carefully and I called the attention of the doctors and everybody present. The thing was done in their presence, and we couldn't find another cut.

YOUNG: Three cuts, none of which are parallel, are they?

DKRLOR: No, they are irregular.

YOUNG: And must have been made by more than one blow, or would they all have been made by a single blow?

DKRLOR: One blow.

YOUNG: One blow did all three?

DKRLOR: Yes.

YOUNG: What is your theory, assuming that the

wounds were inflicted by this digger you have described, what is your theory as to how that was applied?

DKRLOR: The night of the 13th of August was one of the darkest and the hottest of the year. The barn is also rather dark. There were no lanterns giving light upon the walls or anywhere hanging from the ceiling. The light present was presumably this one, which is the only one. It is the actual lantern found on the floor of the barn that morning by Mrs. Dean, at five in the morning.

It was tilted over, as you see it is broken, which to my mind suggests that someone had kicked it with a heel. Dr. Magrath is also of the opinion that this up here may be some blood, which is high. We don't know for certain but it may be. If this is the lantern, and this is the lantern, which lit the whole scene of this murder. Perhaps there was another lantern or maybe an electric flashlight about the thickness of this, with a bulb about this large, but it was a hand flashlight.

Now, gentlemen, we dismiss the idea that Mrs. Dean did it. To my mind no one like Mrs. Dean could do it. There were perhaps two or three, and perhaps four people right there.

I am asked to tell you exactly how this blow struck the skull. Well, bear in mind that the door of the barn was here, all blood-stained, and down here and down there some of the drops are apparent, you see. There was also some blood when the door was opened, back of the door, do you see? And the bloody holes, do you see, one here and one here.

Now it was not until after we had these facts that I contemplated what I thought might be the right theory. When this poor man, Dean, was getting into an argument, he might have been asked to desist from giving the Federal authorities the information which he was prepared to give on the next day, if Mrs. Morison had gone to Boston and sent this man. She has given you the story in detail so there is no need for me to repeat it.

So, as he resisted, someone threw the rope behind and as he struggled, someone, perhaps with his feet, might have kicked the lantern, or he might have tried to struggle. To my mind Dean's face looked as though he had himself received a punch in the face. Then one of those people, aware what Dean was about, grabbed in the dark and this poor man was hit right in front here, and perhaps through the impulse of self-preservation, Mr. Dean, who had very strong powerful forearms, might have, in the dark, just done that in order to prevent the assailant from dealing him that blow, and the tool hit there, done naturally with his right hand, see, like that, did this, and the tool hit sidewise, which accounts for this wound here

being about an inch and a quarter, and the one here being about an inch and three quarters.

YOUNG: You understand there was no dent in the skull?

DKRLOR: There were no scratches, as far as I understand, on the skull, but the blow here did actually fracture the skull.

YOUNG: You didn't understand it was a dent such as you get from a big instrument, but a fracture by application of force of considerable weight? I am talking only about here, that's where the fracture is.

DKRLOR: No, the fracture is here on the temple, and the back portion of the head here.

YOUNG: Which cut resulted in the fracture?

DKRLOR: This one on the temple because it hit this bone here. It hit here, and as it met resistance here, it did have the result of splitting and fracturing the skull along here.

YOUNG: Now you think it was the lower cut, or the one nearest the eye, which caused the fracture?

DKRLOR: Yes.

YOUNG: Now then, this representation of how the thing actually happened I assume is somewhat of a conjecture on your part. You don't know these are facts but are assuming them?

DKRLOR: To my mind the logical deduction is that it was done there because the cut here is terrific. If you had seen this on the dead body you would have found the cut itself a terrific cut. You can see for yourself on this big map. That's an enlarged photo from that small one. You can even see the points of suture where it has been sewn up again afterwards, I think by Dr. Dinsmore.

You can see the cuts in the temple, particularly in the temple is a very deep cut, a cut which would sever the vein right here, and you will notice that I have the same wound personally, so I'm speaking from experience about it. I had an accident here. I think this accident happened while I was about eight feet from the wall and the whole of the wall was spattered with blood. I didn't lose my life, but I nearly did.

But here is the wound, this way to the temple as drawn, and the vein is cut and the blood falls here, do you see? But what happens at the same time? The blanket of Mr. Dean that was at the back of the buggy was taken and this blanket is put on Dean's face so that the blood which otherwise would fall very profusely is stopped, and the blanket, if you had the opportunity to see it today you would see vast traces of having been thoroughly soaked with the blood of the dead man.

Also, that afternoon at the exhumation of the body, I pointed to the fact that the incision produced by the rope, it was a thick rope, halter rope like that, could not have been produced by the pulling of one

man. It would have been two men, one pulling at each end of the rope. To my mind, Mr. Dean died simultaneously of the loss of blood and the fracture which, as Dr. Magrath must have told you, did take place through the variance of the fourth vertebra of the neck.

YOUNG: Since you have seen this instrument that Mr. Bean has found, from this digger and from the photograph and what information you have got, do you still think that digger is the one that produced the injury on Mr. Dean's head?

DKRLOR: I haven't seen the instrument and I can't furnish an opinion.

YOUNG: You haven't got any opinion, of course?

DKRLOR: I merely base my deductions upon the facts.

YOUNG: I ask you if you have got any opinion that it was?

DKRLOR: That it was what, sir?

YOUNG: If you made any statement, or gave it as your opinion, that the instrument which Dr. Magrath has in his possession, which Mr. Bean says he found, caused the injury to Mr. Dean's head?

DKRLOR: If the instrument? . . .

YOUNG: Now I ask you if you have stated, or given it as your opinion, that the instrument which was found by Mr. Bean was the one which inflicted the injury upon Mr. Dean's head?

DKRLOR: Excuse me, sir.

YOUNG: Just answer by yes or no. You either have an opinion or you haven't. Which is it?

DKRLOR: I don't think I can say that.

YOUNG: Yes, you can. Pardon me for demanding. I ask you if you have voiced that opinion?

DKRLOR: I may have voiced the opinion, yes.

YOUNG: Is that your opinion now, or have you changed your mind?

DKRLOR: No, sir, I haven't changed my mind. If Bean says there is blood on the handle, I think it is the instrument.

YOUNG: Notwithstanding the blood on the handle and the hairs on the instrument, considering the size and the weight of the instrument, is it still your opinion that this is the instrument that inflicted the injury?

DKRLOR: Such an instrument would produce it, and Mr. Garfield who has been employed by Mr. Dean for a period of fourteen years, I think, recognized that such a tool was in the possession of Mr. Dean, and such a tool has not been found in the barn.

YOUNG: Now, then, after you had taken that impression on the paper of the wounds on Mr. Dean's head, what did you do with it?

DKRLOR: All of the gentlemen who formed the committee that afternoon were standing this way, and Mr. Rich sat right there, and I asked Mr. Rich, I said,

"We have been told hitherto by yourself that a horse kicked the pipe in your mouth. We have no desire to presume that you have committed this murder, but the coincidence is really extraordinary."

By that time Mr. Rich was very livid and not at all composed. I said, "Well, now, we have put this map on the floor of the porch and we have compared it also with the marks on the stone."

YOUNG: When did you do that?

DKRLOR: That afternoon of the exhumation of the body, after we left the cemetery we took this map and went first to the farm and at the farm . . .

YOUNG: I thought we were up here by the grave now. After you had got the body out and got this map made, I asked you what you did next?

DKRLOR: Well, you see, I took this map at the cemetery and then we finished and we picked up our things and went to the farm, our committee which was composed of those selectmen and everybody.

YOUNG: Mr. Rich?

DKRLOR: Mr. Rich, yes. And we went carefully over the ground, as much as it had been unfolded to me, and I gave everybody there the opportunity of looking at these things, so that we took this map . . .

YOUNG: Was Mr. Rich present when you put this map on the floor of the portico?

DKRLOR: Yes.

YOUNG: Was he present when you were up here by the cistern and put it on the stone?

DKRLOR: Yes, that's right.

YOUNG: Where were you when you put it on his face?

DKRLOR: By the cistern, up here, right here.

YOUNG: Now then, tell us about that.

DKRLOR: As I stood by the cistern and these gentlemen were all around, I said to Mr. Rich, "Mr. Rich," — on the day of the murder he had a pipe similar to the one he was smoking — so I said to Mr. Rich, "Mr. Rich, when I came to see you on Saturday morning first you had a cut from here to there, a longer cut from here to there, and one also from here to there. Now it looks really too strange indeed those marks coincide." And I methodically showed it.

I said, "You can see for yourself this mark would be fitting here, the other one would hit there, and this might, you see, actually cut the ear lobe, like that. The other, I presume it might not, perhaps. This dent, that would go here as the instrument fell against the face of the man — it might have been the second or perhaps the third prong that had cut the ear as the instrument fell outside the door on the porch."

YOUNG: What did Mr. Rich say to that?

DKRLOR: Mr. Rich simply sat aghast, like that. He never said anything because he was stunned.

YOUNG: Did you say anything more to him?

DKRLOR: Yes.

YOUNG: What did you say to him?

DKRLOR: Well, I've made some notes here. My memory was very fresh. If you will allow me to read them to you, I will do so.

YOUNG: Was Mr. Frederick Dean present at this time?

DKRLOR: No, sir. Mr. Frederick Dean had returned to New York back on Tuesday.

YOUNG: Did you understand you were going back with him?

DKRLOR: Yes.

YOUNG: When did you change your mind about going back with him?

DKRLOR: I changed my mind here. I changed my mind on the Tuesday morning.

YOUNG: When did he go back?

DKRLOR: He went back on the 2:50 train on Tuesday.

YOUNG: Did you notify him that you had changed your mind and were going to stay?

DKRLOR: Yes.

YOUNG: Did your employment, or connection, with Mr. Dean cease at that time or were you later in his employ? I don't know as you were ever in his employ?

DKRLOR: I never was exactly in his employ. He only paid the train fare and the other things.

YOUNG: That is, he was paying your expenses and you were contributing your time because of your interest in the matter?

DKRLOR: Well, I had really no interest except that of . . .

YOUNG: But you were interested in the subject and willing to help him so you contributed your own time and he paid your expenses?

DKRLOR: Excuse me, it's cost me about six thousand dollars up to date.

YOUNG: What is the bulk of that expenditure for? It wasn't for your board over to East Jaffrey at that lunch cart, was it? I boarded there several meals and I don't think it would quite correspond with six thousand dollars.

DKRLOR: No, not exactly, but you see I had to be back in New York on Monday in order to discuss a very important proposition with the New York World, and then, of course, I didn't turn up because I was so disgusted at the whole thing. On Tuesday when we had decided to go, just at the time when I was ready to take my leave from Mr. Rich, I handed Mr. Rich a book he had loaned me to read.

I asked that he would lend me the book for psychological experiments for I am always making psychological experiments. Giving that book I said across the counter, "Mr. Rich, this is a most interesting book. Have you read it?" He said, "No, I haven't had time." He said he was a very busy man.

Then I said, "Mr. Rich, we're going back to New York. What is your theory really about this thing. It is the most baffling case I remember. I am a detective and I have got to get information.

YOUNG: When did he know you were a detective?

DKRLOR: He knew it by Sunday, I think.

YOUNG: Who told him that?

DKRLOR: Mr. Dean.

YOUNG: So, notwithstanding the agreement that you weren't to disclose the object of your visit, Mr. Dean told everybody he could that you were a detective?

DKRLOR: Well, for a while, after the first day. Mr. Dean was what you might call a very trustful and very simple sort of man.

YOUNG: Then you can go on with your story about the book.

DKRLOR: So I handed this book to Mr. Rich and he took it back and I said, "What is your theory? It is a most baffling thing." And I impressed on him that I was going back, which, in fact, I was going back. And he said, "Well, come around the corner, come around in my office. I've told Mr. Dean once or twice that I thought Mrs. Dean did it. So," he said, "come around, come around."

And he beckoned us into his office and there we sat again in those three chairs, and then I did the talking and Mr. Dean didn't do much talking, and I asked, "What leads you to believe that Mrs. Dean could do this murder?"

And he said, "Well, those old ladies when they grow to a certain age they become senile, but although they're senile, they are not physically weak. Sometimes they are physically very strong."

I said, "How do you make that out?" And he said, "I have an old aunt, eighty-three years of age, who has lived under my roof for many years and although she is senile she at times expends great physical strength." That struck me funny.

Then after this I asked, "Well, how much money did Mr. Dean leave?" So Dean took it up and began a conversation and he asked whether the interest or whatever money would accrue from those Rochester bonds would be sufficient to pay for the expenses of Mrs. Dean's transfer to Worcester in the sanitarium.

Then I looked at his face once more and I saw that this had healed. This scar had healed but it was still slightly yellow here where before it was blue, and the other, it was still in the process of healing. There still was the blood caking of the wounds.

Well, I thought, well, he must have been using more mixture over the weekend to have that disappear so quickly.

YOUNG: Well, what was the rest of your conversation?

DKRLOR: We had no more conversation. It was very short.

YOUNG: The theory he advanced about it was that Mrs. Dean must have done it?

DKRLOR: Yes.

YOUNG: Did Mr. Frederick Dean advance that same theory to you in New York before you left?

DKRLOR: No, he had no theory whatever.

YOUNG: Did he suggest the possibility of that?

DKRLOR: No, he merely reported what other people had said, and he thought perhaps Colfelt might have a hand in it.

YOUNG: Then after this conversation you have related you went out from the bank with Mr. Dean. Where were you going then? To go to your boarding house?

DKRLOR: We were going to the station to get the tickets. That was about half past eleven.

YOUNG: The train didn't go until 2:50, did it?

DKRLOR: Yes. Because, you see, we wanted to make sure if the train was 2:50, a few minutes before three, in the summer. He wanted to make sure of that, and so we went to the station and there he inquired for tickets and I said, "Why don't you buy the tickets now?" He said no, he would go back again, that we would go to the boarding house, and so we came back across the tracks — we had to cross the tracks — and then I said to Mr. Dean, "How many Rochester bonds are there?" He said, "I don't know." That's the way he said it. He said, "I'm glad in a way there is some money there because I understand it will be enough to pay the expenses of Mrs. Dean for some time and the expenses of the whole thing in general."

So I said to him, "I am very glad indeed. How many bonds were there?" He said he didn't know. I said I thought it was very funny he shouldn't know, and I said to him, "Don't you see there is something wrong and crooked about those bonds being there and he having the key, having access to the safe box of your brother?" And he said, "No, no, no. Nothing of the kind. I don't believe it." His mind had been changed overnight after we had been here in Keene.

YOUNG: Do you mean by that that Mr. Dean shared the suspicion of that? That maybe? . . .

DKRLOR: Yes, yes. Mr. Dean, up until Monday night, shared everything with me, the opinion that we were on the right track right there, from Friday until Monday night.

I must say here, we spoke about whatever feeling there has been between Mr. Pickard and myself owing to this thing because I never remember any animosity whatever and Mr. Pickard and I are great friends in spite of everything. I must say that that Monday afternoon we had gone to Greenville looking for more information for Mr. Pickard on Mr. Colfelt and we got back after having located what looked very suspicious.

There had been described in Mr. Colfelt's building a huge box, more or less this size, weighing something like three hundred fifty to four hundred pounds. We thought we had located a trunk similar to that with the initials "L. Von W." and so we went to Greenville to make the researches, and afterwards we drove to New Ipswich to Mrs. Champney, and I saw this fellow and I looked at him and thought, "This fellow is a German," and I looked at him and spoke in German.

I won't speak in German here, I hate the language and hate the people, too, but at the same time sometimes German is very social, and I talked to this fellow but he said, "What do you want here?" I said, "I'm looking after my friend, Mrs. Von W." You see, the initials were on a carton out there, L. Von W.

So Mr. Wellington, who is an employee of Mr. Pickard, and the driver and Mr. Dean, they were all alerted about this very thing, and we thought we had a catch and we came to Mr. Pickard to give him all the information we had found in Greenville, including two letters, two of which bore "express delivery" stickers.

So we gave all this information to our friend here and Mr. Pickard was kind enough to say we had the Colfelt's number, but, he said, "We have investigated them and their alibis, which to us were perfectly reasonable and we were bound to let them go." He was impressed by the volume of information, although he wouldn't say they had anything at all and he said at that juncture there was nothing to hold the Colfelts.

YOUNG: Do you know the Colfelts?

DKRLOR: I've seen Colfelt at a distance. I never had any interview with him.

YOUNG: Or with Mrs. Colfelt?

DKRLOR: No.

YOUNG: Did you investigate their house over to Temple?

DKRLOR: Yes, afterwards.

YOUNG: Did you find anything there that threw any light on the situation?

DKRLOR: Yes. I found here the covers of these two magazines, and although these may look nothing to you, it is very strange and peculiar.

YOUNG: What does it mean to you?

DKRLOR: Well, in Greek characters — this is the handwriting of Miss Natalye Colfelt, who is the supposed daughter of that man, Colfelt, and my suspicions, way back when I came in August, led me to think that this young girl was none of Colfelt's family, and it proved true afterwards.

YOUNG: Who is she?

DKRLOR: She is supposed to be the daughter of Mrs. Colfelt from her first husband, a man by the name of F. L. Robert.

YOUNG: There was never any question about that, was there?

DKRLOR: Yes. At the time I came I told Emerson that this young woman wasn't his daughter and he didn't know about that. I said, "If you look into it you will find she is not his daughter."

YOUNG: Who ever claimed she was?

DKRLOR: At the present juncture nobody because it is proved otherwise.

YOUNG: Then it wasn't anything particularly remarkable when you said she was not? No one else claimed she was his daughter, did they?

DKRLOR: Oh, yes. Everybody. That young woman passed as Colfelt's daughter in the village. Everywhere.

YOUNG: Did everybody understand it was his own daughter, or Mrs. Colfelt's by her former marriage?

DKRLOR: I think he introduced her everywhere as his daughter.

YOUNG: How did that become important?

DKRLOR: Well, it became important in many ways.

YOUNG: Name some of them. If you can, name them all.

DKRLOR: Because she goes as Miss Colfelt to the best schools and colleges of this country, down here near Boston, at Radcliffe College, and she is at the present time in Vassar, and she had been supposed to study chemistry. Now when they moved from Jaffrey and went to Temple she left parcels of no less than forty-three photographs, eight called "Teddy Bear Photographs" and these teddy bear photographs are supposedly a code message.

YOUNG: Who supposes so?

DKRLOR: The Military Intelligence Office and the Federal people.

YOUNG: The Federal Department of Justice? New England Department?

DKRLOR: Yes.

YOUNG: Is that one of them?

DKRLOR: Yes. First of all, suppose I show the photograph and decipher the thing personally to give to these gentlemen?

YOUNG: How do you read it when you decipher it?

DKRLOR: Well, the Germans are very clever astronomers. They know a great deal about trigonometry and that sort of thing. In what corresponds to your high schools in this country, they teach the young boys and even the young girls about calculus and those things, and also about the stars and the heavens.

Now, gentlemen, you may sometimes wonder whether really the stars above could be used artificially as to become a signal.

YOUNG: Well, without going into the details of the German system of education, how do you read this postcard?

DKRLOR: Well, unfortunately, you don't know the valley of Jaffrey, do you?

YOUNG: Somebody here lives in Jaffrey. I don't know, gentlemen, where it is. Well, before we go anywhere else, before I forget, will you read that card and decipher it?

DKRLOR: It's impossible for me to give you an intelligent interpretation unless I apply it to your map.

YOUNG: Well, you can decipher it first and then apply it to your map afterwards, can't you?

DKRLOR: Well, this is a teddy bear. In astronomy it corresponds to the bear — to Ursa Minor and Ursa Major. You know when you take the two stars of the Big Bear it points to the North Pole. It points to the north always. At that time, in the month of June and July — the other little thing here I must say, that the Big Bear and the Small Bear, that is the Small Bear is always to the north at a very low elevation, and the Big Bear is over there towards eight or nine o'clock, and it rises steadily until it rises up this way and goes sometimes here, right in the middle.

The other little one is the Dog. It isn't a teddy bear at all. In astronomy it's called Canis, the Little Dog, and is composed of a few stars like that. The Little Dog in the middle can more easily be a signaling apparatus such as might be taken up in the air by a balloon, or some special instrument such as has been used on the front for signaling purposes all the time.

And when you stand on an altitude as that of the Dean farm, I mean south of Mt. Crotched on the Dean farm there, looking to the north, you naturally would find, do you see, that to the left would be Ursa Major, the Big Bear. And to the right over there would be Canis, and rising with the Little Dog would be kind of a little balloon.

There is a double exposure here and you will see a clock pointing exactly to 8:10.

YOUNG: You say it means that Ursa Major was on the right?

DKRLOR: I would say Major Ursa would be on the left.

YOUNG: Why do you read it that way? Military authorities would read that on the right, wouldn't they?

DKRLOR: No, sir. No, no. To the north. Always facing north.

YOUNG: If that was a military formation, your Dog or Bear is on the right, isn't it? Isn't the right of the feature always the right when you are facing the same way the feature is?

DKRLOR: Not in matters of this sort.

YOUNG: In military matters? Oughtn't it to be interpreted according to military matters?

DKRLOR: No, no. According to astronomical matters, and this was about eight p.m., see?

YOUNG: And the Dog was the signaling machine?

DKRLOR: Yes.

YOUNG: What suggested that to your mind? Is that a system prevalent at all in the old country?

DKRLOR: Yes. I ascertained this from the French Military Department in Washington, and afterwards I conferred with the Military authorities in the State House.

YOUNG: After that, what?

DKRLOR: Now, you can see these black circles here. These are circling certain peaks over which it has been known various lights have illuminated. Now, Mt. Monadnock has been, all these two years, used as a center wherever lights have emanated. Even on Friday, the 23rd of August, there have been two fires taking place there. On Wednesday, the 21st, there were no less than two or three hours of light signaling.

A man by the name of Jack Squires, who is the manager of a big wood mill, actually says that one time, at one o'clock in the morning, his men were awakened by a tremendous search light that was playing over Monadnock right into their camp, and if you can get that man as a witness here he will also bring his manager and you will know more about it. That was on Wednesday, the 21st of August.

YOUNG: That was eight days after Mr. Dean's murder?

DKRLOR: Yes. Of course, there is hardly a military matter which it seems to me wouldn't give agreement with the argument right now. We may use it later.

YOUNG: Is that all the deductions you made from this card?

DKRLOR: From this card, yes. You see, this man would send this card to his various agents right here in this locality and this postcard wouldn't appear anything unnatural. It would be just teddy bear pictures taken by a very harmless looking young woman, Natalie Colfelt, and she would enclose one of these pictures to her various friends in the country about here.

YOUNG: And this one is a copy of it?

DKRLOR: This is an original.

YOUNG: This double exposure — where do you figure that here?

DKRLOR: Here.

YOUNG: Can you point that out? Where is your clock you spoke of?

DKRLOR: The clock is right here.

YOUNG: At the top?

DKRLOR: Yes. You can see here also are ciphers, right here. There are ciphers here, one, two, three, five, six.

YOUNG: What was your inference from those, assuming this was the Big Bear and the Little Bear and a signal machine?

DKRLOR: Well, the clock pointing towards 8:10 would say such and such a date, and the day in on at

the corner of the picture, 12350 or 815, or 15th of the 8th month — 15th of August — or something of that kind. I don't know what it would be, but there you have exposure, and there you have double exposure, so that at a given day in the month of August at 8:10, looking toward the north in what you call solstice altitude, or between Big Bear and Little Dog, you will find signals, whether in the shape of a lighted balloon or in the form of an enormous projection.

YOUNG: Well, so much for that. Now to return to your music books here with the Greek hieroglyphics on it, what do you infer from that?

DKRLOR: Well, now, this is the handwriting of Miss Colfelt. She wrote ROCKINGHAM HOTEL. Colfelt went to the Rockingham Hotel on the 10th of August. This was written somewhere towards the 13th to 15th of August. I took the newspaper that was together with these on the 14th or 15th of August.

The Greek characters are *P-O-L-I-S* and you can see it's written about twenty-seven times. It's written twenty-seven times. *P-O-L-I-S*. *Polis* in Greek means a town or city, but the writing, this Greek writing isn't the writing of a Greek student who is accustomed to write in Greek characters, it is the writing of a beginner, and Natalie Colfelt was just, at that time, beginning to study Greek. She must have taken up Greek when she was at that college which you mentioned, Radcliffe.

Now, the German agents, when they wished to communicate in such a way that it could go through the post unread, they would write in a foreign language, in Greek or Hebrew or Latin or another language, or else they would transpose into Greek characters their own language.

You understand you can write the English language with Greek characters and if you can decipher Greek characters you may understand something that somebody else doesn't know. It is one form of secret writing.

Then, the most important to my mind is this diagram here. If you look at it this way you will find it's a picture of a balloon. Now signaling balloons for military or spy purposes are exactly as this is described.

YOUNG: How large are these balloons?

DKRLOR: About anything from eight to twelve or fifteen feet high. Sometimes more.

YOUNG: How are they made?

DKRLOR: A very thin silk.

YOUNG: Hot air balloons?

DKRLOR: Yes. There is an electric device inside which heats the air and keeps the balloons up, and these balloons are capable of rising twenty-eight to thirty-five hundred feet.

YOUNG: How long will it keep them up?

DKRLOR: They can keep up eight or nine or ten hours. Can you see there is a little wire there, or

something, and when I showed this to my friends at the military office they agreed this balloon might have supported wireless antenna, a device for the purpose of. . . .

YOUNG: A balloon such as you have described?

DKRLOR: . . . receiving and intercepting messages, not for sending.

YOUNG: You mean a balloon twelve feet high would be the receiving end of a wireless instrument?

DKRLOR: It might be some special mechanical device to receive and interpret.

YOUNG: There is no way that could be done without a wire communicating with a receiver, would there?

DKRLOR: It would not be necessary.

YOUNG: There would have to be a wire connected with the receiver?

DKRLOR: Yes. A very thin wire. A very, very, thin wire.

YOUNG: If this was up in the air twenty-eight hundred feet you would have to have a wire twenty-eight hundred feet to connect with the ground to hear what was said?

DKRLOR: Well, that wouldn't have to be very much.

YOUNG: That would have to be a fact, wouldn't it?

DKRLOR: Yes.

YOUNG: Would anybody say one of these balloons, such as you have described, twelve feet high, filled with hot air, would sustain twenty-eight hundred feet of any size copper wire?

DKRLOR: Yes.

YOUNG: That's possible, is it?

DKRLOR: Yes. I was told, without any other special apparatus, the last two years, it is possible.

YOUNG: Do you remember when it was you went into the Colfelt house to get those things?

DKRLOR: Oh, I forget. It's sometime back. I really forget. I was very busy in that portion of the year and I really forget. But here is a description of the balloon. It was sometime in the summertime.

YOUNG: Soon after you got to East Jaffrey? In August of that year, do you think?

DKRLOR: August 1918?

YOUNG: It's the only August that is possible.

DKRLOR: I think about five or six days after the Colfelts left. About the 16th, the 17th, or 18th of September.

YOUNG: Who pointed out the Colfelt house to you?

DKRLOR: The driver.

YOUNG: Who was he?

DKRLOR: I think Davis. Excuse me. Doubtless that poor fellow who died, Stratton, who pointed it out to me.

YOUNG: You went over twice?

DKRLOR: Yes.

YOUNG: Did you finally take away anything else from the house except those musical books and the post-

card? Was there anything else you took from there?

DKRLOR: I think not, no.

YOUNG: What were those forty photographs you say you found?

DKRLOR: Those forty-three photographs of teddy bears in different positions, in different positions, but Mr. Johnson had this postcard only. He had this postcard only.

YOUNG: Do you mean he had it to sell in his stock?

DKRLOR: This photograph?

YOUNG: Yes.

DKRLOR: Johnson was struck with the peculiarity of those people having so many pictures of the teddy bear, and as they had left — you see, the beginning is sometime along in July. It's such a very long and complicated story.

YOUNG: Well, that may be interesting, but I don't know as it is material to the murder of Mr. Dean. I want to get, in a general way, what there was about it, without going into detail very much, or more than is necessary. The forty-three photographs you spoke of were forty-three different arrangements of teddy bears and dolls?

DKRLOR: Yes.

YOUNG: And Mr. Johnson had copies of them?

DKRLOR: No.

YOUNG: You found the forty-three different cards over to the Colfelt house?

DKRLOR: No, that's what I was looking for.

YOUNG: Who said there were forty-three?

DKRLOR: Johnson.

YOUNG: You didn't find any of them in the house, as I understand it?

DKRLOR: No.

YOUNG: You didn't take any photographs of any kind from the house?

DKRLOR: No.

YOUNG: So all you know about the forty-three photographs is what Mr. Johnson said about there being forty-three photographs?

DKRLOR: I asked if he had negatives and he said no, and then I went to Dean's and asked Mr. Davis if he had negatives of the pictures and he said no, he had got them all.

YOUNG: You weren't able to submit any of these to any of the Federal authorities?

DKRLOR: No, but I suggested to them what they should do in order to get them.

YOUNG: Did they get them, do you know?

DKRLOR: I haven't the slightest idea.

YOUNG: Now, the only thing you got over to the Colfelt house, then, were these two books?

DKRLOR: No, four. Four. Like that.

YOUNG: Now, tell us about the Greek word POLIS there, which means a town, is it?

DKRLOR: City.

YOUNG: City. What conclusion do you deduct from that, if any?

DKRLOR: Well, at the time I didn't think she wanted to write city. I think she meant POLICE.

YOUNG: Why would there be any connection between POLICE and "city"?

DKRLOR: Well, that's where psychology as a science is very helpful. This we found very close to the telephone apparatus, and, indeed, on the 14th when the body was found and they received telephone calls from all over the place, and perhaps the day after that, also, there she was, possibly telephoning to Colfelt down there at the Rockingham Hotel, and she wrote, you see, quite automatically while she was telephoning the Rockingham Hotel, a perfectly unconscious movement, you see, thinking of two things at once, so she wrote ROCKINGHAM HOTEL while she was talking, you see, while she was talking to the police.

Mr. Nute very likely telephoned them, or perhaps the office had again telephoned to them, and she wrote this thing, POLIS, you see, and she wrote it perfectly automatically, without any thought whatever.

YOUNG: Which is remarkable. Not being a psychologist, I cannot understand, and perhaps you can explain to me, why a beginner in the study of Greek should write the Greek word for city when she was thinking POLICE, or simply because it is pronounced, not spelled the way police is spelled. Can you explain that?

DKRLOR: Yes. You see, these writings here are for the purpose of cryptography, that is, secret messages, secret code.

YOUNG: Do you think she was trying to convey by what she was doing on the cover of that magazine any message to anybody?

DKRLOR: No sir, none whatever.

YOUNG: How do you explain, then, by psychological methods which I am absolutely ignorant of, any meaningful connection between her term POLICE which means an officer of the law, and the Greek word which is pronounced the same way, which means city?

DKRLOR: None whatever. Unconsciously there would be no connection.

YOUNG: What significance do you attach, then, to the Greek word POLIS written twenty-seven times on the cover of that magazine?

DKRLOR: Because, you see, if she was busy with those photographs, her mind was reading in cryptography and anything of this nature would be a cryptogram of her unconscious self, and that's why psychological deduction of crime is very much based on what you call the unconscious movements of the face, and

these are the unconscious ways people show what they are thinking.

YOUNG: Isn't it true that "city," given with other small words, isn't it true the word "city" is a word actually used in the first lessons of Greek? Now suppose, then, instead of writing POLIS meaning town that she had written the word that means "farm," what would you have deducted from that? Anything?

DKRLOR: There might have been perhaps a deduction but I don't know that I would deduce anything from that. There is, when she writes the word "city" in Greek, I judge, of course, there is something unconscious that is on her mind.

YOUNG: Can you explain it so that the fellow who doesn't have these conceptions of psychology can understand it?

DKRLOR: Well, I don't know that I can give a great deal of importance to this thing alone.

YOUNG: If it isn't of any importance, why bring it in here? If it is important, we want to understand it. If it isn't important, we want to forget it as quick as we can.

DKRLOR: Well, no. I tried to follow this up and I couldn't.

YOUNG: If you had found where somebody had written on a sheet of paper any word for twenty-five or thirty times, would that have meant anything to you?

DKRLOR: Yes, certainly.

YOUNG: What would you deduct, any more than that the person might be testing his pen?

DKRLOR: Those things would materially tally with the circumstances.

YOUNG: That's what I'm trying to get at. How does this word POLIS which means "city" tally with the circumstances, assuming it was unconscious on the part of Natalie Colfelt?

DKRLOR: Insofar as that every red-haired man wears green, any person who has in her mind cryptography would . . .

YOUNG: That is to say a fellow might be judged sometime by the clothes he wore? Would that be the conclusion you would arrive at?

DKRLOR: Well, you take a young red-haired man and you will find eighty-five of them have something green on them.

YOUNG: That may be because there are so many Irish red-headed men?

DKRLOR: I notice you have a blue tie, sir.

YOUNG: Do you draw any conclusions from that?

DKRLOR: There would be some, yes.

YOUNG: It might indicate my wife picked it out?

DKRLOR: Perhaps so.

YOUNG: Well, to throw aside the lighter side of it, what I don't quite understand, and what I would be glad to learn, is why the Greek word POLIS seems to your mind to be so harmonious with the surround-

ings of Natalye Colfelt who, as you have inferred here, was laboring under the constant impression that she had got to be guarded in her thought and speech, and who was constantly, perhaps, having in mind some system of secret communication with the outside world?

Now, if you can explain to me and to these gentlemen so that they can understand the reason that exists in your mind why these twenty-seven times the POLIS is written is significant, I would be very glad to have you do so.

DKRLOR: Well, of course, you see, I suggest that extensive researches should be made of Miss Natalye Colfelt.

YOUNG: Well, does the fact that it was the word POLIS have anything to do with leading you to that conclusion?

DKRLOR: I thought it strange at the time.

YOUNG: Why strange for the beginner in Greek to use one of the words most frequently used by a beginner as a Greek exercise?

DKRLOR: Because she had in her mind POLICE and she was indeed communicating with the POLICE and the ROCKINGHAM HOTEL and she would have this in her mind and automatically she would write this that she had on her mind — POLIS—POLIS—POLIS. The very nature of the Greek here hints of a secret nature.

YOUNG: A fellow reading Greek would never connect that up with the word POLICE, would he?

DKRLOR: He might not. No, might not. At the same time she wrote APPEARANCE—APPEARANCE. And that might tally again, you see. You see, this follows the Greek, and down here is APPEARANCE—APPEARANCE to show that her mind — the wonderful Frenchman, what was his name, I forget now — Talleyrand — used to say, “words are only made to deceive.”

YOUNG: The object of the cryptography, the object of the cipher, is not to deceive, is it? It's to carry information?

DKRLOR: Which is covering deception.

YOUNG: If it was simply to confuse or deceive it wouldn't serve the purpose because it would deceive the people you wanted to inform?

DKRLOR: You wouldn't want to deceive the fellow you wanted to communicate with. Well, there are two sides to the story.

YOUNG: Your own cryptography is for the purpose of communicating information which is of importance but is not open to the rest of the world? It's purpose is not to deceive but to communicate information as a rule, isn't it?

DKRLOR: Yes.

YOUNG: This postcard isn't for the purpose of deceiving anybody, is it?

DKRLOR: First of all, it has the appearance of deception and the person who receives it would be able to understand it because he would be in possession of the code. Two veils of light on each side give this the effect or appearance of something that is artificial, something that is in code.

YOUNG: Do you think the German Intelligence Bureau used cards like this?

DKRLOR: Yes, and much more complicated codes than this.

YOUNG: And that's all you got from the Colfelt house?

DKRLOR: That's all.

YOUNG: Did you go to any other house over there?

DKRLOR: I went to another house. I forget the name, but it's the house that faces Mr. Charles Tobey's house.

YOUNG: You went into Tobey's house first?

DKRLOR: Yes. And the second house was the wrong house. Those two houses were the wrong houses.

YOUNG: When did you go into them?

DKRLOR: Some two or three weeks afterwards.

YOUNG: Now, did you check on Colfelt over to Portsmouth to see whether he was there or not? What did you find about that?

DKRLOR: We found he was at the Rockingham Hotel on the night of the 13th of August, and he also worked at the yards, and from the Chief of Police we were told that Colfelt either looked to him a very slick article or a man who was persecuted.

YOUNG: What did he tell you about being in the yards, about Colfelt being in the yard the 13th and 14th?

DKRLOR: He registered there. His card was seen but it might have been given by the fellow Colfelt, or given by another man who could have been in his place while he was away one day.

YOUNG: So far as the records of the yards show, it appears that Colfelt was in the yard at seven o'clock in the morning, the morning of the 13th, the morning of the 12th, and the morning of the 14th?

DKRLOR: On the first day, on the Monday, he worked nine and a half hours. On the next day he worked eleven hours. On the Tuesday. And Wednesday he worked eleven hours.

YOUNG: This fellow, this Chief of Police who told you Colfelt was such a slick article, they couldn't have followed him if somebody else had come in? Although he knew this fellow was a slick article, he wouldn't have known the difference if somebody else had come in on his card?

DKRLOR: They could have usually. It was one of the weaknesses of the system.

YOUNG: What did you find at the hotel about it?

DKRLOR: We found he tipped very freely and that he left a fairly good impression of himself.

YOUNG: What did you find out about his being there the night of the 13th and the night of the 14th?

DKRLOR: I didn't see the woman, the housekeeper, but the housekeeper was supposed to have changed the bed.

YOUNG: Did you get any information as to whether he was there or not?

DKRLOR: No, nothing of satisfaction. The people who could have given the information were not there to get it from.

YOUNG: Did you interview him?

DKRLOR: No.

YOUNG: Now, then, getting back to the time that Mr. Dean left Jaffrey, how did it happen that you didn't go back with him?

DKRLOR: Well, Dean, who had been with me all the time and thought that Rich might be in this thing, changed on the night of Monday, the 26th of August, when we came back from Keene.

YOUNG: You think Mr. Dean learned something over here to Keene that changed his mind as to Rich?

DKRLOR: I must say at that time I was perfectly of the opinion that he was, in his own mind, feeling that Colfelt — Mr. Pickard told us Mr. Colfelt had come the night before with his wife and that his parting word was Colfelt would not hesitate to bring a legal action against anybody, whether it was Miss Ware or Mr. Dean or anybody else, of libel, whosoever attached his name in connection with the lights.

YOUNG: Now, then, you think that scared Dean off, do you?

DKRLOR: Well, there is a second thing . . .

YOUNG: But answer the question.

DKRLOR: No, I don't think it did.

YOUNG: What did change Dean's mind, if you know?

DKRLOR: Something that I can't get hold of.

YOUNG: In what respect did his mind change?

DKRLOR: He had decided that Rich had something to do with it.

YOUNG: And then he came over to Keene and decided he didn't have?

DKRLOR: Yes, that's right.

YOUNG: And after you got over to East Jaffrey, what was said about discontinuing?

DKRLOR: This conversation took place in his bedroom about half past twelve, midnight, Monday night, and he was very tired and he said to me, he said, "Those people in Keene seem to resent your activities, or your intelligence, or something." I said, "It's unfortunate, I think." He said, "Can't you see they don't want you?" Then he said, "What will you do?" I looked at him and I said, "There's but one thing to do, that is to go back."

YOUNG: Then the next morning you went and had an interview with Rich?

DKRLOR: Yes. We went to say goodbye.

YOUNG: Well, now, you went up to Rich's to say goodbye to him? Is that what I understand?

DKRLOR: Yes.

YOUNG: Then you went out from the bank with Mr. Dean and went over to get the tickets, decided not to get them then. Where did you go after that?

DKRLOR: To the boarding house. Yes. We were going to the boarding house, and in the middle of the road, after this conversation about the Rochester bonds, I said to him, "Did you see that the scar on his face was healed?" He said, "He never had a scar on his face." I said, "What, Mr. Dean? On Saturday and Sunday and Monday you and I spoke all the time of the cut on Rich's face." And I said, "Now you want to deny it. Do you, Mr. Dean, resort to lying?"

I said, "Is that how you are going to treat the memory of your brother? Do you mean to say you want to drop this matter after the attitude of Mr. Rich in the bank this morning?" I said, "What did they do to you over there at Keene? What did Wellington tell you?"

Then he grabbed me by the arm and he said, "I'll defy you. I'll defy you. I don't want you to talk to me like that." And, of course, he's an old man and I'm a young man about the age of his sons, and I said, "Mr. Dean, I don't think you are playing a square game to the memory of your brother. You are upset here today, but at least you should see these things through. You ought to do something."

He said, "Well, I'm going back and you are coming with me." Well, I must say that I didn't go back, and I said, "Mr. Dean, if you talk like this, remember that I am not going to talk to you anymore. Goodbye." And I went. I turned past and he ran after me and put his arms around me and he said, "I must ask your pardon, but I think we are both tired." I said, "Mr. Dean, not until you can face me with the Keene account."

And I walked across to the post office and I met Mr. Henchman, the postmaster, and then Dean came and he and I went into the drug store to telephone and I had a very long conversation with Mr. Davis over the wire making the last arrangements.

Before that we had been very open, but from that moment when he was over in Keene on the Monday night, that man changed completely. Instead of being open, sincere, and frank with me, he became a changed man, and I couldn't think what it was.

Then I said, "My dear Mr. Dean, you are going back to New York? You are going back to New York, but after my interview with Rich this morning, seeing the way he behaved, I am going to stay here and report this matter to the New York World."

YOUNG: Were you in the employ of the New York World at that time?

DKRLOR: No, but I had an understanding with them.

YOUNG: What kind of an understanding? Not to pry

into your private affairs, but what was the nature of it?

DKRLOR: Purely business.

YOUNG: As a correspondent, you mean?

DKRLOR: Yes.

YOUNG: To write the story of this thing?

DKRLOR: Well, I have a letter. Here you are. . . .

YOUNG: You can answer the question yes or no. I'm taking your word for it. I don't care about the letter. You had an understanding with them to write the story of this tragedy if it appeared there was a newspaper story in it?

DKRLOR: Yes. I have written three stories.

YOUNG: Has the New York World published them? All three of them?

DKRLOR: They were scrapped at the request of Mr. Dean. He went back Tuesday night and went to the office of the New York World and said he didn't want those stories to be published.

YOUNG: Were they published?

DKRLOR: No, but they are still on file there. I had a letter this morning from them.

YOUNG: Are you still in the employ of the New York World?

DKRLOR: I'm a freelancer.

YOUNG: That didn't answer the question. I asked you, are you in the employ of the New York World at the present time?

DKRLOR: No, sir, but I am connected with them. The peculiar thing in journalism, you aren't employed except when you are regularly employed, and then you have no chance of going out to any cases of this sort. I am a regular correspondent of the New York World, you see.

YOUNG: Are you a correspondent of any other papers?

DKRLOR: Yes.

YOUNG: What other papers?

DKRLOR: The Weekly Despatch, a paper in Paris; the Boston Post and the Boston American.

YOUNG: How long have you been a correspondent of the Post and the American?

DKRLOR: I have corresponded with them ever since last September.

YOUNG: Are there any other facts which you wish to speak of which would have a tendency to throw any light on this murder? We have been over the ground up to the time you got through with Mr. Dean. Now, what since then has happened that throws any light on this? Just what was your method of operation? Did you arrange an interview with various people, and that sort of thing?

DKRLOR: I must explain to you that my mind works in chronological order and I have got to take a few moments to think.

YOUNG: Now, then, we can't very well take this up

chronologically because it didn't happen chronologically, I was going to say, but it isn't quite true. What I want to get at is, after you settled down at East Jaffrey to work on this proposition, by whom were you employed then, or for whom were you working?

DKRLOR: Well, that happens in almost chronological order. When I met at Mr. Henschman's he said to me . . .

YOUNG: No, that's not necessary. We want to get through here and we won't if we don't hurry up. I asked you, after you started in to further investigate this matter at East Jaffrey, and after Mr. Dean went home and you were no longer connected with him, who were you working for?

DKRLOR: The Town of Jaffrey.

YOUNG: Under the direction of the selectmen?

DKRLOR: Yes.

YOUNG: Mr. Coolidge, Mr. Boynton, and Mr. Hogan?

DKRLOR: Yes.

YOUNG: Now your work, as you went to work on this thing, was to get in touch with everybody who knew, or might know, anything about it, find out what they knew and pass it along? Is that the system you worked under?

DKRLOR: Yes.

YOUNG: Now, Miss Ware stated here the other afternoon, as I recall it, that you traced the steps of Mr. Dean from the time he came to East Jaffrey on Tuesday night, the 13th — until he drove out of the village alone towards home?

DKRLOR: Yes.

YOUNG: I wish you would begin there, chronologically, and as briefly as possible, state what you found out about that.

DKRLOR: This is the journey of Mr. Dean to the village. The first intimation we had of Mr. Dean's going to the village is towards 8:20 or 8:25 p.m. when a young fellow by the name of Mr. Bingham . . .

YOUNG: Whereabouts on the road?

DKRLOR: Right here.

YOUNG: That's on the road from the Dean farm to the village?

DKRLOR: Yes. You see, there's the corner, here's Rich's house, here. Here's the bank, and here's the corner of the road, and here's Goodnow's.

YOUNG: Now, who saw him next?

DKRLOR: The next thing is Charlie Bean, who saw him hitch his horse at Goodnow's.

YOUNG: Do you know how long the horse remained there?

DKRLOR: It remained there until about 9:05.

YOUNG: Who saw him take it away?

DKRLOR: Mrs. Burgoyne.

YOUNG: Where did he go from there?

DKRLOR: Well, Bean took his watch out of his pocket

and said to Mr. Dean, "It's eight thirty." And Dean said to Bean, "You are five minutes too fast." And then the other man thought, "That's true," as the clock by which he used to tune his watch was five minutes fast.

So Mr. Dean went in there and did his shopping and stayed about fifteen minutes. Now Mr. Dean goes out of Goodnow's Store, goes to the landing, places his articles in the buggy, and that might take him two more minutes.

From there he crosses the square and goes then to Duncan's Drug Store where he intended to buy a dry cell battery for his electric lantern. You see, Dean had electric lights in his hand, and he went to Duncan and asked of Mr. Duncan, "Mr. Duncan, have you got a dry cell battery?" And Duncan says no.

He met there Miss Hodgkins, a sister-in-law of Mr. Rich, in Duncan's Drug Store, right here. And the young fellow who served Miss Hodgkins with an ice cream cone said that they spoke to each other about six, seven, or eight minutes by the newspaper stand. He had served before that to Miss Hodgkins an ice cream cone which she ate, presumably waiting for somebody, for Miss Hodgkins was in that shop before Mr. Dean arrived in Duncan's Store.

They spoke, and then afterwards Dean had to hurry. He wanted to get to the post office before nine o'clock. He went into the post office, which, as you see, is next door. And both Mr. Dean and Miss Hodgkins were seen speaking together for about two minutes by Mr. Perley Enos. There they stood, you see, and Mr. Enos stood there and saw them talk.

Now, Miss Davis, the clerk in the post office, said she was about to close the post office when Mr. Dean entered all alone to inquire at the window for his mail. There was no mail, and Mr. Dean went out of the post office just perhaps one minute, or two minutes, before nine o'clock.

Mr. Dean thereafter goes down these steps. Miss Hodgkins isn't there. Where she has gone no one knows. But here Dean goes down the steps, goes across and goes into Myer's Dry Goods Store where Mr. Dean was in the habit of getting his laundry, and Mrs. Myers says she saw Mr. Dean come across the square all alone with a parcel under his arm, and Mr. Myers states Dean inquired of him for a dry cell electric battery and he had none to fit his case, and that Dean gave Myers his parcel of laundry and that Dean inquired for this laundry to be ready Thursday and Myers said, "No, you are too late for Thursday. You will have it Saturday."

So it was about closing time again, perhaps nine o'clock or one or two minutes past when Dean went out, and both the Myers said there were no voices outside, such as a voice of greeting or parting, or anything of that kind, and Dean went, presumably all

alone, across the square into the store at Vanni's, a bakery store, where he bought some currant bread or currant buns, and these are the currant buns which he ate when at home, which were found incompletely digested in Dean's stomach when the post mortem was made afterwards.

YOUNG: What time was it when he left the bakery shop?

DKRLOR: About 9:02, 9:03, or 9:00. It might have been presumably, 9:03 p.m.

YOUNG: He left the post office at two minutes of nine, went to the laundry place, stopped and made his inquiries and came back, and you think that wouldn't take more than five minutes?

DKRLOR: No.

YOUNG: And he left the bake shop possibly at 9:03?

DKRLOR: Yes.

YOUNG: Who saw him afterward?

DKRLOR: He goes to the bakery, crosses over and he goes here, and he drives his buggy out, and right at this spot here — here's the buggy and here's where Goodnow's is, and this is the square, you see. It is a very short square. And here he drives out.

YOUNG: What I want to know is, who saw him drive out?

DKRLOR: Mrs. Burgoyne.

YOUNG: About 9:10?

DKRLOR: Possibly I am wrong, but perhaps about 9:10. And there, you see, she saw him just about here. And then he drove there and she says she saw Dean all alone. There was no one in his buggy. And then Mrs. Chamberlain, right here, an old lady, she says she saw Mr. Dean pass that night and he was in his buggy all alone and didn't drive into the Rich's as sometimes he used to do.

And then he drives up here, all the way up here, and by the time he reaches the house by the name of Chouinard, there were several children in the street playing at this game, and as Dean passed he disturbed the flock of children and Mrs. Chouinard, who is French Canadian, beckoned to the children to get out of the way, and in recognition of this Mr. Dean is supposed to have raised his hat and saluted, or said thank you, or something of the kind, as Mrs. Chouinard describes it, "in his polite way." It was when the light was getting brown. If you remember, the 13th of August 9:20 would correspond to 8:20. You can see 8:20 in August the light is about getting brown, but it is still light, and therefore anyone going back would need a lantern.

YOUNG: Did you talk with Mr. and Mrs. Chouinard about that?

DKRLOR: Yes.

YOUNG: Did they fix the time?

DKRLOR: Yes.

YOUNG: I mean by the clock?

DKRLOR: We agreed it might have been 9:20.
 YOUNG: They were the last ones who saw him until he got home and Mrs. Dean saw him?
 DKRLOR: Yes, so far as I know.
 YOUNG: Have you interviewed Mrs. Dean?
 DKRLOR: Yes.
 YOUNG: What time did she tell you what time he got home?
 DKRLOR: 9:30.
 YOUNG: Was that after you had seen the Chouinards or before?
 DKRLOR: Before.
 YOUNG: Did she tell you anything that Mr. Dean had said? Did you interview her as to what he, Mr. Dean, said when he got home?
 DKRLOR: He brought home some sweet things to eat, and he had a nice time with the girls in the village.
 YOUNG: Did she tell you definitely what things he brought home? What kind of things they were?
 DKRLOR: Oh, no. Her mind isn't quite clear. She always says he brought some things to eat from the village.
 YOUNG: Did he mention the fact that he had seen Miss Hodgkins?
 DKRLOR: No, she didn't specify anything, no. I even doubted her statement that Billy had come home at 9:30. I said to her, "Mrs. Dean, perhaps you are wrong. I don't think you are right. I think you are making a mistake about the hour. He might have come home at 9:03."
 And she got angry with me and she said, "No. At home we have many clocks and it is a particular part of our household, and Billy came at 9:30." I said, "It might have been 9:35? It might have been 9:25?"
 YOUNG: Who else besides Mrs. Burgoyne said Mr. Dean didn't turn into Mr. Rich's driveway?
 DKRLOR: Mrs. Chamberlain.
 YOUNG: Anybody else? Were the Costello girls? . . .
 DKRLOR: No. That comes later.
 YOUNG: They didn't know whether he turned in there or he didn't?
 DKRLOR: No.
 YOUNG: Have you interviewed the Hutchinsons?
 DKRLOR: Yes.
 YOUNG: What did they say?
 DKRLOR: They wouldn't tell me anything.
 YOUNG: Where did the report originate that somebody said it was Rich's team going out?
 DKRLOR: Henry Buckwold told his brother, Max Buckwold, who, by the way, are brothers to Nurse Bryant and of German origin, all of them, and the other sister to Mrs. Bryant is Mrs. Ed Baldwin, wife of Ed Baldwin, the veterinary man to C. L. Rich.
 This Henry Buckwold told Max Buckwold and Max Buckwold told me. That was about the first or second of September and it was very late, about eleven

at night, and he said to me, "If you go now to Hutchinson's house you are bound to catch Mr. and Mrs. Hutchinson for they have been away about a week for their vacation and they are bound to get back because he has to get to work in the morning at seven."

So naturally I went there at about quarter past eleven at night, and I asked Mr. Hutchinson, "Are you there?" and I heard him more or less yell, "What do you want?" I said, "This is Mr. Kent and I would like to have you tell me what you know about the Dean murder."

"I know nothing about the Dean murder." I said, "Well, please excuse me if I have disturbed you. I have no intention of disturbing you, but I will try to come and see you tomorrow." He said, "You needn't come. I have nothing to tell you." So I left. The next day I couldn't go to Hutchinsons, I went to Mrs. Dean to Worcester. Then when I came back afterwards I was told that the Hutchinsons had gone to Coolidge and he was given a gun by the manager, a Mr. Webster, who is the proprietor of the tack shop.

And this man, Hutchinson, said to Mr. Desrosier, you see, that he had this gun to shoot me with, that it was no use my going to his house at any time of the day because he would shoot me dead.

I went there on the Thursday after my visit to Mrs. Dean. And I came there to apologize to him and Mrs. Hutchinson. I hadn't known at the time he wanted to shoot me, and I sat down a while at the request of Mrs. Hutchinson and I said to her I had come to question them with regard to what they knew of Mr. Rich, not knowing at the time they were so neighborly and friendly.

And Mr. Hutchinson then came rushing in from the dining room, and he said, "What do you want? What do you want?" And I said I had come in a friendly manner and I received that kind of reception. My breath was taken away. And I said, "Mr. Hutchinson, I have come to apologize for my behavior the other night."

Then he said, "Don't come here. Don't come here. I have nothing to say." Then I looked at him, like that, and I didn't know whether he was scared at my face or not, but he said, "Get out! Get out! Get out of here! Get out!"

I was aghast, and I had my camera with me, and I thought, "Well, Mr. Hutchinson." "Get out of here. If you don't get out of here I will chuck you out." I said, "Mr. Hutchinson, thank you. Thank you very much, but you'll hear further of his matter later, on some other day." Well, anyhow, I was practically ejected from his house.

YOUNG: Did he ever make any statement to you about the Riches?

DKRLOR: No, sir. The Hutchinsons slept on the porch

here, and the road here is supposed to be the road travelled by Rich and by the buggy at 10:40 at night going down the main road. This is a private road. It's within about twenty rods, you see, from where Hutchinson said he thought it was Mr. Dean who was going down the road but he had had a second thought that it might be Mr. Rich and not Mr. Dean.

YOUNG: Who did Hutchinson tell that to?

DKRLOR: To Harry Buckwold, who told it to Max Buckwold. And I had been warned by Mr. Hutchinson that he would kill me if I went near to interview him. Whether he is afraid to be interviewed psychologically or otherwise, I don't know.

YOUNG: Did you make any investigation to see whether the buggy Mr. Dean rode in that night was shod or not?

DKRLOR: I'm sorry to say that the shoeing of his buggy is presented as a mere myth to me. I'm sorry to say I thought it could have been rubber-tired, but I think it isn't.

YOUNG: What has been the story around East Jaffrey, that it was rubber-tired or iron-tired?

DKRLOR: That it was rubber-tired.

YOUNG: Who reported that story?

DKRLOR: I think I did.

YOUNG: What was the foundation of it?

DKRLOR: Because there was another buggy with rubber tires, and because this buggy was taken away from Mr. Dean's barn.

YOUNG: Have you ever told the selectmen it wasn't a rubber-tired buggy but an iron-tired buggy, that you had made a mistake?

DKRLOR: No.

YOUNG: Why didn't you tell them when you discovered you were wrong about it?

DKRLOR: But I think I have told them. I'm not sure that I am wrong. I'm not sure I am right it was rubber-tired and I'm not sure I am wrong it is iron-tired.

YOUNG: Do you know, as a matter of fact?

DKRLOR: No, I don't know.

YOUNG: Why should you start the report it was rubber-tired if you didn't know?

DKRLOR: Because I presumed my suspicions of the thing were right, if there was another buggy rubber-tired.

YOUNG: When you found out people who knew about it said it wasn't rubber-tired, it was iron-tired, why didn't you go to the selectmen and tell them you were mistaken about it?

DKRLOR: It was very peculiar. This buggy was taken out of the barn the day after I had arrived on the scene.

YOUNG: Hadn't it been taken out of the barn when the officers and everybody went up there to look the place over during the balance of the week of August 13th?

DKRLOR: Yes. It disappeared shortly after I was there.

YOUNG: Where did it go?

DKRLOR: I don't know. I don't know positively. I have not what you call confirmed this thing.

YOUNG: Haven't you been told the livery stable fellow over there, Fred Stratton, had it?

DKRLOR: Afterwards, yes, in October I was told that, yes.

YOUNG: It's there now, isn't it?

DKRLOR: I have no idea.

YOUNG: You could find out, couldn't you?

DKRLOR: I was told that Mrs. Robinson's cousin had it.

YOUNG: Now, then, the story became very prevalent and was very insistently adhered to in East Jaffrey, wasn't it, that the buggy that drove out of Mr. Rich's driveway that night wasn't an iron-shod buggy but was rubber-tired because it made no noise as the wheels dragged against the gravel? Was that story prevalent and was it adhered to in the town of East Jaffrey, or wasn't it?

DKRLOR: Prevalent? No, I think not.

YOUNG: Did you ever hear that story it was a rubber-tired buggy?

DKRLOR: I heard it, yes.

YOUNG: Did you report it was a rubber-tired buggy?

DKRLOR: I did.

YOUNG: Was it, as a matter of fact, a rubber-tired buggy?

DKRLOR: I have no means of saying yes or no. I'm sorry I didn't use my memory that day. That's one of the slips I made owing to excessive pressure of work.

YOUNG: You wouldn't have to use your memory if you had asked the people up around the place there Wednesday, Thursday, or Friday after the murder, would you?

DKRLOR: I couldn't get a description of the wounds on Dean's head and I didn't think I could, really, on any other thing.

YOUNG: I say, you could have found out what kind of buggy it was if you had asked the people up there Wednesday, Thursday, or Friday after?

DKRLOR: I think I would have been able to get six different stories.

YOUNG: If there were six of them, did you inquire on that point?

DKRLOR: Every time I tried to talk to Mr. Davis about it I never got an answer.

YOUNG: Why didn't you ask somebody else if Davis wouldn't answer you?

DKRLOR: Because I didn't trust very much.

YOUNG: Well, I have no feeling about this thing at all, but I would like to know, as a matter of fact, what the reason was and what there was of the story which I understand was somewhat prevalent in East Jaffrey

that this wasn't an iron-tired buggy but a rubber-tired buggy. If you can throw any light on that subject I wish you would do it.

DKRLOR: Well, it wasn't whether I was the author of that story or somebody else was, but I think Mr. Boynton agreed with me this buggy was rubber-tired.

YOUNG: Why should he agree with you if you didn't know anything about it?

DKRLOR: Because anyone is entitled to surmise.

YOUNG: Do you surmise it was rubber-tired without knowing it was? Without any information?

DKRLOR: Well, I think perhaps Mr. Frederick Dean may shed some light on this.

YOUNG: Why should we go to Mr. Dean who hadn't been there for twelve years?

DKRLOR: Because Dean and I, on Saturday and Sunday, looked at that buggy, and as a matter of fact, we felt of the wheels of that buggy and looked that buggy over.

YOUNG: Over the wheels of the buggy he rode in that night?

DKRLOR: Yes.

YOUNG: Do you want us to understand you and Mr. Frederick Dean went up to the barn there and felt of the wheels of that buggy that Mr. William K. Dean rode in the night he was murdered, and that you came away with only an impression of the tire you were feeling of?

DKRLOR: Well, you see, at the present time I have no big impression. You must remember that the details in this case are so overwhelming, so tremendous, that one's memory can't be very faithful.

YOUNG: I understand, but when you reduce the details concerning whether they were rubber or iron, there isn't much connected with that if you went up there and felt them, is there?

DKRLOR: I must say there was another buggy.

YOUNG: Which one did you feel of?

DKRLOR: I think I looked at the two, do you see, and it might be that the buggy which I thought was Dean's buggy was the rubber-tired buggy. I was impressed by the lightness of that buggy.

YOUNG: Was that the lighter one?

DKRLOR: The dark one.

YOUNG: The one finished in the natural wood, something like this?

DKRLOR: No, what was shown to me to be Dean's buggy was very light, kind of dark green with a very small box at the back, like that. It wasn't heavy. It was a very light one.

YOUNG: Where the side folded up and you went in at the end of the seat and then folded the seat before you sat down?

DKRLOR: No. No. It had only the seat like that on which two people could sit, but very uncomfortably.

YOUNG: Well, was this buggy, was it the buggy that sat right at the end of the walkway as you went in there?

DKRLOR: Right at the very end, yes.

YOUNG: Wasn't that the buggy that was finished in natural wood, brown in color, perhaps a little darker than the framework of this?

DKRLOR: The one which has the framework like this has all rubber tires, of that I am positive.

YOUNG: When did you become positive of that?

DKRLOR: I have always been positive of that for that remained in Dean's barn for some time.

YOUNG: That's the one belonged to Mrs. Robinson that she took away?

DKRLOR: I don't think so. They thought that one was sold at the auction.

YOUNG: Do you understand this one was the one Dean rode on the night of the murder?

DKRLOR: The one in which I understood he rode the last time was a kind of dark greenish painted buggy.

YOUNG: Who discovered the green buggy? Who pointed it out to you?

DKRLOR: The green buggy?

YOUNG: Yes. As the one that Dean rode in.

DKRLOR: Frederick Dean.

YOUNG: Is that the one that stood at the end of the walkway as you went into the barn?

DKRLOR: Yes.

YOUNG: Well, I want to know a little more about this. As you go in that big door which slides way back when it opens?

DKRLOR: Yes.

YOUNG: And as you go straight in there and come out in the same direction, there was a wagon stood at the end of the barn?

DKRLOR: That's right.

YOUNG: On the right there was a wagon pushed back under the scaffold?

DKRLOR: Yes.

YOUNG: Which of these buggies was the one you understand that Mr. Dean rode down to the village on that night?

DKRLOR: The one against the wall.

YOUNG: The one you found ahead of you as you went in this door?

DKRLOR: Yes.

YOUNG: Not the one pushed in?

DKRLOR: No.

YOUNG: Do I understand from you this one you saw, and which was pointed out to you as the one Mr. Dean rode in the night of the murder, was the greenish colored one?

DKRLOR: Yes.

YOUNG: And that the one back under the scaffold was the brown one?

DKRLOR: Yes, with rubber tires.

YOUNG: And do you think the one that was pointed out to you as the one he rode in, the one that stood here as you went into the door, straight ahead, do you think that was rubber-tired?

DKRLOR: I had the vague impression it was, yes.

YOUNG: Do you do these things by vague impressions, or do you get some things that aren't vague?

DKRLOR: Well, it's one of the things in which I consider I haven't been 99 percent efficient, I'm sorry to say.

YOUNG: Well, we don't any of us give 99 percent efficiency, but as I understand it, you never attempted to establish the fact that the team that came out from Rich's house that night was not Dean's team, or who was the author of that theory, or whoever spread it and advanced the further fact that the carriage that drove out of there was a rubber-tired buggy because it made no noise on the gravel. That was stated, wasn't it?

DKRLOR: Yes. My impression was it was a very light buggy.

YOUNG: And the next story that came around was the buggy that Dean rode in was a rubber-tired buggy?

DKRLOR: Yes, I suppose so.

YOUNG: Does anybody, as a matter of fact, with whom you are connected in town, know that the buggy Dean rode in that night wasn't a rubber-tired buggy but was an iron-shod buggy? I ask you if you know, at this moment, as a matter of fact, that the buggy Mr. Dean rode in on the night he was murdered was an iron-shod buggy or a rubber-tired buggy?

DKRLOR: I'm not positive.

YOUNG: If it wasn't a rubber-tired buggy, if it was an iron-shod buggy, the theory that it didn't make much noise when it came out over the gravel walk of Rich's road because it was rubber-tired, doesn't come to very much, does it?

DKRLOR: It's a very light buggy, an extremely light buggy.

YOUNG: Do I understand you never got any statement out of the Hutchinsons at all?

DKRLOR: No, sir.

YOUNG: Are there any other facts you have, of your own knowledge, that throw any further light on this situation?

DKRLOR: Yes. Now, there is a quotation outstanding found in Mr. Rich's deposition here that Mr. Rich stated on Tuesday, August 13th, Dean came to his house at 8:40 p.m. He also said that at about that time the horse kicked him "in my face."

Miss Hodgkins stated that towards 10:30 Mr. Dean had started to go home and as he went — he actually went behind the house and drove out of the house — she looked at the clock and it was exactly 10:40, and Mrs. Rich, her sister, gave Mr. Dean a bunch of

violets for his wife and loaned him her lantern.

Well, the statement is this, that Mr. Rich has loaned no lantern to Mr. Dean because the only lantern used on the buggy was found in the Dean's household and is this very lantern, which is a lantern for the buggy.

YOUNG: Do you understand that was on the wagon that night?

DKRLOR: This wasn't on the wagon that night for there were no such lanterns on the wagon.

YOUNG: Then what does that come to?

DKRLOR: That comes to this, that Dean didn't need a buggy lantern for his wagon.

YOUNG: Well, if he stayed longer than he intended when he went downtown? . . .

DKRLOR: And if he went downtown about seven or eight o'clock, which corresponds to seven, it was quite light and he intended to stay only a very short time, and he was very hurried when he went into the post office and he was hurrying to get home, and as far as I can make out, this lantern there was the only buggy lantern in the place, and this lantern was sold at the auction which took place in November, which was held by Mr. Davis.

This lantern, if it were Rich's lantern, would have been claimed or bought by Mr. Rich, if it was Rich's property, but this remained in the Dean's household until November. Now, therefore, Mr. Rich has never claimed any lantern.

YOUNG: Didn't you understand that Rich's lantern was taken back the next day?

DKRLOR: No, sir.

YOUNG: Who did you try to get it from?

DKRLOR: Mr. Davis.

YOUNG: Davis wasn't there until days afterward anyway, was he?

DKRLOR: He was there afterwards.

YOUNG: He wasn't appointed administrator until about two weeks after Dean died, was he? Didn't you understand that the lantern he loaned Dean that night was taken back the next night?

DKRLOR: I don't know anything about it.

YOUNG: If it was, this doesn't come to anything, does it?

DKRLOR: No, that's right. If Rich did claim the lantern a day or two days afterwards, it's so, but I think it's a lie. I don't think it's true. There are no witnesses to that view.

YOUNG: None that you know of, Mr. Kent.

DKRLOR: Yes, I have to say that, yes. That's right.

YOUNG: Have you tried to find any?

DKRLOR: I have tried to, yes.

YOUNG: Who did you inquire of with regard to it?

DKRLOR: I think I asked Mr. Rich.

YOUNG: Do you mean to say Mr. Rich said he didn't get the lantern back?

DKRLOR: He was very evasive on that point.
 YOUNG: Did Mr. Rich say he didn't get the lantern back?
 DKRLOR: He was evasive. He didn't say anything at all about his lantern because I asked him what kind of lantern did Mr. Dean have.
 YOUNG: Did you ever show Rich this lantern?
 DKRLOR: No.
 YOUNG: Do you understand this is the Rich lantern?
 DKRLOR: No, sir. I understand this is Dean's lantern and Rich never owned it. Rich never owned that lantern, no.
 YOUNG: This I don't understand. I'm a little bit dense.
 DKRLOR: No, sir.
 YOUNG: Well, I don't understand this connection, here in this jury room at this time. I would like to do it, to find that out. What do you deduce from that?
 DKRLOR: Well, from Mr. Rich I have never had the story that he did get his lantern back.
 YOUNG: Was it your theory this is Rich's lantern and he never has got it back?
 DKRLOR: No, this is Mr. Dean's lantern. It never could have been Mr. Rich's, and that was apparent. There was no need for Mr. Dean to borrow any lantern.
 YOUNG: Because he had one of his own?
 DKRLOR: That's right. And the second part is this, that if it were Rich's lantern he would have bought it himself.
 YOUNG: Well, which theory do you adopt here?
 DKRLOR: This is Dean's lantern and he never had need of borrowing anybody else's lantern.
 YOUNG: So that you don't now assume to claim this is Rich's lantern?
 DKRLOR: This is not Rich's lantern.
 YOUNG: Have you ever stated to anyone, or advanced the opinion to anyone, that it was Rich's lantern?
 DKRLOR: I never have, no.
 YOUNG: In that connection, was there some conclusion about the blanket found about Dean's head being Rich's blanket?
 DKRLOR: One of the Federal men said so, yes, and I disagreed with him.
 YOUNG: Where did he get his information?
 DKRLOR: He looked at this blanket, I think at the Keene jail, and he found somebody cut pieces in that blanket which were concealed, patched up, and he thought perhaps that might be Rich's blanket, but I disagreed with him.
 YOUNG: Can you tell me why the blanket being cut and sewed up would indicate ownership of it?
 DKRLOR: No. I think there were holes in it and it might have been burned and somebody else picked it up.

YOUNG: So far as your investigations disclosed, what was there that ever had any tendency to show that the blanket might have been Mr. Rich's blanket?
 DKRLOR: So far as I am concerned, I think it is Mr. Dean's blanket.
 YOUNG: Which of the official agents indicated it was Mr. Rich's blanket?
 DKRLOR: Valkenburgh.
 YOUNG: You don't know what theory he based that theory on?
 DKRLOR: I think his visit over to the jail.
 YOUNG: Now, you say you never have claimed this lantern was Rich's lantern?
 DKRLOR: No.
 YOUNG: Has anybody ever claimed Rich's lantern was found up to the Dean homestead after the murder?
 DKRLOR: No one has ever seen that lantern.
 YOUNG: You mean no one as far as you know?
 DKRLOR: Yes. I've asked several people.
 YOUNG: You say you asked Rich and he didn't tell you?
 DKRLOR: Yes.
 YOUNG: Did you ask him after you put the paper on his face or before?
 DKRLOR: The day afterwards.
 YOUNG: And he wasn't very loquacious at that time?
 DKRLOR: Oh, yes, he was very loquacious.
 YOUNG: He wasn't disturbed by what you did the day before?
 DKRLOR: No. I soothed Mr. Rich's feelings. I didn't want to have Mr. Rich feel I was his enemy in any way. I treated Mr. Rich in perfect sympathy and kindness.
 YOUNG: Then when you asked him about the lantern he didn't tell you whether he ever got his lantern back or not?
 DKRLOR: No, he never gave any answer with regard to that lantern.
 YOUNG: Do you mean by that he didn't make any answer, or what he said wasn't satisfactory to you?
 DKRLOR: No, he never made any clear statement to me.
 YOUNG: Can you recall what language he used when you asked him if he got his lantern back?
 DKRLOR: I think he got up and went behind the bank and fidgeted with some things.
 YOUNG: Didn't say anything?
 DKRLOR: No.
 YOUNG: Did you ever ask Mrs. Rich if he got his lantern back?
 DKRLOR: No, I never spoke to Mrs. Rich beyond a certain point, for I was asked by some of her friends not to question the Riches or the Colfelts anymore at this juncture.

YOUNG: Did you inquire of the men who were up there at the house, the officers who were in charge, anything about the lantern?

DKRLOR: Yes, I think you might say, yes. I think I asked an officer about the lantern.

YOUNG: And what did he say?

DKRLOR: He didn't say.

YOUNG: Did anyone say anything about Rich having got it back?

DKRLOR: At any rate, if Rich did get that lantern back the day after the murder, I think it was the business on the part of the officers who were looking after the goods of the murdered man to know Rich got that lantern back. It was a gross piece of inefficiency because the goods of the murdered man's should never be touched.

YOUNG: It was Rich's lantern, it wasn't the goods of the murdered man, was it?

DKRLOR: If it were Rich's lantern it was something that Rich should not have handled. Rich should not have handled anything that the murdered man had handled.

YOUNG: You understand, really, that any property of your own that happened to be in the? . . .

DKRLOR: I understand, for the purpose of safeguarding, nothing that applies to the murder case should be handled by anybody outside of that case.

YOUNG: Who do you understand has the direction of that?

DKRLOR: I understand the others who were on the job there the next day.

YOUNG: You mean the officers of the state, or the officers of the Federal government?

DKRLOR: The Federal government didn't come into it until the 14th or 15th of September. The officers of the state government and county were there.

YOUNG: Was there anything more with regard to this chart or picture you want to state?

DKRLOR: Yes. Presumably, we are told that at about 9:00 p.m., when Dean was there and Mr. Rich was bathing his face, a night watchman by the name of Albany Pelletier — he is the night watchman of Bean & Symonds — this man was up there that night, Tuesday the 13th, keeping watch over those premises, and he was surprised at 8:45, looking at his clock which he had in his hand, he found driving out of the sawdust yard Mr. Ed Baldwin, driving Rich's horse and cart loaded with sawdust bags.

YOUNG: Have you talked with Baldwin about that?

DKRLOR: No, sir, I never went near him. I didn't want to because he ought to be locked up.

YOUNG: What has he done to you?

DKRLOR: Nothing whatever, but I think a man that doesn't come forward with information of that nature when he is in daily contact with Boynton, Cool-

idge, and everybody in town, if he knows that Rich has lied like that, that he isn't bathing his eye, that man is guilty of complicity in murder.

YOUNG: How does the fact that Baldwin was driving out of the millyard with a horseload of sawdust have the tendency to prove Rich didn't hurt his eye?

DKRLOR: Because Rich says definitely, and Mr. Pickard has the statement, that Rich stated to the man, to the investigator, that at 8:45 or 9:00 p.m. Dean came to his house, and he had no opportunity to talk to him "because I was bathing my face."

YOUNG: What of it, if Baldwin was down in the yard five minutes before that?

DKRLOR: No, sir. Baldwin, he was driving Rich's horse and cart there at 8:45, driving it at a quarter of nine.

YOUNG: Driving out of the millyard with a load of sawdust?

DKRLOR: Yes. Quarter of nine that man was driving out of the yard with Rich's horse and cart, and it takes at least ten to fifteen minutes to go to put that horse back to Rich's barn, if Baldwin is going to the barn.

YOUNG: That would make it about nine o'clock?

DKRLOR: And at 8:45, we have it from Rich's own lips, that Dean came to his house and at that time Rich was bathing his face.

YOUNG: And this was the same horse, as you understand it?

DKRLOR: He only had one horse.

YOUNG: You understand he only has one horse?

DKRLOR: Yes.

YOUNG: Who identified it as Rich's horse?

DKRLOR: Pelletier.

YOUNG: Well, did you understand that the statement of Mr. Rich was that Dean came there at 8:40?

DKRLOR: Yes.

YOUNG: Where did you get that information?

DKRLOR: From Mr. Pickard's own files.

YOUNG: Who gave it to you?

DKRLOR: Gave me the statement of Scott, who took it verbatim in Mr. Pickard's office.

YOUNG: Have you got it here, what you took down?

DKRLOR: I've got it in some of these sheets, yes.

YOUNG: Are you sure about that?

DKRLOR: Positive. I took them, as a matter of fact, in the presence of Mr. Coolidge and Mr. Hogan.

YOUNG: Why I asked, I didn't know it had ever been claimed by Rich, or anybody else, that Dean came there before nine o'clock?

DKRLOR: Yes, he said he came at 8:40.

PICKARD: Judge, here's the statement of Mr. Rich taken by the department on the basis of questions and answers:

"That is, on the evening of August 13th, on this

night, do you remember what time it was when the horse kicked you?"

"It was very nearly nine o'clock, before or a little after."

"What time did Mr. Dean arrive at your home that evening?"

"It was pretty soon afterwards because I was heating some water to bathe my face."

DKRLOR: But what did Mr. Scott give you in your office?

PICKARD: I can assure you that the time has always been fixed as nine or a few minutes afterwards.

DKRLOR: I took it in your office that it was approximately 8:40 p.m.

YOUNG: Somebody gave it to you or did you copy it?

DKRLOR: I copied it.

YOUNG: Well, if Mr. Rich's horse had been driven out of the millyard at that time he could have got home, according to your theory, at nine o'clock and the accident couldn't have happened until after nine, if it is a fact that there was an accident. That is what you deduce from Baldwin's statement, is that right?

Is this the statement you copied your stuff from?

DKRLOR: Well, it was not from this file, not this paper, no, sir. It's not from that at all.

YOUNG: You got your statement, you copied all the evidence, you've got it here?

DKRLOR: Yes. Once I find that sheet, you won't be pleased at all.

YOUNG: You find the copy you made over there, and when you find that, I will be pleased.

SHORT RECESS

YOUNG: Have you found that paper?

DKRLOR: Yes.

YOUNG: Those are only extracts?

DKRLOR: This is verbatim, more or less. This is an extract, and here I might say that this manuscript was handed in to Mr. Pickard about the 12th of September. And soon after that Mr. Scott went to cover some of my stuff down in the village, and the rumor went around in the village that Scott went about it in a way that was more or less discrediting to the testimony.

YOUNG: That is, you think you and Scott were working at cross purposes?

DKRLOR: No, sir, not I, ever.

YOUNG: That is, you think Scott was?

DKRLOR: I don't know anything about it. I was told all around there that's what they did say.

YOUNG: You were told Scott engaged in an effort to discredit the statements which you had obtained?

DKRLOR: No, he was engaged long before I was.

YOUNG: But when he went around the second time it

was for the purpose of discrediting what you had got in particular?

DKRLOR: That's the rumor that went around in the village.

YOUNG: Did you obtain any information, or anything in your investigation, tending to bear out that fact?

DKRLOR: I never troubled about it, nor did I care.

YOUNG: Well, without arguing so much about what the result was, you were anxious to find out what the evidence was, weren't you?

DKRLOR: I was very anxious to see that some decent attitude was taken in the matter.

YOUNG: What do you mean by "decent attitude"?

DKRLOR: Decent attitude on the particular part of Mr. Pickard.

YOUNG: What do you think, up to that time, had been done that wasn't decent, or what ought to have been done to make it decent?

DKRLOR: First of all, when Mr. Pickard saw me on Saturday, August 24th, he agreed with me that Mr. Rich's face looked as if Rich's face had received a punch or knock in the face.

YOUNG: Wasn't any doubt about that, was there?

DKRLOR: No, to me it looked very much like it, and Mr. Pickard thought so then, but every argument which I heard afterwards he turned out remembering differently on that matter.

YOUNG: Nobody ever disputed that Rich had a beautiful black eye, if you want to describe it that way?

DKRLOR: It wasn't a horse's kick.

YOUNG: Did you understand anybody ever claimed the horse ever kicked Rich in the eye?

DKRLOR: Rich does, for one, and Mr. Pickard, every time we brought up the subject, said, "You don't think Rich had anything to do with it?"

YOUNG: Well, without expressing any opinion as to whether Rich had anything to do with it or not, without considering that part of it, do you understand that anybody ever contended that the horse's foot, the horse's hoof, struck Rich in the face?

DKRLOR: That's what Mr. Rich said, and friends of Mr. Rich said all the time.

YOUNG: Did Mr. Rich ever make that statement that you know?

DKRLOR: Yes, he said so to Davis.

YOUNG: Do you know of anybody else he said that to?

DKRLOR: I think to the barber, and to Duncan, and everybody there in the village. And I think he said it to Mr. Boynton, too.

YOUNG: Do you understand Rich said it wasn't the horse's foot that hit him in the face, but that the horse kicked and knocked something he was carrying in his hand, together with his pipe, into his face?

DKRLOR: Mr. Rich has told to date no less than six to eight stories with regard to that black face.

YOUNG: Who has he told that to?

DKRLOR: To everybody.

YOUNG: To you?

DKRLOR: When I was about to question Rich personally on this matter, I was asked not to.

YOUNG: By who?

DKRLOR: By the Federal officers.

YOUNG: What did they have to do with it?

DKRLOR: Quite a great deal.

YOUNG: You don't understand the Federal authorities had anything to do about the murder end of it, do you?

DKRLOR: Excuse me, sir, but here it must be definitely understood that seeing we couldn't get any satisfaction from Keene, this matter was immediately placed in the hands of Boston, in the hands of the Federal authorities.

YOUNG: Placed there by who?

DKRLOR: By representatives of the town of Jaffrey.

YOUNG: Insofar as the authorities who had anything to do with the prosecuting of the murder, it wasn't placed in Boston or placed with anybody, was it?

DKRLOR: Yes, it was placed in Boston.

YOUNG: By who?

DKRLOR: By Father Hennon.

YOUNG: Who is he, more than an interested citizen?

DKRLOR: He asked me whether I thought it wise at this juncture to call in the Federal officers, and I said yes, if he didn't do so I would personally go to Boston within forty-eight hours, unless I heard from Mr. Pickard.

Mr. Pickard, when I handed him this manuscript here, which was my original, said, "I give you my word as a gentleman, Mr. Kent, that I shall read this thing carefully through and shall have it returned to you before Sunday, or Sunday night at the latest. And it was ten days at least, and I don't think I would be able to get them by now unless I had telephoned to Mr. Pickard's associate and gave her an express message over the phone for Mr. Pickard to return my original things or I would sue him for same within five hours.

PICKARD: Where was the manuscript at the time?

DKRLOR: My dear Mr. Pickard, you gave me your word of honor as a gentleman I would have this manuscript in forty-eight hours.

PICKARD: Where was the manuscript at that time?

DKRLOR: You had taken a copy of this manuscript and the copy you could have given to your man Emerson, or Wellington, who were there.

PICKARD: Where was the manuscript?

DKRLOR: It was with Wellington.

PICKARD: Did you get it soon after?

DKRLOR: Did I get it? After I sent you that message, yes, I got them after I sent you that message, which was particularly strong, over the wire.

PICKARD: And you think I returned the manuscript to you because of the fear aroused?

DKRLOR: No, sir. You gave me your word of honor as a gentleman, gave your word of honor as a gentleman, and a gentleman from New Hampshire, a representative and an officer of the state's word of honor, and I expected within three days to have this manuscript returned to me, which was my original copy of which you had taken a copy, and you intended to give instructions to your man, and it was your business to give him the copy which you had taken, or a duplicate copy, and not my original copy, which should have been in my hand within three days or twenty-four hours after you said to me I would have it in forty-eight hours.

PICKARD: The real objection you have to my retaining that manuscript is because I put it in the hands of Sheriff Emerson?

DKRLOR: No, sir. It is that if I don't find the original one that I have here in these papers that consequently to the presentation of your manuscript you have destroyed that copy in order to deceive somebody. I will take that back. I will apologize, if I have to apologize, when I find that original right there which Mr. Coolidge and Mr. Hogan read.

PICKARD: This is not the time to let personal animosities come up.

DKRLOR: I have no personal animosity.

PICKARD: I am trying to find out what the objection was to my taking that manuscript and having it investigated?

DKRLOR: My dear sir, you took a copy immediately afterwards.

PICKARD: Was there any objection?

DKRLOR: Your word of honor.

PICKARD: Was there any objection on your part to that manuscript being taken and investigated to know what the facts were?

DKRLOR: Your word of honor as a gentleman for them.

PICKARD: Any objection on your part?

DKRLOR: Yes.

PICKARD: What was it?

DKRLOR: Your word of honor.

PICKARD: Is that all of the objection?

DKRLOR: That's all. Nothing more.

PICKARD: That is, you didn't care whether I had this manuscript and went out to these various witnesses to see whether you had actually said what they said or not?

DKRLOR: No, sir, I didn't care two cents about that.

PICKARD: And you didn't care whether the manuscript that actually we submitted to them, and which they went over carefully, that they said they never saw it?

DKRLOR: I know what the important things were, and

I know what the Federal officers have gone over afterwards, and I know the word of honor as a gentleman when I am told, the oath of the word of honor as a gentleman.

PICKARD: It's no use to discuss this particular matter further. If I am called upon to testify, I will.

DKRLOR: That's all right, but I want to find the original which I had of these notes.

YOUNG: As I understand it, your notes here which you have before you are simply what you copied from what Mr. Pickard had in his possession?

DKRLOR: Yes.

YOUNG: They were not notes you gathered from your own investigation?

DKRLOR: No, sir. These notes I copied from the paper which he had.

YOUNG: So that, if I understand it correctly, this statement which you have of your minutes say that Mr. Dean arrived at Mr. Rich's house at 8:40, is that right? 8:40, was it?

DKRLOR: Yes.

YOUNG: So what you copied was from minutes that Mr. Pickard had in his possession, and not anything you found out yourself?

DKRLOR: No.

YOUNG: It would have been perfectly easy to have found out what Mr. Rich said about that, and what Mrs. Rich said about that, wouldn't it?

DKRLOR: I was perfectly content to rely on the notes of Mr. Scott and Mr. Pickard.

YOUNG: Is there anything further that you want to state about this?

DKRLOR: Well, I want to read the notes such as I had them:

Extracts from Rich's statement to B. L. Scott, Private Detective from the Pinkerton Agency, Boston, employed by Mr. Pickard. It was taken on Sunday following the murder, the 20th or the 19th. The 18th of August.

"When Mr. Dean came to the house at 8:40 p.m. I didn't have a chance to be much in the company of Dean for I was suffering from a smashed-up face sustained by the horse kicking me in the barn when I went to feed him shortly before nine p.m. As I was putting a lotion that contained alcohol on my face, Dean, who was trained in medicine and as a physician, said jokingly that I needed the alcohol more inside than outside. I suggested to Dean in a joking manner that he had better blanket his horse while being hitched up at the back of the house."

YOUNG: Is that the paper? There's no date on this, is there?

DKRLOR: There's no date. Well, you see, all in my own situation was September 12th, and this copy was taken September 26th. The thing is, the original copy, that was printed on August 18th.

YOUNG: Do you understand Mr. Scott interviewed Mr. Rich prior to the time that you came here?

DKRLOR: Scott had been over there on this thing before I was.

YOUNG: Did you understand he had interviewed Rich?

DKRLOR: No. No.

YOUNG: Now, is there anything further that you wish to speak of?

DKRLOR: Yes, the extract from Miss Hodgkins' statement:

"I met Mr. Dean on the post office steps where we stood talking for a minute and Mr. Dean asked me to get into his wagon and ride up with him to Mr. Rich's house, which I did. At ten thirty p.m. Mr. Dean decided to go home. We suggested that he take our lantern as it was dark, and he fastened it in front of his wagon.

"After Mr. Dean left I looked up at the clock and it was 10:40 p.m."

Well, the truth of the matter is, so far as we have been able to gather, at 8:30 he was at Goodnow's, at 8:45 he paid his bill, about nine o'clock he went to the post office where he talked with Miss Hodgkins, got down the steps of the post office and went alone across the square to Myer's, then he went to the post office, then to his buggy, drove alone in his buggy where he was met by Mrs. [Park], seen by Mrs. Chamberlain, seen by Mrs. Chouinard, and said by Mrs. Dean to be home at 9:30.

Extract from Mrs. Rich's statement:

"When Mr. Dean started I put in on the back of his wagon in a box some cans that he brought sour milk in on a prior visit, and also a bunch of sweet peas I intended he should give to Mrs. Dean."

Well, the sweet peas have never been given, so far as our researches of Mr. and Mrs. Dean, because on Wednesday those sweet peas were not seen in that house. There wasn't one single fresh flower in that house, according to the testimony that I was able to gather from Nurse Hiller.

Miss Hiller described to me in great detail, and I drew a map of the room of Mrs. Dean on a piece of paper and I took Miss Hiller step by step over the diagram and she is positive there were no fresh flowers in that room on Wednesday, the 14th of August. Those sweet peas might have been there the next day, or perhaps on Friday.

Then Nurse Bryant is thoroughly in accord with Nurse Hiller's statement, and Miss Ware, who has been attending on Mrs. Dean, states the same thing, there were no sweet peas there on Wednesday.

Miss Hodgkins and Mrs. Rich had constant access to that house. Mrs. Rich and Miss Hodgkins were there Thursday afternoon to do a surreptitious thing in a way that wouldn't hurt the feelings of Mrs. Dean.

They went upstairs in the bedroom of Mr. Dean and they took a suit of blue clothes to dress the dead body of Mr. Dean, and in the afternoon, or just about noon, they slipped out of the side door. They were seen by Miss Ware and another person slipping out of the side door so that Mrs. Dean wouldn't see they had the blue suit of Mr. Dean, which might have been with the thought they didn't want to hurt her feelings.

YOUNG: I understand at that time Mrs. Dean didn't know her husband had been found?

DKRLOR: Yes, that's right.

YOUNG: Nothing strange about that, is there?

DKRLOR: Oh, I would say there's nothing strange indeed, certainly not, but I merely wish to point out this because those people had access to that house at almost any time and it was very easy for them to go and put a bunch of sweet peas in that room while Mrs. Dean was there, for Mrs. Dean isn't sufficiently conscious to know or to remember that flowers are brought there at any time.

YOUNG: They could have done that Tuesday after the murder as well as any time?

DKRLOR: No, sir, because the nurse, on the Wednesday, wasn't in the house until after eight p.m.

YOUNG: They could have done it then as well as any time?

DKRLOR: Well, two nurses could have seen it.

YOUNG: When did the nurses leave?

DKRLOR: They left in the morning of Thursday.

YOUNG: And wasn't Miss Ware there then?

DKRLOR: Yes.

YOUNG: Didn't she stay there until Saturday?

DKRLOR: No, not on the premises. Miss Ware simply paid one or two visits.

PICKARD: What was that hour you had there?

DKRLOR: The hour was three p.m., I think. Something like that.

PICKARD: No, the time when Mr. Rich said Mr. Dean came by there?

DKRLOR: 8:40.

PICKARD: That's the statement he's referring to, right there? That's a week earlier than the one I had here. It was piled up on the other pile.

DKRLOR: A week earlier.

PICKARD: That was the 17th of September?

DKRLOR: That may be the 17th of August. If it is, that may be.

PICKARD: Yes, the figures "8:40" are given in that statement. That's perhaps the one you copied from.

DKRLOR: That isn't the same copy. It's not that file.

PICKARD: Doubtless. That's the only one I have had.

YOUNG: Well, in this statement of August 30th is probably where you got your figure of "8:40" from, Mr. DeKerlor, which, according to your — I don't think I ever saw that statement before myself.

DKRLOR: I think it belongs to me. It was right in the file with the rest of the papers. One of them went to the Department of Justice in Boston.

YOUNG: Now, then, what does your deduction come to more than the fact that it must have been later than 8:40 when Mr. Dean arrived at the house. What do you infer from that? I want to get just what you mean for us to understand from that? Assuming that Mr. Rich said that Dean arrived there about 8:40, as a matter of fact, according to all the information we have he could not have arrived there before 9:10, or 9:05 at the earliest, is that right?

DKRLOR: His horse?

YOUNG: No, Dean, if he went there at all. That's right. You say your theory is that he didn't go to the house at all?

DKRLOR: Yes, that's right. Well, he couldn't have been there anyhow before 9:10, and the horse was driving bags of sawdust.

YOUNG: He couldn't have gotten home before 9:00?

DKRLOR: Well, 9:00, something like that. 9:05 or 9:10. I don't know how heavy those sawdust bags can be for he has got to carry them up the hill.

YOUNG: Well, now, let's see. If Dean did go to Rich's, he couldn't have gotten there before 9:10, could he? Or 9:05 at the earliest? He didn't leave the bake shop over there on your diagram before 9:05?

DKRLOR: No.

YOUNG: He had to go over there to Goodnow's Store to get his team unhitched and drive to Rich's and he couldn't possibly have reached there before 9:15, could he, according to your theory?

DKRLOR: 9:10 or 9:15.

YOUNG: And assuming that he didn't go their way, assuming that he didn't go their way, if Rich sustained an injury by reason of a kick from the horse, he might have gotten it as soon as the horse was hitched into the barn, as soon as it got up there at 9:05 or 9:10? According to your theory, Dean and the horse must have arrived there at the same time?

DKRLOR: Approximately.

YOUNG: Well, is there anything else you wish to call our attention to here?

JURYMAN: May I inquire how far it is from Bean & Symonds up to where Mr. Rich lived?

DKRLOR: About a quarter of a mile, or a little more.

JURYMAN: Five minutes would be ample time then for a horse as lively as Mr. Rich's horse is said to be?

DKRLOR: Perhaps so.

JURYMAN: If Mr. Rich's horse left the sawdust at 8:45, at 8:50 he could be at the barn, perhaps not in the barn but at the barn, without any particular hurry?

DKRLOR: I think so.

JURYMAN: And that horse, by all accounts, is a lively driving horse?

DKRLOR: Yes, it's a fairly lively horse.

JURYMAN: So that the horse could easily be in the barn before 9:00?

YOUNG: Have you discovered any evidence that Rich's horse and wagon was out of his barn that night after 8:30 in the evening, or 9:00? Who knows about that?

DKRLOR: Well, I am given to understand, but excuse me, before I finish, for a minute. Mr. Rich tells us that, of course, he was nursing his face. He had a badly smashed up face. Now, at 10:00, you see, we are told also by Miss Hodgkins or Mrs. Rich that Dean leaves the house at 10:40 and that Rich says goodbye to him, and everybody at the house says goodbye to him, but, as a matter of fact and truth, Mr. Rich, at 10:00, that is at about five minutes of 10 or five minutes after 10, is seen, hatless and coatless, walking on the road going towards the village.

YOUNG: Who saw that?

DKRLOR: The two Misses Costello. They were sitting right here on these steps, do you see, at about 10:00, when Mr. Rich passed here where this cross is. He would naturally show the left side of his face.

There is a big lamp post, a big lamp post, quite close by and Mr. Rich, as he was walking there and holding his head and so on, didn't show his smashed up face which the kick of the horse would produce, and as much as the light showed to them Mr. Rich was, even in his own words, he was in dreadful pain, suffering from that kick of the horse in his face when he passed there, and a few minutes after, the bell of the church struck ten o'clock, and Mr. Rich was seen coming back over the same ground going towards his house. The two Misses Costello will testify to that.

YOUNG: Was his team out that night? Was Rich's team out that night?

DKRLOR: We have a man in Jaffrey by the name of Charlie Bean. The whole of the village call him "Crazy Bean" because some years ago he had a nervous breakdown, lost his wife, and since then he has developed what you call somnambulist dementia, that is, he walks late at night.

He has a powerful pair of marine glasses. It happened that night it was very hot and he was sitting in front of his barn. His barn is across from the road from Mr. Rich's. His attention was called to two toots of an auto, and at the same moment his attention was drawn to the electric light that was lit from the door of Mr. Rich's barn.

Then he took his glasses, as he would do, automatically, being somewhat curious, and he looked and after awhile the light went out. The horse, Mr. Rich's horse, is a big horse. It is very fast-gaited and those people in Jaffrey say they could recognize that horse from among a half dozen or a dozen horses

even if they were blindfolded, and this man saw a silhouette of the man and a silhouette of the horse, and he even thought he heard the buggy driving out.

Now, he heard the toot toot of the horn at about 10:30 and when Rich went into that place after having left the barn and come out of it again, it would be approximately 10:40, but it was not Dean, but Rich that came out of that barn.

YOUNG: Mr. Bean can substantiate that fact?

DKRLOR: He could, better than I.

YOUNG: That was at 10:40 he drove out with the team?

DKRLOR: Yes.

YOUNG: Do you know how long Bean sat there?

DKRLOR: Oh, quite some time.

YOUNG: Did he see Rich drive back?

DKRLOR: No, but he met Rich the next morning at about 6:00 as he was going down the road, and Rich had that badly smashed up face, and he said to him, "Well, where is the other fellow?"

YOUNG: Was Rich seen again that night?

DKRLOR: Rich, so far as I know, was seen by a fellow by the name of LaRose. He didn't make a statement to me except here this morning. I know of the statement he had made to the Federal officers, but I prefer the statement to come from the Federal officers instead of from me.

YOUNG: How would it be to have it come from LaRose?

DKRLOR: It would be better.

YOUNG: He is the fellow that saw Rich in an automobile that night on the street somewhere?

DKRLOR: Yes, that's right.

YOUNG: What time was that?

DKRLOR: At about 10:40, or somewhere about 10:00.

YOUNG: That night?

DKRLOR: That very same night about 10:00.

YOUNG: When was it that Bean saw him drive out in the buggy?

DKRLOR: Well, Bean saw that man — will you excuse me, sir — I am not positive what time LaRose saw that man there. It may be at the time when Rich went to the bank and when he went down the Rich alley with his buggy. What I mean is that Bean saw this thing at 10:30 and it was the thing coming out of the barn. Towards 10:40.

YOUNG: Then, if I understand you, your theory is that the Costello girls saw him go down by the house about 9:30 and come back about the time the clock struck 10. That Bean saw him drive out of the house about 10:30, and that LaRose saw him in an automobile at 10:40?

DKRLOR: Perhaps so.

YOUNG: Did anybody see him go back driving his horse or automobile?

DKRLOR: As yet there is nothing known about that.
YOUNG: Haven't been able to check that up in any way?

DKRLOR: No, but there's something else which I think I will tell you later on.

YOUNG: Tell us now, and then we won't forget it.

DKRLOR: Well, and then Max Buckwold, the fellow who told me the story about the Hutchinsons said this. He was about to go to bed that night, about 10:45 — any time between 10:40 and 11 — and he heard first of all an auto go by the road. I mean he heard first of all a buggy and horse, a single-horse buggy, go by the road.

YOUNG: Towards Peterborough?

DKRLOR: No, towards the Dean farm.

YOUNG: Towards the Dean farm?

DKRLOR: Yes. Do you wish me to point it out to you?

YOUNG: Yes. On the Jaffrey village road to Dean's? Is that what you mean?

DKRLOR: No, this one here. You see, this way here to there is about two miles and a tenth. Now from here to go around here, you see, and here's Buckwold, here's Buckwold in this house, and he heard first of all a buggy up this road.

YOUNG: That was about what time?

DKRLOR: Between 10:40 and perhaps ten to 11.

RECESS UNTIL 9:00 A.M.



ORDER OF WITNESSES

Wednesday, April 16, 1919

9:00 A.M.

DeKERLOR, *continued, Criminal Psychologist*
LAWRENCE M. COLFELT, *Tenant of Mr. Dean*
ARTHUR SMITH, *Worker on Dean farm*
DANIEL J. LaROSE, *Jaffrey resident*
ROBERT HAMILL, *Jaffrey blacksmith*
MARGARET COLFELT, *Mrs. Lawrence Colfelt*

DeKERLOR *resumes stand*

Examination by Mr. Young resumed

YOUNG: Now, Doctor, after Bean, through his strong marine glasses, saw Mr. Rich drive out of his, Rich's, yard at about 10:40, he was next seen by who?

DKRLOR: He wasn't seen any more, so far as I know. I beg your pardon. He was supposed to have been seen in the village just about that time, about 10:40, by a man by the name of LaRose.

YOUNG: After LaRose saw him at 10:40, have you evidence of anybody else seeing him all night?

DKRLOR: We have only the record of Mr. Max Buckwold — a quarter of eleven, as he was about to go to sleep, that a team with a horse went by at a very good rate, and a few minutes behind it, perhaps two or

three, he heard a rather large automobile. And then afterwards we hear of Deschenes, towards eleven o'clock when he said he had had a tooth pulled out. It was a very hot night and she was at home, Mrs. Deschenes, and she went to sleep, and he was in pain with his tooth and couldn't go to sleep so he went out of his bedroom to a room downstairs by a low window, and there he lay on the floor, and as he lay on the floor and couldn't sleep, he presently heard a rather powerful auto go by.

YOUNG: Just where does Deschenes live?

DKRLOR: Perhaps within three quarters of a mile from the Dean farm, on the road from Jaffrey to the Dean farm. And as he heard this auto he got up and he made towards the kitchen window which faces the road this way, going to Dean's, and he heard a buggy following the auto, which would mean, if Buckwold's statement is true, down towards the village turned that auto, followed by the buggy. By the time it reached Deschene's, three quarters of a mile up, the auto first and the buggy second.

YOUNG: There's no significance in that, is there? Nothing strange that an auto passed a buggy?

DKRLOR: The significance might be this, if the statement of LaRose is correct about the fact that Rich was seen in the square of the village making signs to these people in the auto.

YOUNG: LaRose saw people in the square at about 10:40 beckoning to people in an auto?

DKRLOR: Yes.

YOUNG: Do you know who those people in the auto were?

DKRLOR: I haven't the faintest idea, no, except there are rumors, unconfirmed, they might have been two strangers, perhaps Mr. Colfelt one of them. Might have been.

YOUNG: Let's see, if it had been Colfelt, he must have been in East Jaffrey then as early as 10:45? Have you got anyone who saw Colfelt in the village that night?

DKRLOR: No, I don't think anyone saw it, so far as I know. I've tried to trace that auto and I haven't been successful in doing so. We have all sorts of conflicting statements regarding a large auto. Presumably it belonged to Mr. Colfelt.

YOUNG: Did you check up the Colfelt auto to find out where it was at that time?

DKRLOR: Yes, I did. It was in the Nashua Garage.

YOUNG: No doubt about that?

DKRLOR: None whatever.

YOUNG: It was there from when to when?

DKRLOR: It was there from the Sunday before the murder until two weeks afterwards, I think. I have my notes in my books.

YOUNG: There's no doubt about that?

DKRLOR: That auto was there. It was there for several purposes. This is what I ascertained. The auto was to be checked out. It had been running from the month of May until about that time and it wasn't in, as you call it, very good and reliable order. You couldn't drive that auto and drive anywhere near from Portsmouth to Jaffrey and be sure of that auto. It wasn't in that running order. Mr. Pollard of the garage, I think, would confirm that.

YOUNG: So that this auto that these people saw there the night preceding the murder could not by any possibility be the Colfelt auto, could it?

DKRLOR: From the description I had afterwards by a man by the name of [Tollard] who, at towards 12:30 had heard a very powerful auto pass by. He was smoking a cigar and about to doze off and — he lives in a tenement house about one story high and his head was at the window facing a road right near another road, a short cut from the railroad track. And then he said that the auto was a very powerful one. It went down at a terrific rate with a terrific buzz, and might have been a Marmon.

YOUNG: It might have been a Packard, or it might have been any powerful car?

DKRLOR: You see, that Marmon has a kind of an elaborate motor, and there is a peculiar buzz, a peculiar sound.

YOUNG: Now, then, assuming that it was a Marmon

car, what do you say? Could it have been the Colfelt car or not?

DKRLOR: It might.

YOUNG: How could it have been Colfelt's car if his car was absolutely in the Nashua Garage?

DKRLOR: I mean, not the same car.

YOUNG: Well, have you any evidence that they found anybody who can say that it was the same car?

DKRLOR: No. Afterwards, then, ten or fifteen minutes, about that, or less than that, Jack Squires, the manager of the wood yard on the road from Jaffrey, states that about twenty minutes to ten minutes of one, on that Wednesday, the 14th, in the morning, he was going back home, and as he was going towards the village with a woman, I think, he had in the car, another rather powerful rather grayish kind of Marmon car, almost skidded into him.

YOUNG: Do you mean it was a Marmon car, or looked like a Marmon car?

DKRLOR: Looked like a Marmon car. It was dark and one of his lights, I think, was out.

YOUNG: Now, then, let's see if we've got this right. The car that was seen in Jaffrey the night of the 13th, or the morning of the 14th, you are satisfied couldn't have been the Colfelt's car because his car was absolutely in the Nashua Garage. Is that right?

DKRLOR: Yes.

YOUNG: So that if Colfelt was there that night? . . .

DKRLOR: It must have been in another car, possibly one of the same make to which he was accustomed.

YOUNG: Now, then, have you been able to check up whether there were any other Marmon cars in Portsmouth or not?

DKRLOR: No, I wasn't able to complete that.

YOUNG: Did you find where Colfelt hired another car over to Portsmouth?

DKRLOR: We found, I think, where he had hired one or two cars.

YOUNG: Were you able to check up whether he hired a car anywhere near the murder or not?

DKRLOR: I wasn't able to, no. Perhaps the Federal officers have, but I haven't.

YOUNG: Now, how do you figure out, assuming that Colfelt was there that night, and assuming he was implicated in this murder, how do you explain, or what do you have to suggest, as the reason why he came that night?

DKRLOR: Well, Mrs. Morison's statement which you have, has remained a very clear motive for such a thing.

YOUNG: According to Mrs. Morison, she was very careful not to communicate that to anyone.

DKRLOR: Quite so, but the conversation took place in a field, right over here on the side of a mountain eleven hundred ninety feet high. A voice naturally would carry, even if low in tone, and Mr. Dean made

a peculiar mention of his turkeys being stolen by two-legged foxes in the daytime.

YOUNG: Foxes, they steal those things in the daytime?

DKRLOR: And these turkeys were stolen in the night.

YOUNG: Do you mean, really, four-legged foxes do their stealing in the daytime?

DKRLOR: I'm not an expert on that. Mrs. Morison told me that Mr. Dean told her that he used to get his turkeys in the barnyard in the daytime, I mean at sundown, and when he would count them the next day one would be missing, and this had gone on for three or four months, and he presumed they were two-legged foxes, and I believe that Mr. Dean was right in saying so.

I presume there must have been some men posted in these woods who would come and help themselves to Mr. Dean's turkeys because there had been bones and various things found. I have personally seen several of these remainings in the ground near there.

YOUNG: That wouldn't be human foxes, would it?

DKRLOR: Yes, they might easily do so. Go out in the woods and fix the birds there. Anyhow it would be possible.

YOUNG: Well, just to get back to your proposition. Do you think that the conversation that took place on the hilltop there between Mrs. Morison and Mr. Dean was overheard by someone who was sequestered there in the immediate vicinity?

DKRLOR: Yes, for the purpose of watching this old man, in order to keep up the signaling business.

YOUNG: And you think that fact was communicated to who?

DKRLOR: This fact very likely might have been communicated to Mr. Colfelt, since Mr. Dean had ejected Colfelt from the house on twenty-four hours' notice. I know it took Mr. Colfelt two days to move his belongings, and the last day was the fifth of June. Mrs. Morison thought Mr. Colfelt was ejected with twenty-four hours' notice.

YOUNG: So he was away from there the fifth of June?

DKRLOR: Mr. Colfelt had gone on the fourth, and his servant removed the last things on the fifth.

YOUNG: This was the fifth of June, and this conversation between Mrs. Morison and Mr. Dean took place that 13th of August, at least two months later?

DKRLOR: Yes. And as Colfelt rented that house from month to month, he naturally rented it from the first to the 30th, and if he cleared out four days after that, Mrs. Morison is stating a fact when she says Mr. Dean ejected that man at twenty-four hours' notice.

YOUNG: Now, then, you have no idea who overheard this conversation between Mrs. Morison and Mr. Dean?

DKRLOR: No, I haven't an idea who that man might be, but I have my suspicions of two men, and these two men are woodchoppers. They are French Cana-

dians. One is a confirmed drunkard and of a criminal disposition. The other fellow is also a man of the same type, and the wife of the first one is also a drunkard. They have been penniless. They have no money. They drink everything they earn. I interviewed these fellows. They were quite drunk. They were interviewed at the police station in Lawrence on the 19th day of January, 19th or 20th of January.

YOUNG: Well, the day isn't very important. You interviewed them yourself you say? Did you get any information from them that led you to believe they were present there on the hilltop?

DKRLOR: Yes, they were right there. Quite close.

YOUNG: Down near the side of the wall there?

DKRLOR: Right there, you see, and right in front of them is that wood road that goes into the woods.

YOUNG: But that's three quarters of a mile from the Dean place, that place down there you pointed to?

DKRLOR: No, sir. Not at all. Deschenes might be three quarters of a mile from there, and Buckwold might be three quarters of a mile from Deschenes, and from Buckwold to here it's two fifths of a mile, but over here to there it's barely a quarter of a mile, and on a straight line I would guess it's something like five hundred yards.

YOUNG: Do you want us to understand those two woodchoppers overheard the conversation between Mrs. Morison and Mr. Dean up here on the hilltop?

DKRLOR: No, sir. They were down here, and down here, but it was usual for those men to be watching this place all around here.

YOUNG: Did you get any information that led you to believe they were hired to do that?

DKRLOR: Yes, from one of them. He boasted he had received several hundred dollars at least. He had at one time seven hundred dollars in the bank this summer.

YOUNG: Did he say where he got it?

DKRLOR: He had it in the Monadnock Bank.

YOUNG: But where he obtained it?

DKRLOR: I couldn't get that from him. He was too drunk and too unreliable and far too shifty in his statement. I was of the opinion he ought to be locked up until he was sober. The Marshall of the Police there, Mr. O'Brien, was also of the opinion he should be locked up. The other two detectives there who knew these fellows were very lenient, and I said I would come back again with somebody else.

YOUNG: Talked English readily?

DKRLOR: Leo King does talk English. The other fellow doesn't very much. He spoke some French and English.

YOUNG: How did you carry on a conversation with him, in French or English?

DKRLOR: Both. He would never answer a question straight. He would always try to test it. I said, "Where

were you the other night?" He would say, "I was in the wood hut." Here, you see, is a wood hut, and down here is another little wood hut where he used to go to sleep at night.

YOUNG: That's where they lived, where they were chopping this wood, isn't it?

DKRLOR: Yes.

YOUNG: Did you reach the conclusion that these two men you have described as Canadian woodchoppers, and both of them somewhat prone to drink, would be the people employed as German spies?

DKRLOR: As German spies, I don't know that I would be putting it that way, but to be used as a tool by somebody else to do his job, yes.

YOUNG: You don't think there would be any chance, when they got drunk, of neglecting to do it?

DKRLOR: I would think their drunkenness would be a means to make them forget the whole thing, to drown whatever doubts or remorse they might have.

YOUNG: You think remorse might affect them?

DKRLOR: Remorse affects any man. It needs to be drowned.

YOUNG: And you think they are the kind of men who would like to be selected by a German agent to assist in operations?

DKRLOR: Yes. Mrs. Morison described what she saw one Sunday afternoon while she was showing the farm with a friend of hers, I forget who the gentleman is — of no matter anyhow — and while she was looking around the barn she heard a peculiar noise and she said to this man, "Now wait, I believe there's someone who's listening." And she quickly went to the other side of the barn, and as she did so she caught, coming out from behind these bushes, a man, and she said to this man, "Well, what do you want? What are you doing there?" Well, he mumbled something, and then she said, "Have you seen Mr. Emerson?" And he said, "That's exactly the man I want to see. I haven't seen him for some time." Then he departed and went away, and went in the bushes. This fellow there I don't think was one of those woodchoppers. It may have been another man easily.

YOUNG: It wasn't one of the two choppers?

DKRLOR: From her description, it wasn't one of those two choppers.

YOUNG: What is your theory or deduction, assuming that those woodchoppers, or either of them, overheard the conversation?

DKRLOR: At this juncture I would like to be rectified if I don't express it sufficiently clearly. I don't think those woodchoppers would be actually the ones, perhaps, who would overhear the conversation and make the report. They would be the ones employed to do the deed. A younger man, such as Mrs. Morison described, would be the fellow to overhear the conversation.

YOUNG: How many different people do you think there are that knew about this murder?

DKRLOR: It could be several, I think, four or five or six.

YOUNG: You think there are as many as five or six who were knowing about it or implicated in it in some way?

DKRLOR: Who knew about it, yes. More. At least twelve or fifteen. At one time I thought twenty.

YOUNG: And there has not been, so far as you know, any success in connecting up anyone of these others to one of ours?

DKRLOR: Well, I would have said that had this murder taken place in the State of Massachusetts, or in New York or anywhere, why there would have been at least three or four arrests by this time. Right there at the time.

YOUNG: You were there acting for the Town of East Jaffrey as a police officer and there wouldn't have been any trouble in making arrests any time you wanted to, would there?

DKRLOR: Well, I am given to understand that here in the State of New Hampshire you are rather lenient toward murderers. As a matter of fact, there have been a series of murders taken place in a spread of about forty miles in the State of New Hampshire which have been left entirely unpunished and completely unsolved.

In the case of one murder, this happened here in Sharon, the County Attorney there, by the name of Sweeney, attempted to have the doctor put his signature to the death certificate of that man, Smith, who was murdered in Sharon. The proceedings, such as they were, in the opinion of one or two men living in Peterborough, were more or less farcical. One of the main culprits was able to sort through his things. Dr. Cutler is of the opinion that this murder is a murder, and the interpretation that it was an accidental death is false, and the evidence which has been gathered afterwards proves it was a murder.

YOUNG: Now, then, to get back to the Dean murder, which I presume to be the one we are investigating . . .

DKRLOR: May I add just one thing. When I went to Washington in order to enlist the sympathies of Mr. O'Brien, then Acting Assistant of Attorney General Gregory, I was introduced to these various gentlemen as the man who came from New Hampshire and that murder was not a crime in the State of New Hampshire. It was a joke.

And I might say here, gentlemen, without casting any undue reflection on this State, that this State has the reputation abroad, in New York, and elsewhere in the United States of America as being one of the very worst managed from the point of view of solving and trying murders, and the Boston members, as well

as the New York members, feel that help should be given to rectify the methods whereby murders are followed up.

YOUNG: Is that what you tell in your newspaper stories?

DKRLOR: No, sir. I didn't know anything of this when I came here, but when I was beginning to look into it and they told me all sorts of things, it was a great surprise to me. It was a great surprise to me and I couldn't believe it.

YOUNG: Who is there here that you would have arrested if you had been in New York and had your own way about it?

DKRLOR: I would have arrested Mr. Rich for one, and his wife for two, and possibly Miss Hodgkins. And I think those two woodchoppers.

YOUNG: Then after that, who would you have arrested?

DKRLOR: Mr. Colfelt.

YOUNG: Anyone else?

DKRLOR: I think Mr. Davis.

YOUNG: The administrator of Mr. Dean's estate?

DKRLOR: Yes.

YOUNG: Who else, if anyone?

DKRLOR: I think I would have arrested these and let them squirm for two or three weeks and then watched.

YOUNG: Have you got processes in New York where you can arrest a man and tie him up for two or three weeks, or as long as you think it necessary, without giving him a chance to be heard?

DKRLOR: In wartime, yes.

YOUNG: This had nothing to do with war, did it?

DKRLOR: Yes. There were enough rumors around there to justify some methods of that sort.

YOUNG: Well, the Federal authorities have been working absolutely independently on that proposition?

DKRLOR: Of course, this is their business, to look into foreign agents.

YOUNG: Now, then, they have been working on this and have as much power, I presume, as they have in New York. They have not arrested anybody, have they?

DKRLOR: With regard to the Federal authorities . . .

YOUNG: Well, have they?

DKRLOR: I can't give any opinion.

YOUNG: You know what the fact is. You know, as a matter of fact, whether they arrested anyone in connection with this East Jaffrey pro-German problem?

DKRLOR: I think they will tell you all about it.

YOUNG: What do you know about it?

DKRLOR: I don't know anything.

YOUNG: Do you know whether there has been an arrest made or not?

DKRLOR: I don't know. I give information, I don't ask information from them.

YOUNG: What do you mean by that?

DKRLOR: I am asked to give them information. I collaborate with those fellows as far as my end of the matter is concerned.

YOUNG: Are you the fellow that gave them the information this was Rich's blanket that was wrapped around Dean's head?

DKRLOR: No, sir.

YOUNG: You fellows, among you, found out quite quickly over there that wasn't so, didn't you?

DKRLOR: As far as I know, I didn't think so.

YOUNG: It wasn't Mr. Rich's blanket you later learned, didn't you?

DKRLOR: No, sir. I have always known it was Dean's blanket and I told Valkenburgh it was nonsense for him to trouble himself with thinking it was Rich's blanket.

YOUNG: And the same situation arose with regard to the identification of the buggy that Dean rode in, didn't it?

DKRLOR: I'm not quite sure about that.

YOUNG: Were there any others you would have arrested in connection with this crime over there?

DKRLOR: Not at that juncture, no.

YOUNG: Has there been any juncture of the proceedings where there would have been others you would have arrested?

DKRLOR: Not at the time, no.

YOUNG: Well, assuming that you had these several people who you would have arrested out in New York, and let them squirm five or six weeks . . .

DKRLOR: I didn't say five or six. I said two or three weeks.

YOUNG: Well, as long as it was necessary. What would you have done after that?

DKRLOR: It seems to me in the meantime you would have had a chance of gathering such evidence as could not have been tampered with afterwards.

YOUNG: Has there been any reason why you couldn't gather whatever evidence there was from around East Jaffrey there in the course of six weeks time?

DKRLOR: It seems to me when I came on the job it was a bit late already. It was twelve days afterwards and things were getting cool and by the time I had finished my manuscript and presented it to the County Attorney it was about a month afterwards, precisely thirty days.

And the County Attorney himself was kind enough to listen to the few things I had to say, but didn't, to my mind, have the impartial attitude which any prosecuting attorney should have. His attitude was a partial one.

YOUNG: Partial to who?

DKRLOR: To Mr. Rich.

YOUNG: Anybody else?

DKRLOR: It was partial to Rich and it was, I think, partial to Colfelt.

YOUNG: Any reasonable suggestion why that should be so?

DKRLOR: Yes.

YOUNG: Why?

DKRLOR: First of all, with regard to Rich. When he and I discussed this matter on the first day of my visit, Saturday the 24th of August, he and I exchanged views and ideas about Mr. Rich. At that time, you must remember, I was really in the beginning of my investigation, and from what I had seen of Rich and what I had heard, the thing accumulated. It made me think Rich might have received a very big powerful blow on the face, and Mr. Pickard agreed with me completely.

From what I gathered from Mr. Pickard then at that time I thought that it might have been quite possible for Mr. Rich to have been present, and afterwards as the evidence accumulated and things pointed much more to Rich than ever, for some reason or other Mr. Pickard felt it was better not to press this matter so close, and a party of five men, called "The Big Five," wanted to have me arrested.

I know within a few days after the time of the exhumation of the body I was pretty sure Rich was concerned, with the effect that I was intimidated almost every day for some days, and I received reports from five different quarters to the effect that unless I got out of Jaffrey, I might be shot.

YOUNG: Now, then, to get back to this story we started on a few minutes ago, your theory as to what happened up on the hilltop when Mrs. Morison was talking with Mr. Dean, I haven't got that quite cleared up in my mind yet. You suggested, at least as I recall it, that it probably wasn't the woodchoppers who did the sending?

DKRLOR: No, no.

YOUNG: Have you any idea who that was that overheard the talk between Dean and Mrs. Morison?

DKRLOR: I have no knowledge.

YOUNG: Then that would have to be communicated in some way to the Colfelts?

DKRLOR: Yes. Or else to Mr. Rich.

YOUNG: Or to Mr. Rich?

DKRLOR: Or to some agent in the town.

YOUNG: And whoever that agent was would, in turn, have to communicate it to Mr. Colfelt?

DKRLOR: Yes.

YOUNG: Have you any idea how that was done?

DKRLOR: Might be done, perhaps, over the wire.

YOUNG: That is, by telephone, you mean, or by telegraph?

DKRLOR: By telephone.

YOUNG: If that had been done it ought to be easy to check that up in the Central Office?

DKRLOR: No, sir, not very, because there is supposed to be no record of calls going out. We have tried for a week or ten days, I think, to get a record, but to my surprise I find there was no record of calls in the town going out.

PICKARD: There is a full record at Washington of all calls.

DKRLOR: It is supposed, at least, for certain calls going into the town there is a record, but there is something missing. There is no record whatever. Chief Nute was present at the time. I spoke this matter over with Mr. Nute and he said to me, "Well, that doesn't exist."

YOUNG: Don't you know, as a matter of fact, in every telephone exchange where toll calls are made they can go back, and for a year, go back and tell you the number of calls, the different calls, and the number of the telephone, and if they didn't give them the first time, why they didn't find them. And it should be so. Have you looked up to see whether there was a call from East Jaffrey to Portsmouth that night? Or in that vicinity?

DKRLOR: I had given to me something like a week or two long list.

YOUNG: Have you looked up to see whether there was a call from East Jaffrey to Portsmouth that night? Or in that vicinity?

DKRLOR: No, sir, I haven't.

YOUNG: Why not?

DKRLOR: Well, I forget. I can't tell.

YOUNG: Wouldn't you regard that as an important thing to do?

DKRLOR: I think it is. I told the Federal officers at the time.

YOUNG: Did you know it has been done, or didn't you?

DKRLOR: I really have forgotten that, sir. I forgot. It's such a long time.

YOUNG: Well, the only possible way that any agent of Colfelt or Rich or any German agents could have known Mrs. Morison had taken a message to Boston for Mr. Dean was by reason of its having been overheard there on the hilltop?

DKRLOR: Yes. Because, you see, the actions of Mr. Dean were very strange. His actions when he talked to Mrs. Morison. He said, "Here, from this rock . . ."

YOUNG: At that point there isn't any woods within a hundred feet, is there?

DKRLOR: Oh, yes. Down there within about, I would say, fifty feet. By the barn here.

YOUNG: By the barn? There is no woods until you get way down below the barn, is there?

DKRLOR: Here's the wall.

YOUNG: I mean, there is no woods until you get down across another pasture, is there?

DKRLOR: I don't understand you.

YOUNG: Well, to illustrate what I mean. As I understand it, assuming this is the path that leads from the main road up to the big house, they were talking, Dean and Mrs. Morison were talking somewhere in here on the hilltop?

DKRLOR: Yes, right along here.

YOUNG: This is woods here, is it?

DKRLOR: Yes.

YOUNG: Well, if they were standing out here talking, there weren't any woods in this direction until you went down by the barn and off across another pasture. There's nothing but some bushes right here low enough for anybody to have hid under.

Well, did you find some bloody clothing or something? Whatever it was, did you find something that was bloody, of clothing, cloth bandages, or something?

DKRLOR: Yes.

YOUNG: Where?

DKRLOR: Why, within three hundred feet of the Henchman house.

YOUNG: Where is that with relation to the Dean house?

DKRLOR: About a mile and a quarter.

YOUNG: Who was with you when these were found?

DKRLOR: Two parcels were found by the Proctor boys.

YOUNG: You didn't find them, then?

DKRLOR: I found one, yes.

YOUNG: Where was that?

DKRLOR: Just at the same place.

YOUNG: Are these what you have here?

DKRLOR: And Mr. Boynton, on the morning when we went to get them, was with us also.

YOUNG: Is that what you have got here, these things that you found?

DKRLOR: Yes.

YOUNG: That's been submitted to Dr. Magrath?

DKRLOR: Yes, and to another doctor, the French doctor in the place there. I forget his name.

YOUNG: These are the ones that Dr. Magrath said had some ointment of some kind on them?

DKRLOR: Yes.

YOUNG: Where are the ones with the blood?

DKRLOR: Here's one reconstructed and which seems to be used for someone who would put it perhaps around his face, something like this.

YOUNG: Here you see a pin, here and here and up here. Aren't they sanitary towels such as a woman would use?

DKRLOR: But as you may see, they are torn off. They are made of a certain material.

YOUNG: Did you ever see any material like that up around the Dean house?

DKRLOR: I haven't been able to find any similar to this, but I might be led to think that there might be something of the sort there.

YOUNG: Do you connect this up in any way with the killing of Mr. Dean?

DKRLOR: I think perhaps more with the nursing of somebody's face.

YOUNG: That is, your suggestion is that perhaps these are the bandages that Mr. Rich wore on his face after he got hit?

DKRLOR: Yes.

YOUNG: That's your suggestion with regard to that, is it?

DKRLOR: That's the suggestion which is given to me, that this linen was found in the brush within three hundred feet of the Henchman house.

YOUNG: That's on the road going from East Jaffrey to Dean's, is it?

DKRLOR: No, it's the road which the Henchmans use every day, and these were found under the bush situated . . .

YOUNG: Now the Henchmans, their family consists of the mother and daughter and the son?

DKRLOR: No. The father, the daughter, and the sister, or the aunt of the girl.

YOUNG: And Miss Henchman works in the bank there at East Jaffrey where Mr. Rich is employed?

DKRLOR: Yes.

YOUNG: How long has she been employed there?

DKRLOR: Some years.

YOUNG: And young Henchman, what does he do?

DKRLOR: Young Henchman was, at the time, superintendent of the Water Works, and he goes out on various jobs, and has been now appointed, during the last month of October, Postmaster of East Jaffrey.

YOUNG: And at the present time he is Postmaster?

DKRLOR: Yes.

YOUNG: Do you figure he was implicated in this thing in any way?

DKRLOR: I think he would know something about it.

YOUNG: He was one of those who had information concerning the murder of Dean?

DKRLOR: He might know about some movements. I believe there's something in it.

YOUNG: Would you have arrested him in connection with this if you had been out in New York and had your way?

DKRLOR: I think I would have held him for deceiving.

YOUNG: You would not have arrested him?

DKRLOR: Not right away. Afterwards, perhaps.

YOUNG: The Federal authorities knew as much about Henchman, I presume, as you did? And I suppose it is fair to assume that whatever the Federal agents

found out through their investigations they communicated to the home office in Boston or Washington, didn't they?

DKRLOR: I think so.

YOUNG: Notwithstanding any communications that their man had with that Department, notwithstanding that fact, the government nevertheless appointed him custodian of the mails at East Jaffrey, is that right?

DKRLOR: I understand it is political manipulation.

YOUNG: Politics?

DKRLOR: Yes. I understand Mr. Rich had him appointed.

YOUNG: Do you understand Mr. Rich is of the same political party as the present administration in Washington?

DKRLOR: That's just one of the most remarkable things.

YOUNG: That's one of the incomprehensible things, isn't it?

DKRLOR: That's right.

YOUNG: You wouldn't think that Mr. Rich, who is quite prominent locally in the political party adverse to the political party at Washington, would have much influence in getting one of his friends appointed Postmaster of East Jaffrey?

DKRLOR: Well, I'm not a politician, unfortunately. I don't wish to enter upon this subject if I don't know much about it.

YOUNG: Well, there's been present in East Jaffrey a theory that Mr. . . .

DKRLOR: The thing about these is that here's the shirt of a woman, the nightshirt of a woman.

YOUNG: How can you tell that?

DKRLOR: From experience probably, aided by Mr. Davis.

YOUNG: You don't know whose it was, do you?

DKRLOR: I found it very hard to locate, and when I found this I asked to have the three search warrants issued in order to see whether I could actually fasten it on — and the search warrants were refused me.

YOUNG: Who did you apply to for them?

DKRLOR: To one of the Justices of the Peace of Jaffrey.

YOUNG: Who was it?

DKRLOR: Mr. Louis Cournoyer.

YOUNG: Why didn't you apply to Mr. Rich, Justice of the Police Court over there?

DKRLOR: When he is suspected of murder?

YOUNG: The Chairman of your Selectmen, Mr. Boynton, is a Justice of the Peace, isn't he? Why didn't you ask his help?

DKRLOR: Well, anyway, I couldn't get the support or have the warrants issued.

YOUNG: Well, there was some story prevalent and current in East Jaffrey . . .

DKRLOR: And the shirt bears a number. Number two. Here, this towel is an old towel, and this towel also bears a number, number two. And here's another one of these things bears something like number two, I think.

YOUNG: There was current in East Jaffrey the story or report to the effect that Mr. Rich had been advised that Mr. Dean had sent to Boston by Mrs. Morison for a Federal agent to investigate certain things over there in his vicinity, wasn't there?

DKRLOR: I don't fully comprehend?

YOUNG: I say, there was a story or theory current and prevalent in East Jaffrey to the effect that Mr. Rich knew, had been informed, that Dean had sent to Boston by Mrs. Morison asking to have a Federal agent sent to his place to investigate something?

DKRLOR: That's so.

YOUNG: Do you know who is responsible for that story, or how it started?

DKRLOR: I believe Mrs. Morison herself.

YOUNG: Have you any evidence, or is there anyone who knows, as far as you are informed, that Mr. Rich had such information?

DKRLOR: Oh, excuse me. You asked me this question like this. Did Mr. Rich know that Mrs. Morison had been asked to go to Boston?

YOUNG: I asked you if you had any information or evidence that Rich had been informed that Dean had asked Mrs. Morison to communicate?

DKRLOR: No, I have not.

YOUNG: Do you know, if there is such a story prevalent and current in East Jaffrey, how it originated?

DKRLOR: I am unaware of it.

YOUNG: You never heard of that over there?

DKRLOR: No, sir. Not so far as I recall at the present time.

YOUNG: You hadn't heard that when you went over the telephone exchange records and examined them for telephone calls to Portsmouth?

DKRLOR: No, I have not come across that suggestion. I don't think so. There was a report that Mrs. Dean telephoned to the Riches.

YOUNG: That Mrs. Dean? . . .

DKRLOR: Telephoned to the Riches at the bank in the morning of the murder, on Wednesday, the 14th, in the morning.

YOUNG: That was after the murder, wasn't it?

DKRLOR: After, yes. But I think one couldn't say the murder had taken place until twelve o'clock when the body was located.

YOUNG: Whoever had done it had left the premises, hadn't they? And whoever did it, if they were informed, and that was the motive that impelled the murder, must have had the time, considerable time, before the body was found, mustn't they?

DKRLOR: Yes.

YOUNG: Now, is there anything else that you can suggest that throws any light on this situation?

DKRLOR: And these are two other towels, as you can see, and the mark here shows quite a profuse bleeding. As a matter of fact, the blood, it has corroded the towel. These towels were found by a man named Oscar Howard, and they were found on Thursday, the day after the dead body was found.

YOUNG: Do you mean to say that's blood?

DKRLOR: Yes.

YOUNG: Who says so?

DKRLOR: Dr. Magrath, and this other French doctor. I forget . . . Oh, Dr. Dessaint.

YOUNG: You say when blood is decomposed and submitted to water it will leave a mark like that, and that's blood right here? This dark heavy stain here isn't blood, is it?

DKRLOR: Yes, it's blood.

YOUNG: Does it rot the cloth like that?

DKRLOR: Most decidedly. When I got them, I got them sometime early in October of last year, and this man, Howard, had had these things ever since Thursday, the 15th of August, when he unexpectedly stumbled upon them while cutting brush along side of the road.

YOUNG: Where did he find it?

DKRLOR: He found it right on this road. There. Right here. Down there on the road going to the Davises.

YOUNG: Is that the reason why you would have arrested Davis?

DKRLOR: Well, at the time these towels were all I found as yet, but I would have arrested Davis afterwards owing to some discrepancies in his statement.

YOUNG: Have you anything else that connects that towel up with Davis in any way?

DKRLOR: Not particularly, no, sir. I was prevented from doing so because I wasn't able to have a warrant for the search.

YOUNG: What would you have searched for?

DKRLOR: For towels of this kind in the house.

YOUNG: And if you had found a towel like that in Davis' house, you would have come to the inference this came from his house?

DKRLOR: I might also have searched for stained clothing. You see, if you held the instrument like this in your hand, just like that, see, if the handle is stained and you wipe it off, see, it actually leaves a mark right there, see?

YOUNG: Is it your theory this towel was used to wipe the handle of the instrument that struck Mr. Dean?

DKRLOR: Possibly.

YOUNG: If that's the case, the instrument then was found down here in the bushes nearest the stone wall, east of this wall, down across the pasture — assuming the digger was the instrument?

DKRLOR: Yes.

YOUNG: Now, if I get this thing clear, the digger was found down here by the wall?

DKRLOR: By the wall, that's right.

YOUNG: Now, this blood-stained stuff was found over here?

DKRLOR: Yes.

YOUNG: A mile and a quarter distant, by the road, from the house?

DKRLOR: Yes.

YOUNG: And the other blood-stained clothing was found down here, which must have been two miles and a half from the place where the digger was found, and the place where the other was found?

DKRLOR: Yes, on the road to the lake, and you would naturally pass this house, you see, that would be one of the nearest houses going from this side, and the peculiar part of it was that there was a stick planted on the side of the road, left there evidently for the purpose of marking the spot.

YOUNG: So they could come back and get it?

DKRLOR: Yes. At least, destroy it, not in a hurry.

YOUNG: The blood was quite fresh when it was first detected?

DKRLOR: Yes.

JURYMAN: Do you consider Dr. Dessaint an expert on the blood stains?

DKRLOR: This man has been in the Navy for some years and his practice in Jaffrey looks to me much more a practice of a doctor who you would call knows horse methods more than anything else, and he knows a great deal because he went in and entered surgery and he is much more a surgeon than a physician.

JURYMAN: He wouldn't learn much about horses' kicks in the Navy?

DKRLOR: He has had a lot of experience with horses in other ways.

YOUNG: I don't know whether you gentlemen want to look these over any further or not? You are at liberty to examine them if you wish. They were done up in a newspaper and thrown away? What did you do with the newspaper?

DKRLOR: It was right in there.

YOUNG: Did you see the date on it?

DKRLOR: It was impossible.

YOUNG: No way of telling?

DKRLOR: No way of telling, but you have this man, Howard, and this other man was there and both of them looked at those things, and this man, if I may say, didn't come with the information until about two or three months afterwards. He was afraid of being ridiculed, or being implicated in this matter.

YOUNG: Now, do you, by means of psychological deductions, have means, or claim to have, which from us ordinary people with respect to blood, have you

discovered facts by means which to us might seem somewhat supernatural?

DKRLOR: Well, if you mean use scientific means, it is so. Personally, I disclaim every power of the supernatural.

YOUNG: Who was the author of the article that appeared in the Boston Sunday Post of January 19, 1919?

DKRLOR: This article was written up by Reuben Green.

YOUNG: Where did he get the information from which he wrote it?

DKRLOR: He took the direction, I think, from his news editor.

YOUNG: But the information, where did he get the information?

DKRLOR: Oh, he came to me. He was sent to me for an interview on the murder case.

YOUNG: And you've read the article, I presume?

DKRLOR: Yes.

YOUNG: And in that article he quotes you as making certain statements?

DKRLOR: Yes.

YOUNG: Was that correct?

DKRLOR: Perfectly correct in every detail.

YOUNG: And made with the knowledge and understanding that they were to be published for the benefit of the public?

DKRLOR: Yes. That's right, sir.

YOUNG: In that article, as I recall, there was an allusion made to the three holes in the floor of the portico at the stable on the Dean place, and also a reference made to the photograph which you took of those three holes. Is that correct?

DKRLOR: Yes. I took photographs of the three holes, but merely from a criminological point of view.

YOUNG: Now, then, when you developed the plate which you had exposed for the purpose of taking a photograph of those three holes, did you discover anything out of the ordinary on the plate?

DKRLOR: Not the plate of the holes, no. If the article claims that the faces, that is, psychological faces, appeared in these holes, that is misguided.

YOUNG: Did you see some so-called psychological faces on some plate you developed?

DKRLOR: Yes, I did.

YOUNG: What plate was that?

DKRLOR: It was the plate of the door of the barn upon which the blood had spurted.

YOUNG: Tell us about that?

DKRLOR: Well, of course, it is a psychological matter entirely.

YOUNG: We couldn't see it, probably?

DKRLOR: Yes, you could see it.

YOUNG: Have you got that plate?

DKRLOR: No, sir, I haven't.

YOUNG: Where is it?

DKRLOR: It's in Boston. They are of psychological value and of scientific value, but I don't think they are of criminal value. They are interesting but I don't think they would be used in any way.

They might, in the future, form a new means of detecting crime, for the theory would be that as the blood of the murdered man spills at the time when his conscience is still with him, the particles of blood, which known scientific and psychological researches scientifically claim to be the vehicle of the electric body within man, would remain sufficiently conscious as to impress the more sensitive chemical ingredients of the photo filament within the retina of the eye.

This, of course, is a faculty which is conspicuously developed with certain individuals who, by their temperament, are in a class different to others. If I may add, my prime idea was to first complete it and have on record this door with the blood stains on it, and when the plates were developed and brought to me by Mr. Johnson, he was, and I was, surprised to find that instead of finding the blood drops, I found these faces.

YOUNG: Referring to the paragraph appearing in the Boston Sunday Post of January 19, 1919, in which there is a paragraph in quotations which purports to be in your own language, I will read:

"And now comes the most startling incident of the entire case. There were some blood spots on the woodwork of the tiny porch which I wanted to photograph. I did so. Upon developing the plate I could see nothing different upon the negative. I was about to toss it into the waste basket when my eye was attracted to a small whitish formation on the plate. I looked at it closely and was amazed by a man's face. There was no mistaking it. I had seen it before. When I studied the plate three other faces appeared, one of them a woman's."

Now, did you or not make the statement which I have just read to the reporter who prepared this article for the Post?

DKRLOR: I made a statement similar to that but there is a slight discrepancy which I couldn't correct owing to the fact the article had gone to print. The misquotation is, I think, about the fact that he says "plate" instead of "photo."

When the photo was given to me I looked for the blood stains on the door, but instead of finding blood stains on the door I found what was a blurred photo which I was about to tear up, and I kept this, but someone, five or six days afterwards when I conferred with Charles Nute, Chief of Police, and his stepdaughter and Mrs. Nute, he looked at those things closely to the light. He had seen that white hair around the face, the suggestion of a woman's

face, in that photo, and this young woman, almost a girl, discovered the various faces in it, pictured in it, about four.

There were four faces entirely in there. There were three faces in another one, and one in another. There were three photos, one with four faces, one with three faces, one with one face. This fact I consider pretty well of a psychological and scientific nature, without any bearing on this case.

YOUNG: Well, you have stated in this article here you had seen the face before, haven't you?

DKRLOR: I had seen the face before?

YOUNG: Yes, of one of them.

DKRLOR: Yes, one.

YOUNG: Which one was it?

DKRLOR: Rich.

YOUNG: You feel confident that in this photograph taken from the plate that you made of the blood stains, some of the blood stains at the barn, there appears a picture which is the likeness of Mr. Rich, do you?

DKRLOR: Yes, and it has been recognized by Mrs. Morison, by myself, as well as by Mr. Nute, and I think one or two other people.

YOUNG: Have you any of those photographs here?

DKRLOR: No. I didn't think you would call for them.

YOUNG: You haven't them at all?

DKRLOR: No, sir. Not here.

YOUNG: Haven't even copies of them?

DKRLOR: No.

YOUNG: Did they show on each copy that you made from that plate, show the same faces?

DKRLOR: Yes.

YOUNG: It's something that is connected with the plate? It's on the plate?

DKRLOR: Oh, yes. It's on the negative.

YOUNG: So you can make as many pictures as you want to from that negative?

DKRLOR: Yes.

JURYMAN: Do I understand it to be possible for anyone knowing Mr. Rich to recognize his likeness from this photograph from the faces that are seen in the photograph?

DKRLOR: Yes. I would say out of one hundred people there would be at least 90 percent of the people who would. Some people are very open when they look at these things. Others are rather stunned. In other words, people look at things in a different way. You see, not all of us have the artist's eye, nor have we an impressionistic eye, nor do we concentrate in the same way. Some people concentrate without information in their mind. Other people have information in their mind when they concentrate. That's the difference between the inventor and the ordinary man.

YOUNG: You stated there were eight faces in all?

DKRLOR: On these several photographs.

YOUNG: From those three films you get likenesses of eight?

DKRLOR: One person definitely.

YOUNG: Well, of eight different people, as I understand you? Can you recognize any of those others besides the one you have spoken of?

DKRLOR: One or all the others I wouldn't be very positive about issuing a positive statement. Oh, yes, one other one.

YOUNG: Who is that?

DKRLOR: The other one is more a symbolical picture.

YOUNG: What is that symbolical of?

DKRLOR: If I were to speak to an audience . . .

YOUNG: Call us the audience.

DKRLOR: I'm afraid I'm taking your time, sir.

YOUNG: It doesn't take but a minute to mention the name of the face, the one you know.

DKRLOR: If I may not be misinterpreted in this matter?

YOUNG: You won't be misinterpreted or misquoted if you answer this question: Are any of the other faces which appear upon either of these photographs the faces of anyone who you know?

DKRLOR: Yes.

YOUNG: Whose faces, other than Mr. Rich's, appear on these photographs, on any of them?

DKRLOR: The lawyer, Mr. Smith, who we engaged in the early part of January.

YOUNG: Smith of Peterborough?

DKRLOR: No, Smith of Boston. Mr. Reginald Smith of Boston.

YOUNG: Who employed him?

DKRLOR: The summer residents of Jaffrey, Miss Ware and her friends.

YOUNG: Have you any psychological reason why Smith's photograph might appear in connection with this man, Rich?

DKRLOR: I would say there are various categories of thinkers — there are thinkers who are still within the bounds of the philosophical, others who go into metaphysics, and others who are perhaps still more advanced and who, besides having metaphysical understanding, have perhaps metaphysical vision.

YOUNG: Let me interrupt you right there. Is it your theory or belief or deduction from what you know of these things that the reproduction of Mr. Rich's face in the photograph taken of the blood spots on the barn result because of the fact that Rich was present when that blood was spilled?

DKRLOR: That's the scientific discovery that was made when those things were found.

YOUNG: That's your theory of it, that the reason why Rich's face appeared on the photograph was because he was present when the blood spots of which the plate was made were made?

DKRLOR: That might be a working hypothesis.

YOUNG: That's your theory, is it?

DKRLOR: Before I could bring this as a definite fact it would be necessary for me to investigate perhaps a hundred other cases. I can't give a definite answer why by these photographs.

YOUNG: Well, leaving that as it is, how is there any significance to Smith's face appearing in these photographs if he wasn't employed until long after?

DKRLOR: This would be called a prophetic picture, a prophetic projection of the event.

YOUNG: You mean by that that the picture which was developed from the blood stains on the barn prophesied the future connection of Mr. Smith with the action of the murder?

DKRLOR: I wouldn't say so, sir. I would say the conception was a little wider than this, that in reality all the lives of men form but a very small link in the important chain of cosmic events, and I would say in the life of man the future is nothing but the past unfolded.

That is, we reap what we have sown. And if in the consciousness of man, which is retained by his blood particles in the form of electric atmosphere, could be a sensitive plate, such faces as will appear on those plates would be either acknowledgments, or perhaps would be projections of future events.

YOUNG: Well, Doctor, taking that statement right there, how can it be possible for the visualization of faces which haven't yet happened to be caught in the blood particles of the human system?

DKRLOR: Well, sir, you know very well that frequently you are unaware of what might happen to you six months ahead, yet sometimes automatically or spontaneously you seem to have a vague impression, either sentimental through a feeling, or perhaps through a peculiar impression you have in the morning, when you go to sleep and through a dream you dream actually of a place where you find yourself to be the next summer or next winter.

I know that before I came to this case I dreamed, the very day I was coming here, I dreamed of snow-covered mountains, and when I reached here in August, on the hottest day of the year almost, I was a thousand miles away from thinking it possible for me to remain in Jaffrey when the mountains in Jaffrey would be covered with snow.

This happened in August. I first saw the snow fall in January. That was fully four months beforehand. The picture which appeared, and which was discovered the 23rd of January, the face of Mr. Smith, which tallied with the face in that plate, would be more or less a proper illustration.

YOUNG: Well, Doctor, if this were true it could not be because of the theory you advanced a few moments ago, that the vision communicated by the eye actually

fastened itself upon the blood particles of the circulatory system, could it?

I'm asking if the fact, which I understood you to say, that the vision of Rich's face, for instance, communicated to the blood particles through the sense of sight and through the retina of the eye of Mr. Dean, was planted upon the barn door by those particles of blood from his circulatory system and spattered against it, can those pictures of those spatters reproduce the same scene that was reproduced upon the retina of his eye?

Now, if it is actually the sense of sight and the visualization of actual occurrences that would result in this you speak of, it couldn't be possible for things that were to happen several months later, like the employment of a Boston attorney to assist in the investigation of this murder, to be reproduced in that way, could it?

DKRLOR: I would say yes, because we all have in ourselves what is called involvement with our future, with our destiny.

YOUNG: Well, to go back a bit. Assuming for the time being, and adopting your theory that the wounds upon Mr. Dean's head were caused by this little hand cultivator or digger, was that blow, or were those blows, inflicted by the digger with the points turned toward the head, or with the back or the side of the instrument?

DKRLOR: I would think the face of the instrument would be presented.

YOUNG: That is, those three marks which you found on the head of the deceased you think were produced by three of the tines of this digger? That would be your theory?

DKRLOR: Yes.

YOUNG: That they were not produced by a blow from the back or the side of it, but rather from the three points striking the head, and because of the convex surface they would hit, of course, irregularly?

DKRLOR: Irregularly, that's right. This way the wound here is only a very small mark, whereas here the thing is a little longer as the instrument turned down. This mark here is much larger and I suppose the instrument fell from the hand of the assailant, or in the darkness the assailant, I believe, threw this instrument into the face of the man who stood next to the murdered man. I think the instrument fell on the barn piazza.

YOUNG: Then, to follow out your theory chronologically and to the logical conclusion, as I gather from the testimony, we are to assume that Dean was struck with this digger, that the digger fell from the hand of the assailant on to the floor?

DKRLOR: After it struck the other man.

YOUNG: Now, get me right. I'm trying to follow your

theory chronologically, and as I understand it we are to assume that the perpetrator of this crime struck Dean over the head with the digger, inflicting the three wounds which have been described. Next, the digger must have fallen from the assailant's hand on to the floor of the porch?

DKRLOR: No. Next it struck into the face of the second man, presumably Mr. Rich.

YOUNG: By the same man that struck Dean?

DKRLOR: Yes.

YOUNG: Then as Dean was struck with this digger, times down, then by the same man possibly — I'm not sure about that — the same man struck Rich across the face with the instrument. Then it fell to the ground, to the boards, and was stepped upon by someone in the scrimmage. And then it was picked up and carried by someone from the barn to the cistern and by some method, which I don't know anything about, was dragged across the stone at the edge of the cistern so as to scratch it and dent it quite thoroughly. And then it was taken by someone, I don't know who, from the point where it made the indentation upon the stone, down here?

DKRLOR: Yes, afterwards when they made their getaway.

YOUNG: Seven hundred feet or so?

DKRLOR: About five hundred to six hundred feet.

YOUNG: A distance of five or six hundred feet down into the pasture and hidden under the stone?

DKRLOR: Under the stone, yes.

YOUNG: And that as a result of what was done there at the Dean homestead, somebody sustained a wound so that it was necessary to use these bandages which you have here, a part of which were left over here by the Henchman house, and a part of which were left down here towards the Davis house?

DKRLOR: Yes.

YOUNG: Now, I don't think of anything else I want to ask you about, Doctor. If there is anything you wish to suggest you may state it briefly as possible.

DKRLOR: Yes. I would like to have Mr. Pickard present here.

JURYMAN: One or two questions I would like to ask you, Doctor, while we are waiting. One point isn't clear to me and I presume mightn't be to the jury. When you first came to the case you stated, did you not, that you had known this Frederick Dean about a year and a half?

DKRLOR: Yes.

JURYMAN: Very well acquainted with him? Quite intimately?

DKRLOR: Fairly intimately, yes. His wife and my wife more or less spoke confidentially on certain matters.

JURYMAN: And you found him a kindly sort?

DKRLOR: Very. Very much so.

JURYMAN: And through your psychological knowledge you were able to size him up as to what kind of man he was?

DKRLOR: Yes.

JURYMAN: And you felt he was a pretty nice sort of gentleman?

DKRLOR: He was a very kind sort of a man on the surface, with a sympathetic disposition, though I think from what I have heard and gathered, he was a fairly hard man. I was told that Mrs. Dean had with Frederick Dean, when living in New York, a great deal of annoyance and trouble in the past owing to his involvement with various things, and with regard to certain money matters, well, his record is not very enviable. I was warned not to trust Mr. Dean with regard to matters of money.

JURYMAN: You weren't warned with regard to that until after you came to Jaffrey?

DKRLOR: No, it was last summer. You see, I have a literary agent and the same literary agent I have had also engaged Mr. Dean years back, and this man once volunteered the information, when I mentioned I had met a genial man who had wonderful stories to tell about the Far East, he said, "What is his name, Frederick Dean?" I said, "Yes."

"Well," he said, "My dear boy, take care of your being involved with him from a financial point of view for he is a very artless kind of man." And one thing and another. I wouldn't believe it. I never attached any importance to this gossip. I didn't want to know anything about it. But it is a fact that Mrs. Dean and Frederick Dean had, on past occasions, a great deal of difference on the two children. The two boys which Mr. Dean has are two very wonderful young fellows. Another thing, I was told that Mr. Frederick wasn't addicted to alcohol, but had been in the past.

JURYMAN: You stated, did you not, that you and Mr. Frederick Dean, up to the time of your separation on Tuesday morning after the murder, were in accord, in sympathy and accord, with regard to the information on the murder?

DKRLOR: Yes.

JURYMAN: You also stated that you visited Keene the Monday night before, and while in Keene he was changed in some way?

DKRLOR: Yes.

JURYMAN: By them definitely, from what you said?

DKRLOR: Yes.

JURYMAN: Well, you were present with Mr. Dean in Keene?

DKRLOR: That's so, yes.

JURYMAN: During the whole interview?

DKRLOR: Yes.

JURYMAN: And heard all the conversation that took place?

DKRLOR: Certainly. And there was Mr. Wellington, and Mr. Lord present.

JURYMAN: What was it that changed Mr. Dean's opinion with regard to the murder?

DKRLOR: I think I stated one or two things that he might have been afraid of, what Mr. Pickard told Mr. Dean and myself that time, that if Colfelt were to hear his name mentioned as a pro-German or as a German spy in connection with those lights he, Colfelt, wouldn't hesitate to bring a libel action against anyone, including Miss Ware, and Mr. Pickard warned us that very same evening about the fact that if we knew Miss Ware and had heard these various stories about the light and spy activities, we should go to Miss Ware and tell her to refrain, for if she didn't refrain Colfelt wouldn't hesitate, she being a wealthy woman, to sue her for libel, and furthermore, he, Mr. Pickard, was going to write to Miss Ware to the effect of stopping talking about lights and those spy activities, but Mr. Pickard never committed himself to paper.

He sent, instead of that, two men who went to Miss Ware and so unsettled Miss Ware's nerves at the time that Miss Ware asked me if I thought it advisable for her to leave her home in Rindge to go to Boston for some time. I said, "Miss Ware, I don't think you need trouble about it. You may go if you wish for four or five days, but I wouldn't let this matter play into your mind in any way."

JURYMAN: You felt that Frederick Dean was scared out of the case, in other words, from the statements Mr. Colfelt had made to Mr. Pickard?

DKRLOR: Yes. There's also this other side, that Mr. Dean, you must remember, is a man who didn't have means, didn't have means for many years. He squandered his money. There might have been in his mind the idea, perhaps, that the estate might be worth something and he, being the next of kin, might come into this money.

JURYMAN: He had already seen the will that Mr. Dean had left, hadn't he, giving the entire property to Mrs. Dean, didn't he?

DKRLOR: Dean never mentioned anything of that matter to me at all Tuesday morning when coming out of the bank where we said goodbye to Rich. He said, "I'm glad to learn that the financial situation of my brother isn't as bad as I thought it was, that there's some money there with the Rochester bonds which had been thought valueless for some time, perhaps the last twenty years, but they seem to be quite good enough to pay expenses for Mrs. Dean for some time."

JURYMAN: You were very much surprised, you stated, when you left Mr. Dean at the railway track in

East Jaffrey and found the sort of man he was?

DKRLOR: Yes, I was astounded.

JURYMAN: Then your psychological sizing up of the man wasn't as valuable to you as in some other cases?

DKRLOR: Yes. It was because my wife is the one who wanted me to befriend the Deans because Mrs. Dean had a very good voice and because my wife and Mrs. Dean met, first of all, first in 1916, in the house of Mrs. Towne of the [] Cotton Manufacturing Co., and she had a good voice and she had heard Mrs. Dean sing several times, and my wife thought we should meet.

I met Mr. Dean, for we had a community of interests because he had been in the east and eastern philosophies interested me, but I never had any what you call respect or admiration for this man in the sense of respect for his knowledge and for what you would call his spirit.

JURYMAN: You stated that this case cost you six thousand dollars. What did you mean to imply by this?

DKRLOR: I meant by this, I have been on this case ever since last August up to date, that I haven't been able to do anything else besides. I have worked for just what you would call bare expenses, whereas if I had remained in New York I would first of all there secured my appointment with the New York World which was with respect to the news of it, and if the New York World wouldn't have taken it, the New York Globe would have taken it, and if they wouldn't have taken it, I felt besides that it would have been taken by the Hearst chain.

I didn't care to place the matter in Mr. Hearst's hands at that juncture, but I thought it would be worth to him at least eight or ten thousand dollars. Besides being able to do other things.

JURYMAN: What specifically would that be?

DKRLOR: I have various contracts for films. I have accomplished two. I have more to finish. That has had to remain in abeyance. I have contracts for two books with one publisher and the promise of another book, and a book for which I have been contracted as long ago as August 1917 and which I was in the process of finishing last year, but it had to remain unfinished.

JURYMAN: Those can be finished later, so it really isn't a loss to you, only a postponement?

DKRLOR: No, you see, because this book would have been ready for publication in French and there would have been a literary commission which would have meant the sale of six thousand books.

JURYMAN: But you saw the item of thirteen hundred dollars or so in the Town Report that would be expenses incurred by you while you were working on the case?

DKRLOR: For the simple reason that I have a studio

in New York for which I pay about \$125 for rent. Then I have my wife to keep in New York, and as far as I was concerned here in Jaffrey, I didn't expect anything else but providing for my wife and my studio to be kept going in Fifth Avenue. All in all, it was quite all right. But when October came and the renter in New York wanted to raise the rent to \$150, I felt my wife better go to a hotel.

JURYMAN: It wasn't actually expenses incurred, carfare, etc., that was incurred by you, but it was your living expenses and the expenses of your family?

DKRLOR: Well, you see, in New York, during the winter months, I am able to make anything from \$250 to \$300 a week. I don't want this jury to misunderstand the statement or be misled by the statement.

I don't wish to imply anything in this respect. To me it is most loathsome to speak of money, and I have no desire to give the impression I have lost money on the case, but I had a patriotic duty to do something for the country at the time it was at war. It was, I thought, the least I could do.

JURYMAN: Then you remained on the case in consideration of your patriotic duty and your interest in the case?

DKRLOR: Yes. Gentlemen of the Jury, I wish to tell you that this perhaps is one of the most important stumbling blocks. This is a copy of the paper I left and the pencil mark which is underlined is 8:40 p.m., and which Mr. Pickard says is not his pencil mark, but I suggest fearlessly it is his pencil mark, or somebody else's pencil mark in his office.

If you can take this lens to look at the pencil mark, underneath it you will find the pencil mark is very fresh and it does not tally with the same one which is on this paper. While it is true that it gives 8:40 p.m., this document doesn't give the conversation of Mrs. Rich and Miss Hodgkins.

There is no mention of violets and there is no mention of the departure of Mr. Dean from the Rich's household on Tuesday night, the 13th, and the two witnesses, Mr. Peter Hogan and Mr. W. F. Coolidge, who were with me that afternoon when we called at Pickard's office, saw me take notes down from this document, and Mr. Coolidge himself did make a correction in that document to which he called Mr. Pickard's attention, and Mr. Hogan was also a witness.

This is not the document, and if Mr. Pickard insists on saying this was the document, and it isn't from the original document, I will charge Mr. Pickard with the attempt to introduce in the procedure something radically wrong.

YOUNG: Right there, Doctor, can you suggest any reason why Mr. Pickard should be insistently attempting to introduce something which doesn't apply here and which you say is false?

DKRLOR: If Mr. Pickard stands by this document I would charge Mr. Pickard with attempting to interfere with the proceedings against Mr. Rich.

YOUNG: Have you any notion what the reason would be for that?

DKRLOR: Either ignorance or treason.

YOUNG: Have you got any notion as to which?

DKRLOR: I have one. His actions all along have to me suggested that.

YOUNG: Have his actions been anything more than simply that he absolutely didn't adopt all the theories that you advanced?

DKRLOR: Not in the least, sir. Not in the least. You can see for yourself Mr. Pickard stands by the document. This is not the document. This is the third or fourth time we have had to thresh matters out.

YOUNG: Why should there be any reason that this report, dated Saturday, August 14th, papers given by Mr. Scott but not seen by anybody, what particular reason is there, to your mind, why Mr. Pickard, representing the County of Cheshire, should insist upon this report rather than the original one, if there is an original one?

DKRLOR: It is a statement I have never made in public. As long as you are asking the question, I would like to take a moment to refer, if I may, to the wrong handling here.

YOUNG: Well, we'll take a chance.

DKRLOR: It seems to me, in matters where war times are on, when we know that there are those of our soldiers being shot to death, and when we have studied reports coming down for two years . . .

YOUNG: Well, I'm not going to listen here any longer, listen to your speeches. If you have any reason you can suggest in your mind why you think Mr. Pickard should substitute a false report, will you state it? I don't care to hear anything more about it.

DKRLOR: Well, I would say that my reasons are only surmises. They are just surmises based on a conversation I had with Mr. Pickard.

YOUNG: And that surmise, so far as it exists to your mind, extends to the Sheriff of this county, and the Attorney General, and everybody else who had anything to do with the case?

DKRLOR: No, sir, not at all.

YOUNG: Don't you understand, as a matter of fact, in the procedure in this case, the County Solicitors of the several counties are under the supervision and direction of the Attorney General's office? Don't you understand that fact?

DKRLOR: Well, I think . . .

YOUNG: Don't you understand that fact to be the fact? Yes or no?

DKRLOR: I didn't, until today.

YOUNG: Well, if you knew that was the fact, would

that change your opinion with regard to Mr. Pickard any?

DKRLOR: If I knew that to be the fact, yes.

YOUNG: If you knew, as a matter of fact, that the sheriffs of the several counties were under the supervision and direction first, of the County Solicitor's office, and afterwards of the Attorney General's office, would that make any difference in your attitude towards the sheriffs of this county?

DKRLOR: If they were all together, yes.

YOUNG: Then you stated that your opinions here with respect to Mr. Pickard's attitude were based upon surmises?

DKRLOR: No, sir. Upon facts. This fact, that is my least fact.

YOUNG: I asked you what reason you had for thinking that Mr. Pickard would substitute a false paper for an original paper, and you said it was a disposition to shelter somebody, and you used the term, "either treason or ignorance." Now, I asked you what you based that conclusion on and you said surmises. Now, surmise means guess.

DKRLOR: The reputation of Mr. Pickard. His experience in suing other people for \$15,000 and losing his case, and being sued for malfeasance. I studied his case.

YOUNG: You think because a fellow brings suit as a lawyer and loses the case that is a reflection on his ability?

DKRLOR: Well, Mr. Pickard, if I may, was very anxious to see the pictures of the Dean murder and Rich's face when I brought to him those pictures.

PICKARD: Won't he confine himself to questions and answers? I'm trying not to lengthen this because this is a Grand Jury.

YOUNG: I am going to do something else presently, but if he has anything to state, let him go ahead and state it. Have you anything further?

DKRLOR: When I very simply pointed out to Mr. Pickard and Mr. Young the two stained prongs in the blanket . . .

PICKARD: Mr. Young you never pointed it out to.

DKRLOR: I beg your pardon. Mr. Pickard here. Mr. Lord also, I think. Mr. Lord, Mr. Pickard, and I were there alone.

YOUNG: Mr. Lord, the Sheriff of the county?

DKRLOR: Yes. A good many other things he looked at. Those pictures. He looked at my manuscript, and he said, "I won't read this manuscript now, I'm too busy, but I give my word of honor as a gentleman I will return it in forty-eight hours."

YOUNG: Didn't you understand Mr. Pickard sent your manuscript to Mr. Emerson, Deputy Sheriff of this county, for instruction?

DKRLOR: Mr. Pickard said he would treat this matter confidentially.

YOUNG: Didn't you understand he was going to follow it up?

DKRLOR: No, sir. He said he would read it very carefully, read every word of it, to which I recall joking, "Mr. Pickard, it is a long document. I hope you will read every word of it. I know long documents are quite tiring to the eye." He said, "I will give you my word of honor I will treat this quite confidentially, it won't go out of my hands, and I will read it." And this was in the hands, not of Emerson, but his at the time.

YOUNG: Well, if you have anything else to state about the murder that shows any connection to anybody?

DKRLOR: I have a good many other things, but at the present time you must excuse me because I am very tired, and if I may come again tomorrow, or some other time, I will hold myself at your entire disposal.

YOUNG: I don't think I wish to extend this any further. At my suggestion — unless the jurors wish further explanation I will go along with them — but as far as I am concerned, I shall not invite you to come again. If they want you to, you may.

JURYMAN: May I ask one question? What were those photographs taken of the barn door there for? For what purpose?

DKRLOR: For the purpose of identification. In criminological work you take pictures of everything that should be taken. You see, for instance . . .

JURYMAN: I understand that, but why aren't those photographs here today?

DKRLOR: I can produce them any time you wish, but they don't enter into what you call criminological investigation. If they were regular criminological work, I would have been producing them to you for that, but these are pictures which have no value.

JURYMAN: I understand I can't go by them at all?

DKRLOR: If you wish to go by them, you can see them any time you wish.

JURYMAN: If the faces are so apparent that ninety out of a hundred could read it, why isn't it of value to be present here?

DKRLOR: Because legally and criminologically these things are legally of no use. There is nothing interesting.

JURYMAN: Well, I don't think you should give the jury to understand then that they form any particular point.

DKRLOR: I don't wish them to so understand.

JURYMAN: May I ask one question? I would like to ask him why it is that particularly Mr. Rich was one of the ones appearing?

DKRLOR: Mr. Rich is simply one bit of evidence. Other clues are apparent.

YOUNG: Which is exactly what we left and need to follow up.

DKRLOR: Well, sir, you have many more important witnesses to be called in this case besides myself.

JURYMAN: Did you find those clothes near the highway?

DKRLOR: Between eight to twelve feet of the highway.

WITNESS DISMISSED

10 MINUTE RECESS

LAWRENCE M. COLFELT, Jr.

Direct Examination by Mr. Pickard

PICKARD: You live where?

COLFELT: I live at 21 West 50th Street, New York City.

PICKARD: How long have you lived there?

COLFELT: From the first of November.

PICKARD: Prior to that where did you live?

COLFELT: I had a place in Westchester County, at Harrison, for ten years. It will be ten years the first of this May.

PICKARD: Where were you born and when?

COLFELT: I was born in Philadelphia. 1031 Pine Street.

PICKARD: Will you state your age?

COLFELT: I was just forty on the 19th of March.

PICKARD: Of who does your family consist?

COLFELT: I have a mother who is seventy, and my sister is Mrs. [Dillar] 159 West 79th, and I have a brother who lives abroad and is in Nice, France.

PICKARD: Is your father living?

COLFELT: I'm not sure. My mother and father have been separated since I have been twelve. I haven't seen him since I was twelve years old.

PICKARD: And your own immediate family consists of what?

COLFELT: My wife and daughter.

PICKARD: And the daughter's name is what?

COLFELT: Miss Natalye A. Colfelt.

PICKARD: Her age is what?

COLFELT: She will be twenty-two in June. She is my stepdaughter.

PICKARD: The child of your wife by a former marriage?

COLFELT: A former marriage.

PICKARD: Is the fact that she is a stepdaughter generally known?

COLFELT: Why, I've tried not to have it generally known, but I think people do know it. That sort of thing there is no use in hiding.

PICKARD: Has she had her name changed to Colfelt?

COLFELT: Not legally.

PICKARD: But that's the name that she is known by and goes by?

COLFELT: Yes.

PICKARD: Where were your parents born, if you know.

COLFELT: My mother was born in Philadelphia, and my father was born somewhere in Pennsylvania but I don't know exactly.

PICKARD: Are you able to trace your lineage back from an old country?

COLFELT: My grandfather came over here as a boy eleven years old. He came from the County of [Tyerne] Ireland.

PICKARD: So he was of Irish extraction?

COLFELT: Yes.

PICKARD: Your mother's people, where did they originate?

COLFELT: That was my mother's father. My great grandfather I think came from Switzerland. There's some question as to whether the Germans owned this particular place or the French did. It makes a difference as to whether he was born under German rule or French.

PICKARD: This was your great-grandfather on your father's side?

COLFELT: Yes.

PICKARD: He came to this country in his youth?

COLFELT: I don't know about my father's father, when they came. They were people who had money. My father's mother was a Bates, and my grandfather is the one that stands out in the family. His name was James McManus.

PICKARD: Where did he live?

COLFELT: He lived in Philadelphia.

PICKARD: And he and your mother, and so far as you know, your father, have always lived in the United States?

COLFELT: Always lived in the United States.

PICKARD: Now, this may seem a bit personal, but whatever takes place in here is supposed to be secret. Do you mind speaking something about what you have done? About what your life work has been?

COLFELT: Well, 1906 and 1907 I was with the firm of [Marner Spader & Co.]. They were in the brokerage business. You see, I inherited from my grandfather an income and I have always had, since that time, from ten to twenty thousand dollars a year.

PICKARD: Without any effort whatever on your part?

COLFELT: Without any effort on my part at all.

PICKARD: And you have used that by living and going about and having a good time?

COLFELT: Yes, and I have always lived right up to it. You know, it doesn't go very far nowadays, with all the comforts of life, horses, and help, it all takes up money.

PICKARD: So that you haven't been employed as you might have been if you hadn't had this income?

COLFELT: Oh, no. I was taken in the brokerage business. I was there two years, and I started in in a very

lowly position. I was made manager of the business and I was sent down to Palm Beach, but I was not in possession of the capital to buy a seat on the Exchange. They were selling anywhere from sixty to eighty thousand dollars. My mother didn't see it that way, and my health wasn't any too good in the office, so I dropped out and I didn't do anything until very recently.

Of course, the last summer everybody was occupied and I would have been glad to have been occupied and wanted to go to work, but I live on the earnings. When Mother dies I will get an income, and I didn't feel like putting out all the money it took for the insurance, for if anything happens to me, my wife and daughter get nothing. She would have it if she was my child, but unless I inherit the money, my wife would have no money at all for it's all in trust.

PICKARD: Where did you go to school?

COLFELT: I went to Hill School in [Potsdam], Pennsylvania.

PICKARD: Are you a college man?

COLFELT: No, sir. I never went to college.

PICKARD: How long have you been going to Hillsborough County for your summers?

COLFELT: Is Jaffrey in Cheshire County?

PICKARD: Yes.

COLFELT: Well, I'd always heard about New Hampshire being so wonderful, and I made up my mind I would come up here. My daughter is very delicate. Tuberculosis is in the family and she seemed to benefit in the mountains so I came up here and took the Baldwin place. That was the summer of 1917.

PICKARD: That was in Jaffrey?

COLFELT: Yes, that was just above the town. That was in 1917.

PICKARD: How long did you live there?

COLFELT: We were there about — I think from June until October. I think we were there about that time. We mightn't have arrived until a little later. She didn't get through school until the middle of June. I leased my home in Harrison. I had five horses and three cows and a lot of ducks, etc., so it meant house-keeping, so I remember they came on approximately the first, so I had to move everything up to the other place.

PICKARD: You were there how long? At the Baldwin place?

COLFELT: From June 15th until October first.

PICKARD: Then where did you go?

COLFELT: I went back to the corner of 65th Street and Park Avenue. I sent a man with all of my stuff to my mother's place in Pennsylvania.

PICKARD: And did you return to New Hampshire in 1918?

COLFELT: In the summer of 1918. I think we left New

York about June fifth and went to Maine and we stayed there until August 12th.

PICKARD: You went to Maine in June and stayed there until when?

COLFELT: Until August 12th.

PICKARD: Then where did you go?

COLFELT: Then we went to Dean's house.

PICKARD: You mean you lived there in August 1918 when he was killed, do you?

COLFELT: He wasn't killed — no, this must have been 1917. Just wait a minute. No, I must have the years ahead of time. I lived there last summer. Left Mr. Dean's place June fifth.

PICKARD: 1918?

COLFELT: 1918. And I arrived at his place the previous fall.

PICKARD: Did you live there through the winter?

COLFELT: Yes.

PICKARD: So it was 1916 you were at the Baldwin place?

COLFELT: Yes.

PICKARD: And you went back to New York in the fall of 1916?

COLFELT: Yes, it must have been that year. Until June 1917.

PICKARD: Then where did you go from there?

COLFELT: Then I must have gone to Maine, and I stayed there until August 12th.

PICKARD: Then where did you go?

COLFELT: I came to Boston and went out to Mr. Dean's house. My intention at that time was to stay only a month.

PICKARD: In the meantime, how had you gotten in touch with Dean?

COLFELT: We had written more or less. He was to send me pictures and the papers in the mail.

PICKARD: You began communicating with him when at the Baldwin place?

COLFELT: Yes.

PICKARD: How far was that from the Dean home-
stead?

COLFELT: About one mile.

PICKARD: Did you, during that summer of 1916, exchange visits?

COLFELT: Yes. He used to come down, and Mrs. Dean, to come down several times and take dinner with us.

PICKARD: How did you find them? Congenial people?

COLFELT: Yes, we liked them very much. In fact, we kept up the correspondence with them, particularly my daughter and he, and he wrote that he hadn't rented the house and that was the reason, primarily, that I went there, and she liked New Hampshire so well I thought we'd go over there and stay a month anyhow.

PICKARD: And Mr. Dean and Miss Natalye were very friendly?

COLFELT: Yes, he liked her very much.

PICKARD: They exchanged letters after she returned to New York?

COLFELT: Well, after we left the place.

PICKARD: After you left the Baldwin place?

COLFELT: I don't remember whether she wrote. I'm not sure about that, but I know my wife wrote occasionally, and I wrote a couple of letters.

PICKARD: So you came back in June 1917 and took up your temporary residence at the big house on the Dean homestead?

COLFELT: Yes.

PICKARD: And you continued to live there until?

COLFELT: Until the fifth of June.

PICKARD: 1918?

COLFELT: 1918.

PICKARD: And then from there where did you move?

COLFELT: We went over to Greenville. That's about fifteen miles.

PICKARD: Whose house did you hire or occupy over there?

COLFELT: Mr. Stearns. It's on the main road. It's really Greenville, within the town of Temple.

PICKARD: So, if I understand you correctly, you lived in the Dean homestead from August 12, 1917 until June fifth, 1918?

COLFELT: Yes.

PICKARD: Why did you leave the Dean house?

COLFELT: For some reason, Mr. Dean didn't seem to want us on the place. I had horses there and he objected very much to my having a man on the place because it seemed to put him in a menial position, I think. I don't know why he should feel so, but if I did have a man on the place and he had been there alone for so long, it seemed irksome to him.

And then he got in his head this German spy situation and worried about the war. I said of course we wanted to win the war. The man was beginning to worry himself to death about it. And then there would be different things come up, and he said, "You are a German, aren't you?" I said, "Not that I know of." He said, "You are a German." He said, "I heard that all over the town, you're a German." I said, "No, I'm of Irish extraction more than anything else."

And then Will Cleaves came up one time and in my presence and Mr. Dean's presence started to talk about seeing lights up on the hill, and my mind was so thick it never got through my skin, but after a while I put two and two together and supposed they meant me.

Then Frank Humiston came up and told me it was talked about the town that I was a German spy, and I was very anxious to find out who had said that, and I never was able to.

PICKARD: What is the fact? Were you ever in any way connected with the German military government?

COLFELT: Absolutely no. I never even put my foot in Germany. My daughter has a few school friends that were German descent. That's all I know about Germany.

PICKARD: You never were in the employ, or never acted in any capacity or in any way for Germany, or any of her agents?

COLFELT: No, no way.

PICKARD: What were your sympathies in connection with the war?

COLFELT: Well, of course, I wanted the United States to win, the Allies to win. There was nothing about that.

PICKARD: Were you pro-English, or how was that?

COLFELT: No, I wasn't pro anything. I was pro-American.

PICKARD: As between England and Germany, did you express any preferences or any views as to the merits of the war?

COLFELT: No, I don't think I ever did.

PICKARD: Did you have any feelings or any sympathies as between Germany and England before the United States got into it?

COLFELT: No, much as I felt I didn't want to see the United States get in to pull the chestnuts out of the fire or anything like that. At that time there was a great deal of talk about it.

PICKARD: And your sentiments, perhaps you expressed sentiments along that line?

COLFELT: Well, perhaps I did.

PICKARD: On April sixth, 1917, when the United States declared war, from that time where were your sympathies?

COLFELT: Absolutely with the home country.

PICKARD: You are a citizen of the country and your parents and grandparents had been citizens?

COLFELT: Yes.

PICKARD: You say there was no connection between you and the German government, and no sympathy on your part with their part in the war?

COLFELT: Absolutely none.

PICKARD: With regard to those lights which were said to have been seen in the vicinity of East Jaffrey and in the vicinity of the Dean place, have you any connection with them whatever?

COLFELT: Absolutely none. The only thing was I had an Oakland car that had very powerful lights on it, and coming up the driveway is a sort of a semicircle, and those lights were terrific, and on the road once a fellow came along with a Packard and he said, "Boy, you are good, you are good," and he stopped and pulled up there, and a great many people complained of them, and at that time a law went into effect you had to subdue your lights.

PICKARD: That was an Oakland car?

COLFELT: Yes. That's the only thing I can see. Of course, I would go around with a lantern when I went to the barn. That's all I know about the lights.

PICKARD: As your car went up the hill there those lights would be? . . .

COLFELT: Not so. I understand the report came from the other side. If I was going over the hill they might see the lights, they might, but when I go on the plateau of the Dean place those lights would go up in the dark places and circle around that way, so that anybody in the town could see them.

PICKARD: Did you ever show any lights there intentionally? Did anyone show any lights there, so far as you know?

COLFELT: So far as I know, no.

PICKARD: What were your habits about retiring at night? Was the house darkened early or late?

COLFELT: Why, sometimes I guess the light would go all night. I would go to sleep reading. We got to live an odd sort of life. We didn't have any late company around and very often we went to bed very early. I know Mr. Dean used to say, "Why don't you leave the light there?" He said the only reason he rented the place was to see a light there. He used always to say he liked to see a light around. Even when we lived on the Baldwin place the year before, it was a source of satisfaction to see the house lit up.

PICKARD: You took it by that he would rather see the house occupied than to see it vacant?

COLFELT: No, you can take that any way you want. He said that was one of the main reasons he rented the place. When he came over to the barn he liked to see that place lit up.

PICKARD: So far as you know, so far as you observed, there were no lights shown there on the premises?

COLFELT: Only the domestic lights in the house.

PICKARD: And what lights may have been on your automobile?

COLFELT: Yes.

PICKARD: Now, were you in the habit of going out evenings or nights?

COLFELT: No. I was really so tired. I used to take care, as I say, of my three horses and I was worn out by night and I think we usually retired by nine or ten o'clock at night.

PICKARD: Did you go out on the roads, around the Dean homestead in the vicinity of East Jaffrey, horseback riding at night?

COLFELT: No, never. I never had a horse out at night in my life.

PICKARD: Did you ever have a horse shod otherwise than in the ordinary way?

COLFELT: Never had a rubber shoe on a horse while I was there. I had leather boots. One horse got some-

thing worked up in leather between the shoe and the hoof.

PICKARD: The blacksmith put that in when he shod the horse? He put leather between the hoof and the shoe?

COLFELT: Yes.

PICKARD: Were the horses you had up there that summer of 1917 all iron shod? Were they hard iron shoes?

COLFELT: Yes. I never had a rubber shoe on a horse since I've been up there. The only time I ever used rubber shoes was at one time I needed something of that kind to keep the horse from slipping. These horses all had very good feet. I never had a rubber shoe on a horse up there.

PICKARD: What help did you have on the Dean place?

COLFELT: I had Charles Linek.

PICKARD: Where is he now?

COLFELT: I don't know. Well, wait a minute. I have a couple of letters of his.

PICKARD: Was he in the service?

COLFELT: No. I think he had served in the army in the old country, though.

PICKARD: Who else was employed there during that year?

COLFELT: Frank Romano.

PICKARD: Where does he live?

COLFELT: He was in Portchester. I never have seen him from the time he left me.

PICKARD: When did he leave?

COLFELT: He left some time in July or August. I'm not absolutely sure. I know he was with me when we moved. He moved the things over from Mr. Dean's place.

PICKARD: There has been some talk about a large wooden box that was moved from the Dean place to your new place over to Temple. What was that?

COLFELT: That was the phonograph box.

PICKARD: What kind of a phonograph?

COLFELT: It's a Victrola, a two hundred dollar machine. I don't think they make them anymore.

PICKARD: Operated by electric power?

COLFELT: No, just a crank.

PICKARD: How long had you owned that?

COLFELT: I had that for five or six years, I guess. I guess longer than that. Seven years.

PICKARD: And when that was taken from the Dean house over to the house in Temple that you were moving into, do you remember who took it? Who went on the team with it?

COLFELT: No, I don't know the boy's name. Hamill — it was Hamill's automobile that delivered the stuff. He had two loads, I remember, and the cow was on the final load. We had quite a few trunks with us.

PICKARD: Was there any talk between you and any-

body, or anyone who had the handling of that box, as to what was in it?

COLFELT: I don't think so.

PICKARD: And when you got over to Temple where you were going with it, where was it left?

COLFELT: It was left back in the woodyard and stayed there until we left.

PICKARD: With the contents?

COLFELT: No, the Victrola was taken out and placed in the front room.

PICKARD: And when the box, together with its contents, was delivered at the Temple house, do you remember where it was left? Where the box was left?

COLFELT: Right in the big woodshed back of the house.

PICKARD: I mean before the Victrola was unpacked.

COLFELT: I think it was dumped on to the front porch.

PICKARD: And then it was unpacked and taken into the house?

COLFELT: Yes.

PICKARD: Did you, while at the Dean place, anywhere have in your possession any storage batteries or cells for the purpose of producing electric currents?

COLFELT: No, sir, not other than what was in our automobile.

PICKARD: The same as would be found in an automobile which has the self-starter?

COLFELT: Yes.

PICKARD: And during your stay at the Dean house did you have occasion to use, or were there used by yourself or anyone else, any electric apparatus or any appliance for the production of electricity or for the use of electricity?

COLFELT: No. The reason there was some feeling is because Mr. Dean, I told him I had an unusual trunk. It's the sort of style trunk that you hang your clothes in and it stands up endwise.

PICKARD: The same as is called a wardrobe trunk?

COLFELT: Yes. So I had him come up to look at it. He seemed anxious to see it, so I said, "Come up now and look at it." So he came up and saw it. I came to the conclusion they must have thought I had something to do with a wireless apparatus or something.

PICKARD: You didn't have any wireless apparatus?

COLFELT: Absolutely none.

PICKARD: And there were not any electric currents about the premises there of any kind?

COLFELT: Otherwise than the telephone and the battery in the car.

PICKARD: You say it was brought to your attention that someone had suggested that perhaps you had some sort of electrical apparatus there for the purpose of getting lights or making electricity?

COLFELT: No. I thought perhaps they might have thought I had some wireless apparatus on account of Mr. Dean's showing this desire to see this thing, together with hearing rumors I was a spy and a German and that sort of stuff.

PICKARD: Did you talk over with Mr. Dean this rumor about being a spy or being a German?

COLFELT: No. I heard he said over the phone to someone, someone was asking who we were and what we were doing up there, and I heard he said perhaps that we were spies, in a jocular way. He was always that way, had to be sarcastic or jocular.

PICKARD: He was a fellow who often spoke jokingly, so if he spoke that way you think it might have been in a joke?

COLFELT: Yes.

PICKARD: You don't know who he said that to?

COLFELT: No, I don't. We heard so many things, it's kind of like a dream to me now, who said it or who didn't, I can't tell.

PICKARD: To go back to the Dean house. Was there ever any preparation applied to any of the windows in the Dean house where you lived by anyone so far as you know?

COLFELT: Any preparation?

PICKARD: Yes, any coating or alcohol solution put on in any way?

COLFELT: No, sir, nothing done that I know of. Not even washed, so far as I know.

PICKARD: You know nothing about it?

COLFELT: Absolutely nothing.

PICKARD: And I believe you have already said there were no lights shown from the house, from the Dean house where you lived, except such as were used in your ordinary domestic affairs?

COLFELT: That's what I said.

PICKARD: This is rather disconnected but I happened to think of it now. Did you make a statement to anyone, or have you made a statement to anyone, that you had served in the German army or had been a German officer?

COLFELT: No.

PICKARD: What is the fact about that? Have you ever served?

COLFELT: I never served in any army. I went to a military academy two years when I was seventeen years old. That's all the military experience I ever had. I heard I was often up there in full German uniform. That kind of talk would get back to me.

PICKARD: Have you a German uniform?

COLFELT: No, sir. Absolutely not.

PICKARD: Now, to get back again to people, who did you employ besides those you have mentioned? Were there any others?

COLFELT: Yes, there was Mary McGuire. She's working in a munition plant in New York. She's an inspector over there.

PICKARD: When did Mr. Linek leave your employ?

COLFELT: Well, I remember he got in the car with the things the 23rd of November and I would say he stayed three months. I know he was there that very cold spell when we got thirty degrees below zero, and when he came up he said he had had his feet in the oven and couldn't keep warm then.

PICKARD: You think he left somewhere around the 20th to the latter part of February?

COLFELT: About three months later, yes.

PICKARD: When did Romano leave you?

COLFELT: Well, you see, he moved the stuff over the fifth of June, and I got the other man there previous . . .

PICKARD: Who is the other man?

COLFELT: I don't know the other man's name. I think my wife has his name and address. I don't remember what his name was. You see the reason is I went over to the shipyard in Portsmouth about this time.

PICKARD: You didn't go up there until after Romano left, did you?

COLFELT: No.

PICKARD: When did Romano leave your employ?

COLFELT: He must have left around the first of August.

PICKARD: 1917? You mean the first of August just before the murder?

COLFELT: Just before the murder, yes.

PICKARD: Can you fix that time?

COLFELT: I can fix the time by my checks or vouchers.

Of course, I haven't got them here with me.

PICKARD: What we are to understand from your statement is that Romano left the Deán place just a few days, if it was the first of August, or a couple of weeks perhaps before Mr. Dean was killed?

COLFELT: Yes. The reason I worked that out this way was because I was anxious to go to the shipyard and I had to take care of the horses from the time he left until shortly after the time I went to the shipyard. In the meanwhile I had gotten this other man somewhere around in August, might have been the first of August the other man came. My impression is that it was about a week.

PICKARD: Have you ever heard from Romano or seen him since he got through your employ?

COLFELT: No, I never have.

PICKARD: You don't know where he is, only you suppose he is in Portchester?

COLFELT: I think he is with the Portchester Bolt Company there.

PICKARD: You think he went from your employ right there to work for them?

COLFELT: As far as I know.

PICKARD: And Miss McGuire, when did she leave your employ? Did she go over to Temple or not?

COLFELT: No, no. She came from Maine and stayed

on the Dean place up to about — well, she was there the 23rd of November. She was there, as I remember, when the animals came up, when the stock arrived, but she left shortly after that and we had Hannah Harrington. She was up to the foot of the mountain, up at Dublin.

PICKARD: How long was she in your employ?

COLFELT: I think she was there up to about the first of April, I think. I think Mary left shortly after the 23rd of November and I guess we were without anybody a month, that would be December. And she stayed with us.

PICKARD: That is, Hannah?

COLFELT: Yes. So from around the first of January until April first, as I remember.

PICKARD: And then you were alone at the Dean place so far as help was concerned except for this man, Romano, from the first of April until you left there the fifth of June?

COLFELT: Yes.

PICKARD: What do you know about this man Romano?

COLFELT: Well, I don't know anything very much about him only he worked around Westchester County, and on the John Sterling place. He came up one day to the stable, eight years ago, and asked for a job and I took him, and he stayed with me two years, then he went off again and we didn't see anything of him for a long time, and I sent for him the summer I was in the Baldwin place, the summer of 1916.

PICKARD: How did you send for him, by telegram?

COLFELT: Yes. No, I went there. Yes, I corresponded with him through telegram but I located him through Mr. Williamson. He had worked on his place.

PICKARD: Why did you try to locate Romano?

COLFELT: Why, he is the only all-around man you could get around here. An all-around man. Everybody to be hired were getting \$16 to \$18 a week. I paid this man \$50 or \$60 a month and his board, and he could do anything.

PICKARD: Those telegrams between you and Romano were sent and received at the East Jaffrey Telegraph office?

COLFELT: As well as I remember, yes.

PICKARD: You had a telephone in the house at the Dean place?

COLFELT: Yes.

PICKARD: That was on the same line with Mr. Dean?

COLFELT: Yes.

PICKARD: Were there others on the line?

COLFELT: Yes, there were sixteen or seventeen on the line, I imagine.

PICKARD: Did you ever know of any of those people who were in your employ having any trouble with Mr. Dean?

COLFELT: No. No. He used to get out of patience

with them, you know. The trouble with them, none of them would want to suggest that he get the place all cleaned up and he took special delight in slopping it all up. I would dig the manure from underneath the stable and clean up the stable but he would like everything his way, liked it good and dirty, that's the way he liked it.

PICKARD: Was there some claim on his part that you wanted to have the stable?

COLFELT: Oh, no. The understanding was I had the place all cleaned out. Two men came over with a team and I had the place cleaned out. He had turkeys upstairs. I don't think the place had been cleaned out for ten years. It took two men to clean the dirt out. They were there over a couple of days cleaning the place out. I was afraid the horses would get lice on them.

PICKARD: Did he object to your keeping an automobile in the barn?

COLFELT: No. My intention was to take the automobile down to town but it was December fifth and a terrible storm came up and I couldn't get out.

PICKARD: Did you object to having turkeys kept in the barn?

COLFELT: Oh, no. He kept the turkeys all downstairs, but when spring came, that was the reason he said he wanted to raise turkeys, you know, and he needed upstairs. They couldn't stay downstairs, the little ones couldn't stay there.

PICKARD: Did he complain of losing turkeys while you were there?

COLFELT: Oh, yes. Yes. When we first went there he got his gun one day and he said the foxes used to take them and I took the shotgun for a while, was going to try to get the foxes, but I never saw a fox anywhere around the place.

PICKARD: Do you know how many he lost that summer?

COLFELT: No. I know he told me once the foxes had got twenty or thirty one year, but not that year. He lost one time actually a lot of them, seventeen or eighteen, and one of those boys living over on the corner — used to work for him. This man has a limp. I can't remember his name.

PICKARD: The woodchopper there? Ingraham?

COLFELT: No. Lives down the valley. This man was injured in the wood some way and he is quite lame.

PICKARD: Mr. Garfield?

COLFELT: Yes, that's right.

PICKARD: What was it Garfield said about it?

COLFELT: Oh, the Garfield boys brought the turkeys back, so they had been over there somewhere, and there was just one missing. They had gotten away overnight and he was surprised to get them back.

PICKARD: So far as you know, neither Linek nor Romano nor Miss Maguire nor Miss Harrington ever

had any trouble with Dean while you were there on the place?

COLFELT: No.

PICKARD: Did you or Mrs. Colfelt or Miss Natalye Colfelt ever have any trouble with Dean?

COLFELT: No, sir. Of course, he used to go around and slam things around, don't you know, slam books down and make you feel as though you were sort of in the way. Oh, yes, then he said he wanted somebody that spring, wanted somebody to come on the place to cultivate the land. I said, "You haven't any farm implements or anything," and I said, "Labor brings a lot of money. Who is going to cultivate this place when a man can go to a factory and make from five dollars to ten dollars a day." I said, "Who would be willing to cultivate a little place up here?" And I have been over on the — what is that other man's name that has a milk route?

PICKARD: Moore?

COLFELT: No, a big chap, and he has a milk route over there. It seems to me it's something like Prescott. I can't remember his name.

PICKARD: Where does he live?

COLFELT: Right at Jaffrey there. One of his sons was down at Camp Ayer in the army for a while. Anybody that has been over to Jaffrey must know him. A great big husky fellow.

PICKARD: Proctor?

COLFELT: Yes, that's it. He had a stallion over there he wanted to sell so I thought I might buy it and plow the place, or something like that. He said I couldn't condition myself to cultivate any land. He said no, he didn't think he wanted it, gave me to understand I wasn't wanted there.

PICKARD: Did he serve notice on you to vacate?

COLFELT: No, sir.

PICKARD: How was it you happened to leave eventually?

COLFELT: I just realized. He said there was no hurry to get off, the only thing was I was interfering with his turkeys.

PICKARD: Did he tell you he wanted the place, that he wanted you to vacate, he wanted the place?

COLFELT: No, he didn't say that in so many words.

PICKARD: How did you come to the understanding you were going to move, and how did he know you had reached that conclusion?

COLFELT: Well, I told him, I said I realized I was in the way there.

PICKARD: What did he say to that?

COLFELT: He had told my wife, I think, or someone, that I had come up here to economize. "No," I said, "Mr. Dean, the reason I came to the place was to help you out. I understood you hadn't rented the place and my rent, the first month there I gave you \$75 for the house, and Mrs. Dean had been saying

that was the only source of revenue that you had." He was so bad off financially I asked to lend him money. I would have done it, but he was such a proud man, you know, I couldn't get to him at all.

PICKARD: But you never had, in your family or employees, never had any trouble with Mr. Dean at all?

COLFELT: No, sir.

PICKARD: Nothing any more unpleasant than the suggestion that he wanted somebody to cultivate the farm and you were given the impression you were in the way up there?

COLFELT: Yes.

PICKARD: Consequently of that impression did you inform him you were going to move?

COLFELT: No. I was trying very hard to get a place and he came over one day and said there was no hurry about it.

PICKARD: But you eventually did move the fifth of June 1918?

COLFELT: Yes.

PICKARD: Were you back at the place at all after that?

COLFELT: I think I was back there just once, about June 10th, to take down something or other. I bought an oil can at that time.

PICKARD: When you moved away over there, what time of day or night did you leave, when you moved from the Dean place?

COLFELT: I think they got the things away from there about dark.

PICKARD: Did you move out of there the middle of the night?

COLFELT: No, sir. I tried to get our mail. He had some work to do and by the time they had gone the five miles it was dark, as I remember it.

PICKARD: How about when you left the Dean house, was it light or dark then?

COLFELT: It was daylight. That was the second load. He had to go back and get the cow on the second load.

PICKARD: You had moved one load over and came back to move the second load over and before you got over with that to the Temple place it was after dark?

COLFELT: Yes.

PICKARD: When you left there did you say anything to Mr. and Mrs. Dean in the nature of goodbye?

COLFELT: I think we did, but I'm not sure about that. The understanding was I expected to go back again and see that everything was in good shape.

PICKARD: Did Mr. Dean at some time subsequent to that claim that you had taken things from the place that didn't belong to you?

COLFELT: No, not previous to that time. After I had left he said I had gotten a little short piece of chain that belonged to the calf or the bull or something. I

didn't know anything about the chain, and the man who had moved the stuff, he didn't know he had taken that chain, and afterwards I found it and sent it back to him by parcel post.

PICKARD: Were there any other things that Dean claimed you took away, like a carriage robe or rug or something?

COLFELT: Yes, he had a carriage rug that I sent back, too. I have a green one exactly that same color and I suppose this man, having seen the green one, thought that, being green, that was mine, too.

PICKARD: Did you go away owing anything?

COLFELT: There was a matter of a hay bill. I had been trying to have him give me a hay bill. I was buying hay from him. It was easier for him to sell it on the place.

PICKARD: So you bought the hay of him to feed your horses?

COLFELT: Yes.

PICKARD: How much did that amount to, do you know?

COLFELT: Well, let's see. I was there from December 23rd. January, February, March, April. That would bring it up to five months. When he got the hay in — the hay was never harvested until way in November. I didn't want to use the hay, to tell you the truth, and for a week or two I went down to the town and bought bales of hay and brought it up, and that was a terrible job with five feet of snow on the ground. But I used what I was using to work that out to about a ton a month.

At the time I agreed to bring the horses up there he said it was \$12 a ton, and afterwards when we talked about it, it was \$16. I didn't say anything, but I thought that was a queer sort of thing to do. "Well," I said, "won't you render me a bill?" — because I was going to put in against him the milk I had given to him. He had got my milk, about eight quarts a day. His cow went dry about December 15th, I think, and he got milk from me for about three months before the cow came in fresh.

PICKARD: Was there ever any trouble between you and Mr. Dean over this hay business?

COLFELT: No, sir, not a thing. The only thing is I tried to get him to send a bill and I never could. He said, "You know all about it." "I know," I said, "but I want you to render me a bill."

PICKARD: And so you went away from the place owing him for the five months' hay?

COLFELT: Yes.

PICKARD: And had you taken by accident this piece of chain and the carriage rug?

COLFELT: Yes, a carriage foot rug.

PICKARD: Anything else that you know of?

COLFELT: Not that I remember of.

PICKARD: You said you went back subsequently and took? . . .

COLFELT: I took an oil can.

PICKARD: That was taken by mistake, too?

COLFELT: Yes.

PICKARD: And at that time you hadn't sent the chain then?

COLFELT: I don't think he had sent the chain then. He wrote, or did something about the chain.

PICKARD: Well, did you receive a letter or a telegram or telephone call from Mr. Dean stating that he wanted you to pay what you owed and bring back the things you had stolen?

COLFELT: Not that I had stolen. He never said that.

PICKARD: What was the nature of that communication?

COLFELT: That was over the telephone. My wife got that telephone message and it was so unlike him.

PICKARD: Just what was it? You didn't hear it yourself, did you? Just what she told you?

COLFELT: Yes. I know it was a telegram that was phoned in.

PICKARD: Can you remember the substance of it?

COLFELT: Yes. The substance of it was to pay him for his hay.

PICKARD: What was your response to that telegram? Did you write him or anything?

COLFELT: No. I was quite worked up about it. It grieved me, because all I had asked the man to do was to send me a bill for the stuff, and I was going to write to him. My wife finally wrote him a pleasant note and finally got a bill out of him.

PICKARD: And did you send him a check for the hay?

COLFELT: No, I never paid him for the hay. I want somebody who is there to send me a bill for the hay and I will pay for it. Nobody has ever corresponded with me on the subject or anything about it.

I have two letters here. I guess the last letter Mr. Dean ever wrote.

PICKARD: Any objection to my seeing it?

COLFELT: Not at all. This is dated June 28th.

PICKARD: Do you care if I read it?

COLFELT: No.

PICKARD: "East Jaffrey, N.H. June 28, 1918

My dear Mr. Colfelt,

"Probably none of your acquaintances makes as many mistakes as I do. I am exceedingly sorrowful to have made you so much trouble."

COLFELT: This letter here goes previous to that. This letter explains that.

PICKARD: This is the earliest one? Well, we'll start again, please.

"East Jaffrey, 13 June 1918

Dear Mr. Colfelt,

"Your letter of the 10th enclosing check for \$18.22 has been received. I don't understand why you send \$5 for five days in June and omit the amount for the month of May. When you first came here you offered

me \$75 a month for the house, which I told you was too much. Later you proposed to pay \$350 to the first of May, including the amounts to pay for the house and barn. I said it was too little. However, that's what you paid and I am saying nothing about that. It is the regular price of the house and you have had the house and the use of the barn for nothing. If you choose to consider yourself my guest for the month of May, I shall naturally consent.

"As to the hay, you set the price and specified the amount your animals would eat. I cannot very well make a bill for you, however, because I don't know what to deduct for the other hay, other than mine, which you bought and have used. For the length of time you were supplying me with milk, you have the date and can figure it to suit yourself.

"My little saw I found in the cellar. It will be a small matter to return my carriage carpet by post and to enclose in the package the little tie chain with snap on each end which you used to fasten the door of Dolly's stall.

"Mrs. Robinson left the (buckboard) here to be sold. If you are interested I shall be glad to show it to you.

Yours truly,
W.K. Dean"

YOUNG: You gentlemen, any of you, care to look at it? Did you answer to that?

COLFELT: Answering the letter I said, "I don't know why you say I haven't paid for May." I went over all the papers and I paid him \$305 to date. I paid him \$6 a month for keeping my dog.

YOUNG: This is the one we started to read before:

"East Jaffrey, N.H., June 28, 1918

My dear Mr. Colfelt,

"Probably none of your acquaintances makes as many mistakes as I do. I am exceedingly sorrowful to have made you so much trouble and I have done you such moral injustices.

"I have not verified your figures but presume they are correct. My impression is that you have made one mistake yourself, and as it is in my favor I will call your attention to it. Without paying much attention to the matter at the time, I think you told me you had fed your stock on the bale of hay you bought for the month, instead of the week, as you wrote. So if I am right . . ."

COLFELT: Did you read that wrong? Don't I understand the mistake was in my favor, not his?

YOUNG: Yes, he says so. "My impression is that you have made one mistake yourself and as it wasn't in my favor I will call your attention to it. At the time I think you told me that you had fed your stock on the bale of hay you bought for the month, instead of the week, as you write. So if I am right you may, if you please, pay me for hay for five months instead of six.

According to your reckoning, one ton a month, deducting for the milk for the three months you were supplying me. Deducting also ten pounds of coffee — \$2.80; one gallon of oil — 12¢; one telephone call to Cambridge — 40¢. I don't know of anything of yours I had which I did not replace. Do you think I would steal your stuff when you weren't looking?

"You may have seen that Frank Humiston's brother, Jack, was killed in action.

Yours very truly,
W.K. Dean"

YOUNG: Now, in answer to that, did you make a reply?

COLFELT: Let's see. I don't think I ever replied to that, no.

YOUNG: Did you at some time later receive a bill from Mr. Dean?

COLFELT: This is the bill. This is the final bill. Mrs. Colfelt wrote to him.

YOUNG: No, this is the one. This is the one I just read. June 16th. Then I read June 28th. Didn't you have another one?

COLFELT: I think I had another one.

YOUNG: Before you find that, and before you refer to that, let me ask you if this refreshes your recollection any with regard to the telegram which was telephoned to Mrs. Colfelt from East Jaffrey or wherever. It was received at Greenville, I guess.

"Please send back my things. Send a check for hay. Dean."

COLFELT: That's the telegram.

YOUNG: With "Please" it is merely a request, isn't it?

COLFELT: Yes, sounds like it.

YOUNG: Were you displeased with that kind of message?

COLFELT: Why, yes. When I said to him, I asked him, all I asked him to do was to send me a bill, and he sent that over the phone. You will find I have a clean slate over in Jaffrey. It isn't my custom to owe people money.

YOUNG: It's a request — "Please send back my things and send check for hay."

COLFELT: Yes. When I left the place I said, "Mr. Dean, send me a bill for all I had and I will pay for it." But he would get bullheaded and wouldn't do things, and I said, "I won't pay that until he does render me a bill."

YOUNG: You would get bullheaded as well as he?

COLFELT: Well, that's my case. I don't pay anybody unless they render me a bill. This is the bill.

YOUNG: Now, this communication is sent by one with the name of Mr. Dean, William Kendrick Dean, isn't it?

COLFELT: Looks that way to me.

YOUNG: And that's in his own handwriting?

COLFELT: Yes.

YOUNG: And it bears the date of East Jaffrey the 12th of August. Now, there is no year appearing there. Have you got the envelope it came in, or is the postmark torn off of it?

COLFELT: I guess the postmark is torn off.

YOUNG: So this letter is in response to the letter which Mrs. Colfelt wrote him?

COLFELT: Yes. As I say, my first feeling was to write him sort of an impertinent letter and ask him why he didn't send a bill, because it was my intention to pay everything I owed, so to send me a bill, and I started to write him, and I said, "What's the use. He's an old man with that sort of manner." Later my wife said, "I'll write him and I probably will get a bill."

YOUNG: So this letter which is headed East Jaffrey the 12th of August was written subsequent to the other two I had already read, and also subsequent to the receipt of the telegram of August fourth?

COLFELT: Yes, must have been written the last time he went to town.

YOUNG: You got the telegram — the telegram was dated August fourth?

COLFELT: Yes.

YOUNG: And the telegram was later than these two letters I read, one of which is June 13th and the other June 28th. Now, this letter of the 12th of August addressed to Mrs. Colfelt was possibly in answer to the letter that Mrs. Colfelt wrote Dean after the receipt of the telegram of August fourth. Is that right?

COLFELT: That's correct.

PICKARD: I have that letter, I think, in my files over to the office. That is, the letter Mrs. Colfelt wrote to Dean. I'll bring that in this afternoon.

YOUNG: This letter is:

"East Jaffrey, 12th August

Dear Mrs. Colfelt,

"Your letter and package came this morning. Thank you. I didn't send a bill for the hay because I didn't have the data in my last letter to Mr. Colfelt."

COLFELT: There was no reason why he wouldn't have the data. The animals came to the place and he would have the data as well as I would.

YOUNG: Well, I don't know about that. He simply states, "I didn't have the data. In my last letter to Mr. Colfelt I gave him all the items I knew about and he called me up from Peterborough some weeks ago and told me he would fix it up."

COLFELT: But that was with regard to the telephone bill and not this.

YOUNG: "The agreement was that I would have the milk for the hay, but I would just as soon pay for it as you suggest. He set a price on the hay and made an estimate of what he used. He wrote me that he had had six months' hay, which I told him I thought was a mistake. My idea was that it was five months. Now if I

may, as well as I can remember it (I have no figures) the bill would be something like this: 5 tons of hay at \$18 — \$90; 4 quarts milk 90 days — 360 quarts at 6¢ — \$21.60.”

COLFELT: Of course, at that time when he jumped the price from \$12 to \$16 for the hay, and he had six cows there running all over, I was about to complain about the cows, they were filthy, running all over the hay. And 10¢ to 12¢ a quart for the milk when I first came there and bought it from him. And I think he got between six and eight quarts from us.

YOUNG: “Now, ten pounds of coffee at 24¢ — \$2.40; 1 gallon of oil at 12¢; telephone to Cambridge — 40¢; total of these smaller items including the milk — \$24.62. Deduct \$9 from \$90 for the hay and have a balance of \$65.48. But, as I say, this is made from memory. If it is not correct, please advise me.

“Polly is pretty comfortable just now. I can’t say she is any better. I am well enough except that it is rather cool to walk and now both arms are poor. I hope you and Natalye are having a delightful summer. Mrs. Robinson told me she was over to see her not long ago.

Sincerely yours,
Wm. Kendrick Dean”

Now, so far as you know, you have shown us all the letters that were sent you by Mr. Dean relating to this question of the hay?

COLFELT: Absolutely.

YOUNG: And this letter which I have just read must have been written the day previous to which he was killed, the 12th of August 1918?

COLFELT: I think that letter was sent to Greenville, wasn’t it? At that time I was in Portsmouth so I didn’t see that letter for I guess a week afterwards. Mrs. Colfelt came up Saturdays for over Sundays.

YOUNG: Well, anyway, perhaps you better leave these here so we can get them when Mrs. Colfelt is in.

COLFELT: All right.

YOUNG: Now, the substance, you say, of this last letter which I read wasn’t communicated to you until some time after it was received, is that right? Until some time after Mr. Dean’s death?

COLFELT: That’s right.

RECESS UNTIL 2:00 P.M.

WEDNESDAY, APRIL 16
2:00 P.M.

Last witness resumes stand.

Examination resumed by Mr. Young

YOUNG: Did you, or did Mrs. Colfelt, so far as you know, take any offense or feel that there was anything showing a feeling of temper on the part of Mr.

Dean from the reading of this letter of August 12, 1918?

COLFELT: Oh, no. As I say, I never saw that letter until after I saw the notice of his death in the paper.

YOUNG: And you have already said there had been no trouble, so far as you know, between any members of your family and Mr. Dean, or between any of your employees and Mr. Dean?

COLFELT: No, sir.

YOUNG: And the only differences of opinion were those which you have explained, or where you thought he was anxious to have you vacate the premises?

COLFELT: Yes.

YOUNG: Was it true that he gave you twenty-four hours’ notice to leave the house?

COLFELT: It’s absolutely not true. My lease expired May first. That’s why I said I would give him \$350 if we went until May first. He was down in the barn with the turkeys and, according to his wife, was in the most difficult condition and didn’t know what to do, didn’t have any money or anything, and I thought I was doing a generous thing.

I said, “I will give you \$350 for the place from the time I came until May first.” He seemed to be out of sorts, but finally he said, “Well, that will be all right.”

YOUNG: So you felt you had a right to occupy it up to May first?

COLFELT: Yes. And then he came to me and I tried very hard to get a place around but couldn’t seem to, all the places were eight hundred or a thousand dollars, and I finally located this place over in Greenville for three hundred dollars and it was a very nice place.

YOUNG: So you remained there from May, the first of May, until the fifth of June?

COLFELT: Yes.

YOUNG: That’s just that much longer than was contemplated in the original talk you had with Mr. Dean when you first took the place?

COLFELT: Yes.

YOUNG: Is that what he referred to in this letter here when he said he would be glad to have you consider yourself his company through the month of May?

COLFELT: Well, afterwards he said that he made a mistake. That’s what he mentioned afterwards. I paid him \$385 in all, up to the final check of \$5, which would make it \$365 for the year.

YOUNG: And you paid him up to the fifth of June at the rate of a dollar a day for those five days?

COLFELT: Yes.

YOUNG: And as far as you know, there was no feeling or friction, and nothing disagreeable when you went away from the place?

COLFELT: Not at all. He came over to the place and we all said goodbye and I said, “You send me a bill for the hay.” One of the last things I said to him.

YOUNG: Did he at any time, either before or after the move, accuse you of having stolen any of his property?

COLFELT: Oh, no. No. That would be quite ridiculous for I used to spend a lot of money on Mr. Dean. I would send him cigars, paid up to \$12 for them, and the idea of stealing anything from him . . .

YOUNG: With reference to those articles which were taken away, the chain and the rug for the carriage, did he ever intimate either to you or to Mrs. Colfelt, so far as you know, that you stole those articles, took them deliberately?

COLFELT: Oh, no. No. It's such a trivial thing, a chain about that long, and a little carriage rug about a yard and a half long and eighteen inches wide, something like that.

YOUNG: Did you see the letter that Mrs. Colfelt wrote to Mr. Dean in answer to the telegram of August fourth?

COLFELT: I don't remember that I did.

YOUNG: What is your wife's first name?

COLFELT: Margaret.

YOUNG: Does she ever use any other name?

COLFELT: Daisy, very often. I always call her Daisy.

YOUNG: What were the relations between Mrs. Colfelt and Mr. Dean?

COLFELT: They were very friendly. They used to argue a lot. Mr. Dean could argue about anything. The first thing you knew, you would be talking about something and he would take the other side. He was a very charming man to converse with. He was well read.

YOUNG: Was he friendly enough so that in writing to him your wife would sign her name as Daisy?

COLFELT: Yes, absolutely. Absolutely.

YOUNG: How did he address you when he spoke to you?

COLFELT: I think always Mr. Colfelt. I think I asked him to call me Lawrence, but he never did.

YOUNG: And Mrs. Colfelt, he would always speak of as Mrs.?

COLFELT: Very often Daisy, or "Irish" because they argued a lot about different things, and he was a great one for being very funny. He would start a conversation like this talk about the turkeys being taken. I said, "Mr. Dean, why don't you set traps for them?" Well, it was a question in his mind whether the foxes didn't have as much right to them as he did! You couldn't talk any money matters with him at all. It was all friendship.

YOUNG: I presume you would recognize your wife's handwriting?

COLFELT: Oh, yes. Absolutely.

YOUNG: Look at this, if you please, and tell me who wrote it?

COLFELT: My wife wrote it.

YOUNG: And another letter is her handwriting?

COLFELT: Yes, that's her writing.

YOUNG: I'll read this.

"Dear Mr. Dean,

"Your telegram received. Lawrence being away at present, I can only say to you he waited for your bill for the hay. He said the milk had been four quarts a day for three months and he said he would charge the same as you had charged us for it. So if you will be so good as to send me your bill, deducting these charges, I will send it immediately to him to get a check for you. Why did you not send a bill before this time as Lawrence requested?

"My brother-in-law has some lumber and would like the cross-cut saw. I can sell it to him cheaper than he can buy it and can make some money. Won't you please return it as soon as you can?

"We have missed the beautiful view. I hope Mrs. Dean is better. I think of her very often. I hope you are feeling well. Lawrence said you had something, spurs, or something like that. I hope you are all well now.

Sincerely yours,
Daisy Colfelt"

"August 8th. P.S. I am sending the carpet, etc., by parcel post."

YOUNG: This envelope which you handed me, this one, is the one this letter was sent in, and the envelope is postmarked "Peterborough August 10, 7 p.m. 1918. Mr. W. K. Dean, East Jaffrey, N.H."

And on the back of the envelope, "From Mrs. L. W. Colfelt, Greenville, N.H."

Directing your attention to this reference in Mrs. Colfelt's letter, didn't you speak about Mr. Dean having spurs? What does that mean?

COLFELT: I don't know. Do you remember the night of the celebration — when was that — we had a victory report — they captured 300,000?

YOUNG: We got a report like that in the middle of March.

COLFELT: No, this was in the summer some time, and I called him up on the phone and told him about it. I thought he would be interested, and he said he was ailing, he had spurs. Now, whatever that is, I don't know.

YOUNG: You don't know what he meant by that?

COLFELT: Some affliction of the feet, I think. He couldn't walk or something.

YOUNG: Did you make any reply to it?

COLFELT: I think I did say something, that he didn't croak or anything like that with it. Some jocular thing.

YOUNG: Did you understand he was speaking seriously, or in a joking way?

COLFELT: Well, I always did joke with him, and he with me. First I said I was very sorry, but one consolation was he wasn't croaking with it, too. A very friendly conversation.

About the saw he speaks of, it was my saw, a cross-cut saw. He had it at the time. I didn't think anything about the saw, simply when he called this thing up I mentioned about it. He seemed to be so petty about the carpet and the piece of chain, I said, "He has got a saw of ours over there." My brother was up and spoke about wanting a saw.

YOUNG: Who is that?

COLFELT: H. P. Colfelt, my brother.

YOUNG: Where does he live?

COLFELT: On 88th Street, New York.

YOUNG: And so he stopped by there then?

COLFELT: He was stopping up in Damariscotta, Maine.

YOUNG: That's the reason you spoke of wanting the cross-cut saw over there?

COLFELT: Yes.

YOUNG: Do you know of anyone that has ever had any trouble with Mr. Dean, or did you know he had any enemies?

COLFELT: I never knew he had an enemy.

YOUNG: Did he ever speak to you, or in your presence, about anyone with who he was unfriendly?

COLFELT: No.

YOUNG: Now, did you visit at the Dean house while you lived there on the place, or at other times?

COLFELT: Yes, when we first went there I used to go over quite a good deal at night, and it became apparent that Mrs. Dean didn't want to see us for some reason. While she seemed to want to see us when we were alone, if he was there she would always disappear and he never made it a point to have us over there.

I used to go over there and play billiards with him, and that sort of thing, when we were at the other place, and often went down and came back at two o'clock. Mr. Rich would be up there sometimes — they had a large table. I wasn't so keen about playing billiards, the winter was cold and the room wasn't very warm, and I was rather tired out fussing with the horses and used to go to bed early.

YOUNG: Did Mr. Rich go there frequently, as you understood it?

COLFELT: Not that year he didn't.

YOUNG: Had you been acquainted with Mr. Rich prior to the time you came to East Jaffrey in 1916?

COLFELT: Never met Mr. Rich until I met him through Mr. Dean.

YOUNG: Were you introduced to him by Mr. Dean?

COLFELT: Yes.

YOUNG: During the years 1916, 1917, 1918, while in

this vicinity, did you do business at Mr. Rich's bank?

COLFELT: I kept a deposit there and I finally bought a car May fifth and I was a little short of money at the time and I put up some collateral and borrowed a \$1,000, but there was ample collateral, two \$500 Liberty Bonds and \$500 worth of stock, so it was a loan any bank would gladly make.

YOUNG: Were you and Mr. Rich friendly or not?

COLFELT: Why, yes. I think they came to our house once for dinner, and we went down there once for dinner, but I never knew him previous to that time through Mr. Dean, and I always liked he and Mrs. Rich very much.

YOUNG: Did you have any transactions with Mr. Rich other than what you had through that bank as a patron of that bank?

COLFELT: I took out some fire insurance on the place and Mr. Rich was the agent.

YOUNG: Were there ever any other business transactions or relations between you and Mr. Rich except such as you might make with the Cashier of the bank where you had a deposit, and as an insurance agent?

COLFELT: And buying Liberty Bonds, that's all.

YOUNG: You bought them through him?

COLFELT: Yes, I bought three \$500 bonds.

YOUNG: At different times?

COLFELT: Yes, as they came out.

YOUNG: And the loan?

COLFELT: Yes.

YOUNG: Did you ever discover or notice anything peculiar in the methods or manner in which Mr. Rich transacted business at the bank or otherwise?

COLFELT: No.

YOUNG: And did you and Mr. Rich ever have any trouble or feeling?

COLFELT: Oh, no. No.

YOUNG: Was there any particular intimacy or more than ordinary friendliness between you and Mr. Rich?

COLFELT: No, sir. As I say, when I had the Baldwin house I don't know whether he came there to dinner once or twice, and then I think he and Mrs. Rich came up to the Dean house one night for dinner, and we went down there. My wife and Mr. Dean and myself went down to Mr. Rich's house one night for dinner, and I understand that was the only time that Mr. Dean had ever eaten a meal in Mr. Rich's house.

YOUNG: Let's see — "my little saw" — in Mr. Dean's letter of June 13, 1918, he says, "my little saw I found in the cellar." What did he mean by that?

COLFELT: I think he had a little saw. Being near the barn he had most of his tools and implements in the cellar of the large house and when I left the place he didn't see his little saw and took it for granted that I had taken it.

YOUNG: And this was merely his statement that he had subsequently found it, as you understood it?

COLFELT: Yes.

YOUNG: Now, about the oil can and the coffee, etc. Was that stuff you got for him downtown?

COLFELT: I used to buy coffee in twenty pound cans. It was very good coffee — 24¢ a pound — and I gave him the ten pounds, and I wanted him to take that off the bill and make a present to him of the ten pounds. When we moved there was an oil can, and that's the one I returned.

YOUNG: The telephone call to Cambridge, what was that about?

COLFELT: I don't know who we called up there. I had a good many calls I couldn't account for, and this was one of them.

YOUNG: Did you have quite a few toll calls?

COLFELT: My daughter went to Radcliffe College at that time and she would call us up, sometimes every night, and sometimes once a week, just as she saw fit.

YOUNG: I believe you told us that at some time or other you went to work in the shipyards over at Portsmouth. Do you remember the date?

COLFELT: Yes, I started Monday, the 12th. I made the application the previous Thursday. I wanted to do it sooner but the man, the last man we had on the place at Greenville — up to that time I had to take care of the things and I couldn't see my way clear to get off the place — but finally I did. He came there and seemed to be satisfied, so I went up there.

YOUNG: Which yard was this you went to work in?

COLFELT: I was in the Atlantic Corporation.

YOUNG: Did you have to furnish references there?

COLFELT: Oh, yes. Why, just in the ordinary way I went up there, as an ordinary applicant would, and they asked me what I could do and I said I didn't know what I could do, but I knew there was something I could do, and they put me on one gang — I got 42¢ — and that wasn't strenuous enough so I got on the foundry gang.

YOUNG: When was the first day you went in the Portsmouth Yard?

COLFELT: It was the 12th.

YOUNG: That was the day before Mr. Dean's murder?

COLFELT: Yes.

YOUNG: And what time that morning did you go to work?

COLFELT: Seven o'clock.

YOUNG: Where did you live in the meantime?

COLFELT: I went up there Sunday night. You see, I motored over. My intention was to leave my car at the [Ballard] Garage in Nashua where I bought it. When I bought the car it ran 8,000 miles. At that time it was 13,000 so I thought it was time to take the carbon out, so I wanted to leave it there when I got there, so I got two mechanics Sunday, the Sunday I

went up there. Two of them went up with me, and one of their wives came along, and I got to the Rockingham Hotel, I remember, at six o'clock.

YOUNG: Who was with you?

COLFELT: The two mechanics and their wives.

YOUNG: Mrs. Colfelt?

COLFELT: No, she couldn't get back.

YOUNG: So you drove over to Portsmouth and they left you there Sunday night at six o'clock?

COLFELT: Yes.

YOUNG: Then what do you understand they did with the car?

COLFELT: They took the car back to Nashua and I've got the bill here that says they worked on it the 13th. They were very good mechanics over there and I left it to their judgment. I said, "If you think there is anything there that is harmful and should be tended to, go ahead with the work."

YOUNG: When did you first take the car away from the garage?

COLFELT: I think it was in about two weeks. You see, I had no use for the car up there. I went to work at seven o'clock, worked until six o'clock at night, and I was very glad to go to bed.

YOUNG: So the car was in the garage, so far as you know, after those two young men took it back there Sunday night, and remained there until two weeks later?

COLFELT: Two weeks later. Might have been ten days.

YOUNG: What car was that?

COLFELT: That was the Marmon, gray color and white wheels.

YOUNG: And that was the car you had driven in Jaffrey?

COLFELT: I got the car May third, as I remember, so I must have had it since then.

YOUNG: And you used it frequently and rode a great deal?

COLFELT: Yes.

YOUNG: Then Sunday night you say you arrived at the Rockingham in Portsmouth at six o'clock. What did you do next?

COLFELT: I think I ate my dinner at the hotel the first night.

YOUNG: During your stay in Portsmouth, while you worked in the shipyards, did you board there?

COLFELT: I did.

YOUNG: Where did you get your meals?

COLFELT: The first night I went to the Rockingham and every night following that for three weeks or so I went to Ham's Restaurant.

YOUNG: Let's see, the Rockingham is on the European Plan, rooms and meals separate?

COLFELT: Yes. They had table d'hôte dinner, I think about \$1 or \$1.20, or à la carte.

YOUNG: You occupied that room Sunday night?
 COLFELT: Yes.
 YOUNG: And went to work Monday morning?
 COLFELT: Yes. Seven o'clock. I got up at half past five — I was always called at half past five — in time to get out to the yard. I changed my clothes out there and by the time I got my clothes changed it was seven o'clock.
 YOUNG: And you had to get your breakfast in the meantime?
 COLFELT: Yes, I always stopped on the way down.
 YOUNG: Where did you get your breakfast?
 COLFELT: I don't know the name of the restaurant. I could take you to it. On the lefthand side of the street.
 YOUNG: It was the Atlantic Steel Shipbuilding Corporation? They were building steel ships?
 COLFELT: Yes.
 YOUNG: Did you go out at noon for lunch?
 COLFELT: I don't know. I went upstairs, I guess. Now listen, I don't think I did go to work Monday morning because I was there at seven but had to play around to eight o'clock to be taken around. I guess it wasn't until nine or ten I got started.
 YOUNG: Then that day, Monday, which was the 12th as I understand it, you didn't go out to lunch at noon but got your lunch upstairs in the corporation restaurant?
 COLFELT: Yes.
 YOUNG: And worked until what time in the evening?
 COLFELT: Until six o'clock at night.
 YOUNG: After that what did you do?
 COLFELT: I went back to the hotel, washed up, went to Ham's, had my dinner, went to bed, called half past five in the morning and went to work at seven.
 YOUNG: And worked until what time in the evening?
 COLFELT: Until six o'clock at night.
 YOUNG: After that what did you do?
 COLFELT: I went back to the hotel, washed up, went to Ham's, had my dinner, went to bed, called half past five in the morning and went to work at seven.
 YOUNG: You were called Tuesday morning to go to work about seven o'clock?
 COLFELT: Yes.
 YOUNG: Did you go out to lunch that day?
 COLFELT: No, I got it right on the grounds at the Corporation restaurant.
 YOUNG: How late did you work Tuesday night?
 COLFELT: Six o'clock.
 YOUNG: When you got through Tuesday night where did you go?
 COLFELT: The same old thing, went to the hotel, washed, and went around to Ham's.
 YOUNG: Did you stay in the Rockingham Hotel Tuesday night?
 COLFELT: Oh, yes. Absolutely.

YOUNG: And called Wednesday morning by the clerk what time?
 COLFELT: Five thirty.
 YOUNG: When did you first learn or hear anything about the death of William K. Dean?
 COLFELT: As I was crossing the street there, going down from my hotel, I usually bought a paper. I bought the American. I used to pick up the local paper, so I bought a paper and saw the murder in East Jaffrey, and I read it and read it was Mr. Dean.
 YOUNG: Did you go to work then, or telephone to Mrs. Colfelt?
 COLFELT: Oh, no. I went right to work.
 YOUNG: And you worked in the yards that day, which was Wednesday?
 COLFELT: Yes, I have my pay check here for my time.
 YOUNG: Let's see it, as long as you've got it here. On this bill I see: Room — six days — \$6, Room — one day — \$2.
 COLFELT: I guess my wife must have come up.
 YOUNG: During the time that you were there at Portsmouth and your wife was elsewhere, where was she living?
 COLFELT: She was in Greenville.
 YOUNG: This bill which you just handed me I will read:
 "Statement of Account with Rockingham Hotel
 Charles O. Potter, Proprietor
 To Mr. L. M. Colfelt, Jr., Portsmouth, N.H. August 18, 1918"
 Then some print about the terms, etc., and the bill:

Room — six days —	\$6.00
Room — one day —	2.00
Meals	1.75
Telephone	.95
TOTAL:	\$10.70

 And stamped on with a rubber stamp: "Received Payment August 19, 1918 — Rockingham Hotel by" and then written with a pen in black ink — "L.H.W."
 Did you find the pay check?
 COLFELT: No, I didn't, but I've got it. If it isn't here, it's at home.
 YOUNG: Now when, after you went to Portsmouth — arriving there Sunday night, the 11th — were you next in Jaffrey or Temple or Greenville or that vicinity?
 COLFELT: The first time I was there, as far as I remember, was the time I came over here to identify some things of Mr. Dean's, the blanket that was found on him, the ropes, etc. And after I left here I went home and had my dinner and continued on to Portsmouth.
 YOUNG: Do you remember when that was?
 COLFELT: No, I don't.
 YOUNG: When first did you have any interview or communication with anybody in connection with this Dean case?

COLFELT: I don't know whether I called up first, or Mrs. Colfelt called me up, but it was a few days afterwards, I remember.

YOUNG: You called her, you think?

COLFELT: I don't remember whether I called her, or she called me.

YOUNG: Did you at any time have any talk or interview with any of the authorities who were investigating the matter?

COLFELT: Why, I saw you over there.

YOUNG: Do you remember when that was?

COLFELT: No, I don't.

YOUNG: Remember what day of the week it was?

COLFELT: I remember it was Sunday.

YOUNG: Remember whether it was the Sunday immediately following the murder or not?

COLFELT: I think it was right after the murder. I couldn't swear to that, but think it was, because I expected to see someone over there.

YOUNG: Why did you expect to see someone?

COLFELT: Because, well, because I had been on the place and I just simply felt it. I don't know.

YOUNG: Can you suggest any reason why you expected a visit from the authorities?

COLFELT: No. From reading the papers it seemed that nobody was on to any clue to anybody and I thought I, being on the place, would be one to be suspected, or if not suspected, need surveillance.

YOUNG: So you were not surprised when somebody came to interview you?

COLFELT: No, not at all.

YOUNG: What sort of an interview was it?

COLFELT: You went over the ground with me and I told you where I had been and everything.

YOUNG: Have you any knowledge or opinion as to how William K. Dean met his death, or who was implicated in his killing?

COLFELT: Absolutely none.

YOUNG: Have you any suggestion or opinion or suspicion as to how his death occurred?

COLFELT: Well, of course, anyone might have suspicions, but there is absolutely no grounds for it. Anything I have — we all have our way of thinking a thing like that. You work out some sort of opinion.

YOUNG: Has there been anything occurred or anything come to your attention which would lead you to think or suspect that Mr. Rich was in any way connected with it?

COLFELT: No. The only communication I ever had with Mr. Rich was at the time I made deposits and he wrote me several times. I know one little note on the end of my deposit slip giving me credit for the deposit said a little something. I couldn't understand why. There was no mention, so far as I was concerned, about it.

YOUNG: Do you know what transaction he referred to?

COLFELT: He referred to the Dean tragedy, of course.

YOUNG: Just what was that, as you recall?

COLFELT: I don't know. I couldn't seem to find that somehow. You see, we're living in two rooms and bath at Harrison, and after we left Greenville everything got all jumbled up. I saw the paper just before I came away, and the pay check, and I think I have some of these things and the receipts here with me.

YOUNG: Well, now, to get back to that just for a minute. What was the process by which you got in and out of the yard there at Portsmouth?

COLFELT: Why, you could only go out at noon and when the whistle blew. Why, you couldn't go out at any time because it was against the rules.

YOUNG: Anything besides the rules to stop you?

COLFELT: Well, I guess people were taking things out all the time.

YOUNG: You could have gotten out any time, then, by breaking the rules?

COLFELT: Yes.

YOUNG: No guards?

COLFELT: Oh, yes, there were guards around all the time.

YOUNG: Then you couldn't go out at any time?

COLFELT: Not unless you were clever enough to get out.

YOUNG: Did you have any identification?

COLFELT: Yes, I always wore a badge.

YOUNG: How would you know whether you were the fellow that was supposed to work or not?

COLFELT: I don't suppose they would know. Every man had to have a badge. Well, they didn't take any record of anyone that went out at twelve o'clock. When the whistle blew you had the right to go out of the grounds but when you came in in the morning you had to have your badge on.

YOUNG: How about afternoon? Didn't anyone check up to see that you were there in the afternoon?

COLFELT: Yes, there were timekeepers there all the time. If you didn't get checked up, you didn't get your pay.

YOUNG: Did you lose any pay?

COLFELT: Not that first week, anyhow.

YOUNG: Why are you so sure of that?

COLFELT: Well, I was most anxious to have an alibi as straight and as strong, realizing everybody was under suspicion when there was no clue.

YOUNG: Was it particularly that you had been under suspicion here for some time past?

COLFELT: Naturally, and if you came up to see me, I realized right away, in a case like that when nobody had a clue, that everybody was under suspicion that had anything to do with the people.

YOUNG: You said you came here to Keene or some place to identify things that were found of Mr. Dean's. Did you identify the blanket?

COLFELT: I did. It was Mr. Dean's.

YOUNG: How are you sure of that?

COLFELT: I had seen the blanket many times. I was a little bit bothered at first. When Mr. Pickard showed it to me it had been in the water for some time and I could see it had turned yellow a little.

YOUNG: Where did Mr. Dean use to carry that blanket?

COLFELT: He had two blankets very similar to that and he used to carry a blanket in the rear of the wagon to throw over the horse when he tied him up.

YOUNG: You saw the ropes that were shown to you, the ropes he was tied with?

COLFELT: Yes.

YOUNG: Were there any other ropes or strings, similar to those used in tying him up, around the premises there?

COLFELT: Well, you see, I think I bought a hank or two that was sort of window cord, as I remember, and I had a long piece of it, and there was lots of that rope around.

YOUNG: Was that that window cord you brought there?

COLFELT: Yes.

YOUNG: And you left it when you went away?

COLFELT: Yes.

YOUNG: Were there other pieces of rope hanging around the barn there?

COLFELT: Oh, yes, there were all sorts of rope and old things, you know.

YOUNG: What else were there hanging on the walls there?

COLFELT: There were chains and ropes and other articles.

YOUNG: Any kind of tools?

COLFELT: Yes, there was always a hammer on one side and a monkey wrench and shovels and various things.

YOUNG: A hoe there?

COLFELT: There was a hoe inside the stable to clean out the cow stall.

YOUNG: A big wooden mallet?

COLFELT: Yes, I remember seeing that. I don't know just where it was. I remember seeing it.

YOUNG: Any axes around there?

COLFELT: I don't remember any axes in the barn. There was always an axe up to the house in my cellar.

YOUNG: Were you familiar with this cistern at the house?

COLFELT: Yes.

YOUNG: What was that used for?

COLFELT: That filled my house with water. It came from there, up into the tanks in the attic.

YOUNG: Was it for toilet purposes?

COLFELT: Everything. We didn't drink it, but for everything else.

YOUNG: Did you have any occasion to know the size, shape, and construction of that cistern?

COLFELT: Yes, Mr. Dean told me about it. It used to run dry at times but we had another spring over on the hill, about four hundred feet over. We could either use the cistern water or the spring water.

YOUNG: Was that high enough so it would run into the house?

COLFELT: No, we had to pump it. I used to average when I pumped it about five hundred strokes a day.

YOUNG: Were you ever down into the cistern to know the size of it?

COLFELT: I looked into it. Never been down in it.

YOUNG: Ever seen it when there was no water in it?

COLFELT: Yes, I've seen the bottom of it.

YOUNG: Did you ever see or know anything about any cigarette cases that Mr. Dean had?

COLFELT: He always had a little silver old-fashioned engraved thing that he carried around and used to roll his cigarettes.

YOUNG: What kind of papers did he use?

COLFELT: Just the ordinary, so far as I know.

YOUNG: The same as you get around to the stores? Prince Albert and those tobaccos?

COLFELT: Yes.

YOUNG: What kind of tobacco?

COLFELT: He used, I think, Prince Albert because he spoke about how they had gone up in price.

YOUNG: What was his habit in regard to smoking?

COLFELT: He was an inveterate smoker, always had a cigarette in his mouth.

YOUNG: Cigarettes that he rolled, you say?

COLFELT: Yes.

YOUNG: Did he smoke manufactured cigarettes at all?

COLFELT: He never bought them. If anyone gave them to him, he used to get them. I think he smoked them in preference, if I remember.

YOUNG: Well, did he carry in this box you spoke of cigarettes all rolled ready to smoke, or did he carry just what we fellows call the makings?

COLFELT: Yes, I think that's it.

YOUNG: He didn't, as you understand, carry cigarettes all rolled ready to smoke?

COLFELT: No, sir.

YOUNG: Would you recognize that case if you saw it?

COLFELT: Yes, I could identify it.

YOUNG: Did he have another cigarette case that you know of?

COLFELT: Not that I know of. The only thing I know that he had before that to hold tobacco was a wooden box. He received some cigars in a box and he had

fixed it up, put varnish on it, and used to keep his cigarettes and cigars in it.

YOUNG: Did he smoke cigars too?

COLFELT: He got so he didn't smoke them towards the last. He was economizing on account of the war and didn't smoke cigars.

YOUNG: You ever see another cigarette case?

COLFELT: I never did.

YOUNG: And you don't know anything about any cigarettes with the monogram on them? You never saw any of those?

COLFELT: No.

YOUNG: Did you ever know anything about his having an arrangement that he rolled cigarettes with down to the house?

COLFELT: Yes, he did own something. Somebody had given it to him, he said, but it didn't work out as well as he thought.

YOUNG: So that he didn't use that very much?

COLFELT: No, he didn't use that, as I remember. I couldn't say who gave it to him.

YOUNG: Smoked down around the barn, did he?

COLFELT: Yes. I often talked to him about smoking in the barn. I was so afraid he would set fire to the barn. He said he'd been there for thirty years and he never had.

YOUNG: This piece of rope with which Mr. Dean was tied, did you identify them as pieces, the same pieces, or pieces similar to those hanging in the barn?

COLFELT: I did. There were some small pieces that I was shown that I don't remember though. But this, the cord sash, that was there when I was there.

YOUNG: You were speaking about having a shotgun. Did you have any other kind of firearms?

COLFELT: Yes, I had a Colt revolver.

YOUNG: Did Dean have a gun of any kind?

COLFELT: Yes, he had a shotgun and he had a revolver.

YOUNG: Do you remember what kind of a revolver?

COLFELT: It was a Smith and Wesson.

YOUNG: Ever carry it, so far as you know?

COLFELT: No. He brought it out to the barn one day. He said Mrs. Dean said, "Why don't you do to me like you do to old animals. You put them down out of the way. Why don't you do it to me?" He said, "For goodness sake, keep it out of the way." I said, "Why keep it out here? She might get hold of it." He said there were no bullets in it. I had that revolver a while and was going to clean it up, but I never did, and I gave it back to him.

YOUNG: What was Mrs. Dean's condition, as you observed it?

COLFELT: She was incompetent. I remember one time I took her for an automobile ride and coming home she spoke very queerly and I was surprised. When you would go over to see her and ask for

anything, she wouldn't know what you were talking about, kind of dazed.

YOUNG: What was her general physical health?

COLFELT: Seemed to be very good, although Mr. Dean said she had times when she fell down and that sort of thing, but as I remember she was very robust and very keen, surprisingly so.

YOUNG: It seemed she had been a strong, fine-looking woman?

COLFELT: Oh, yes, she certainly was.

YOUNG: Did you ever observe any trouble or any friction or unpleasantness between Mr. and Mrs. Dean?

COLFELT: No, I never did. The only thing, he was very lively and very talkative always. You would go over there and you would see him sitting at the mahogany table, a table well set with silver, and she would be sitting across the room at a table covered with oil cloth with just some bread and milk, or crackers and milk.

PICKARD: The first car you had up there was an Oakland?

COLFELT: No, it was a Chalmers.

PICKARD: What became of that?

COLFELT: I traded that with the Oakland and some money for the Marmon, through Mr. Pollard.

PICKARD: During the time you lived at East Jaffrey on the Dean place, and during the time that you lived on the Baldwin place, or during the time that you lived over at Temple where you moved when you left the Dean place, had you ever seen any of these lights which so many of the people over in that vicinity saw and talked about?

COLFELT: No, I never did.

YOUNG: Had your attention been called to the fact that people were claiming to see lights up on the hill there by the Dean homestead?

COLFELT: Yes. As I say, Walter Cleaves came over, Miss Ware's manager, to harvest Mr. Dean's hay, and he started a story about seeing lights over there.

YOUNG: But you never saw any there in East Jaffrey or Temple?

COLFELT: Never saw any lights anywhere.

YOUNG: Did you look for them?

COLFELT: Well, I wondered when there was so much talk about it but I never stayed out late at night. I used to look out of the window sometimes at night. I never saw anything.

YOUNG: Were you intending to return to East Jaffrey the night of the 13th or 15th of August?

COLFELT: I wasn't.

YOUNG: When you went to Portsmouth Sunday night did you have any intention of returning that week to this part of the state?

COLFELT: I thought I would come down home if I could.

YOUNG: When?

COLFELT: On Sunday, the following Sunday I would go down.

YOUNG: Did you make any arrangements for that?

COLFELT: No, I didn't make any arrangements. I might have talked it over with my wife I expected to come down.

YOUNG: Did you have any reservations or arrangements with the Shattuck Inn for accommodations there at any time?

COLFELT: No. I went over and talked some about going over there.

YOUNG: Now, I want to get this right, but I may not. After you went to Portsmouth, Sunday the 12th, or when you went to Portsmouth Sunday the 12th, had you then made any arrangements for reservations at the Shattuck Inn with the idea of going back there the following week?

COLFELT: Well, I don't remember that. I know I went to Shattuck Inn some time. We had so much trouble with help. The help got to taking up this German spy business. I know I went over to Shattuck Inn but I think that was previous to the time I took the Greenville house. My intention, as I remember it, was to go over there instead of taking a house for the summer.

YOUNG: Did you ever have any talk with this man Romano who worked for you about Dean?

COLFELT: Oh, I think he used to talk about his peculiarities or something or other. He didn't take any interest in the place, couldn't keep the place clean. I said to him, "We'll be going the first of May," and kept him on that way.

YOUNG: Did he make any discourteous remarks to Dean you remember of?

COLFELT: No.

YOUNG: Did you ever make any to him?

COLFELT: I might have said to him he was an old fellow or something like that.

YOUNG: What was the occasion for saying that?

COLFELT: I don't know. Just as I say, his arrogance and disagreeableness.

YOUNG: But neither you nor Romano had any trouble with him, or any ill-feeling toward him?

COLFELT: Oh, not at all.

YOUNG: Well, now, if Sunday was the 11th of August and that was the day you drove to Portsmouth in your car, can you tell us now whether you did or did not have reservations at the Shattuck Inn for the 13th, which would be Tuesday night?

COLFELT: Well, I don't remember that I did, but as I say, things were so upset, we might have gone over to make some arrangements to go, but that was previous to the time we had the Greenville house.

YOUNG: You wouldn't have gone over there and made reservations for the night of August 13th?

COLFELT: Now, listen. I wouldn't wonder if I did have

reservations because my wife was so upset with this spy talk and I know I went to speak one night about it, and about the horses. I was so upset I didn't know what to do.

YOUNG: What was your idea for reservations there on the night of August 13th?

COLFELT: If I made any reservations they were for the family.

YOUNG: For your wife or yourself?

COLFELT: For them. I couldn't have made any reservations for myself unless it was previous to the Thursday I went up to the shipyard.

YOUNG: Then if you made any reservations they were made before the time you went to Portsmouth to work at the shipyard?

COLFELT: Yes. My wife wanted to go the first night, to get away, off the place. Mrs. White over at Peterborough had told us to get off the place. It was sort of uncanny. You would look over to Mr. Dean's house and see lights flashing around in there as though somebody was walking around with a lantern, and then at times we heard queer noises. I remember calling Mr. Dean up one night and he said it was an owl perhaps or something, didn't come from his house, but the most shrill sounds.

YOUNG: Did you ever receive any telegrams or letters or communications of any sort in a cipher or code?

COLFELT: I never did.

YOUNG: Are you familiar with any ciphers or codes?

COLFELT: Only in this way, that when I was down in the brokerage business, 1906 or 1907, they had a code there.

YOUNG: Did you ever use that code?

COLFELT: Never used a code in my life.

YOUNG: Never received any message in any code while you were in East Jaffrey or that vicinity?

COLFELT: No.

YOUNG: I believe you said this morning you were never in Germany yourself. I believe you said that, did you?

COLFELT: Yes.

YOUNG: Now, did you at any time ever receive any heavy box or packing case at the Greenville Station?

COLFELT: I think I know what you have reference to. When the man came, his trunk came, and I only had the car there, and I went down with him and brought his trunk up, and there was a fellow driving a coal or lumber wagon passing, and I asked him to give me a hand, and he put down the top and put it in.

YOUNG: Did anybody ever help you load a box over from the Greenville Station?

COLFELT: No, sir. That was the only one, that trunk.

YOUNG: Did he have any other box or packages at that time?

COLFELT: No.

YOUNG: You don't know how large a trunk that was?

COLFELT: I remember it was quite heavy.
 YOUNG: What was in it?
 COLFELT: All his belongings, I suppose. The last man I had on the place, it was his trunk.
 YOUNG: Anything in it that belonged to you?
 COLFELT: No, sir.
 YOUNG: Everything there was in the trunk was his?
 COLFELT: Was his, yes.
 YOUNG: What was his name?
 COLFELT: I don't know. I think Mrs. Colfelt has his name. I think it's somewhere among these papers. It ought to be among these papers. I meant to bring it but it isn't here.
 YOUNG: This fellow you spoke of, he came on to work for you?
 COLFELT: Well, he worked — he was there previous to August 13th — I couldn't say whether he came the last of July or the first of August. He came so I was able to go up to the shipyard and leave the animals and things, and he took all the animals back when he went, whenever that was.
 YOUNG: Did you rent any cars in Portsmouth while you were there?
 COLFELT: Never rented a car while I was there.
 YOUNG: And when you did go from Portsmouth over to Jaffrey or Keene, how did you travel?
 COLFELT: The first time, as I remember, I came by motor.
 YOUNG: Whose motor?
 COLFELT: My own motor.
 YOUNG: That is, you didn't go until after your own car had been repaired.
 COLFELT: No, I didn't leave Portsmouth until after my car was finished.
 YOUNG: Where was the stepdaughter, Miss Natalye, during the summer of 1918? That is, was she with you on the Dean place?
 COLFELT: She was up at Silver Bay to a college convention.
 YOUNG: How long did she remain there?
 COLFELT: Ten days, I think. Ten days or two weeks.
 YOUNG: During the rest of the summer of that year, was she with you over at the Dean place and over to Temple?
 COLFELT: Yes. No, I think she made a visit to a couple of girls, one girl, anyhow. I don't remember the name or where she went. She would know that.
 YOUNG: Did you ever know or hear anything about her habit of having or making photographs of teddy bears?
 COLFELT: No. I don't know, but she might have taken pictures. She had a teddy bear she had ever since she was a youngster, that was a mascot. I never knew of her taking any pictures of it.
 YOUNG: Did you ever hear or know anything about her using this teddy bear in the making of pictures, or

in any other way, for the purpose of conveying messages or expressing ideas?

COLFELT: No, never heard of it.

YOUNG: And as far as you know, she didn't?

COLFELT: No.

YOUNG: Has any member of the Jury any question to ask?

JURYMAN: I would like to ask Mr. Colfelt how long he worked in Portsmouth?

COLFELT: About three months, as I remember.

"The Atlantic Corporation, Portsmouth, N.H.

October 15, 1918

To whom it may concern: This is to certify that Mr. Lawrence L. Colfelt, Jr., has been in the employ of the Atlantic Corporation from August 12, 1918 to October 15, 1918, in the Foundry Department. He left of his own accord and is available for employment elsewhere.

Very truly yours,
 The Atlantic Corp.

C. E. Donnton, Employment Manager"

Dictation symbols CED/MJS

JURYMAN: I don't know but that you stated, Mr. Colfelt, what was your purpose of going to Portsmouth to work?

COLFELT: Well, everybody was doing something and that seemed to be the only thing I could do. I was trying to get a position down at Washington, but didn't get it, and as I was riding and motoring around, it didn't look right, and I felt glad to do it, and I would have gone before but I had these animals on my hands and couldn't get anyone to take care of them.

JURYMAN: Did you try to get employment in the vicinity over there?

COLFELT: I did talk something about it in the mill over there, Mr. Ely's mill.

JURYMAN: Over to Greenville?

COLFELT: Yes.

JURYMAN: You said your first knowledge of the Dean murder was through the local Portsmouth paper?

COLFELT: Portsmouth paper.

JURYMAN: That was the next morning?

COLFELT: That was Thursday morning.

JURYMAN: And how long after that did you get into communication with anyone that knew about it?

COLFELT: I couldn't say as for that. Some time that same week, as I remember.

JURYMAN: You weren't sufficiently interested so that you called anyone up?

COLFELT: Why, no. If you ever have been in a position like that you don't know how you feel. It was a shock to me to see this thing in the paper and I didn't call up or say anything.

JURYMAN: You didn't know when the funeral was to

be, or any of the details with regard to it?

COLFELT: No. Then I just had gotten there and to turn around to go home right away, I didn't see any necessity for that.

YOUNG: In that newspaper clipping or article, or any newspaper article you saw, was your name mentioned in connection with the murder?

COLFELT: Oh, yes, it was intimated in several papers. I don't know yet whether I will bring suit against the papers. There was a man over in Jaffrey seemed to link me up with it, a man named Baldwin who wrote for the Post for a couple of Sundays.

YOUNG: He was a correspondent of the Boston Post? That's who you mean?

COLFELT: Yes.

JURYMAN: When was the last time that you were in Jaffrey previous to the death of Mr. Dean?

COLFELT: I think it was Saturday. You see, I went over there Saturday, went up to Portsmouth the following Sunday. That would be Saturday, the tenth.

JURYMAN: Were you in Jaffrey calling on friends?

COLFELT: No, I went to see Mr. Rich to get some money to leave home for the current expenses. I had some money for myself. And I got a couple of pairs of overalls, a shirt, and one thing or another.

JURYMAN: Just a sort of a business trip in connection with your account there at the bank?

COLFELT: Yes.

YOUNG: Now, perhaps you might state the nature of your visit there at the bank Saturday afternoon?

COLFELT: Just to draw the money. As I said, it was a great experience for me, going up there, something new. Originally how I came to know about the shipyard was that Mr. Cutter over in the town had been over there and I heard such glowing accounts of it I thought I would try it. He was up at Shattuck's, I believe. I saw him in the shipyard.

YOUNG: Well, what was your money transaction at that time? Made a deposit?

COLFELT: No, I think I drew out \$150 or \$200.

YOUNG: For the purpose of leaving it with Mrs. Colfelt, you say?

COLFELT: Yes.

YOUNG: Was that all the transaction that took place at the Jaffrey National Bank?

COLFELT: As far as I remember.

JURYMAN: That was early in the afternoon?

COLFELT: I don't remember. As I remember it, it seems to me it was around noon.

JURYMAN: Was the bank open Saturday afternoon?

COLFELT: I don't think they have regular banking hours over there, do they?

YOUNG: Mr. Rich, any time he is around, will attend to anyone?

JURYMAN: Usually in the afternoon they are open until quite late.

YOUNG: Saturday afternoons, too?

JURYMAN: Yes.

COLFELT: They're quite busy there. They seem to be working there nights, night and day, a good deal of the time, and Mr. Rich is there.

JURYMAN: As a general thing, banks are closed Saturday afternoon?

PICKARD: Yes, Saturday afternoons.

JURYMAN: You said your car was put in the Nashua Garage on the night of Sunday, the 11th?

COLFELT: Yes.

JURYMAN: It remained there two weeks?

COLFELT: It remained there ten days or two weeks.

JURYMAN: How did the car get back to the garage after it left you in Portsmouth?

COLFELT: A fellow by the name of Bob drove it up for me.

YOUNG: And that same night the car was driven back to the Nashua Garage by the man who took you over?

COLFELT: Yes, as far as I know it was.

YOUNG: Unless some member of the panel have something they want to inquire about of him? If not, you may be excused, Mr. Colfelt.

JURYMAN: I don't know that this question is in order, and I don't know if Mr. Colfelt would care to disclose it, but he suggested here some time past that he has an opinion or theory with regard to the death of Mr. Dean. Would you care to state what your opinion is?

COLFELT: No, I don't think it would be fair, as I say, for I have no grounds at all.

YOUNG: You understand whatever takes place in here is secret. No disclosures of what takes place in here.

COLFELT: Here's the thing. I never understood why did Mr. Dean send me that telegram. That was very much unlike him.

YOUNG: What about it?

COLFELT: Did he send me that telegram?

YOUNG: Must have because he answered your letter.

COLFELT: If he did send the telegram, why did he send it?

YOUNG: Probably needed the money.

COLFELT: He needed the money. Well, from what I read in the paper, he had overdrawn his account, hadn't he?

YOUNG: Well, twenty-one dollars and some cents. Twenty-one dollars and forty-five cents.

COLFELT: Well, now, sometimes I was given to understand Mr. Dean was very hard up and I was sorry for him, and then again I was told perhaps he wasn't so hard up.

YOUNG: But following along the lines that you suggest there by your inquiry, who could have sent the telegram if he hadn't? I never thought of it any other

way. I supposed he had done it, took it for granted he had. What is your suggestion?

COLFELT: Well, there must have been some pressure brought on him to send that telegram, I think.

YOUNG: Who might have done that?

COLFELT: If he was overdrawing his account in the bank, that might have been the only thing.

YOUNG: Do you suggest Mr. Rich?

COLFELT: Well, it was so unlike him.

YOUNG: That telegram is dated August fourth, as I remember?

COLFELT: August fourth.

YOUNG: And you replied to it, or Mrs. Colfelt did, the eighth?

COLFELT: Yes.

YOUNG: And he immediately writes back on the 12th?

COLFELT: Yes.

YOUNG: It would seem to me, in view of the fact that Mrs. Colfelt replied to the telegram, if he had not sent the telegram he would have made some mention of it in his letters, doesn't it seem so to you?

COLFELT: Yes. He had overdrawn his account, had he?

YOUNG: I think so, yes. And Mr. Rich had loaned him a small sum of money, perhaps just to cover the overdrawn amount, something like seventy dollars, but against that there was an insurance loss that had been adjusted but not paid and when that came it was coming in through Mr. Rich's hands and probably would take care of Mr. Rich all right, as I understand it.

COLFELT: That explains that, then.

YOUNG: In answer to the gentleman's inquiry, I think you can safely say, Mr. Colfelt, if you can tell . . .

COLFELT: Well, my first theory was it was Mrs. Dean, and then I used to wake up at night to think about it and I never saw anything while I was there to indicate that.

YOUNG: Do you think she was able to do it, that she would have the physical strength and force to do a thing like that?

COLFELT: Well, I don't really know enough about the capability of an insane person, but they say they often have wonderful strength, and I read that she had gone over the ground and had said he was down in that deep water, and I saw in the paper at the same time that the calendar was marked "Billy died" and that calendar was marked on the 12th.

YOUNG: It was marked on the 13th. We had it over this morning and it was suggested afterwards that she mark that calendar the day Mr. Dean disappeared. So presumably that was done afterwards. It might be very significant if it had been done before, but being done afterwards . . .

COLFELT: In the first place, the person who would go

there to do a thing like that, premeditated, they would hardly take the time to tie him up. But if the person was familiar with the place and the habits of the people, they might have done that, whoever the person was, to cast suspicion on Mrs. Dean.

YOUNG: At first you say it occurred to you it might have been Mrs. Dean, and then as you thought it over?

COLFELT: I couldn't justify it in any way. I never saw her have a tendency to anything like that. She was gentle.

YOUNG: Very kindly?

COLFELT: Oh, yes. Yes. Loving disposition, yes.

YOUNG: And a woman who was indeed a well-educated woman?

COLFELT: Oh, she was educated, and a lady at heart.

YOUNG: Well, after you had overcome this thought of possible suspicion that Mrs. Dean might have done it, did you reach any other conclusion as to anybody else?

COLFELT: Well, I hate to say anything like that. It seems such a destructive thing to say. It is only suspicion, as I say, but then I went over the ground and said to myself, who else could have any interest in it?

YOUNG: Well, who could?

COLFELT: Well, I prefer not to say. It might put the idea in somebody else's head, and as I say, it's just a surmise of my own. Well, I must tell it, I've got this far. Well, if Mrs. Dean didn't do it, who else would be interested in their affairs at all? Take my family, for instance. I have enough money to live on. There was no reason for me to be involved in any way, shape or form. I am over at Portsmouth. No way, in any way I can see, you can connect me with it. Well, now, who else had an interest? Somebody had a mortgage on the place, didn't they?

YOUNG: I don't think so. Or was there a mortgage on the place? I don't think so. I've never come across that. If that's a fact, I don't know it.

COLFELT: I had been told there was a \$2,000 mortgage on the place.

YOUNG: Assuming there was a mortgage, what would be your theory then?

COLFELT: The person who held the mortgage would be interested in the place.

YOUNG: That would be a motive? You think that possibly might be?

COLFELT: Well, that's the only thing I can think of.

YOUNG: Are there any facts that occur to you that would give the tendency to show either that or any other thing?

COLFELT: No.

YOUNG: Is there anything further that you would like to state in connection with this matter?

COLFELT: Absolutely none.

YOUNG: You and Mrs. Colfelt came from New York,

and the daughter who is here came from Cambridge?
 COLFELT: From Vassar.
 YOUNG: She has left Cambridge and gone to Vassar?
 COLFELT: Yes. She tried to go to Vassar the previous year but she made her application too late.
 YOUNG: How did you happen to come here to this hearing?
 COLFELT: I was requested to come here by Mr. Pickard.
 YOUNG: You weren't summoned? You were in New York State and could have been summoned.
 COLFELT: No. Mr. A. T. Alpins told me I was not required at all and I said there is no reason why I couldn't go and I am anxious to get the thing straightened up, a thing hanging fire like this.
 YOUNG: Who is this A. T. Alpins?
 COLFELT: He's the Ambassador to Turkey and he is my legal adviser and attorney in New York. You can understand how I felt about it, living up in Portsmouth, you make acquaintances there and people would apparently know you and your face and your appearance and you seem to be all right, and then you go around and they say, "He is one of the suspects in the Dean case," and that sort of thing isn't pleasant to follow you around, you know.

JURY RESTS

ARTHUR SMITH

Direct Examination by Mr. Pickard

PICKARD: How old are you?
 SMITH: Twenty-one.
 PICKARD: What do you do? Where do you work?
 SMITH: I work at Ingraham's farm.
 PICKARD: Did you work on the Dean farm last summer?
 SMITH: Yes.
 PICKARD: What doing?
 SMITH: Haying.
 PICKARD: Did you see Mr. Dean the day before he was killed?
 SMITH: Yes.
 PICKARD: Where?
 SMITH: On the farm. He came out through the fields.
 PICKARD: What time of day?
 SMITH: Along in the early afternoon. He was tending to his turkeys.
 PICKARD: He had a flock of turkeys?
 SMITH: Yes. He would generally drive them around and then he put them in again, late in the afternoon.
 PICKARD: Did you see him often while you were haying there?
 SMITH: Quite often.
 PICKARD: And talked with him?

SMITH: Yes.
 PICKARD: Did he ever say anything to you about any fear of anybody?
 SMITH: No, sir.
 PICKARD: Did you notice anything strange or peculiar in his actions that day when he came to drive the turkeys around?
 SMITH: No.
 PICKARD: How late did you work on the Dean farm that Tuesday night?
 SMITH: Until about half past five or six.
 PICKARD: Who was with you there that day?
 SMITH: Mr. Ingraham's son.
 PICKARD: See any strangers around the farm that day?
 SMITH: No, sir.
 PICKARD: When did you next go back to the Dean farm?
 SMITH: The next day. I got there about half past seven in the morning.
 PICKARD: Who was with you?
 SMITH: Ingraham's son.
 PICKARD: What field were you haying in?
 SMITH: I was haying in the field on the south end of the house, straight out.
 PICKARD: And to get there you had to go past the house where Mr. Dean and his wife lived?
 SMITH: Yes.
 PICKARD: Who was with you?
 SMITH: Mr. Ingraham's son.
 PICKARD: How old is he?
 SMITH: Five or six years old.
 PICKARD: When you went past the house did you see anything?
 SMITH: No, sir.
 PICKARD: After you got past the house, out into the field, did you see anything?
 SMITH: No.
 PICKARD: Did you hear anything?
 SMITH: No, not until Mrs. Dean came out.
 PICKARD: Now, won't you tell us about that?
 SMITH: I had just got out in the field and was unhitching the horse ready to hitch on the mowing machine when Mrs. Dean came from the cottage. I was sure she was from the cottage.
 PICKARD: What did she do or say?
 SMITH: Well, she began screaming. I couldn't understand what she said. She was at quite a distance, but I got off the wagon and ran to her and met her at the gateway. There's a kind of road that leads direct to the barn from the middle of the field, and we met there, and the first words she said to me, she said, "I'm sure Mr. Dean is dead in the barn." And she asked me if I would go and look, and I did.
 She said she had looked the barn over on the first floor but she couldn't go up overhead, she couldn't

climb the ladder, and that was the only place she hadn't looked in the barn, and so I went up there to look, but I didn't see any sign of him.

PICKARD: Was she walking or running when you first saw her?

SMITH: She was running.

PICKARD: Fast or slow?

SMITH: Well, she couldn't go very fast. She was going as fast as she could, I suppose.

PICKARD: Now, what condition did you find the doors in the barn when you got there?

SMITH: The door was open about a foot. The big door. The small door was closed.

PICKARD: Did she say anything about the door?

SMITH: Yes, she said she had been out at the barn. She told me she had been out to the barn at five o'clock looking for Mr. Dean. She had called and called for Billy but he made no reply. She couldn't open the door wide open, she said, when she came out, and I opened it. It wasn't open far enough to get in, so I pushed it all the way.

PICKARD: Did you see anything around that looked strange?

SMITH: No.

PICKARD: See any pails there?

SMITH: No.

PICKARD: Had you seen Mr. Dean milking at any time while you were there haying?

SMITH: Yes.

PICKARD: What time did he milk?

SMITH: Along towards noon. About twelve.

PICKARD: What kind of a pail did he use?

SMITH: He had a blue and white enamel streaked pail.

PICKARD: Did you ever see him milk in any other pail?

SMITH: No, sir.

PICKARD: What about the brass coal pail?

SMITH: Oh, I don't know what he did use that for. The first time I ever went to the Dean farm was along in July before haying had started but about time to hay. Mr. Dean had come down to Mr. Ingraham's, it was probably planting time, and he had come down to see Mr. Ingraham to have him do the haying, and that's the first time I ever saw Mr. Dean or knew Mr. Dean.

Well, it went along two or three days and Mr. Ingraham and I and his wife and sister went up there and Mr. Dean was out there and they talked about haying. That's the first time I saw the pail. It looked more like a little kettle. I didn't get close. The rest of us sat in the car.

PICKARD: Have you any idea whether that resembles the pail that Mr. Dean milked in or not?

SMITH: It does in some ways, yes.

PICKARD: What is your opinion as to whether it is the pail that was over there?

SMITH: I can't tell you. It might. It was blue and white streaked like that.

PICKARD: I might say right here that this pail will be identified as the pail which was in Mr. Dean's barn on that morning. It has been in the possession of Mr. Emerson, I think, ever since.

Well, now, getting back to the morning when you and Mrs. Dean looked over the barn, did you go up above in the loft?

SMITH: Yes.

PICKARD: Did you look around on the hay?

SMITH: Yes.

PICKARD: Anything there?

SMITH: No.

PICKARD: Did you look anywhere else that morning?

SMITH: Yes, looked the farm over, looked underneath the barn, under where the manure was, and in all places. We looked the fields over, didn't know but what he might have gone another way.

PICKARD: Did Mrs. Dean say anything else about his being dead anywhere else than in the barn?

SMITH: No.

PICKARD: Did you go up to the big house?

SMITH: Yes.

PICKARD: Who went with you?

SMITH: Mr. Garfield and his son.

PICKARD: What time did they get there?

SMITH: I had just looked the barn over and was looking the fields over when Mr. Garfield came.

PICKARD: Do you know how he happened to go there?

SMITH: Mrs. Dean called him up.

PICKARD: Did she call him up after or before you got there?

SMITH: Before I had got there.

PICKARD: His first name is Matt?

SMITH: Matt or Max or something like that.

PICKARD: Did you find any trace of Mr. Dean at that time?

SMITH: No.

PICKARD: No signs of any struggle or disturbance around there?

SMITH: No.

PICKARD: And later, who was notified?

SMITH: We called up the selectmen from the big house.

PICKARD: And how did you get in the big house?

SMITH: We went through the window, the window over the bulkhead, over the cellar.

PICKARD: What did you notice about that window?

SMITH: It was unlocked. We tried all the other doors and windows and they were all locked except that one.

PICKARD: Who went in with you?

SMITH: Mr. Garfield and the two boys — four boys.

PICKARD: Was there any sign of anything at all in the big house?

SMITH: No, we didn't see any.

PICKARD: Did you notice the cistern there?

SMITH: Yes.

PICKARD: Did you look into that at that time?

SMITH: No.

PICKARD: Did Mrs. Dean go with you when you went to look over the big house?

SMITH: No, she stayed at the cottage.

PICKARD: And later a large number of men came?

SMITH: After we had called up Mr. Coolidge, Mr. Coolidge came, and Mr. Boynton, Mr. Ed Boynton, and Mr. Peter Hogan. Those three came up in the Overland, I think. And after they looked, all of us had looked together, Mr. Coolidge said he had an idea we ought to call for help to look all the ground over, and Mr. Moore made the suggestion to look in the cistern before getting more help.

PICKARD: How well acquainted are you with that locale down below the Dean farm? Ever been through there?

SMITH: Yes, I work there all the time. Ingraham's wood lot is just below, just over the wall, and it runs most to Pierce's Crossing.

PICKARD: What about any streams or deep water down in there?

SMITH: It's kind of marshy and swampy, that's all.

PICKARD: But between the Dean land, toward the brook so-called, was there any deep water of any kind?

SMITH: Not that I know of.

PICKARD: You have worked there near the swamp?

SMITH: Yes, but you can go through there with a horse. I worked in the swamp last summer, all summer, and the deepest place would be to the west. It's mucky, like.

YOUNG: Did Mrs. Dean say anything about deep water in your hearing that morning?

SMITH: No, she didn't.

YOUNG: Did you overhear any conversation she made with Mr. Garfield?

SMITH: Yes.

YOUNG: Did she say anything to him about any deep water?

SMITH: Not that I know of. First they went into the house.

YOUNG: She and Garfield?

SMITH: Yes, I think so. And then they came out again and I guess I was looking around at the time, and I came back to them and I said I didn't see any trace of him, and she was giving him turkeys and the little cow or bull or something, giving them to him to take care of. She was sure Billy wouldn't come back and she wanted him, Mr. Garfield, to have the turkeys and a few other things.

YOUNG: What else do you remember?

SMITH: I don't know whether it was the little bull or the cow, and the turkeys.

YOUNG: Why was she giving them away?

SMITH: She said she was sure Billy wouldn't be there to tend to them anymore.

YOUNG: Did you hear her make any suggestion about Billy's being dead?

SMITH: Yes, I'm sure she did.

YOUNG: What did she say?

SMITH: She said Billy is dead. Something like that.

YOUNG: Anybody ask her how she knew Billy was dead?

SMITH: Yes, I think so.

YOUNG: What did she say in answer to that?

SMITH: Well, I told you about two or three days before, I was in the house. The mowing machine broke and I went in to call up Mr. Ingraham, went to the cottage where they lived, and I called up Mr. Ingraham and I was waiting for Mr. Garfield's son to come up and fix it and bring up some nuts and bolts, and while I was waiting for him to come up, I knew he would come past the cottage in the automobile, and she was in that big room where the player piano and other things were, and she wished that nothing would happen to Billy or her because they were getting along nicer and nicer every day. She didn't want anything to happen to him.

YOUNG: She told you that?

SMITH: Yes, she said they were getting along nicer and nicer every day. It seemed they had had trouble at the time.

YOUNG: Did she say the word trouble, or say they had had trouble?

SMITH: No.

YOUNG: That was just your deduction, just your supposition?

SMITH: Yes.

YOUNG: And this is the morning the body was found, when she was trying to give away the turkeys and other things?

SMITH: That's before anybody got there she was giving them away.

YOUNG: She was giving the turkeys to Garfield then?

SMITH: Yes.

YOUNG: Did she offer to give you anything?

SMITH: No.

YOUNG: Did she say anything about the place, whether she was going to keep it or sell it?

SMITH: No, sir, I don't think she did. I didn't hear everything that was going on.

YOUNG: In the meantime you were out looking around to see if you could find any trace of Mr. Dean?

SMITH: Yes, in the beginning I was.

YOUNG: When she was having this talk about Billy

being dead, can you tell us what was said that brought up the fact that Billy was dead, or caused her to say that Billy was dead? What was it that caused her to say that? Anything?

SMITH: I don't know, I'm sure. I'll tell you what caused her to. I don't know whether that's what you would call it or not, but she said Billy always got home at nine o'clock, said he always got home at nine o'clock, and she had been out and called for Billy at five o'clock in the morning, went out to the barn and called for Billy but he didn't make any answer so she was sure when she saw me in the morning that Billy was dead, and that's probably why she was sure he was dead and she wanted to give away the things.

YOUNG: What did Mr. Garfield say to her in answer to that?

SMITH: That he didn't want them. He said to wait.

YOUNG: Did he suggest that Billy might finally come back?

SMITH: Yes.

YOUNG: What did she say to that?

SMITH: She was pretty sure that he wouldn't.

YOUNG: When you went up the ladder in the barn where the hay was did you see anything about the hay that was peculiar?

SMITH: No, sir. We found that later on.

YOUNG: When was that?

SMITH: That was the same day.

YOUNG: What did you find?

SMITH: Kind of a place where somebody had sat or lay down in the hay. It was on the right as you went up, over where the trunks and things were.

YOUNG: And there was an impression in the hay as though somebody had lain in the hay?

SMITH: That's what they thought.

YOUNG: What did you think?

SMITH: I thought the same, of course.

YOUNG: Did it look to you like a place where somebody had lain down in the hay?

SMITH: I don't know. We might have done it ourselves when we were haying.

YOUNG: Did you attach any importance or significance to it yourself? Did it strike you as a strange thing or not?

SMITH: Yes, it did.

YOUNG: You didn't notice it the first time?

SMITH: No, I was looking for him. I didn't notice the blood stains or anything.

YOUNG: Who called your attention to this impression in the hay?

SMITH: I don't know who it was.

YOUNG: Did you see it first yourself?

SMITH: No.

YOUNG: You don't know who did see it?

SMITH: I don't know whether it was Mr. Emerson or who it was.

YOUNG: After they saw it, they called your attention to it, and you went up and saw it?

SMITH: Yes.

YOUNG: Can you give us any better impression of it? How it appeared? How long, how deep?

SMITH: No, I couldn't.

YOUNG: There was an impression in the hay as though a man laid down full length?

SMITH: It looked as though he lay down full length on the hay, kind of slanted back on to the pile.

YOUNG: Was it steep enough so if a man lay there he would have stayed there or slid back?

SMITH: It was level enough so he could have laid down there.

YOUNG: It really looked to you as though someone had lain down in the hay there?

SMITH: Yes.

YOUNG: Nothing to indicate whether it was something that was done recently, or a number of days before?

SMITH: It must have been done recently because we had put hay there a day or two before.

YOUNG: When you say we, who do you mean?

SMITH: I mean myself.

YOUNG: No one besides you?

SMITH: Yes, but I was haying alone.

YOUNG: Nobody up in the barn besides you? I mean when you were putting in hay?

SMITH: No. Mr. Dean would be down below. Up where the hay was, I would be alone, and young Johnny Ingraham and I would be alone, and then Mr. Jewell and his brother would be alone. They didn't hay as soon as I did because there were two of them.

YOUNG: Had they been there since the time you put the hay on this pile where the imprint was?

SMITH: They kept putting hay right along in some other of the other mounds.

YOUNG: You don't think they put any on this mound where this impression was since you had put hay there two days before?

SMITH: No, I don't think so. Their idea was not to mix it, but you couldn't help but mix it because there was old hay in the barn, too.

YOUNG: Was this impression in the old hay or the new hay?

SMITH: It was in the new hay.

YOUNG: You don't know whether either of the Jewells, or the youngster who was up there with you, had lain down on the hay or not?

SMITH: No, I don't. I know I didn't.

YOUNG: Was this impression in the hay plain to be seen? Was it something you could see?

SMITH: Yes, if you stayed there and looked at it, but if you walked right up you wouldn't notice it, but it was plain. You could see it plain.

YOUNG: You don't have any doubt that somebody had lain back on the hay there?

SMITH: Yes, I feel sure of it.

JURYMAN: Was there more than one impression there?

SMITH: No, we didn't see any more. Just one.

JURYMAN: You made one remark regarding the door, that Mrs. Dean couldn't open the door. Does the door open hard?

SMITH: Quite hard. And she was kind of feeble.

JURYMAN: Do you think she would have been able to open the door?

SMITH: I don't think so. She might have. She might have. But it did work kind of hard.

JURYMAN: That was the big rolling door where you drove in with your hay?

SMITH: Yes.

JURYMAN: Did it occur to you it would have been very hard work for her to open the door?

SMITH: I don't know, I'm sure. But she didn't look very strong, and she didn't get it.

JURYMAN: Did I understand you to say she had tried to open that door?

SMITH: Yes, she had opened it. She opened it about a foot, just enough to go in. She said that's as far as she could open it. She couldn't open it any further when she came in, so I opened it way open.

JURYMAN: What was the occasion for opening that door? Couldn't you go in the other door?

SMITH: I don't know, I'm sure.

JURYMAN: The little side door wasn't locked, was it?

SMITH: I don't know. I know it was closed.

JURYMAN: You don't know whether it was locked or not?

SMITH: No, and I don't know whether I opened it from the inside that morning or not.

JURYMAN: That was the door with the white porcelain knob?

SMITH: Yes, on both sides. The door was smaller than that door but the hinge was the same as that. I don't see why she didn't open it, and I don't see why I didn't, but that's what she told me. She said she had opened the door a little ways but couldn't open it any further, so I opened it for her.

JURYMAN: Was it light then?

SMITH: It was dark in the barn.

JURYMAN: Was the purpose of opening the door so as to get some light in there?

SMITH: My purpose?

JURYMAN: Yes.

SMITH: Not exactly, no. I had gotten all stirred up. I didn't know what the dickens to do. I didn't think, you know.

JURYMAN: You probably wanted a place to run?

SMITH: I thought if the door was open I would have a better chance.

JURYMAN: How old did I understand you to say the boy was?

SMITH: Five or six, or six or seven. A little fellow.

JURYMAN: This print on the hay, did it look as though he might have gone up there to lie down?

SMITH: No.

JURYMAN: Too large for that?

SMITH: Oh, yes. He's only a little small chap.

PICKARD: Let's see, did you have anything to do with milking the cow?

SMITH: No.

PICKARD: Could you tell whether the cow had been milked at midnight or not?

SMITH: No, but he used to milk the cow in the morning. Mr. Emerson, or whoever milked it, thought sure it had been milked.

PICKARD: At midnight?

SMITH: Yes. I don't know whether it was Mr. Emerson or who it was that milked the cow. Oh, I know. It was Mr. Wellington.

PICKARD: He didn't know you were there when the cow was milked?

SMITH: Yes, I was there all day until the thunder shower came up and then I had to get the horses down to Ingraham's.

PICKARD: Was there any talk at that time as to the opinion of the people there as to whether the cow was milked or not at midnight the night before?

SMITH: Oh, yes. They wanted to know. There were a lot of people there. I didn't know who they were. I didn't know Mr. Rich, or I didn't know a lot of people, had never seen them.

PICKARD: Could you hear any talk there, any opinions expressed, as to whether the cow had been milked at midnight the night before?

SMITH: They thought sure it had. Mr. Wellington did. He milked it that morning.

PICKARD: You don't know why that was?

SMITH: No. You could tell, I suppose, if you knew how much milk the cow was giving. It would be more if it hadn't been milked, wouldn't there?

YOUNG: Was it Mr. Dean's habit to milk at noon and night?

SMITH: It seemed to be. I don't know about it because I was never there at night, but he milked at noon.

JURYMAN: Did you say you had seen him milk?

SMITH: I'd seen him milk. I stayed up there all day and I first got there in the morning.

JURYMAN: In a pail similar to that?

SMITH: Yes, blue and white streaked like that.

JURYMAN: How much milk? Had you seen the milk in the pail?

SMITH: That I couldn't judge.

JURYMAN: Half full?

SMITH: Perhaps so. Perhaps a little more.

JURYMAN: Did you see it milked that morning by Mr. Wellington?

SMITH: I wasn't in the barn when he was milking, but he milked.

JURYMAN: He didn't turn his cow out to pasture any? Kept it in the barn?

SMITH: He did let it out daytimes. He would hitch the cow and a little bull, they called it a little bull, he would hitch it out in front of the cottage, drive a stick in and hitch the both of them out about every day. About every day.

PICKARD: Let me ask you this question. You say Mr. Dean, was he a strong man or not?

SMITH: He didn't seem to be.

PICKARD: What led you to believe he wasn't? Anything in his walk or the way he went around?

SMITH: Not exactly.

PICKARD: Well, just how do you form the opinion that he wasn't very well, not very strong?

SMITH: By the looks.

PICKARD: Not a very big man?

SMITH: No, he wasn't very big.

PICKARD: Did he talk to you about whether he was well or not?

SMITH: No, he rarely ever talked to me. He would rarely ever talk. He was kind of quiet, wouldn't say.

PICKARD: You used to see him around there most every day doing hard chores?

SMITH: Yes.

PICKARD: Ever see any strangers around the place looking over the hills?

SMITH: No, sir.

PICKARD: Did you ever see any of the mysterious lights in that neighborhood?

SMITH: Yes, I've seen some on Monadnock and over the Temple Mountains.

PICKARD: Did you ever see any at the Dean house?

SMITH: No.

PICKARD: Are you in sight of the Dean house?

SMITH: No, not exactly in sight because Ingraham's is too low.

PICKARD: Did you ever see any in that direction as though they might have come from the Dean hill?

SMITH: No, I never did.

WITNESS DISMISSED

DANIEL J. LaROSE

Direct Examination by Mr. Young

YOUNG: Where were you living in the summer of 1918, that is, August of last summer?

LAROSE: In East Jaffrey.

YOUNG: What were you doing there?

LAROSE: I was boarding in East Jaffrey and working for Bean & Symonds.

YOUNG: Where was your work?

LAROSE: In the factory of East Jaffrey.

YOUNG: Whereabouts is the factory with reference to the East Jaffrey post office?

LAROSE: It's quite a ways away from the post office. It's right on the railroad lines.

YOUNG: What work were you doing there at the factory?

LAROSE: Running an automatic butting-off saw.

YOUNG: Is that day work or night work?

LAROSE: Day work.

YOUNG: Where were you nights? Did your employment run into the evening at all?

LAROSE: No, just ten hours, from seven to six.

YOUNG: Where were you on the evening and night of August 13, 1918?

LAROSE: At Louis Cournoyer's on River Street. I was boarding there.

YOUNG: How far is that from the post office?

LAROSE: Why, I would call it about twenty yards, twenty-two yards.

YOUNG: What, if anything, did you see that night that attracted your attention?

LAROSE: Well, I received a postal card from New York and that day when I went home to supper one of the boys handed it to me, and after supper I stayed down quite late.

YOUNG: How late?

LAROSE: Why, about 9:30, and I wrote a letter answering this postal card. After I got through writing the letter I sat down a while and then I was short of something to smoke so I knocked on the door of one of the boarders and, of course, he was asleep and he woke up and asked me what I wanted.

I told him it was important, and I asked him if he had any tobacco or cigarettes so I could smoke. He said no he didn't have any. I said, "I'm going out and I'm going to take a chance if I can get any, and I've also got this letter to mail." And then I went out.

YOUNG: About what time was it when you went out?

LAROSE: It was about 11:45 or 11:30. Around eleven o'clock, ten minutes or quarter of eleven.

YOUNG: Where did you go?

LAROSE: I went over to mail this letter at the post office, drop it in the door there, and I wanted to see if I could get some tobacco. Just as I came to the corner of the post office I noticed a big touring car coming down Main Street. Of course, it was coming down slow. No headlights, I noticed, and I thought perhaps they were having some trouble. So I stayed still at the corner of the post office there and I looked and I saw three men in the automobile, and I knew one of the

men but I couldn't recognize the others who were all sitting in the rear seat of the automobile.

YOUNG: You say the car was coming down the street slowly, that would be coming down the hill in East Jaffrey village towards the post office?

LAROSE: Coming down from Jaffrey Center by the road down to the post office, yes.

YOUNG: And when you say slowly, what do you mean? How fast do you reckon they were going?

LAROSE: Why, wasn't going — the car wasn't going, I would judge, at the rate of more than ten miles an hour.

YOUNG: As fast as a man could run perhaps?

LAROSE: Not as fast as a man could run. It wasn't going as fast as that, no. The car was moving.

YOUNG: But not over ten miles an hour, in your judgment?

LAROSE: Not over ten.

YOUNG: And you say there were no lights on the car at all?

LAROSE: No headlights. And then I seen they weren't having any trouble because the man who was operating the car went right around the watering trough down North Street.

YOUNG: Did they stop anywhere at all?

LAROSE: They didn't stop. And I noticed then, as I started to walk to mail this letter, I noticed there were no tail lights, and of course, I couldn't see the car very far down because it's kind of sloping going down.

YOUNG: Could you tell what kind of a car it was?

LAROSE: I couldn't say. I know it was a dark-colored car, but I couldn't say blue or black or what color.

YOUNG: You couldn't see the number plates of course?

LAROSE: No, I didn't notice the number plates or anything.

YOUNG: Don't know whether it was a New Hampshire car or some foreign car?

LAROSE: I couldn't say.

YOUNG: Now, let's see. North Street, is that the street that leads off to the left, or leads off to the east, over there to follow across the railroad track?

LAROSE: No, sir. No, that's not the road. It's the road you would take going to Dublin, going down from Main Street. Coming from Jaffrey Center you would turn to your left right off at the corner of the post office, going down the Dublin road, which they call North Street, I think, and you can also branch off to go on to Peterborough by that road.

YOUNG: You think that was about what time, as near as you can place it?

LAROSE: As near as I can place that it would be about quarter of eleven or ten minutes of eleven, in there somewhere.

YOUNG: Was there any moon?

LAROSE: It was a nice bright night.

YOUNG: Was there a moon?

LAROSE: There was a moon all right because it was light, and there was a light on that corner.

YOUNG: Was there a moon at that time when you were out there?

LAROSE: Why, I'm pretty sure there was a moon that night.

YOUNG: Are you sure that the moon was shining at that time?

LAROSE: The moon was shining at that time.

YOUNG: Shining enough so that it gave light so that it lighted up the situation somewhat?

LAROSE: Yes. What I mean, there was enough moonlight that it was clear.

YOUNG: What I want to get at, if I can, is whether the moon was actually shining so that it gave light by which you could see plainer than you could if it had not been shining?

LAROSE: Well, you see, on account of having a light on that corner the moon wouldn't be helping the light very much, but if you got away from the light — I noticed when I was going up from the post office to Cournoyer's, I noticed that it was a nice moonlight night on account of the pond of water there was there.

YOUNG: Was the moon shining in the water?

LAROSE: Yes.

YOUNG: You could see the moon shining in the water as you went from the post office back to your boarding house?

LAROSE: Yes.

YOUNG: And did you go anywhere to get any tobacco?

LAROSE: I couldn't get any. The stores were closed.

YOUNG: Did you meet anybody on the way, either way?

LAROSE: I didn't meet a soul, no, sir.

YOUNG: Nobody over on the post office steps?

LAROSE: No, sir.

YOUNG: Didn't see anyone around the village at all?

LAROSE: No, sir.

YOUNG: And you think that when you went back to your boarding house from the post office you could see the moon shining in the water?

LAROSE: On the pond, yes.

YOUNG: Have you any idea, definite idea, as to what time it was when you got back to your boarding house?

LAROSE: Why, it ought not to have been much more than eleven, or five minutes after eleven, because I didn't delay.

YOUNG: You think it was about five minutes past eleven?

LAROSE: I would say between eleven to five minutes past eleven, somewhere in that vicinity.

YOUNG: Did you talk with anyone when you went in, or did you go into the house and go to bed?

LAROSE: I went into the house and went to bed.

YOUNG: Didn't meet anybody?

LAROSE: Didn't meet a soul.

YOUNG: Now, getting back to this automobile. You told us it was a dark-colored car. What kind of a type car was it, a touring car?

LAROSE: A large touring car.

YOUNG: What you would think would actually be called a seven-passenger car?

LAROSE: Well, I'd say a seven-passenger car with the top up.

YOUNG: How were the men seated?

LAROSE: The one in the front operating, and there were two in the back.

YOUNG: And they came down the street, as you say, about ten miles an hour and turned off to their left?

LAROSE: Turned off to their left.

YOUNG: Around the watering trough?

LAROSE: Around the watering trough.

YOUNG: How close did they come to the lamplights there by the post office?

LAROSE: Well, they were almost within eight feet of the curb there.

YOUNG: How close did this car come to you as you went by?

LAROSE: I was about twelve feet away from the car.

YOUNG: That's the distance across this room, perhaps, or a little less from one side to the other?

LAROSE: Well, this is more than twelve feet I would think. I was a little less than the distance across the width of this room.

YOUNG: And did they look toward you, these men, look towards you?

LAROSE: The man that was operating the car gave a glance, but the other two men, I didn't see them look at me. At the time I had to look at them they weren't looking at me. Whether they seen me or not, I don't know.

YOUNG: You say you recognized one but couldn't recognize any of the others. Where was the man who you recognized sitting in the car?

LAROSE: He was operating the car.

YOUNG: Was that a right or lefthand drive?

LAROSE: It was a righthand drive.

YOUNG: He was on the side of the car next to you?

LAROSE: Yes, righthand drive car.

YOUNG: And could you see how he was dressed?

LAROSE: Well, all I noticed was he had a cap on. I believe a light gray cap, or a dark gray cap, something like that.

YOUNG: It was very warm that night, was it not?

LAROSE: Yes, it was a nice night.

YOUNG: Wasn't it an exceptionally warm night?

LAROSE: To tell the truth, I don't find any night in the summer time in East Jaffrey any too warm.

YOUNG: This man had on a coat?

LAROSE: Yes.

YOUNG: Who was this man who you recognized?

LAROSE: Mr. Rich.

YOUNG: Charles L. Rich, Cashier of the bank there?

LAROSE: He's a judge down there and the cashier of the bank.

YOUNG: Were those men in conversation or not?

LAROSE: Why, not when I was looking, no.

YOUNG: They weren't apparently talking with each other?

LAROSE: No.

YOUNG: If they had been speaking to each other you would have heard them?

LAROSE: Well, perhaps I wouldn't have heard it. That all depends on whether they were talking loud. But I would have noticed most likely those two in the back. When I looked at them and seen them they were sitting way back and I couldn't get a good look at them because it seemed as though they were trying to dodge me from seeing who they were.

YOUNG: Did Mr. Rich look as though he was trying to dodge you?

LAROSE: Mr. Rich just glanced and then turned his head the way he was turning his car.

YOUNG: And did they increase the speed of the car any?

LAROSE: They did. They increased the speed a great deal after they got around the watering trough.

YOUNG: Are you acquainted with Mr. Rich?

LAROSE: Well, I know Mr. Rich. Of course, I went down into the court there and I listened to three or four cases, maybe three cases, two or three cases, on account of boarding over there with Mr. Louis Cournoyer, on account of his being a Justice of the Peace I thought I would have the right to go over and listen, and he used to tell me it was all right, and I used to go over there and listen to it some.

YOUNG: Does Mr. Rich know you?

LAROSE: I presume he does.

YOUNG: You speak when you meet on the street?

LAROSE: I do.

YOUNG: He answer you?

LAROSE: He would say how do you do. I would say how do you do, and Mr. Rich, he would say how do you do.

YOUNG: Did you speak that night?

LAROSE: No, sir. I didn't speak that night to him for the simple reason I didn't see why I should speak to him.

YOUNG: Why wouldn't you speak that night as well as any time?

LAROSE: Well, if he had been passing on the sidewalk

I would have spoken to Mr. Rich. I wasn't going to yell to him in his car. I never holler to anybody in their car or anything.

YOUNG: You mean to say you have any difference really about speaking to a man who is walking and a man who is riding in a car?

LAROSE: That's something I never do anyway, is to yell and draw their attention. If a fellow is with his lady friend I kind of turn my head.

YOUNG: No ladies here?

LAROSE: No, there weren't. But I'm explaining. I didn't want to draw his attention by speaking to him. He had no reason to say how do you do to me.

YOUNG: He was going down by you, as I understand it, at a rate of speed not exceeding ten miles an hour, and was passing you at a distance of less than the width of this room, and as he passed he glanced towards you, and you have been in the habit of speaking to him, but that night neither of you spoke. Now, have you any other reason to suggest why you didn't say, "How do you do, Mr. Rich?" the same as you did on other occasions, except the fact he was riding in a car and you were on the sidewalk?

LAROSE: Why, if Mr. Rich had been standing near the post office somewhere and I saw he was busy, and if he just glanced at me at the time he passed, I wouldn't speak to him.

YOUNG: As I understand it, he wasn't engaged in conversation with anyone, and he looked towards you.

LAROSE: He looked towards me, didn't look at me very long, and he turned according to the way he turned his car.

YOUNG: You didn't speak to him?

LAROSE: No, sir.

YOUNG: Any reason you have as to why you didn't?

LAROSE: Why, that's the reason I'm telling, that I wouldn't draw anybody's attention. I never yell at anyone. Or perhaps if Mr. Rich had stopped right there and the car wasn't moving, maybe then I would speak.

YOUNG: Wasn't there somebody advanced the theory at one time this car did stop there and they went to the watering trough to get a pail of water?

LAROSE: I never heard that statement. I never heard of that.

YOUNG: Didn't the Federal authorities report to somebody here there wasn't a car went down through there?

LAROSE: Oh, say, that wasn't the way when I saw the car. There was a man, the night watchman working for White Brothers., and he said that was late, at one o'clock that night.

YOUNG: Who is he?

LAROSE: Mr. Thibreau.

YOUNG: So it wasn't you who saw the fellow stop to go

over to the watering trough to get the water?

LAROSE: It wasn't I. I never made that statement.

YOUNG: Well, I got the two stories confused. You didn't see the car any after it turned off and went along?

LAROSE: Well, I couldn't see but a very short ways, as I said, because there's kind of a — the road kind of goes down. It's what I would call a quarter of a block or half a block.

YOUNG: You didn't see the car again that night?

LAROSE: No, I didn't see the car. I went home after I mailed the letter.

YOUNG: You haven't seen that car since?

LAROSE: Well, I haven't seen that car, or if I did I haven't recognized it.

YOUNG: And Mr. Rich was the man who was operating the car?

LAROSE: Yes.

YOUNG: Does Mr. Rich own a car?

LAROSE: I don't know whether Mr. Rich owns a car, or who owns that car that he was in that night.

YOUNG: And so does Mr. Rich own a car of any kind?

LAROSE: I couldn't say.

YOUNG: Did you ever see him driving a car before?

LAROSE: I don't remember ever seeing him drive a car.

YOUNG: Have you ever seen him drive a car since?

LAROSE: No, sir.

YOUNG: Did you ever know of his driving a car that belonged to anybody else?

LAROSE: No, sir.

YOUNG: This was the only time, as I understand you, that you ever saw Mr. Rich driving a car?

LAROSE: Driving a car. I've heard he had a car, but I didn't see it.

YOUNG: That's the only time you ever saw him driving a car?

LAROSE: That night was the only time, yes.

JURYMAN: You were standing on the post office steps at the time you saw this car?

LAROSE: No, sir, right on the corner of the post office.

JURYMAN: I would like to ask who the first person was that called your attention to it so that you fixed in your mind the dates and times concerning the passing of this car?

LAROSE: Well, the man that I knocked at his door before I went to mail this letter that I say I received the postal card on that day from Cohoes, New York, calling his attention in which I wanted some tobacco or cigarettes and he didn't have any, why, of course, on account of the next day being around that William K. Dean was murdered, and then you heard that Mr. Rich had a black eye, I got to talking with this fellow that I asked for some tobacco the night before. I said he must have met with an accident. I told this man then how I had seen it, and this man said, "Don't

mention anything about it," and I said, "I don't think I will mention anything about it. I'm not looking for any trouble." I had a little trouble of my own.

Then the next day after I told Mr. Louis Cournoyer, and I told him the same thing, I didn't want to have anyone to say I had ever seen any automobile or anything, and I told Mr. Cournoyer I wasn't looking for trouble, and when the Federal authorities came around, Mr. Cournoyer up and told them the story and the Federal authorities came to me. Just what date that was, I don't know.

JURYMAN: Do you remember what month it was?

LAROSE: I think that was in September.

JURYMAN: Do you remember of being interviewed by one Dr. DeKerlor, otherwise known as Kent?

LAROSE: I never talked to that man until today.

JURYMAN: You never have given him this statement you have recited here?

LAROSE: No, sir. I never talked to Dr. DeKerlor before today. Today was the first time.

JURYMAN: What was the story you told us with regard to your acquaintance with Mr. Rich?

LAROSE: How I knew Mr. Rich, I knew he was the cashier of the bank. I had been up in the bank with Mr. Louis Cournoyer. And I used to go and listen to the Court right there at the police station three or four times, I guess, and listen.

JURYMAN: Are you connected in any way with any case that came to the court over which Mr. Rich presided?

LAROSE: No more than to have Mr. Rich ask me if I pled guilty or not guilty. I pled not guilty, and he arranged it for a \$500 bail, but that was only fixed for the place at Jaffrey, which I was up in the Keene jail. That's all I had to do with Mr. Rich.

JURYMAN: The way he arranged it was entirely satisfactory to you?

LAROSE: Yes, everything was all right for me.

YOUNG: There's one thing I neglected to ask you. At the time you saw Mr. Rich in the automobile, why, as you claim, his left side would be away from you, wouldn't it?

LAROSE: His left side?

YOUNG: Yes.

LAROSE: Oh, sure, because it was the right side when he was going down the street.

YOUNG: His right side was toward you?

LAROSE: Yes, certainly.

YOUNG: Now, as he turned and glanced towards you, did you notice anything the matter with his eye?

LAROSE: I didn't notice anything the matter with his eye.

YOUNG: Did you notice anything the matter with his face?

LAROSE: His face looked plain to me. I knew the man and his face looked the same as my face now.

YOUNG: Was there any mark or discoloration on his face?

LAROSE: I think if the car was stopped and he looked, I could tell whether there was any mark or discoloration, but the way the car was going, and of course, he didn't glance at me, he just glanced and turned.

YOUNG: You can't tell us this, whether you saw any mark or discoloration?

LAROSE: I didn't see any. His face at the time looked to me the same as my face is now.

YOUNG: Who was the Federal agent who you made the report to here first, do you remember?

LAROSE: You mean the Federal authority?

YOUNG: Yes.

LAROSE: One of them was Mr. Robert Valkenburgh, and Mr. Weiss.

YOUNG: When did you see Mr. Rich next, after this night you saw him in the automobile?

LAROSE: Why, it was some time after. Now I couldn't say exactly.

YOUNG: Was it days, weeks, or months?

LAROSE: It was more than some days. I don't remember seeing Mr. Rich for as much as three weeks after.

YOUNG: You didn't see him while he had this black eye?

LAROSE: Only what I heard. I didn't see the black eye at all.

WITNESS DISMISSED

ROBERT HAMILL

Direct Examination by Mr. Pickard

PICKARD: Your business is what in East Jaffrey?

HAMILL: Blacksmith and run a garage.

PICKARD: Ever do any business for Lawrence M. Colfelt?

HAMILL: Yes, I have shod horses and overhauled his car. My man did. I don't do any work on a car. I do horse-shoeing work myself by trade.

PICKARD: Ever do any trucking for him?

HAMILL: Yes, I moved some things from the Dean place to where he moved in Temple.

PICKARD: Tell us about that, the date you were first called about it?

HAMILL: According to my book, it was June third. The first load went June third. That was trunks and boxes, things of that kind. The next day I didn't go but I understand the load the next day was the cow and things pertaining to the barn.

PICKARD: Who drove the truck?

HAMILL: A young man that works for me named Ralph Davis. He went over to look at the stuff in the afternoon the first day and got Mr. Colfelt and the hired man or somebody there, and then they drove up to the garage, and by that time it was past five

o'clock and I decided to go with the young man so as to help him unload. Meantime, Mr. Colfelt came along with his car and I couldn't very well leave until some of the other men got back, so we sent the boy on with the truck and I rode with Mr. Colfelt in his car.

PICKARD: You left Jaffrey at what time?

HAMILL: I would think between six and seven o'clock.

I'm not positive as to the time.

PICKARD: That is, as clocks were last summer?

HAMILL: Yes.

PICKARD: And do you remember what time it was when you got over to Temple?

HAMILL: Why, I couldn't say just what time, but it was just about dark.

PICKARD: Did you have anything to do with the handling of the truck after it got there?

HAMILL: Yes, I had to unload everything there was on it.

PICKARD: What was there on it that was especially heavy or noticeable?

HAMILL: There was a box that had attracted my attention, to speak plainly. It also aroused my suspicion on account of the talk that had been around before about Mr. Colfelt.

PICKARD: It was rumored there that he was a German spy?

HAMILL: Yes, it was rumored around town.

PICKARD: What was the nature of this box?

HAMILL: Why it was a box, as I remember, about that high, and it was about so wide, and very nearly square.

PICKARD: So high doesn't mean anything in the records.

HAMILL: Well, about where it came up to me, so high on me, that would be possibly four feet.

PICKARD: How large square?

HAMILL: I think it might have been two feet by two and a half.

PICKARD: What kind of a box was it?

HAMILL: It was just boards on the outside.

PICKARD: Pine boards?

HAMILL: I couldn't say as to that. I don't think so. They were plain rough board. I would say they were spruce, if I were going to say.

PICKARD: About as high as that? About four feet?

HAMILL: Just about. I'm simply going by about where it came on me when I was handling it. About two feet wide, I think. That's from memory, of course. I didn't measure it.

PICKARD: Did it compare with any boxes you had ever moved before?

HAMILL: Well, do you mean in proportion to heavy? If you do, it didn't.

PICKARD: Had you ever moved a Victrola in a box?

HAMILL: Yes, I had helped move them.

PICKARD: What comparison would you make between the box you moved for a Victrola and this move?

HAMILL: I would never make any comparison. He said it was a very nice Victrola and wanted it kept perfectly upright and handled very carefully, and it was heavy enough so it took three of us to take it off the back end of the truck. I can lift two hundred pounds easy enough and I didn't care to lift one side of it. It weighed four or five hundred, I would say. It was heavy enough so we didn't lift it, we shoved it around on the piazza and put some scratches there. The scratches can be seen today there.

PICKARD: When did you have any talk with him about what was in the box?

HAMILL: There was no talk at all, only when we came to handle it. He wanted us to be careful because it was a very nice Victrola and he didn't want us to injure it.

PICKARD: Where was it left?

HAMILL: It was left on the front piazza, at the right hand side of the door as you were going in.

PICKARD: Was it upright or lying down?

HAMILL: Upright, just in the position it was carried on the truck. He wanted it kept upright.

PICKARD: Any marks or labels on the box of any sort?

HAMILL: Nothing that I could see. There might have been, but I didn't take any notice of any labels, none in sight that were conspicuous anyway.

PICKARD: How was it fastened up?

HAMILL: It was nailed up, I would say. There were things put on the side to be used apparently as a help in moving it.

PICKARD: Did you get it over there without any injury?

HAMILL: I guess so. The box didn't fall off, or anything of that kind.

PICKARD: Were you up to the Colfelt house when this box was loaded on the truck?

HAMILL: I wasn't.

PICKARD: And the first you saw of it was when you saw it on the truck at East Jaffrey?

HAMILL: Yes. The young man that loaded it said he had a hard time getting it because the truck was higher than the piazza. Of course, you can push it down better than you can push it up.

PICKARD: Was this box on wheels?

HAMILL: No. Simply a heavy box.

PICKARD: Did you have any talk with him at that time about the fact that he was a German spy or suspected of such?

HAMILL: Not at all, only that he mentioned the fact he didn't see why in hell people persisted in calling him a German.

PICKARD: Did he say whether he was or wasn't?

HAMILL: He didn't.

PICKARD: What did you give him as the reason why people had persisted in calling him a German?

HAMILL: I didn't give him any reason.

PICKARD: Did you tell him that they did call him that?

HAMILL: Not that I'm aware of. Of course, it was town talk.

PICKARD: How was this subject led up to about his being a German spy?

HAMILL: I don't know as I can tell exactly how it was led up to. After we unloaded the goods we hadn't either of us had any supper. The young man who moved the truck had had supper and Mr. Garfield said, "We can go by Greenville and have our supper there." He seemed to know the roads better than I did, and he came around a different road from Greenville, and he came back on to the main road again, across roads I hadn't ever been on.

PICKARD: What time did you get back at night?

HAMILL: I would judge it was somewhere around eleven o'clock. I'm not sure of that.

PICKARD: Was there anything suspicious that night, any of Mr. Colfelt's actions that aroused your suspicion?

HAMILL: No, there was nothing about his actions at all.

PICKARD: What reply did you make to him when he wondered why the hell it was that people persisted in calling him a German spy?

HAMILL: I can't recall what answer I did make to him. He also made the same remark once in my blacksmith shop.

PICKARD: Well, it was town talk there that he was?

HAMILL: Yes.

PICKARD: But did you ever see any act of his, or connected with the house where he lived, that would substantiate that report?

HAMILL: Not personally, no. As a man, to me he was always a gentleman with me. Always was a gentleman.

PICKARD: Did you say you looked after his horses?

HAMILL: I shod his horses, shod them for saddle work mostly. He said he wanted them for saddle use.

PICKARD: What kind of shoes did you use?

HAMILL: In the summertime he had a very thin blade shoe on the front feet and a very small shoe on the hind foot. Shod for saddle work and for jumping.

PICKARD: Ever see them with rubber shoes?

HAMILL: No. He had rubber shoes on when they came up from the city, had on rubber boots, but I removed those and put a thin steel blade shoe with leather.

PICKARD: But the steel was next to the ground?

HAMILL: Next to the ground. Just a thin blade shoe on the front feet.

PICKARD: And do you know, as a matter of fact,

whether or not any of Mr. Colfelt's horses had rubber shoes at any time during the time when they were in Jaffrey?

HAMILL: Not while he was in Jaffrey, to my knowledge.

PICKARD: And you did all of his shoeing?

HAMILL: I did while he stayed there, yes. Up until June. I shod the horses just before he went to Temple.

YOUNG: I was going to ask you if this young man, Davis, was the fellow that helped load the box up to the house?

HAMILL: Yes.

YOUNG: Is he here?

HAMILL: He is working for me at the present time. We talked the matter over the next morning about this box and we both decided it must be something different from a Victrola on account of its weight. I also thought it was my duty to report to the selectmen, which I did, owing to the fact that there was talk of the kind about his being a German spy, and I also had seen the light flashes.

YOUNG: You had seen those?

HAMILL: Yes, flashing up on to the top of Monadnock.

YOUNG: Had you seen any up around the Dean place?

HAMILL: I couldn't say where they came from. They were thrown on to the mountain, the ones I saw.

YOUNG: You don't know, you say, whether they were on the Dean place or where they were?

HAMILL: I couldn't tell where they came from.

YOUNG: Did you ever see any that looked as though they were up around the Dean place?

HAMILL: No, because I couldn't tell. The different times I happened to see them I was going from Keene home and at first I thought it was what they call heat lightning, and then I got in mind it wasn't that, and when I got to the other side of the mountain I could see flashes flashing near the top of the mountain. It stopped, and then flash again, and it came from somewhere east of there, I would say.

YOUNG: Now, then, this box that you spoke of as being too heavy for a Victrola, you didn't get any other impression or opinion about it? There was nothing in it that rattled?

HAMILL: Why no, not that I know of, because he was so very particular in having us keep it upright and handle it very carefully. If he hadn't been so very particular, I never would have been so suspicious.

YOUNG: Did you, or not, hear anything in it that attracted your attention?

HAMILL: No, nothing that attracted my attention, no, sir.

YOUNG: And this fact, I presume, was reported to the Federal authorities, too, wasn't it?

HAMILL: I reported it to them myself. They questioned me on that and I reported it to them. I don't know as it's necessary for me to say so, but I also drove them over to the place and they saw the marks on the piazza floor that the box made.

YOUNG: Did they look for the box?

HAMILL: I couldn't say about that. This was quite a little while later. They looked through the house but I don't know what they looked for. I didn't go into the house.

YOUNG: Unless you think of something else, that's all. Is there anything else you think of?

HAMILL: Nothing else, unless you want to know the conversation. The only mention there was of Mr. Dean's name that night was the fact that Mr. Colfelt said he was leaving because he wouldn't pay the rent that Mr. Dean wanted for the place. That's the only time I know of that Mr. Dean's name was mentioned at all that evening.

YOUNG: As I understand it, you didn't go up to the Dean place yourself?

HAMILL: No, sir.

YOUNG: So you didn't see Mr. Dean?

HAMILL: No, I didn't see Mr. Dean that day, no. That was in June.

JURYMAN: Mr. Colfelt didn't say anything about Mr. Dean's demanding his leaving the place?

HAMILL: Why, he didn't say so, no. He said the reason for his leaving was because he wouldn't pay the rent Mr. Dean wanted. That's the only reason he gave me. Well, that and the fact he said he had been probably furnishing grain all winter for Mr. Dean to feed his horse and cow. He said Mr. Dean helped himself to his grain. But that was the reason he gave for leaving, was because he wouldn't pay the rent Mr. Dean wanted.

WITNESS DISMISSED

MARGARET M. COLFELT

Direct Examination by Mr. Pickard

PICKARD: You are the wife of Lawrence M. Colfelt?

MRS.COL: Lawrence M. Colfelt, Jr.

PICKARD: And you live where now?

MRS.COL: 21 West 50th, New York City.

PICKARD: Where did you live before you went there? What part of New Hampshire?

MRS.COL: Greenville, New Hampshire.

PICKARD: Is your mother living?

MRS.COL: Yes.

PICKARD: Is your father living?

MRS.COL: No, my father died a short while ago, two or three years ago. I don't remember just when.

PICKARD: Where were you born?

MRS.COL: In Brooklyn, New York.

PICKARD: Have you always lived in the United States?

MRS.COL: Yes. I visited once in Europe, twice, but the United States has been my home.

PICKARD: Visited Europe with who?

MRS.COL: With Mr. Colfelt and friends.

PICKARD: And what part of Europe did you travel in?

MRS.COL: Switzerland and England.

PICKARD: Were you ever in Germany?

MRS.COL: No, sir.

PICKARD: Where was your father born?

MRS.COL: New York.

PICKARD: And your mother?

MRS.COL: New York. Brooklyn, I think my mother was born.

PICKARD: And your grandfather and grandmother?

MRS.COL: They were born in Ireland.

PICKARD: Have you any German ancestors at all?

MRS.COL: No, sir.

PICKARD: Have any of your ancestors, father or grandfather, ever been in the service of the United States?

MRS.COL: My grandfather was. In the Civil War. 69th Regiment. Lieutenant Colonel.

PICKARD: When were you married to Mr. Colfelt?

MRS.COL: About fifteen years ago, I think. I'm not sure, certainly.

PICKARD: That's one of the things we are likely to forget, the date of our marriage.

MRS.COL: Or our birthdays, I guess.

PICKARD: Well, you had been married before and Miss Natalye Colfelt was your daughter by the prior marriage?

MRS.COL: Yes.

PICKARD: And how old is she?

MRS.COL: Twenty-two years old in June. She'll be twenty-two June fourth.

PICKARD: Where is she attending college at the present time?

MRS.COL: Vassar College.

PICKARD: When did you first come to New Hampshire?

MRS.COL: Last summer was our third summer there.

PICKARD: 1918, 1917, 1916. 1916 was the first?

MRS.COL: Yes, last summer, the summer before, and the summer before that.

PICKARD: How did you happen to come to New Hampshire?

MRS.COL: I had to come to the mountains with my little girl. She has weak lungs and there has been consumption in the family, her father's family, and I was afraid she would get it. I didn't want to take her to the Adirondacks, and so I took her to New Hampshire.

PICKARD: How did you happen to come to Jaffrey?

MRS.COL: We asked Mrs. D. M. White of Peterborough for places, and she sent us the different places she had.

PICKARD: What place did you go to first to live?

MRS.COL: To the Baldwin place, a big place.

PICKARD: Where is that?

MRS.COL: In East Jaffrey.

PICKARD: How far from the Dean place?

MRS.COL: Oh, I suppose it would be a mile and a half. I don't know exactly. About a mile and a half, I guess. Perhaps a mile.

PICKARD: And about how long did you live on the Baldwin place?

MRS.COL: Well, I think we went there in June. July, August, September. Mr. Colfelt wrote his check, he said, quite late. I don't know exactly how long. Three or four months, anyway.

PICKARD: That was the summer and fall of 1916. Where did you stay in the winter of 1916 to 1917?

Did you stay in East Jaffrey or go back to New York?

MRS.COL: We went back to New York.

PICKARD: And when did you come to New Hampshire again?

MRS.COL: Why, in August, I think. August 14th, or somewhere around there, of the next year.

PICKARD: That's the year after you were on the Baldwin place?

MRS.COL: Yes.

PICKARD: Had you been to any other place after you left New York City, after you left the Baldwin place?

MRS.COL: We went to Maine, up in a camp in Maine, fishing up there in the woods.

PICKARD: And you came to the Dean place?

MRS.COL: I wanted to stay there but the baby hated Maine and wanted to go to New Hampshire and we came down to the Dean place.

PICKARD: How did you know about Mr. Dean?

MRS.COL: We were writing to Mr. Dean. I wrote him and asked him if we could come and he sent me a telegram to come.

PICKARD: How did you happen to become acquainted with him?

MRS.COL: We met him the year before, saw a great deal of them. They used to come and have dinner with us. We got acquainted with the ducks. The ducks went up there one time and they were looking for them, and then I saw Mrs. Dean in the village and she came up and called on us, and then we had them for dinner very often, asked them to come over to dinner very often.

PICKARD: What sort of a woman is Mrs. Dean?

MRS.COL: Well, she's a very sweet person.

PICKARD: Well-bred woman, educated?

MRS.COL: Yes, indeed. Yes, indeed.

PICKARD: Do you know where she came from originally?

MRS.COL: She told me, I think she told me, somewhere in New York State.

PICKARD: Do you know whether or not that was the same place Mr. Dean came from?

MRS.COL: I don't know that.

PICKARD: Well, you saw something of Mr. Dean?

MRS.COL: Yes, a great deal of him.

PICKARD: What impression did you get of him?

MRS.COL: Well, he was a nice old gentleman. He was eccentric but he was very nice.

PICKARD: What were the relations between Mr. and Mrs. Dean?

MRS.COL: They seemed very nice. Very pleasant. Of course, Mrs. Dean was ill.

PICKARD: In what way?

MRS.COL: Why, she was very nervous, and very sick at times with her brain, her head. She said her head ached all the time, and she would forget things.

PICKARD: Would she complain about her head?

MRS.COL: Oh, all the time. Terribly. In the first year, she couldn't remember things the first year, and I was surprised the second year how she had failed.

PICKARD: She would remark about her head?

MRS.COL: Yes. "My poor head, my poor head. I don't know anything. I don't know you. You might come to that door and I don't know you. My naughty, naughty brain," she used to say. "My naughty, naughty brain."

PICKARD: Well, this first summer you were in East Jaffrey, who else did you meet beside the Deans?

MRS.COL: I met Mr. and Mrs. White and her child, and Mr. and Mrs. Rich, I think.

PICKARD: How intimately did you know the Riches that first year?

MRS.COL: I didn't see so much of them. Used to meet them at the village and say how do you do to them.

PICKARD: Did you do business at the bank, or did Mr. Colfelt do it?

MRS.COL: Mr. Colfelt did it.

PICKARD: Where was Miss Natalye that fall and summer? Was she at the Baldwin place?

MRS.COL: Oh, yes. That's why I went there.

PICKARD: Did she stay there into fall?

MRS.COL: Oh, yes. Up to about September when I had to take her down to get her clothes ready for college.

PICKARD: And where did she go to college?

MRS.COL: She went to Radcliffe the first year. She didn't make Vassar because she hadn't been to school long enough. She went to Radcliffe and then tried for Vassar, to get into Vassar, the second year.

PICKARD: Getting along a little, what day did you go to the Dean farm did you say?

MRS.COL: I think it was about August 14th. Around there.

PICKARD: 1917?

MRS.COL: Yes, the last time we went there.

PICKARD: How long did you stay there?

MRS.COL: Until about June fifth, I think, somewhere around there.

PICKARD: And who composed your family while you were there, your immediate family?

MRS.COL: Mr. Colfelt and myself, and then, of course, the little girl would come up for the weekends, not always but quite often, and stay over the weekends with us from Radcliffe.

PICKARD: How far is East Jaffrey from Cambridge where Radcliffe College is?

MRS.COL: You go down to Boston and then take the trolley to Cambridge.

PICKARD: Three hours' ride or so, isn't it?

MRS.COL: Yes, I think so. I think I left on the railroad train in the morning and I got there around twelve or one o'clock when I would go down to see her. The train went out in the morning.

PICKARD: What employees did you have on your place when you were there?

MRS.COL: We had a man that brought up the horses with his own family and thought he would stay, and we had a man work for us for two years. His name was Charles Linek.

PICKARD: Do you know what nationality he was?

MRS.COL: I think he was a Bohemian.

PICKARD: How old a man was he?

MRS.COL: Thirty-three or thirty-four years old, I think.

PICKARD: Who else?

MRS.COL: There was another man who had worked for us for over two years, Frank Romano, a Pole or Russian, and he was at our place at Harrison, New York.

PICKARD: How long had you lived there?

MRS.COL: It was the ninth or tenth year we had had the house.

PICKARD: Who else was in your employ besides these men you have mentioned?

MRS.COL: Mary O'Meara. She came there when I came from Maine. She had been with me in New York and I had her up to Maine with me.

PICKARD: How long did she stay?

MRS.COL: She left in September or October.

PICKARD: Why did she leave?

MRS.COL: She was too lonely, she said.

PICKARD: Nora Huntington?

MRS.COL: Oh, yes. Nora Huntington in the town. She came up. She was working in the factory and I couldn't get anyone and I was trying to do things and I asked her if she would come and she said she would. I don't know whether she stayed a month. She stayed as long as she could but she had to go back to her farm. I wanted her to stay longer but she said she had to go back to her farm, to open it up.

PICKARD: Do you know whether she is dead or alive now?

MRS.COL: I don't know, Mr. Pickard. I have not written.

PICKARD: Anybody else?

MRS.COL: There was a lady came there to work one time from Jaffrey. Mr. Colfelt had the measles and she stayed at that time. I think she was there two or three days, I don't know which.

PICKARD: You had company often?

MRS.COL: I had one lady visit me from New York, a Mrs. Washington. I had a great deal of company at the Baldwin place, but not so much at the Dean place. It was a little bit of a house and I hadn't anyone there and I couldn't have anybody.

PICKARD: What were your relations with Mr. and Mrs. Dean while you were there on the place?

MRS.COL: They were always pleasant and agreeable and we were very, very fond of them.

PICKARD: Did you ever have any trouble with Mrs. Dean?

MRS.COL: Oh, no.

PICKARD: Did you ever have any trouble with Mr. Dean?

MRS.COL: No. He used to argue with me and have fun with me. I think he enjoyed it. He was teasing all the time.

PICKARD: What about the relations between your husband and Mr. Dean?

MRS.COL: They were always pleasant. Mr. Colfelt couldn't get him to make out a bill when he had occasion to make it.

PICKARD: Did you hear your husband speak disrespectfully or disparagingly at times of Mr. Dean?

MRS.COL: No, he never did.

PICKARD: How often would Mr. Dean come up to the house?

MRS.COL: Well, he used to come up a lot, and then Mrs. Dean was very ill and he said he didn't want to leave her at all.

PICKARD: Did he ever make any remark about how much of his time she took?

MRS.COL: Except to say that she was his job, he told me. He would say, "Polly is my job. Looking after Polly is my job in life," he would say.

PICKARD: What were his habits about milking?

MRS.COL: Oh, he never would milk until late at night. He always milked late at night, and then milked in the morning about twelve o'clock.

PICKARD: How do you know he would milk late at night?

MRS.COL: Because I used to see him there as he went over with his lantern from his house, and we milked sometimes with him, sometimes earlier.

PICKARD: What were your habits about going to bed?

MRS.COL: We used to go to bed quite early. He didn't

like that. He liked to see the light up there. He told me he always looked to see a light in that window. He said there was nothing so desolate than to come across from his place and see that place was dark. He said, "I don't see why you want to go to bed so early."

PICKARD: Did you used to call on them sometimes?

MRS.COL: I went over there quite frequently. I used to make sweets and little things for Mrs. Dean. You know, things she couldn't make herself, pastries or things like that.

PICKARD: What were the relations between Mr. Dean and Miss Natalye Colfelt?

MRS.COL: Very pleasant.

PICKARD: What sort of a girl is your daughter in her studies and education?

MRS.COL: She's all studies. She loves to talk, to sit down and talk. They often sat and talked to each other.

PICKARD: Where?

MRS.COL: Any place where they happened to be. Wherever he was, if I went to his house, they would sit and talk.

PICKARD: Previous to your going there had you ever had any correspondence with Mr. Dean?

MRS.COL: He wrote to me asking me to come. Mr. Colfelt used to send him cigars and things, and we used to write sometimes and ask them how they were. Yes, I think I did write to him.

PICKARD: Did Mr. Dean ever express any opinion to you about how fond he was of Natalye Colfelt?

MRS.COL: No.

PICKARD: They were together a great deal?

MRS.COL: Not any more than he was with all of us whenever she was there. He loved to talk to anyone that was young and attractive. He said young things were beautiful. I think he loved his goat and his cow, anything that was like that.

PICKARD: Mrs. Dean never complained of the treatment of her husband?

MRS.COL: No. Except he said, he told me one day, I said, "Billy, what is the matter? You are so cross." "But," he said, "women are always cranky." He seemed to be very low-spirited in the morning when he came to the barn, and then he would soon get over it and laugh.

PICKARD: But that wasn't anything serious?

MRS.COL: Oh, nothing serious. He never complained seriously. She always said she loved little Billy. "I always loved little Billy," she used to say.

PICKARD: Do you know whether or not they were related?

MRS.COL: Yes, she told me they were first cousins, I think. I'm not sure. Oh, I remember now, she did say they were first cousins.

PICKARD: They never had any children?

MRS.COL: Never had any children. She said they didn't.

PICKARD: Now, Mr. Colfelt had a car?

MRS.COL: Yes.

PICKARD: What was the last car that he had?

MRS.COL: A Marmon car.

PICKARD: How did he get that? Did he pay outright for it or trade something for it?

MRS.COL: He traded in two old cars, one my mother gave me, and the other he had a long while. He traded them and got the Marmon. I guess he paid some money, too.

PICKARD: Your husband has an income?

MRS.COL: An allowance from his mother.

PICKARD: Is she alive?

MRS.COL: Yes.

PICKARD: Where does she live?

MRS.COL: Well, she lives different places. She's at present, I think, at Virginia Hot Springs, but she lived at Boston and she lived at Magnolia Beach all the summer we lived at Mrs. Dean's.

PICKARD: In this war that has just taken place, where have your sympathies been?

MRS.COL: Well, where they only could be, in America. Heavens! Where do you think they would be?

PICKARD: Well, I suppose you know that there has been some talk more or less around Jaffrey to the effect that Mr. Colfelt is a German spy?

MRS.COL: I would say so. So I believe, yes.

PICKARD: Have you ever at your house entertained any German officers?

MRS.COL: I never have known a German officer in my life, or anybody I thought was German. I might have known some German descent people, or something like that, young schoolgirls, but I never have known a German person in my entire life.

PICKARD: Has there ever been a German officer, quite a young boy, come to your home?

MRS.COL: An American soldier. Mrs. Robinson brought this young boy and he was in full uniform. I don't know whether he was an officer. Maybe Natalye would know. Some petty officer. And she brought him there and he was at our house.

PICKARD: Has Mr. Colfelt any German officer's clothing of any sort?

MRS.COL: Nothing I ever saw, no. He wears a jacket and a pair of leggings when he rides horseback, like all the other men wear.

PICKARD: Have there ever, to your knowledge, been any mysterious searchlights or signal lights flash?

MRS.COL: Not to my knowledge, no, sir.

PICKARD: Was there any apparatus in the Dean house which could flash some lights or anything of that sort, in the Dean house where you were living?

MRS.COL: No, sir. Oh, no flashing lights.

PICKARD: Have you ever seen any of the alleged mysterious lights about?

MRS.COL: I never have seen any lights. Of course, the only lights would be the lantern going over from Billy's house, over and back to the barn late at night, and when we came in with the automobile, it has a very bright light, on the top of the mountain where we lived there, on the top of the hill.

PICKARD: That's a very high elevation?

MRS.COL: Yes, Mr. Dean's hill is very high.

PICKARD: Now, you stayed there at Mr. Dean's house until when?

MRS.COL: I think we left June fifth.

PICKARD: Why did you leave?

MRS.COL: Because we had a place fixed for things for the horses and Billy said we couldn't use it, he was going to put his young turkeys there. I said, "You can put the young turkeys downstairs and have us here, too." "No," he said, "I can't bring any young turkeys down." He didn't seem to want to have us.

PICKARD: Had there been any trouble between you and Mr. Colfelt and Mr. Dean that caused your household to leave at that time?

MRS.COL: No, we didn't leave for any trouble. We would like to have stayed very much if he would keep us.

PICKARD: The barn was too small?

MRS.COL: Oh, the barn was. He said he couldn't have his things around. The lamps would go out and we couldn't get to our automobile and we didn't like that, and he said he couldn't have his turkeys upstairs. I don't know. It was too small. He would bring his cow, and our horses would be in the way.

PICKARD: His cow, when he milked her, was tied on the barn floor?

MRS.COL: He always tied her. I don't know where he tied her. He tied her to something. Sometimes we took pictures of her, and then he would tie her up.

RECESS UNTIL 9:00 A.M.



ORDER OF WITNESSES

Thursday, April 17, 1919

9:00 A.M.

MARGARET COLFELT, *continued*,
Mrs. Lawrence Colfelt

LAWRENCE COLFELT, *recalled*
NATALYE COLFELT

CHARLES L. RICH, *Jaffrey banker*
WALTER EMERSON, *Deputy Sheriff*
LAWRENCE COLFELT, *recalled*
DR. MAGRATH, *recalled*
CHARLES RICH, *recalled*

MRS. COLFELT *resumes stand*
Examination resumed by Mr. Pickard.

PICKARD: I think you told us that Miss Natalye is your own daughter but not Mr. Colfelt's daughter?

MRS.COL: Yes.

PICKARD: What was her father's name?

MRS.COL: Francis B. Robert.

PICKARD: What country was he a citizen of?

MRS.COL: America. His ancestors came over, not in the Mayflower, but as French Huguenots. His ancestor was Augustus Floyd, who signed the Declaration of Independence. I'm proud of that. I'm proud of my baby's ancestors.

PICKARD: So Miss Natalye is a thorough-going American in her parentage?

MRS.COL: Yes.

PICKARD: Do you remember the names of any of the maids that you had while you were at the Baldwin house?

MRS.COL: Yes. I had — I had Christine Johnson, a Norwegian girl I had with me for a year and a half, I think. And Molly [Leavitt] a chambermaid did the upstairs work.

PICKARD: And were either of these German?

MRS.COL: Molly Leavitt I believe was German descent. I hired her before the war, and she spoke French, and that was the reason I was having her with my daughter.

PICKARD: Do you know whether or not she took a German newspaper?

MRS.COL: She took a German paper and I didn't like it but I couldn't dictate to her what paper she could read, I suppose.

PICKARD: Do you speak German?

MRS.COL: No, sir, I don't.

PICKARD: Mr. Colfelt?

MRS.COL: No, sir.

PICKARD: Your daughter?

MRS.COL: No, sir. She's studying it in college, I guess, but I don't think she speaks it.

PICKARD: Did this maid live with you after you went to the Dean place?

MRS.COL: No, when I came back to New York I let her go. My daughter went to school and I didn't need her and I sent her away.

PICKARD: Coming down, now, to the time when you left the Dean place, do you recall any particularly heavy articles of furniture that you moved away from there?

MRS.COL: From the Dean place?

PICKARD: Yes.

MRS.COL: We had a stall, a heavy stall, that we bought from Mr. Stratton, I think. And a phonograph. That was the heaviest article. It was in a great big box. And a feed box with the grain in it. The harnesses for the horses.

PICKARD: How were they packed, if at all?

MRS.COL: I don't remember whether they were in a box or whether they were driven over on the automobile.

PICKARD: How many of those things were packed in boxes, to your knowledge?

MRS.COL: There was a brown box like that that had feed in it. It was an old cedar chest. It might have had the harnesses in it when it was packed. We used to keep it in the barn with feed in it, and the big box with the phonograph we always kept it in the box we bought it in. We sent it to Mr. Dean's place in that box.

PICKARD: How large would that box be?

MRS.COL: The phonograph was that high, and I would think the box would be about that high, which it was, in order to keep the phonograph from being scratched. A great big box.

PICKARD: Do you remember the particular name or style or type of phonograph?

MRS.COL: Why, the regular cabinet box phonograph. I have it now. I don't know exactly what make it is. It isn't an Edison. It's the other one. I have it now in my apartment. It came down to the West End Storage House and they unpacked it and we went over to get it, had it sent around, and it's there in the apartment now.

PICKARD: When you brought it up to your apartment, how many men were required to bring it?

MRS.COL: I am four floors up. I suppose there were two. I don't remember.

PICKARD: Was it unpacked at that time?

MRS.COL: Yes, they unpacked it at the West End Storage place.

PICKARD: Do you know whether the box is still at the West End Storage?

MRS.COL: Why, it ought to be. I don't know whether it is or not.

PICKARD: Where did you move to from Mr. Dean's house?

MRS.COL: To that place I lived in Greenville, right out of the town, in the township of Temple.

PICKARD: How far were you from Greenville?

MRS.COL: Oh, I don't think we were a mile.

PICKARD: Was that your nearest railroad station?

MRS.COL: That was the nearest railroad station, yes.

PICKARD: Do you drive the car yourself?

MRS.COL: No, sir.

PICKARD: Does Miss Natalye drive the car?

MRS.COL: No, sir.

PICKARD: Mr. Colfelt?

MRS.COL: Mr. Colfelt does, yes.

PICKARD: After you went to Greenville, who did you have in your employ?

MRS.COL: Well, I could hardly keep any help, from the stories that were going around that town. I spent most of my time going around to the employment offices getting cooks and people to come and stay with me. Finally I got a nice old cook, Mary was her first name, who wanted me to stay on, wanted me to stay there, stay on, and another little girl, both Irish girls. I can't remember their names at present.

PICKARD: What agency did you get them through?

MRS.COL: Why, that Boston agency. I can't remember the name of it now, but my mother-in-law sent me there. She gets her help there, and I got my help there.

PICKARD: Was Frank Romano at your Temple place at all?

MRS.COL: Yes, he packed the things at the Dean place and went over to the Temple place with us.

PICKARD: Was Charles Linek there?

MRS.COL: No, sir. He was never at the Temple place.

PICKARD: Do you recall the names of any of the males employed at the Temple place other than Frank Romano?

MRS.COL: Malcolm Carlson. I got him from the employment agency in New York where I always got my Harrison help.

PICKARD: Did you have much company over at the Temple place?

MRS.COL: My daughter had all her college friends and school friends, and I had Mr. and Mrs. Herbert

Vetter, Bishop Vetter, and niece. And then I had my daughter's friends. My brother-in-law and his wife were there overnight, and different girls from college, from Radcliffe. Miss Caroline Pearson of New Hampshire, whose father is Secretary of State of New Hampshire, and the niece of the Secretary of State of New Hampshire, and Mr. and Mrs. Harold Potter, and Miss Ann Boltman, and one other girl, Miss Caroline Pearson. They were all there at one time. And Georgiana Davis, another girl.

PICKARD: After you went to the Temple farm, what did Mr. Colfelt do for the first two months, June and July?

MRS.COL: We drove around trying to get help. Went down to Boston. We got somebody out there for a week and they wouldn't stay, went down again and tried to get somebody to straighten up the house, get it ready for my daughter to come home. And he had to work in the barn because he discharged that man.

PICKARD: How did you go?

MRS.COL: By motor.

PICKARD: When did it first occur to you or to him that he ought to get some employment of some sort?

MRS.COL: It occurred to him a long, long time, but he couldn't leave the horses, he had no one to look after them, and he wrote down to his friends in New York and asked them if they couldn't get him something, and we wrote also if they couldn't get him some position. He wanted to do something worthwhile, he didn't want to have just a little government job sitting around doing nothing. He wanted to do something.

PICKARD: He's a fairly strong robust man?

MRS.COL: He always has been. He isn't so well now.

PICKARD: Was there any talk that you remember of about his going to Plattsburgh?

MRS.COL: When the war broke out his mother would have liked to have had him go to Plattsburgh.

PICKARD: What did he say to that?

MRS.COL: He wanted to go, and I said no.

PICKARD: What was your reason for not having him go?

MRS.COL: Well, I thought if they sent him they would probably take him in the war and that perhaps it wasn't necessary for an older man to go to the war.

PICKARD: What income does he get?

MRS.COL: He has about \$15,000 a year.

PICKARD: Where does it come from?

MRS.COL: From his mother.

PICKARD: Was there anything said if his mother would settle that income on you he would go?

MRS.COL: I said if she would give me \$3,000 a year then he, Lawrence, could join any regiment. She wouldn't. My husband told his mother and she wouldn't agree to my having anything.

PICKARD: Have you any means of support except their income?

MRS.COL: No, sir. I have nothing, and my mother and my family are dependent on Mr. Colfelt.

PICKARD: Now, when did he first talk of getting a job at the Portsmouth Yard?

MRS.COL: Why, he was reading in the papers that they wanted men in Boston in the different shipyards and he said, "I know I can get down there and get one of those positions. I can do something." He said, "Portsmouth is in New Hampshire. I'll go down there." And he went down and applied and they took him right away, and asked him what he could do, and he said he didn't know what he could do but he could do something.

PICKARD: Did you make that trip with him?

MRS.COL: Yes, I did. I stayed outside the place while he went in.

PICKARD: How long was that before he actually went?

MRS.COL: I think it was the Thursday before he went. I'm not positive.

PICKARD: What day did he go?

MRS.COL: He went Sunday.

PICKARD: What Sunday was that, with reference to the Tuesday when Mr. Dean was murdered?

MRS.COL: I suppose it was the Sunday before Mr. Dean was murdered.

PICKARD: How did he go to Portsmouth?

MRS.COL: He went down in the motor to Pollard's Garage.

PICKARD: Did you go with him?

MRS.COL: No, I couldn't. He went to Pollard's Garage and got a chauffeur there because he wanted to send the car back to Pollard's Garage to be overhauled and fixed. He had this man that brought him to Portsmouth, and they brought the car back. He had to wait quite a while for them, I don't remember why, but they took him to Portsmouth and they brought the car back.

PICKARD: When did you next see Mr. Colfelt?

MRS.COL: Well, I don't remember. I called down there but I didn't go. I had company and I had to stay with the little girls. I couldn't say the exact date I went down to see him at Portsmouth.

PICKARD: That was the Sunday before the Dean murder. Was he at home on Monday, the next day?

MRS.COL: No, he didn't come home at all until he came up to Keene, New Hampshire.

PICKARD: The day when you and he and Miss Natalie, and one other young lady, came to Keene to identify the article?

MRS.COL: Yes, that was the first time Mr. Colfelt came up, yes. Then he stopped at the house and went on down.

PICKARD: And where had his car been in the meantime?

MRS.COL: It had been in the Pollard Garage all the time. Working on it. They were to begin Monday morning, I believe, to work on it.

PICKARD: This car is a Marmon car?

MRS.COL: It's a Marmon car.

PICKARD: Who was at your house the day and the evening of the Dean murder?

MRS.COL: Bishop Vetter's niece and nephew, Mr. and Mrs. Oliver M. Vetter, Miss Caroline Pearson, Miss Anna Baltman, and I was expecting the next morning the other girl to arrive, my daughter, myself, and two servants.

PICKARD: Can you tell us whether or not any of these people left the house the night of August 13th and were gone for a long time?

MRS.COL: Not one of them. They were all there — I don't know whether they were down to the village and came back or what we did. We were all around the place. Mr. and Mrs. Vetter had only come for two days.

PICKARD: How did they come?

MRS.COL: They were at Newport. I don't know how they got there.

PICKARD: Did they come by auto or train?

MRS.COL: By train.

PICKARD: Did you have any automobile on the place at that time?

MRS.COL: No automobile on the place at all.

PICKARD: When did you first learn of the murder of Mr. Dean?

MRS.COL: I went over with the children to Peterborough to the golf club and I went up to get some golf clubs from Mrs. White and she told me. She said, "Did you hear of the thing that happened to Mr. Dean?" And I said no, and she told me.

PICKARD: What day was that?

MRS.COL: I think it was Thursday. Whatever day it was they were having something at the golf club.

PICKARD: What did you do?

MRS.COL: I put the children in the golf club, and I took the car I hired and went over to see Mrs. Dean right away, as fast as I could go.

PICKARD: And did you see her?

MRS.COL: Yes, I did see her.

PICKARD: Who else was there at that time?

MRS.COL: Mrs. Rich, and the lady from the next farm, I think, or one of the farms nearby. I don't know that lady's name.

PICKARD: Was Miss Hodgkins there?

MRS.COL: I don't know who Miss Hodgkins is.

PICKARD: Mrs. Rich's sister.

MRS.COL: Oh, yes, I saw Mrs. Rich's sister.

PICKARD: Do you know Miss Mary Ware?

MRS.COL: I've never met Miss Ware. Mr. Dean met her at some kind of party she had showing her farm, etc.

PICKARD: But you have never seen her?

MRS.COL: Oh, yes, I've seen her.

PICKARD: Was she at the Dean farm that day?

MRS.COL: If she was, I don't remember seeing her.

PICKARD: How long did you stay?

MRS.COL: I didn't stay very long. I sat down and talked to Mrs. Dean for a minute, and I talked with Mrs. Rich's sister.

PICKARD: What talk did you have with Mrs. Dean?

MRS.COL: I asked her how she was. I don't remember exactly what I said to her. I told her I was sorry, asked her how she felt. She's never been able to carry on much of a conversation and so I treated her kind of childish.

PICKARD: Anything said by her about Billy's death?

MRS.COL: She said, "Billy isn't coming back any more. He isn't coming back. He is gone. He isn't coming back any more. He will never come back here at all, and I'm going down to the village to live."

PICKARD: Did you question her at all about why she thought Billy wasn't coming back? Did she say how she knew he wasn't coming back?

MRS.COL: "Billy," she said, "isn't coming back. He won't be back at all," she said. And I felt sorry for Mrs. Dean, and didn't say anything to her. She said, "He won't be back at all. He's down in the water. He must have been leaning over and he fell in the well," or something like that. I don't remember her exact words as I was horrified and shocked and nervous when I heard of his death.

PICKARD: Did you say anything to her about what led her to believe Billy had been found in deep water?

MRS.COL: No, not a word. I didn't know anything about it.

PICKARD: Was that the day the body was found?

MRS.COL: I don't know. I didn't know anything about it. I was over there Thursday. I hadn't talked to anyone about it. I didn't know anything about it.

PICKARD: Did Mrs. White at Peterborough give you any details?

MRS.COL: I said to her, "Isn't it awful? How do you think such a thing happened?" And I think I asked her, asked someone, if it might be suicide or something like that, and they said, "Oh, no, it couldn't have been suicide." I don't remember whether she did or not. I don't remember that she did. She might have, Mr. Pickard. I don't remember.

PICKARD: Was there any further conversation that you now recall that you had with Mrs. Dean on that day?

MRS.COL: No, I don't think so. I don't know what I said to her. I was sorry for her.

PICKARD: Where did you go from there?

MRS.COL: I went back to get the children. I think I took Mrs. Rich down to her house, and then I went back to where the children were.

PICKARD: After you left the Dean farm and went to live at Greenville, did you have any communications from Mr. Dean, either you or Mr. Colfelt?

MRS.COL: Mr. Colfelt, I think, wrote to him, and then when he received the telegram, Mr. Colfelt had some letters from him.

PICKARD: Now, do you know Mr. Dean's handwriting?

MRS.COL: Yes.

PICKARD: I show you a letter dated June 13, 1918 addressed "Dear Mr. Colfelt." Now what do you say as to that being in Mr. Dean's handwriting? You may notice the signature at the end if you wish.

MRS.COL: Well, I don't think the signatures are alike, Mr. Pickard. I don't know.

PICKARD: The handwriting, what do you think of that generally?

MRS.COL: Well, it looks like Mr. Dean's handwriting. I couldn't tell.

PICKARD: You know that he received some letters from Mr. Dean?

MRS.COL: Yes, he received some letters. He received two or three letters, I think.

PICKARD: This one, dated June 13, 1918, reads as follows: (reads same)

Now, he speaks here of the carriage robe which you sent back by post, and a little tie chain with a snap on each end.

MRS.COL: I sent them back after he sent this telegram.

PICKARD: Whose were they?

MRS.COL: Mr. Dean's, but in the packing, you see, the man packed his in with ours, a little green thing. We had one, too.

PICKARD: Who did the packing?

MRS.COL: I guess Frank Romano packed the things in the barn.

PICKARD: Did you or Mr. Colfelt do any of the packing?

MRS.COL: We helped, I think. We all helped.

PICKARD: These things were finally sent back?

MRS.COL: He sent that telegram and I sent them right back. Mr. Colfelt wrote him another letter and Mr. Dean acknowledged he was wrong about the month of May and that he had gotten a check for it. Is that letter there?

PICKARD: I think so. We'll come to that in a moment. Now, up to that time, had there, to your knowledge, been any trouble at all between Mr. Dean and Mr. Colfelt?

MRS.COL: Never was any trouble, even with those things, there never was any trouble. Mr. Dean just loved this kind of thing — you sent this over and you couldn't make him say the price of anything, to say this would be \$5 and this would be \$10. He would say, "Don't talk about money."

PICKARD: Have you or Mr. Colfelt ever asked Mr.

Dean for a bill in settlement of these various things?

MRS.COL: We asked him several times. He would say, "Why don't you give me a bill, Billy. Make out a bill."

He asked him all the time, but he never would make out a bill, he never gave us a bill before we came away, wouldn't make out a bill for anything ever.

PICKARD: Here's the next letter: "June 28, 1918 — My dear Mr. Colfelt."

This letter you will notice is dated the 13th of June 1918. Now do you know of your own knowledge whether Mr. Colfelt answered that letter?

MRS.COL: Why, he always answers his letters. I don't know whether he did or not. He always used to sit down and answer Mr. Dean's letter.

PICKARD: You don't recall any of the contents of the letter, if he did answer it?

MRS.COL: Is that the letter you just read aloud?

PICKARD: Yes.

MRS.COL: Mr. Colfelt must have answered him because Billy wrote and told him he was mistaken about the check — he had a check — was mistaken about the money.

PICKARD: And on June 28, 1918, Mr. Dean wrote another letter to Mr. Colfelt. What figures does he refer to?

MRS.COL: Those figures of the May account, I suppose.

PICKARD: It may refer to the figures given in Mr. Colfelt's letter to Dean?

MRS.COL: Mr. Colfelt said, "Now, I'm going to tell Billy I have paid that, and if he looks it up, he will find it." And I guess that's the answer.

PICKARD: (continues reading letter) What milk does he refer to?

MRS.COL: Mr. Dean's cow wasn't milking and our cow came from the farm and I told him he could have all the milk he would like, and he used to come up every night with his pail, and sometimes in the summer we would have to sit up waiting for him very late, and he would come up with his pail to get the milk and go home after he fed his stock.

PICKARD: He talks about coffee. What about it?

MRS.COL: Well, he was very fond of coffee, and we got very good coffee and we gave some to Billy. We didn't want to take anything for that. We had some coffee that was extra nice and we sent it over to him. He used to give us things.

PICKARD: "One gallon of oil"?

MRS.COL: Well, we had a large can of oil and we told Billy to help himself to oil. Billy I didn't suppose would, but sometimes he would come over with a little oil can and get some.

PICKARD: "One telephone call to Cambridge — 40¢"?

MRS.COL: Well, we both had the same telephone, and Billy's phone rang and my phone rang both on the

same ring, and I think Billy got the bills of the telephone, and then we would say so many calls were ours, so many yours, and we would make them out.

PICKARD: What was his ring? Was it the same ring?

MRS.COL: Rang three, I think.

PICKARD: What was your ring?

MRS.COL: The same thing. When the phone rang often Billy or I would both answer the phone. We would both be saying hello, or one would be talking by the time the other one got there.

PICKARD: Extension line?

MRS.COL: Extension from Mr. Dean, I think. When he rang, we rang, and we would say, "That's for him," or he would say, "It's for you."

PICKARD: Was there any way of telling whether it was your ring or Mr. Dean's ring till you answered it?

MRS.COL: No. We didn't like it. We were always mixing up. If I wanted to get my daughter at Cambridge, he would be on the call.

PICKARD: Was there ever any serious trouble?

MRS.COL: No, we never had any, no. Just like that. There never was any quarrel with Mr. Dean on the thing. No one would quarrel with him. He wasn't quarrelsome. He was like that. You would send over the coffee and he wouldn't take the coffee. It was childish more than anything else.

PICKARD: You must have seen that Frank Humiston's brother was killed in action. Did you know the Humiston boys?

MRS.COL: Yes, a little. I think his name was Frank. He broke a colt for Mr. Colfelt. Mr. Dean recommended him, I think. He said, "There's a boy who always understands horses. Get him to break the horses." And he brought up some kind of thing for their feet. Broke them beautifully. His brother had been over at that time, I think, and Frank, the fellow who broke the horses, had to go away. He had begun to advance and had to go right over. The morning the two went over I rode the horse back with him, with the colt, I think, that he broke.

PICKARD: Did you know Jack, the one that was killed?

MRS.COL: No, sir. I just knew the one that broke the horses. That was Frank.

PICKARD: After the letter, did you receive a telegram from Mr. Dean?

MRS.COL: The message came over the phone saying there was a telegram from Mr. Dean.

PICKARD: Can you tell us the contents of that telegram?

MRS.COL: It said, and it was unlike Billy, "Send back my things and send check for hay." I'm not positive those are the exact words, but I was surprised when I got that telegram because Billy never said "send" a thing or "do" a thing.

PICKARD: Didn't he say "Please send"?

MRS.COL: Did it say "Please send"? It may have said "please send," but even if it did, he would never ask you for a thing like that. He would write you about it or something. I don't know whether it was "please send" or "send" but it was as if he wanted it.

PICKARD: Now, in response to that telegram did you do anything?

MRS.COL: I think I got it and I went to Mr. Colfelt upstairs and I said, "Isn't it funny, Billy just sent a telegram for his things and sent for the money." Here we had been begging him to send a bill for the things and yet he says, "Send the money for the hay."

PICKARD: Did you communicate with Mr. Dean in any way?

MRS.COL: No, we didn't. I wrote a letter to him in a few days, a day or so.

PICKARD: Then you did communicate with him by letter?

MRS.COL: Yes.

PICKARD: But not by telephone?

MRS.COL: No, I didn't telephone.

PICKARD: Will you examine that letter?

MRS.COL: I'm ashamed of it, but I think it's mine, yes. I remember when I sent it to him. After I wrote like that, I felt ashamed to send it, but it's mine, yes. Probably I put a date on it?

PICKARD: Dated August eighth.

MRS.COL: Yes.

PICKARD: And the postmark on the envelope shows it was postmarked at Peterborough?

MRS.COL: Well, I used to go to Peterborough. I would do our shopping when over to Peterborough.

PICKARD: What is the date of the postmark?

MRS.COL: August 10th, 1918, 7 p.m.

PICKARD: (reads letter) Was Mr. Colfelt away?

MRS.COL: No, he wasn't, but I thought Billy would do more for a woman than he would for a man. We never could get a bill from him, so I said, "I'll write this to Billy and try to get him to send a bill and settle the thing up for the hay," because Mr. Colfelt didn't know what to send him. It was a story. Mr. Colfelt wasn't away.

PICKARD: Perhaps I need to get through this fully. You say, "I am sending the carpet, etc., by parcel post."

MRS.COL: Yes, I sent them right away by parcel post just when I wrote the letter. I sent those things by parcel post, and said, "Please, Billy, send a bill for the things we owe."

PICKARD: You wrote this to Mr. Dean, "I hope you are feeling well. Lawrence said you had something called . . .?"

MRS.COL: Spurs.

PICKARD: Or something like that. "I hope you are all well now." Now just what led to that remark in the letter?

MRS.COL: Why, Lawrence — I think it was one night of some great victory or something of the Allies — and Lawrence called up Billy, I think, and told him that we had had this victory, and Billy said he was suffering with spurs, and Lawrence said, "I hope you aren't croaking," or something like that, and made fun of him, or something like that about it, and someone said it was a serious thing and I wrote him and said I hoped he wasn't suffering badly.

PICKARD: Do you understand what that was?

MRS.COL: Spurs?

PICKARD: Yes.

MRS.COL: No, sir, I didn't understand.

PICKARD: Whether it was an infection of his feet that made walking difficult?

MRS.COL: I don't know what it was.

PICKARD: Well, in reply to this letter which we just read, did you receive from him any letter?

MRS.COL: Yes, he answered this letter.

PICKARD: Is that it?

MRS.COL: He called me up from Peterborough some weeks ago, that's when I found out he had the spurs.

PICKARD: This letter is dated when?

MRS.COL: August 12th.

PICKARD: And the one that you sent him was postmarked "Peterborough August 10th"?

MRS.COL: Yes.

PICKARD: That being postmarked Saturday and this being written on the 12th, this would be on Monday, the 12th of August?

MRS.COL: If Saturday was the 10th, yes.

PICKARD: And do you remember when you actually received that letter?

MRS.COL: I must have received it, I suppose, on the 13th. I don't know, Mr. Pickard. Whenever I went to the post office I got it.

PICKARD: The envelope seems to have no date upon it, so I can't tell exactly, but that's the answer you received?

MRS.COL: Yes. You see, he did send me a bill.

PICKARD: And he says there, "Your letter and package came this morning."

MRS.COL: Yes.

PICKARD: What package does he refer to?

MRS.COL: That's the things he asked me to send by parcel post, the green rug for the carriage and his little tie strap.

PICKARD: And you heard nothing further from him, or from Mrs. Dean, until you saw Mrs. Dean on Thursday?

MRS.COL: No.

PICKARD: Had you seen anything in the newspapers about this murder prior to the time you talked with Mrs. White?

MRS.COL: No, I didn't. I had this place to look after and this trouble with the help.

PICKARD: This Miss Pearson who you spoke of, who was there at your house, is the daughter of Harlan Pearson of Concord?

MRS.COL: My daughter will know better. She's the niece of the Secretary of State.

[NOTE: 9/13/82 I called the Attorney General's Office and learned the following:

Edward Pearson — Secretary of State 1899 to 1915

Harlan Pearson — Deputy Secretary of State 1922–23

—MCB]

PICKARD: Of Ed Pearson, formerly Secretary of State?

MRS.COL: Yes.

PICKARD: She's probably the daughter of Harlan, his brother?

MRS.COL: Yes, I think probably her father might have a newspaper.

PICKARD: She was with you how long?

MRS.COL: She was with me a few days. I don't know how long. She was with me that night.

PICKARD: How do you fix the fact she was with you that night Dean was killed?

MRS.COL: Well, I know Mrs. [Potter] went away that morning. The night before someone came around to the house. I thought it was Mr. Emerson afterwards, and we were very horrified. I saw these people rushing in, and I asked Mr. [Potter] to come down to the barn with me and see what they wanted. That's how I remember the young girls were there.

PICKARD: Did they say anything about the murder?

MRS.COL: No.

PICKARD: Did they tell you what they were there for?

MRS.COL: Not a word.

PICKARD: Did you have a gun in your hand when you went to the door?

MRS.COL: Oh, no, sir. I had ladies and gentlemen visiting me. I was sitting in the parlor having a good time. A gun in my hands?

Well, I think I am very tired of being a wretched creature. No, sir. Mr. [Howard Potter] was there. He was a man I have known always, and his wife. I didn't need a gun. What would I need a gun for?

PICKARD: Did you ever go to the door with a gun in your hand?

MRS.COL: No, sir. I never shot a revolver in my life.

PICKARD: Do you own one?

MRS.COL: We own a revolver. We got it in the west years and years ago.

PICKARD: You don't keep it around the house?

MRS.COL: I have it in Harrison sometimes, or in those places.

PICKARD: You never use it?

MRS.COL: I'd be terrified to use it. No.

PICKARD: Do you remember what night it was that Sheriff Emerson came there — the man you afterwards found out was Sheriff Emerson?

MRS.COL: It was the night Mr. and Mrs. Potter were there.

PICKARD: Did Emerson talk with you?

MRS.COL: He talked with me. I saw those people drive up, this man and a boy, in an automobile, and they went to the coach and said they wanted a drink of water, and I recognized the boy, and I said, "Hello, how are you?" And I saw this man and I thought, "What's the matter with this man?" And I gave him a drink of water. I think I told him to take out water. I think they wanted water for the machine or something.

And then they talked to me a few moments and they said, "Where is Mr. Colfelt?" I said, "He's away." And then he said, "Has he gone over to the other side?" And I said, "I hope not."

Then he went down to the barn, and I didn't know who these men were, I didn't know what they wanted, going down to the barn, so I called Mr. Potter out and I said, "Mr. Potter, come and see what these men want out there."

He said, "They're probably young men heard you have a lot of pretty girls here and they came over to see them." I said, "No, not at all. They've gone to the barn." So I went down and I said to Mr. Emerson — I didn't know it was Mr. Emerson then — and I don't know what answer he made me.

PICKARD: Did Mr. Potter talk with him at all?

MRS.COL: No, Mr. Potter is a sort of card, he was laughing about it. He didn't think anything serious about it.

PICKARD: Did Mr. Emerson speak to, or so far as you know, see any of the other people who were there at the house?

MRS.COL: Oh, he asked me if I was lonesome, and I said, "No, how can I be lonesome with all these people with me?"

PICKARD: Were you frightened, or disturbed, or nervous, at their visit?

MRS.COL: Well, I didn't know — driving up like that. After I'd given them water they were going around, looking around. I didn't know what they were after, the horses or what. I saw the boy. I knew the boy, but not the other man who was with him.

PICKARD: Did any of your guests come by train, any of the guests who were there at this time?

MRS.COL: They all came by train.

PICKARD: And when did they come?

MRS.COL: Well, Mr. and Mrs. Potter, I think had come the day before.

PICKARD: Did they come before Sunday or after? Were they there Sunday or not?

MRS.COL: What day was Sunday? They weren't there when Lawrence left, no.

PICKARD: Your husband went away Saturday?

MRS.COL: Yes.

PICKARD: Which we presume to be the 10th?

MRS.COL: No, he went away on Sunday.

PICKARD: He went away, then, Sunday, the 11th, with the car?

MRS.COL: Yes.

PICKARD: At that time who did you have for company?

MRS.COL: Just Natalye and me. I don't think the others were there.

PICKARD: When did Miss Pearson come?

MRS.COL: She came on Monday, I think.

PICKARD: That would be the 12th?

MRS.COL: Yes. I have a letter from Miss Pearson here.

PICKARD: When did Mr. and Mrs. Potter come?

MRS.COL: Well, I suppose they came Monday. I don't know whether Mr. and Mrs. Potter came Monday or Tuesday. They came Monday or Tuesday.

PICKARD: You don't remember whether they came Monday, the 12th, or Tuesday, the 13th?

MRS.COL: They may have come the evening of Monday, the 12th. I'm not sure. Or Caroline did. I don't know.

PICKARD: Where did they leave the train?

MRS.COL: Greenville.

PICKARD: Did you go down to meet them?

MRS.COL: Yes.

PICKARD: Were there any other people that came to your house on the 12th or the 13th who you didn't meet?

MRS.COL: Not that I know of.

PICKARD: Did you ever hear about any people who came there to Greenville and inquired of the station agent the way to your house?

MRS.COL: No, sir. Unless Mr. and Mrs. Potter did. I think I went down to meet them and Caroline. I can't remember. I haven't thought about it.

PICKARD: You don't know?

MRS.COL: But they didn't walk up.

PICKARD: How far from the depot to your house?

MRS.COL: About a mile, I think.

PICKARD: How old are Mr. and Mrs. Potter?

MRS.COL: They're middle-aged people. They're quite a lot older than Mr. Colfelt and me.

PICKARD: Where do they live?

MRS.COL: 104 East 37th Street. They've lived there a good many years with old Mrs. Potter, the mother.

PICKARD: Can you give us a description of this man, Potter?

MRS.COL: Well, he's sort of an English-looking gentleman, dandy looking gentleman. He has a gray mustache and isn't an old man. He must be about fifty-six years, something like that.

PICKARD: Tall or short?

MRS.DOL: Well, you would call him middle size. I

think he's taller than Lawrence. Walks well and holds himself very well.

PICKARD: Light or dark?

MRS.COL: Oh, he's blonde, ruddy complexion, English complexion.

PICKARD: A man about forty-five or fifty?

MRS.COL: Oh, he must be about fifty-five, but he's a young looking man. He's not an old man at all.

PICKARD: What is his business, do you know?

MRS.COL: He's an architect.

PICKARD: What kind of a looking woman is Mrs. Potter?

MRS.COL: She's very English looking, with blonde hair. It's a first family in New York. It's a very old family, one of the oldest families in New York.

PICKARD: Tell us more about her looks?

MRS.COL: Well, she's slender, kept herself looking very well, and holds herself very well. She has a great many lines in her face.

PICKARD: A woman about Mr. Potter's age?

MRS.COL: I would say that she looks older, but I don't know that she is. Well, Mr. Potter is boyish-looking, you know.

PICKARD: Is she a woman of considerable height or a short woman?

MRS.COL: She's shorter than I am.

PICKARD: Can you say about her being thin or stout?

MRS.COL: She's played tennis all her life, and sits up straight, like this, and she's slender. You wouldn't call her fat, I think.

PICKARD: Now, when did the Potters leave your place?

MRS.COL: They didn't stay but a day or two.

PICKARD: Where did they take the train?

MRS.COL: I brought them down to the Greenville train in the morning. I think they went the day after Mr. Emerson was there.

PICKARD: What train was that?

MRS.COL: Very early morning train. They got up very early and went to Boston. They were living at Long Island and were going to make a connection with a boat for Long Island. I have a note here where she wrote me.

PICKARD: I'd like to see that, and also the note from Miss Pearson, if you don't mind.

MRS.COL: That's my grandfather's hat that he carried through the war.

PICKARD: "Col. James M. Reed."

MRS.COL: Yes, that was the notice of his death, and I got the old hat.

PICKARD: Better leather than you get now.

MRS.COL: Well, it isn't a very handsome thing to carry around. This is Miss Pearson's note, the one she wrote me thanking me. That shows the day she went, I think.

PICKARD: Why should she head this "Peterborough"?

MRS.COL: She went over to stay with a lady in Peterborough, who has a place in Peterborough.

PICKARD: This is headed "Peterborough, N.H., August 19, 1918.

Dear Mrs. Colfelt,

I made all my connections on Saturday, spent the night with my aunt in Cambridge, and met the [Bottrells] in Nashua."

Who are the Bottrells?

MRS.COL: Those are the people who live in Peterborough.

PICKARD: "... and met the Bottrells in Nashua Sunday morning without mishap. I hope to know Natalye better, although it makes me regret the loss of her all the more. It was a wonderful delight to meet Mr. and Mrs. Potter, and Anna."

MRS.COL: Those are the ones that were at my house the night Mr. Emerson came.

PICKARD: Well, I went to the wrong page here when I turned over. I'll begin again:

"Dear Mrs. Colfelt,

I made all the connections on Saturday, spent the night with my aunt in Cambridge and met the Bottrells in Nashua Sunday morning without mishap. I hope you found your journey as easy.

"Since I've been here I've looked for Natalye and Anna whenever I thought there was a chance of meeting them. I did so enjoy the days I spent with you. Since I shall not be able to see her much, I was particularly glad to have the chance to know Natalye better, although it makes me regret the loss of her all the more.

"It was a wonderful delight to meet Mr. and Mrs. Potter and Anna. I won't tell you what I think about you.

Sincerely yours,
Caroline Pearson"

What journey did she refer to that she hoped you would find as easy?

MRS.COL: I went to Boston with little Miss Pearson and went back again on the train.

PICKARD: Who was this Anna?

MRS.COL: Anna is a girl that went to school with my daughter and was at Vassar College.

PICKARD: Visiting there with the Bottrells?

MRS.COL: Not with the Bottrells, but they were all at my house together. Miss Pearson stayed until, that letter when she said she went away, the 19th.

PICKARD: Was there some report that Mr. and Mrs. Potter, who you referred to, had German government connections?

MRS.COL: I never heard that, no, sir. I wish they would hear it. Mrs. Potter's brother was in the Navy. A young Potter was killed flying over the German

lines, her nephew and every Potter is in the service. PICKARD: The Sunday before the murder was the 11th. Monday was the 12th. Tuesday was the 13th. It was Tuesday night or Wednesday morning that the murder occurred, and Wednesday was the 14th. Thursday was the 15th, Friday was the 16th, Saturday was the 17th. Sunday, again, was the 18th. So that this letter of Miss Pearson's was written Monday, the 19th. That's the Monday following the murder, is that right, as you understand it?

MRS.COL: Yes.

PICKARD: And the day that you heard about the murder, Thursday, you had taken Miss Pearson and this girl, who you call Anna, and Natalye, over to the golf club?

MRS.COL: Yes, and I tried to get some golf sticks from somebody there. There is a little note from Mrs. Potter when she left the house.

PICKARD: It's a postal card postmarked at Boston, or rather, postmarked Boston, Mass., South Postal Station, August 15, 11 a.m. 1918. Addressed to Mrs. L. M. Colfelt, Jr., Greenville, N.H. Written on the postal, and dated Boston 9:15 a.m.:

"Dear D.,

You can buy your ticket through to Sag Harbor but you have to wait at New London from 1 to about 4 before you get the boat. I shall expect you on Monday. Telegraph."

This trip to Sag Harbor, where is that?

MRS.COL: That's on Long Island.

PICKARD: What were you going there for?

MRS.COL: Why, to stay with Mrs. Potter. That was at East Hampton but you have to take the boat to Sag Harbor to get there.

PICKARD: Have you any other letters?

MRS.COL: Here's a letter from Ethel Potter. August 16th, East Hampton.

PICKARD: Any objection to my looking at it?

MRS.COL: No, sir.

PICKARD: By the way, your real name is Margaret?

MRS.COL: Margaret Mary.

PICKARD: Why do they call you Daisy?

MRS.COL: My father always called me Daisy. We all had nicknames. My brother was Sonny.

PICKARD: Is this the envelope this letter came in?

MRS.COL: I guess it is.

PICKARD: What does this mean on the back?

MRS.COL: I guess that's Natalye's writing. I don't know.

PICKARD: This letter is in an envelope postmarked East Hampton, August 16th 2 p.m., addressed to Mrs. Lawrence Colfelt, Jr., Greenville, N.H. And the letter is dated Friday a.m.

"Dear Daisy,

I wished at once to let you know how to get here.

You leave Boston at 10 and buy your ticket to Sag Harbor. You arrive New London at noon and there you have to wait until 4. We waited until 5 and didn't get to Sag Harbor until 8:30 p.m. There's a nice hotel just up the street a little way called the 'Mohican' and there you can lunch and rest, but, alas, it is a long day. I'm looking forward to seeing you Monday or Tuesday, as you telegraph. I had a lovely time with you and I think your home is sweet. In haste to catch this mail.

Affectionately,
Ethel"

MRS.COL: This is the letter where she tells me she's coming to see me.

PICKARD: This is headed East Hampton, N.Y., July 14th.

"Dear Daisy,

I'm glad to have your right address and to think of you as living in that very lovely place at Temple. Jill has been here ten days and I hope she's going back on Tuesday and bring her cousin, Lilly. We do so regret Natalye couldn't come. I'm hoping that you may telephone me very soon as you promised and that you might come down here. Our number is 318 East Hampton.

"I shall be here D.V. (meaning, I suppose, God willing) until the 30th and then I take Jill to Boston to put her on the Bar Harbor train to go down to Newport for a few days, and then I go down to Jack, and then if you will have me, I will come to you for a few days, incidentally picking up Jill, who will pay you a visit on her way back about August 12th. All this is to suit your convenience and subject to change. Jack may ask me to come later, and I might not be able to stay away from him, but it's no harm to plan.

"How are you feeling about our wonderful president now? Isn't it too surprising to think that that hope of four years ago that was called crazy, of the cooperation of nations, seems possible of fulfillment. If it fails a hundred times, at least a beginning is made and the world is getting used to the idea. When I see you I will tell you what a thrilling time Ned has had."

MRS.COL: Ned was with the Red Cross in France.

PICKARD: "My sweet Jackie works like a slave from 5:45 to 9:30, but he likes it much better than at [Hancock] and has already found six Union College men in the camp."

MRS.COL: His grandfather founded Union College.

PICKARD: "He is in the second company of the 5th Training Camp and says he has never studied so hard — Harvard is just loafing. He dines with us on Sunday nights and leaves on the 7:54 p.m., returning at 6:17 on Thursdays, so he has three good days here each week. When I go away my sister, Mrs. Delano, and her boy and his governess and, part of the time,

Mr. Delano, will be here. Howard and I are seriously thinking of renting a Ford on our trip to Newport.

"I must go to bed. I wish you could smell the vine that comes in through these windows. The house is surrounded with crimsons and pinks and honey-suckles. Best regards to Mr. Colfelt and with affection to Natalye,

Yours affectionately,
Ethel P."

PICKARD: You say that letter was written in anticipation of the visit she made to you on August 1st?

MRS.COL: Yes. Jill, her little girl, didn't come.

PICKARD: Was this visit you made to Mrs. Dean after you heard of the murder, was that Thursday, or was it the day they found the body in the well?

MRS.COL: I don't know what day they found the body in the well.

PICKARD: While you were there did you hear anything about their having found it?

MRS.COL: No, sir.

PICKARD: What time of the day was it you were there?

MRS.COL: It was in the afternoon. I was a member of the Peterborough Golf Club and I went over with the three little girls. It was in the afternoon, must have been around half past two or three, I suppose. Around there. Then I went right over, as soon as Mrs. White told me, to see Mrs. Dean.

PICKARD: Have you ever seen any of these so-called German signal lights?

MRS.COL: No, sir. I never saw any signal or light of any kind.

PICKARD: Was there anything in the nature of signaling apparatus about the Dean place, or about your home in Temple?

MRS.COL: No, sir. Not a thing at either of the places.

PICKARD: No occasion for any of you to be giving any signals?

MRS.COL: No, sir.

PICKARD: And so far as you know, and I understand you, no signals were given either by you or anyone else on those premises?

MRS.COL: Why, no, sir.

PICKARD: Do you know, or can you suggest, anything that gave a start to those rumors about the members of your family being German agents or German spies?

MRS.COL: No, I can't, Mr. Pickard. I hope some day to know who started and said that we were German spies, or had any connection with Germans in any possible way. My daughter's ancestors founded the American College. My family, all of us, have been Americans all our lives. I haven't any German friends or German anything. I don't know who could have started such a thing. It's a vicious person who started it.

PICKARD: There isn't, so far as you know, anything that could give any foundation for that report?

MRS.COL: No, sir, not a thing.

PICKARD: Neither you nor Mr. Colfelt — were either you or Mr. Colfelt in the habit of being out on the roads on horses late at night?

MRS.COL: We've always motored, all our lives, in the car. When we were in Harrison we used to motor to the theater and come back late at night, naturally. We've always motored all our lives, late and early.

PICKARD: Did you make an effort to obtain a position in the telephone exchange at East Jaffrey as a telephone operator?

MRS.COL: Oh, no, sir. No.

PICKARD: You didn't make any application for that?

MRS.COL: No, sir, I never did in my life. I had enough, really, to do the cooking for us up there.

PICKARD: Did Miss Natalye?

MRS.COL: No, sir. She was at college. She was at Radcliffe College studying.

PICKARD: So neither you nor Miss Natalye made application for the position at East Jaffrey, or any place?

MRS.COL: No, sir. No place, no position.

PICKARD: Can you tell us whether or not you or Mr. Colfelt, to your own knowledge, made reservations at the Shattuck Inn for August 13th?

MRS.COL: Mr. Colfelt and I went over. Natalye expected all these guests, and I was almost frantic. We had a Miss [Elman], a nice girl from Boston my daughter is crazy about. All these nice girls coming. I couldn't be doing the cooking for them, and I said, "We'll go to Shattuck Inn." And I said, "If we can't keep our servants, can you accommodate us?" And I said, "I'll let you know about the servant situation."

PICKARD: It was for the purpose of meeting any emergency which might arise?

MRS.COL: Yes. I was almost frantic. We couldn't keep any servants, they wouldn't stay with us. In the town they yelled "Kaiser" at us. Of course, they yelled at me, as if I wanted to be kaiser!

PICKARD: Where were you at the time?

MRS.COL: As I was leaving Greenville someone yelled out "Kaiser"!

PICKARD: And this arrangement you made at the Shattuck Inn was made simply for the purpose of taking care of any situation that might arise because of your servants leaving the Temple home and your having company which you couldn't take care of yourself?

MRS.COL: I couldn't take care of, yes. They're all used to things, to servants, and I couldn't be there with them, and cook for them, and that sort of thing, so I went over there and asked them.

PICKARD: Did you make reservations over to Shattuck Inn?

MRS.COL: I didn't make reservations. I told them if I had to come I would let them know, but the occasion didn't arise and so I didn't let them know.

PICKARD: Did you ever know of anyone having any unfriendly relations with Mr. Dean?

MRS.COL: No, I didn't.

PICKARD: Did you ever know of his having an enemy in the world?

MRS.COL: I didn't know he had an enemy.

PICKARD: Ever hear him say anything about anyone, or mention anyone, who was unfriendly, or who might have a grudge or ill-feeling toward him?

MRS.COL: Why, no, I didn't.

PICKARD: Was this man, Romano, and Dean friendly?

MRS.COL: Well, Mr. Dean, of course, had no friendship with him. He was cleaning the stable once and that started Mr. Dean and he came out and dirtied the barn after he got it all cleaned up, and it made him very, very angry.

PICKARD: Did you ever hear Romano say any kind of mean thing, or unkind remarks, or threatening remarks to Dean?

MRS.COL: He came in one day, my brother and I were sitting in the kitchen — I think Mr. Colfelt was away — and he slammed things down. I said, "What do you mean by that?" And he said, "That old man up there is dirtying up everything I did. He said if he didn't look out some day he would find himself sitting up or hanging up, or something to that effect. I said, "How do you dare to talk that way of Mr. Dean?"

PICKARD: Was Romano angry when he made that statement?

MRS.COL: He seemed to be very angry at Mr. Dean. I thought he was angry with us, throwing things down.

PICKARD: Did you take this remark of Frank Romano's seriously?

MRS.COL: No, I didn't.

PICKARD: Do you know when Romano left Temple, left your employ?

MRS.COL: Mr. Colfelt got angry because he wouldn't do anything, and told him he would have to go, and discharged him, and took him over to the train.

PICKARD: Do you know the date of that?

MRS.COL: No, sir, I don't.

PICKARD: It was some time after June 5th when you moved to the Temple place?

MRS.COL: Yes.

PICKARD: Have you any idea how long after that?

MRS.COL: I haven't, no. Quite a long time after. I don't know.

PICKARD: To turn again to this remark you heard Romano make that some day the old man would find something done to him, did it make any impression on you at that time?

MRS.COL: No, it didn't. I thought it was a very rude

way to talk of Mr. Dean, who was a gentleman.

PICKARD: Did Romano say why he had that feeling, or made that expression, with regard to Dean?

MRS.COL: He said, "Everything is all done and he gets it dirty." "Well," I said, "He's got to use the barn, he's got to get it dirty a little bit." Well, he said he would clean it where his horses were, and then Mr. Dean would clean it where his horse was, and throw the refuse over where Romano had cleaned up. Then he would sweep the barn and the grain would go through the air, down on the ground, naturally, as a person would. He wouldn't stop to pick it up. He just cleaned it up, you see. He had got up early and cleaned it all up.

PICKARD: But this remark, you looked upon it as simply an expression of temper?

MRS.COL: Yes. There are bad-tempered people, I think.

PICKARD: You didn't regard it as a threat against Dean?

MRS.COL: Oh, I didn't. Oh, heavens, no!

JURYMAN: On the subject of the family of [Bottrells] in Peterborough, are you intimate with them?

MRS.COL: No, I think I've just been introduced to them. I don't know where they live in town, but Miss Caroline Pearson was with them and she introduced me to Mr. and Mrs. Bottrell. I don't think I ever met them more than once. Miss Pearson was staying there. They were friends of her father's or mother's.

YOUNG: The acquaintanceship was between Miss Pearson and the Bottrells?

MRS.COL: Yes. They were old friends, I think. She had stayed there before.

YOUNG: They're Cambridge people you said, did you?

MRS.COL: I don't know whether they're Cambridge, or Concord, New Hampshire. Miss Pearson is from Concord, I think, but she goes to Radcliffe College at Cambridge.

YOUNG: They are the Bottrells of Peterborough that live in Cambridge?

MRS.COL: Well, maybe they are the same ones. They've lived quite a while in Peterborough, I think.

YOUNG: Has Miss Natalye a camera?

MRS.COL: Yes, she has a camera, and I have a camera.

YOUNG: She takes pictures more or less?

MRS.COL: Yes.

YOUNG: What do you know of her taking pictures of teddy bears and things like that?

MRS.COL: Well, I didn't think anyone would want to listen to that.

It's too silly. She took pictures of the girls in college, you know, college girls, to have fun. My daughter has had a teddy bear since I can remember. That's been her plaything.

One girl in college will have a doll, another will have a dog. Well, all these girls at Radcliffe took pictures of their teddy bears — Natalye sitting with the teddy bear, and Natalye sitting with a doll, a teddy bear, and a dog. They took these different pictures in college and Natalye brought them home and showed them to me.

YOUNG: Did Natalye take some of these pictures herself?

MRS.COL: She took some of the other girls. I don't mean pictures of the girls, but pictures of just the teddy bear and a doll and a dog. I think they were only like that. I'm not sure. I think so.

YOUNG: Where did she have her films developed?

MRS.COL: In Jaffrey, I think. Most of them. Some in Cambridge.

YOUNG: The pictures she took in Jaffrey she had developed by Mr. Johnson?

MRS.COL: Somebody did. Mr. Johnson, or somebody at the drug store. If I had them wrapped up I would send them to Mr. Johnson. Some of them she had made at Cambridge. We have two big scrapbooks and I took lots and lots of pictures of Mr. and Mr. Dean, and Natalye and Mr. Dean. I took pictures all summer of them when I was there.

YOUNG: Those postcards, were any of them ever sent through the mail, or would you just simply have them around the house?

MRS.COL: I don't think those teddy bears were ever sent through the mail. I think she brought them home to show me.

YOUNG: Have you read this report about the postcard?

MRS.COL: No, sir, I never did.

YOUNG: Had you ever heard it suggested that those postcards of the teddy bear and the dog and the doll showed a code message?

MRS.COL: No. I didn't think there was a human being on earth as stupid as that, who would suggest a thing like that. A little girl with a teddy bear and pictures of the teddy bear. The other girls over there in college had taken their dog, taken their cats. Why would they need a code? Why should Natalye's have been a code?

There were lots of them, of a dog, a cat, a dolly. I never heard of such a thing. That never had been rumored to me. The only rumor I had heard about us being spies — some man came up in the winter time, I think it was Frank Humiston, and said to Lawrence, "Do you know they think you are spies?"

Well, it seemed too ridiculous. I think I had been up there a year then and everybody knew me in Jaffrey, and liked me, I thought. We felt we were liked there. I knew Mr. and Mrs. Dean liked us, and the people were all very nice to us, and I thought they liked us, and I never gave it a thought.

YOUNG: Can you suggest, or do you know anything, about any special matter which could have concerned Mr. Dean, or which could have interested him, so that he would have felt that it was proper to call it to the attention of the Federal authorities?

MRS.COL: Mr. Dean?

YOUNG: Yes.

MRS.COL: What matter, Mr. Young?

YOUNG: I say, do you know of anything? Was there anything that you can suggest that he might possibly have known about or been interested in that he thought was of importance enough to call to their attention?

MRS.COL: No, sir, I don't. I don't think so at all.

YOUNG: Had you ever heard it stated that the day previous to his death he had sent word to the Intelligence Office of the Department of Justice saying they must send out a man to investigate something that needed immediate attention?

MRS.COL: No, sir, I never heard of that. I never heard Mr. Dean suggest spies around the place or Federal authorities.

YOUNG: Had you ever heard him say anything about lights?

MRS.COL: Miss Ware called up once and told us there were lights on Mr. Dean's place and he said, "Well, we have lights on our place."

YOUNG: Did he ever speak to you about lights, other than that?

MRS.COL: Never said a word to me about it.

YOUNG: Did you ever see those picture cards I have referred to of the teddy bear, the head of a dog, taken where it showed a clock in the picture?

MRS.COL: Oh, Mr. Young, I don't remember the pictures. I know there were pictures the baby took and would bring up from college to show them to Mr. Dean. He was very interested in college, and anything that would interest them, particularly the old gentleman, anything that would amuse him or interest him, I would tell her to bring him and show him, and she brought the pictures and showed him.

I don't remember any clock in the pictures. I don't remember the pictures except showing the pictures about.

YOUNG: There was no significance in the pictures except child's play?

MRS.COL: Nothing to me except young girls having fun in college. They all have pets. I don't hold to the live animals, but one girl, she has a dog she keeps tied to her chair in the room. My daughter is in Vassar College now, her teddy bear sitting up or lying back in the chair. Another girl will have a dolly lying around. And they will be ready to borrow. "If you let me have your teddy bear, or dog, I'll let you have my teddy bear." I suppose it's a part of the college girl's life.

JURYMAN: I would like to ask one question, if I may. While you were in East Jaffrey did you become much acquainted with the Jaffrey people, other than in a business way?

MRS.COL: I didn't meet them — do you mean go out to their homes, etc.?

JURYMAN: Yes.

MRS.COL: No, I didn't know them. Whenever they would be nice and talk to me, I would be delighted to talk to them. There were two little girls I used to talk with a lot, and the man at the grocery store. Mr. Baldwin, I talked to him quite a lot, and the man that kept the grocery store, and Mr. and Mrs. Rich sometimes.

JURYMAN: You didn't know any of the people there intimately, that is, any of the people there or the summer people?

MRS.COL: Mrs. Robinson, she invited me to a musical up there at her house, and all of Mr. Dean's friends that he had around, I met, like Mrs. Robinson.

JURYMAN: You don't remember that you exchanged visits with those people particularly, that is, entertained them at your home, or they entertained you at their homes?

MRS.COL: Well, that little place, I was doing all the work, I didn't have much place to entertain anyone. I would be glad if they came over. I think Mrs. Robinson came several times to see Mr. Dean and myself. She saw both of us once or twice.

JURYMAN: I wonder if that wouldn't account in a way for the rumors being circulated there. They knew nothing about your family, and if people don't know about people, they sometimes surmise. That's the reason I would bring out this point.

MRS.COL: Yes, that might be it. We would go around in the motor, or go walking around. We enjoyed Jaffrey, we loved it there, and whenever we would see any of the Jaffrey people we would talk and be glad to say something.

JURYMAN: Did you try, or were you trying, to be exclusive so far as forming friendships or acquaintances were concerned?

MRS.COL: No, I would have been very glad to meet anybody.

JURYMAN: You didn't try to keep away to yourselves?

MRS.COL: No, I used to talk to everybody I met. I remember Mr. Baldwin particularly because he was very nice when we arrived there, and everybody in Jaffrey was always very nice to us, and I thought they liked us. I thought we were very popular with them, that's what I thought. And I find out we weren't as popular as we thought. They were always very nice to us when they met us, and treated us nicely.

YOUNG: The first year you were there at the Baldwin

place, however, you had your friends from outside rather than people in the town?

MRS.COL: Yes, Mrs. [Radner] and others. I used to take them to see Mr. and Mrs. Dean, and friends like that would come around. Some lady did come and call on me and she afterwards died in a motor accident. The lady that lived in the square white house as you go downtown. She and her father lived there.

YOUNG: Mrs. Crow?

MRS.COL: She came up and we spent the evening. They were getting up a Chattauqua and she came up, and we subsequently heard she was in an automobile accident. When I came back the next year they told me that.

YOUNG: Referring to this box, were there graphophone records in the box?

MRS.COL: Yes, they were all in little bags like they put them in.

YOUNG: Do you recall about how many there were in it?

MRS.COL: There were a good many.

YOUNG: A hundred?

MRS.COL: Oh, I wouldn't say there were a hundred. The bags were sort of like this, and you pushed them all in. They were numbered.

YOUNG: Have you any idea how many?

MRS.COL: Oh, a great many, but I wouldn't think there were a hundred. Might have been. I really wanted the graphophone for Mrs. Dean to hear it. She loved it. Mr. Dean didn't care for it. Mrs. Dean did.

YOUNG: Did I understand you that the telegraph that Mr. Dean sent was very much unlike him?

MRS.COL: It was unlike him, yes. Mr. Dean was always, well, he was sarcastic, but polite always, and it was unlike him to say, "Send that," when we had been asking him to send us a bill. If you ask a person to send you a bill, you would be surprised if they suddenly say, "Send me the money." It would surprise you if they did.

YOUNG: Did you ever give it a thought that perhaps Mr. Dean didn't send that telegram?

MRS.COL: Yes, I did. I wondered because it wasn't like Mr. Dean.

YOUNG: Mr. Dean you say was a very well educated man?

MRS.COL: Oh, yes. He was reading all the time.

YOUNG: And an educated man knew that anything done by telegram? . . .

MRS.COL: Well, it wasn't like him. I used to say, "Bil-ly, why did you go and spend all your money for that?" But he would say, "Money is nothing." He was always very polite and never said, "Give me this," or "Send me that." He would suggest it to me usually.

YOUNG: In that letter that you wrote to him previous

to his reply of August 12th, you mentioned the fact that you had received the telegram. Now, if he hadn't sent any telegram, wouldn't you have supposed in his letter of August 12th he would have made some reference to that fact?

MRS.COL: Well, I'm a thoughtless kind of person, as you can probably see, but I know at the time I got the telegram I said to Lawrence, "Isn't it queer for Billy to send that telegram?"

YOUNG: And then you immediately, whenever you wrote, you said, "I have your telegram," or something like that. You referred to the fact you had received it.

MRS.COL: Well, I wanted to know if he wanted the money, please send me a bill.

YOUNG: Well, he thereupon wrote you the 12th. I think in your letter which you wrote you spoke of the telegram. Now, if he hadn't sent the telegram in the first instance, he would have been the kind of chap who would have referred to that in his letter of the 12th, would he not?

MRS.COL: I don't know I said, "in your telegram" — I don't know I said that in the letter.

PICKARD: She says, I think, "Your letter and telegram received." "Your telegram received" you announce the very first words.

YOUNG: "Your telegram received." Now in his letter of the 13th he didn't deny he sent the telegram?

MRS.COL: No, he didn't.

YOUNG: And you wouldn't seriously suggest that he probably didn't send the telegram?

MRS.COL: No. You asked me at the time. At the time I thought it was rude of Mr. Dean if he did it. He must have done it, I suppose, by the way he answered.

WITNESS DISMISSED

MR. LAWRENCE M. COLFELT, JR., recalled

Examination by Mr. Pickard

PICKARD: What is this which I hand you?

COLFELT: This is the first paycheck I received, August 14th, for three days' pay at the Atlantic Corporation, amounting to \$13.11.

PICKARD: What is this number at the top?

COLFELT: This is 941.

PICKARD: How were you being paid at that time?

COLFELT: Why, there were two systems. We had a button. As I remember it, at that time that was my button and the number of the check, but after that they changed the numbers. They changed my button number, but not the check in the same way. Well, they made a lot of changes, lots of mistakes, lots of that sort of thing. But you can have both of these and look them up on their accounts.

PICKARD: What was your rate of pay for those three days' pay?

COLFELT: My rate of pay was 46¢ an hour.

PICKARD: "Number 941. Name: L. Colfelt. Amount: \$13.11 for week ending August 14, 1918." How often were you paid down there?

COLFELT: Paid weekly.

PICKARD: When was payday?

COLFELT: Saturday. So, you see, they kept three days back on me. That was to pay to Wednesday. The remaining three days were left.

PICKARD: Well, for the week ending August 14th, it would be Wednesday, wouldn't it?

COLFELT: Yes.

PICKARD: But the payday was actually Saturday?

COLFELT: Saturday.

PICKARD: Now, what is this?

COLFELT: This is the pay envelope for the following week dated August 21st amounting to \$39.53. My number at that time was 2262.

PICKARD: What rate were you getting then?

COLFELT: Still 46¢ an hour.

PICKARD: "Number 2262. Name: L. Colfelt. Amount: \$39.33 for the week ending August 21, 1918." What is this?

COLFELT: This is a telegram sent to me by the Pollard Automobile Company stating "Bob will bring down the car Saturday night." That was dated August 23rd, and as far as I know, according to my knowledge, the automobile arrived in Nashua Sunday, August 11th, and was there until that time when they notified me. I had corresponded with them and asked if the mechanic couldn't bring the car up, and that was the reply.

PICKARD: Was that telegram directed to you?

COLFELT: Yes.

PICKARD: Where were you at that time?

COLFELT: I was at the Rockingham Hotel.

PICKARD: I have a Western Union telegraph blank bearing a rubber stamp marked "22 Daniel Street, Portsmouth, N.H.," and bearing the impression of the number 37. It's the same number appearing on the envelope the check has. "96B — C — 8 Collect." The telegram is headed "Nashua, N.H. 5:05 p.m. August 23, 1918." It's addressed to "Lawrence M. Colfelt, Jr., Rockingham Hotel, Portsmouth, N.H."

The message is, "Bob will bring car down Saturday night." The signature is Pollard's Automobile Company. The time is given "5:25 p.m." Have you any other papers?

COLFELT: I have the address of the man that was with me when we broke up housekeeping at Greenville and went to Pennsylvania, to my mother's farm. This is Malcolm Carlson, 457 East 22nd Street, New York City. I don't know whether he is there or not.

PICKARD: Had he been in your employ before?

COLFELT: No. He came up, as I remember, from C. J. Cooper of this address: 457 Sixth Avenue, New York City. An employment agency there. We were trying to secure a man. They were all Germans that wanted to come, and this fellow seemed to be a Dane, and I said to send him up, and he seemed to be satisfactory. He'd been there but a short time when I went to the shipyard, and I thought we would be able to get along with him all right.

WITNESS DISMISSED

NATALYE ADELMAN COLFELT

Direct Examination by Mr. Pickard

PICKARD: Mrs. Lawrence M. Colfelt is your mother?

NATALYE: Yes.

PICKARD: And is your father living?

NATALYE: Yes.

PICKARD: What is his name?

NATALYE: Mr. Francis B. Roberts.

PICKARD: Where does he live?

NATALYE: In New York. I don't think I know the address.

PICKARD: Where was he born?

NATALYE: I think in Kentucky. I know it was in the United States. I think in Kentucky.

PICKARD: Were any of your ancestors, that means your father and your mother, and your grandfather and grandmother, on either side, born outside of this country?

NATALYE: None of the immediate family. Let me see. I'm very sure they weren't. I'm not absolutely sure because, of course, I don't know everything about all the family, but I'm fairly sure they weren't.

PICKARD: Have you ever been abroad?

NATALYE: No, I never have.

PICKARD: How old are you?

NATALYE: I'm twenty-one. I'll be twenty-two in June.

PICKARD: What states of the United States have you lived in?

NATALYE: New York, most of the time. New Jersey, Massachusetts, New Hampshire, Maine, and I think Carolina for a short time.

PICKARD: Most of your time has been spent in New York?

NATALYE: New York City, and then we have a house outside that we rented for about six or seven years now.

PICKARD: What are you doing now?

NATALYE: I'm at Vassar College.

PICKARD: What year?

NATALYE: 1921. A sophomore.

PICKARD: Previous to going to Vassar what education did you have?

NATALYE: I went to Radcliffe the year before, and before that I was three years at the Charlton School in New York City which is now Miss Chandler's School.

PICKARD: Were you living with your mother and Mr. Colfelt when they lived in East Jaffrey on the Dean place?

NATALYE: Well, during the summer I was there, but in the winter, of course, I was at Radcliffe.

PICKARD: Did you visit home from Radcliffe?

NATALYE: Sometimes. Whenever I could. Of course, we didn't have Saturdays and holidays so I would have to go up Saturday afternoon and go back Monday.

PICKARD: How well were you acquainted with Mr. Dean?

NATALYE: Well, I felt that I knew him very well, liked him very much, and I thought he liked all of us very much, too.

PICKARD: Did you talk with him often?

NATALYE: Yes, a great deal.

PICKARD: Visit him at his house?

NATALYE: Well, he came over often to see us and I always would talk to him down to the barn. He used to sit there for hours at a time, you know, on that little step. You've seen the place.

PICKARD: What would you talk about?

NATALYE: Oh, about everything. Books, philosophy, and all sorts of ideas. You could argue with him about almost any subject. He used to tell me he liked to argue with me, take the opposite side, just to see what I would say, and very often he would say, "I think the same thing, too."

PICKARD: What about his powers of expression? Was he a well-read man?

NATALYE: Very well read, I think. He could talk about almost everything.

PICKARD: What about your acquaintance with Mrs. Dean?

NATALYE: Well, of course, the last year she was so sick she couldn't see us very often. She used to lie down and say her head hurt terribly. But she was always very glad to see us when we came. We didn't like to put her out any more than we could help, but we used to sometimes bring over food and things like that we thought would be good for an invalid.

PICKARD: Was she an invalid?

NATALYE: In one way she was, and in another she wasn't. She was very strong, she would throw logs into the fire that would be pretty hard for a man. Well, he could do it but it wouldn't be very easy.

PICKARD: What fire do you mean?

NATALYE: In the big fireplace at their house at the little cottage.

PICKARD: That was in the back room where the swing hammock was, where she slept?

NATALYE: Yes, but she would lie down for days. She would say, "I fell down on the floor last night and I couldn't see anything."

PICKARD: What about her mental condition?

NATALYE: Well, she forgot things. She would forget the names of things and she would say, "Your little horse is outside. Shall I let him in?" She meant your dog. It was too bad, but she appeared to be very courteous always and offer you a chair and would say, "Would you like a cracker?" She never lost that. I think that's one of the nice parts of it.

PICKARD: What about her early education and training?

NATALYE: Yes, I heard that she knew German and French and wrote stories and all sorts of things, and she was very pretty from her pictures.

PICKARD: Did she have an especial fondness for anything?

NATALYE: Mr. Dean, I think, and the dogs, and I think she loved everyone. Mr. Dean said she loved the whole village. She loved music. She was always playing that pianola, you know. She used to play that from about six in the evening until about twelve at night without getting very tired.

PICKARD: What were the relations between Mr. Dean and his wife?

NATALYE: Well, he was very much worried about her, I think. He used to ask me sometimes whether I thought it would be better for him to live in the village. He said there he could have people care for her more and wouldn't have so much work to do, but, of course, he loved the place and he was always torn between those two things.

PICKARD: What about any quarrel between the two?

NATALYE: I don't think there was any except she would be indignant sometimes when he didn't come down on time. He slept until about eleven in the morning and sat up until about two, milking the cow, and then reading.

PICKARD: Did you ever hear any quarrels or anything of that sort between them?

NATALYE: Not ever. Of course, she would say, "Oh, Billy, hurry up. I was waiting. I was waiting." But I don't think she ever got very angry. And I never saw him angry with her.

PICKARD: Just impatient, the way a wife sometimes gets when her husband doesn't hurry up a bit?

NATALYE: Yes.

PICKARD: Did Mr. Dean ever express to you any fear of anybody?

NATALYE: No, I don't think he feared anything. He often talked about death and what happened to us afterwards, and he said he was perfectly sure that nothing could hurt us after this life. Of course, he

was always very much afraid for her. He was afraid she would commit suicide, and he would hide everything she possibly could do that with.

PICKARD: Did you notice that she had any suicidal tendencies?

NATALYE: Well, she used to get very discouraged and say that she wished she was dead, and she would pull her face and say, "Oh, my head always hurts so much. If I would die my head wouldn't hurt." And he once told me that she asked him to take her out and put the little thing to her head he put to the animals when they were too old to live, and then she wouldn't suffer any more, and he said it hurt him terribly to have her feel that way.

PICKARD: Did she ever say anything to you that would lead you to believe that she was afraid that anything would happen to Billy?

NATALYE: No. The only thing she said was that he worked too hard. She was always talking about his working too hard, and we told her that most of the time he was just sitting there talking, but still she thought he worked too hard.

PICKARD: Who did the housework down to the house?

NATALYE: She did the housework mostly.

PICKARD: Do you know about her habits of eating, whether she ate with him or not?

NATALYE: She ate hardly anything, and very often she would sit at the little table and just eat a piece of bread. I think he always ate a little more, and he always liked to have everything very neat looking.

PICKARD: Did you know any quarrel that Mr. Dean had with Mr. Colfelt?

NATALYE: Nothing serious. They sometimes used to get angry about little things. Oh, whether they would put the turkeys in one place or another, or something of that kind, or the turkeys got on top of the automobile and scratched it. But it was nothing at all serious, that is, they always made it up afterwards and I think he liked Father very much. I remember one thing he said one time when he saw his flower in the buttonhole, "You look a younger man than you are."

PICKARD: Did you ever hear Mr. Dean express any feelings of hostility toward your father?

NATALYE: Oh, no. He never would have said that to me.

PICKARD: Mrs. Dean, did she ever?

NATALYE: Oh, no. She was always very pleasant to everyone.

PICKARD: Would Mr. Dean come to your house?

NATALYE: Oh, yes. He often came in the evening when he brought the milk. He used to talk to us a little while and we would make popcorn for him and things like that. He loved candy. I often got him

chocolate or made him fudge, until we couldn't get any more sugar.

PICKARD: Did he ever say anything about the mysterious lights that were flashing around East Jaffrey?

NATALYE: I remember one time, after some man of Miss Ware's had come up to do the haying, that man said something about lights being flashed around. We didn't take it very seriously, but anyway we went out pretending we were looking for things, and finally Mr. Dean said, "I guess it's wonderful lights they see."

PICKARD: Did you ever see any of those lights?

NATALYE: No, I never saw any.

PICKARD: Do you know whether your mother or father saw any of them?

NATALYE: I don't think they saw any either.

PICKARD: Did Mr. Dean say he saw any?

NATALYE: He never told me he saw any, and I never heard from anyone else that he said he had seen any either. I thought it was a sort of superstition.

PICKARD: Were there any such lights ever flashed from your house when you were there?

NATALYE: No, I'm absolutely sure there were never any lights flashed from our house.

PICKARD: What, if any, musical instruments did you have in your house?

NATALYE: We had a phonograph.

PICKARD: What make?

NATALYE: It was a Victrola, I think. It's one of those large things.

PICKARD: Any records with it?

NATALYE: Quite a number. I really don't know because we played just a few of them.

PICKARD: Where are those records kept?

NATALYE: I think they were in some of those little cases, you know, that have pasteboard things that you put the records in, and then you put the whole case in the big box.

PICKARD: Were you there when your father and mother moved away from the Dean place?

NATALYE: I was there part of the time. I was there the day they got the other place and began to arrange to have the horses go over, and then I had to go back to college, and after college I went to Silver Bay, to a Y.W.C.A. Conference, and didn't get back until July first.

PICKARD: So you weren't actually there the day when they moved the household goods?

NATALYE: No.

PICKARD: Do you know how this Victrola was moved?

NATALYE: I think they put it in the big box that always sat outside the other house because he didn't have time to put it away.

PICKARD: What kind of box was that?

NATALYE: A great big box, very heavy, I think.

PICKARD: What was it made of? Was it rough boards, or was it painted?

NATALYE: It wasn't painted. It was not very rough boards though.

PICKARD: Were there any other big boxes around the house?

NATALYE: I don't think there were. I think there was one box that we kept the horse clipper in.

PICKARD: Was that a large or small box?

NATALYE: Well, it was fairly large. I would think it ought to be that high from the table.

PICKARD: Any other big boxes around there?

NATALYE: I can't remember any.

PICKARD: How did you light your house?

NATALYE: We had lamps.

PICKARD: Didn't you have electric lights there?

NATALYE: No, I am sure there were no electric lights. The only electric thing around was the little thing Mr. Dean used to use, one of those electric battery things where you push the button and get light. A flashlight.

PICKARD: Where did he use it?

NATALYE: To go, very dark nights, from the house to the barn and back. He didn't like the dark. I know that because he said that the reason he liked us to have that big house is that there was a light up in the window, and the people who had the house before used to go to bed early. He went out to milk about eleven and the light would be out, but we always kept that light when we read. He liked it and he said he needed it very much and wasn't sad when he came back from the barn at night.

PICKARD: You heard him say that?

NATALYE: Yes. He said that two or three times to me.

PICKARD: Did Mr. and Mrs. Dean have very many callers?

NATALYE: Not at the very last part of the time we were there, I think, because she felt so very sick. But, of course, everyone used to go up to see them. She was very hospitable and no matter how tired she felt she would ask people to come in, and they would go in, and she would play the Victrola for them and they might sing the tunes, or something of that kind.

PICKARD: When did you first learn that Mr. Dean was dead?

NATALYE: I think it was two days after he was killed. I'm not absolutely certain but I'm pretty sure.

PICKARD: Where were you?

NATALYE: We went over — I had a guest staying with me, Caroline Pearson — and we went over to go to the Club at Peterborough, and Mother stopped in to see Mrs. White, and when she came out she was very much upset and we thought it was just nerves because she's rather nervous anyway, and after we got over to the clubhouse she said, "The most terrible

thing. Mr. Dean is dead." I said, "What happened to him?" and she said, "I don't know." She said, "I must go right over and see Mrs. Dean," and so she left us there and I think we tried to play golf or something of that kind, and she went over in the automobile to see Mrs. Dean. Then on the way back I got a paper. I just happened to get a paper, and I saw the whole thing.

PICKARD: So that was the first notice you had of it?

NATALYE: Yes.

PICKARD: Who stayed at your house the Tuesday night that Mr. Dean was killed?

NATALYE: Caroline Pearson was there then.

PICKARD: Who was she?

NATALYE: She was a girl at Radcliffe. She graduates this year.

PICKARD: Where does she live?

NATALYE: In Concord, New Hampshire.

PICKARD: Who else was there?

NATALYE: I don't remember whether Mr. and Mrs. Potter were there that night or not. They were there the next night.

PICKARD: Did you have an auto on the place at that time?

NATALYE: No, because Father is the only one who drives it, you know.

PICKARD: Where was his auto?

NATALYE: He put it in the garage in that town — it's a very familiar place and there's a club there. I don't know what the name of it is, but there were two chauffeurs who took him over to Portsmouth and then they brought the automobile back to him.

PICKARD: Was your father at home at Temple, or Greenville, Tuesday the day of the murder?

NATALYE: No.

PICKARD: When did he leave?

NATALYE: I think it was about three days before, but I'm not positive.

PICKARD: Were you at home when your father went to Portsmouth?

NATALYE: I was at home when he went to Portsmouth.

PICKARD: Do you remember what day of the week that was?

NATALYE: It seems to me it was Sunday, but I'm not sure. I remember, of course, Mother hated in a way to have him go because they hadn't been separated very often, but he wanted to do something at the shipyards there, and he would have begun there a long time before if he could have gotten a man to take care of the horses. You see, we had a number of horses.

PICKARD: How many?

NATALYE: There were three or four.

PICKARD: Any cattle? Cows?

NATALYE: Yes, we had one cow. And several dogs.

PICKARD: Well, now, will you tell me definitely, if you

can, what day it was that you and your mother went to Peterborough, what day of the week?

NATALYE: I think it was Thursday. Isn't that the day they always have some sort of lecture over at the club?

PICKARD: Well, I don't know. Is it?

NATALYE: I think Thursday they usually do.

PICKARD: And that was the first that you had known anything about it?

NATALYE: Yes.

PICKARD: What day did the Potters go home. Were they with you when you went to the club?

NATALYE: No, I think they had gone. They were going to visit some relatives at Newport, I think, and came up here just to see Mother, and they hadn't intended to stay, and they went back.

PICKARD: Were they with you or weren't they when you went to Peterborough?

NATALYE: They weren't with us, I don't think. No, I know they weren't with us.

PICKARD: Does your father have a revolver?

NATALYE: I don't know whether he has now. He once did. Just had one in the house. They didn't both have them, but at Harrison it's rather lonely at night and when he went away she liked to have something there in case anyone got in.

PICKARD: Does she use the revolver herself?

NATALYE: I don't know. I don't think she's ever dared, as a matter of fact, but I suppose all you have to do is to pull the thing.

PICKARD: Did you ever know whether she shot the revolver or not?

NATALYE: I don't think she has. She might have in Arizona but I doubt it very much because she's very nervous and I think the sound would disturb her.

PICKARD: Have you ever entertained at your house, or would your father and mother have entertained at your house, at any time you have been at home, or any other time, so far as you know, any German officers?

NATALYE: No, I'm sure they didn't.

PICKARD: Do you know any such?

NATALYE: No, sir.

PICKARD: Have you any friends who were born in Germany?

NATALYE: No.

PICKARD: Do you speak German?

NATALYE: Well, I had a year of German at Radcliffe. It's required there, you know, but I don't think I could speak it.

PICKARD: Does your father speak German?

NATALYE: No, he knows absolutely none.

PICKARD: Does your mother?

NATALYE: She once did, when she was little. She had a German nurse for a time, or rather I think they had someone who sat for them, but she's forgotten it now.

PICKARD: Have you heard any conversation in your family?

NATALYE: You mean in German?

PICKARD: Yes.

NATALYE: Oh, no, they never spoke any German. They seldom say anything in French, although they know that slightly.

PICKARD: Have you any photographs of pets or anything else?

NATALYE: Well, I've taken pictures.

PICKARD: What pictures?

NATALYE: Oh, of college. I took a lot of pictures of the Dean place and his turkeys.

PICKARD: Anything else?

NATALYE: Oh, everything that I could think of. That is, anything that I thought would be interesting, of course.

PICKARD: Animals of any sort, dead or alive?

NATALYE: Well, I heard something said that I took pictures of my teddy bear, and I think that's rather a joke. As a matter of fact, I did. At Radcliffe there was a girl who had a little toy dog, and another who had a doll, and I had a teddy bear, and it seems a crazy thing for a college girl to do, but they do a lot of crazy things, and we used to take those things out around the campus and we'd take pictures of them in each other's arms, and once I took all three of the animals out alone — a doll is not an animal — but the two animals and the doll, seated on the college steps, and then another girl and I took turns taking each other's pictures with the things in our arms, and I gave some of these to Mr. Dean, I think.

PICKARD: Where were they developed, these pictures?

NATALYE: Some of them were developed in Cambridge.

PICKARD: Any at East Jaffrey?

NATALYE: Perhaps. We often had Mr. Johnson at East Jaffrey develop our pictures.

PICKARD: Was there any sinister motive or design in taking those pictures by you? Was it as communications in any way?

NATALYE: You must excuse me, but that's a rather amusing question. Absolutely none. I don't think I've ever had a very sinister motive.

PICKARD: When was it ever brought to your attention for the first time that those postcards might be communication for certain messages?

NATHALYE: Well, Father said something about somebody asking him about the pictures of the teddy bear. I never heard anything like that before.

PICKARD: Was there a clock in those pictures of the teddy bear?

NATALYE: I don't think so.

PICKARD: They were taken on stone steps. What building was that?

NATALYE: That was [Barnard] Hall at Radcliffe.

PICKARD: As a matter of fact, was there any clock put over the steps of that place?

NATALYE: No. I could have brought that teddy bear with me. I have it at Vassar.

PICKARD: Did you discuss with your father, or with your mother, the very interesting and important events of the last two or three years, the war and things like that?

NATALYE: Oh, yes.

PICKARD: And would you tell us in a general way about those discussions, what form they took, and what sentiments were expressed?

NATALYE: Well, they probably weren't very far different from anything people said. Of course, we were always very glad when we won any victories.

PICKARD: And by "we" you mean?

NATALYE: The whole family were.

PICKARD: When "we" won any victories?

NATALYE: Why, I meant, of course, the United States. I suppose I might say the Allies, but I mean the United States more than any of them.

PICKARD: Some of the ancestors in your mother's family, and perhaps Mr. Colfelt's family, were Irish, or Irish extraction?

NATALYE: Yes.

PICKARD: And there might be some feeling, Irish resentment, toward England?

NATALYE: I don't know about that, but I don't think there is, but, of course, when you talk about the Irish, sometimes we had expressed a little resentment but not, of course, in the present war.

PICKARD: Did you at any time hear your father or your mother express any disloyal sentiments of any sort?

NATALYE: No.

YOUNG: Did you ever send any of those postcards of the teddy bear, etc., through the mail?

NATALYE: I think I must, to my friends.

YOUNG: To your college chums?

NATALYE: Yes.

YOUNG: To anyone else?

NATALYE: Well, to the girls at Vassar. I had friends there, too. That's why I wanted to change.

YOUNG: To anyone outside of your college acquaintances?

NATALYE: Mr. Dean, perhaps, and Mrs. Robinson. I don't know.

YOUNG: Why would you send them to Mrs. Robinson?

NATALYE: Well, because we liked each other very much. At least, I liked her very much. And I thought she liked me. And she was always very interested in things I was doing.

YOUNG: Did she ever say anything about those pictures to you?

NATALYE: I'm not absolutely certain I sent her some, but I might have.

PICKARD: Are there any figures or numbers or letters cut into or engraved upon the stone of the foundations of this Hall where you took those pictures?

NATALYE: Over the top is the name of the Hall. That's quite high, up about seven stories, I think.

YOUNG: Well, on the abutments of the porch to the door, on the stone steps, or any part of them, are there any figures or letters engraved in there?

NATALYE: I don't think so. Somebody might have put one or two in for a joke, or just idly carving, but I don't recall any.

YOUNG: Was there any purpose or intention on your part to include in those pictures that you took of the teddy bear, the doll and the dog, any figures or numbers?

NATALYE: No, none at all.

YOUNG: Did you ever hear, or know of anyone, that had any ill-feeling or hatred or dislike against Mr. Dean?

NATALYE: Well, some of the men we had didn't get along with him very well.

YOUNG: Who was that?

NATALYE: There was one, I think he was Frank Romano. He didn't like it because Mr. Dean would get the barn dirty after he had cleaned it.

YOUNG: Do you think that was a strong violent dislike, or merely annoyance at Mr. Dean's conduct?

NATALYE: I don't think it was a very strong dislike, but really he was terribly angry at times.

YOUNG: Did you ever hear him make any threats against Mr. Dean?

NATALYE: He never made any threats, but he said once when he came back from the barn to me. He was terribly angry and he threw down his hat, or something of that kind and, of course, we were very agreeable to him, or anyone we had, it was so hard to keep anyone. Mother said, "What is the matter, Frank?" and he said, "That old man is getting the place all dirty again and some time you will find him hanging up in the barn," or something to that effect. I don't remember the exact words.

YOUNG: Did you infer from that that Romano contemplated injury to Mr. Dean?

NATALYE: Oh, we didn't think so for a moment, or we would have done something.

YOUNG: How long was that before you and your family, together with Romano, left the Dean place?

NATALYE: I think it was in the winter.

YOUNG: And did Romano see Dean, and Dean see him, probably every day after that until the fifth of June?

NATALYE: I think so.

YOUNG: Ever have any further trouble about it?

NATALYE: Well, he never said that again because

Mother said it was impertinent to say things about the man who owned the place and he mustn't do it anymore, but he always would say about the barn being dirty, and the turkeys.

YOUNG: Did he and Dean get along all right? Did they quarrel among themselves often, perhaps get angry with each other, or anything like that?

NATALYE: I never was there when they did anything like that. I don't think Mr. Dean would have quarreled with him. He might have been angry with him, but I don't think he would have carried on a very great conversation with him because he was rather an aristocratic temperament, you know.

YOUNG: Mr. Dean was?

NATALYE: Yes.

JURYMAN: I would like to inquire if you observed, while you were there on the Dean place, whether Mr. Dean went away from there often or not?

NATALYE: He used to drive down to the village. That was about all he did. And he very often took me with him.

JURYMAN: What time of the day was it his custom to go, or didn't he have any particular time?

NATALYE: Usually from three to five.

JURYMAN: And did he make a long stop in the village, or did he usually return?

NATALYE: He usually made quite a long stop until he got all his provisions and did things like that. I remember one time he didn't ask me to go, and I was rather hurt because he usually did ask me to go, and he did stay rather a longer time than usual, and when he got back he seemed to be in a very bad mood. He did something I never saw him do before, that was, he struck his horse rather sharply with his whip and pushed aside the cow. I said, "Mr. Dean, if you took me you probably wouldn't have gotten so annoyed. Did somebody annoy you?" He said, "Probably I wouldn't have, but there are always people to annoy you in the village."

JURYMAN: He said, "People always annoyed him in the village"?

NATALYE: Yes.

JURYMAN: He didn't suggest any particular person?

NATALYE: No, he didn't suggest any person.

JURYMAN: Do you recall how late he returned at that time?

NATALYE: I think it was about six, or half past six.

JURYMAN: That is, he probably was gone away from home two or three hours, something like that?

NATALYE: Yes.

JURYMAN: While you were there did you know of his being out late in the evening, that is, later than eight or nine o'clock?

NATALYE: When we lived at the Baldwin place he used to come to see us and stay quite late.

JURYMAN: Did Mrs. Dean accompany him on those visits?

NATALYE: Yes. She was much better then and she could travel around more. And they used to come and have dinner with us.

JURYMAN: Did you ever hear Mr. Dean say that he didn't like to leave Mrs. Dean alone, or anything in that connection?

NATALYE: Once he told me that he never cut the trees' branches that hung down in front of his place for fear tramps would come in, knowing somebody occupied the place. He liked to leave it overgrown and then nobody would be likely to come.

JURYMAN: You said you discussed things a great deal with Mr. Dean. Were there any subjects that he was interested in particularly more than others, do you remember?

NATALYE: Well, he liked books very much, to talk about books, and he did talk quite a little about death and immortality and things of that kind.

JURYMAN: Did he talk about the war any?

NATALYE: Oh, yes, he talked quite a good deal about the war.

JURYMAN: What was his attitude on that? Was he quite enthusiastic or otherwise?

NATALYE: Oh, yes, he was very enthusiastic. I think he bought Liberty Bonds and things like that.

JURYMAN: Did he criticize people at all with regard to not entering into it more, that is, any of the local people that you remember of?

NATALYE: No, I don't think he did. I think he was very proud of New Hampshire.

YOUNG: How long before his death was this instance you spoke of when he came back from the village a bit annoyed and you suggested if you had gone he wouldn't have perhaps been annoyed?

NATALYE: That was in the fall when he did that, just before I went to college.

YOUNG: College opened when?

NATALYE: It was about the middle or 20th, I think, of September.

WITNESS DISMISSED

CHARLES L. RICH

Direct Examination by Mr. Young

YOUNG: What is your business?

RICH: Cashier of the Monadnock National Bank.

YOUNG: Any other occupation?

RICH: We have a fire insurance agency.

YOUNG: Do you hold any official position in the town?

RICH: Moderator and Treasurer of the School District.

YOUNG: Have you been a Justice of the Court there?

RICH: Yes, I almost forgot that.

YOUNG: Don't have much business along that line over to Jaffrey?

RICH: Not recently.

YOUNG: How long have you been connected with the Bank there at East Jaffrey?

RICH: Let's see. I came to East Jaffrey in 1883, and been with the Bank ever since.

YOUNG: Let's see, there's now a savings bank in the same building? The Monadnock Savings Bank?

RICH: Yes.

YOUNG: Are you connected with that in any way?

RICH: As Trustee. One of the directors.

YOUNG: But you don't have anything to do with the management?

RICH: No.

YOUNG: Who takes care of that?

RICH: John S. Townsend is the Treasurer.

YOUNG: He is there in the Bank with you all the time?

RICH: All the time, except when he was at Concord at the Legislature this winter.

YOUNG: When he isn't there do you take care of the Savings Bank end of it?

RICH: Well, yes. I have three assistants and when he is out some of us take care of his work. One of the four.

YOUNG: What are the names of the assistants?

RICH: There's Mrs. Rich, my wife, and Miss Henchman, and Mrs. Clara Cutler, and a Miss Ruth Tenney.

YOUNG: How long had you known William K. Dean?

RICH: His deed was dated in 1886 when he bought . . .

I don't know that I knew him before that. I think that's the date of his deed, when he bought the farm.

YOUNG: And you became acquainted with him at that time?

RICH: Yes.

YOUNG: And continued the acquaintance and knew him up to the time of his death?

RICH: Yes.

YOUNG: And what were your relations with Dean, friendly or intimate, or what?

RICH: Why, became intimate. I would have to describe Mr. Dean to make anybody understand just what that was.

YOUNG: Go ahead in your own way.

RICH: Mr. Dean was a man who didn't care a fig for business. He never wanted to earn any money. He had some things he was perfectly willing to give away, and he made it his strong point to entertain his friends, and there was no one that ever came to Jaffrey that wasn't welcome at the Dean house, and in the winter time when the evenings are long, Mrs. Rich and I would venture over once a week at the Dean house. He wouldn't often return the call, but he would make you feel it was the highest pleasure he ever had to meet you.

And Mr. Baldwin, he is a wealthy man who came up from New Orleans, entered into this really more than he thought. He entertained summertimes when he was there, and Mr. Dean, when he could, every day, played golf with him. And every day I could leave the Bank, he would have dinner after banking hours and invite us up, and he introduced other friends, and wanted us to enjoy ourselves if there was anything occasionally to do.

And he gave Mr. Dean a billiard table, something to pass the long evenings of the winter, or any time of year for that matter, if I could get away, but evenings I had to go, and it was a most intimate friendship.

It was a place to go. You weren't welcome if you talked business, you weren't welcome if you talked politics — he didn't care anything about voting for town affairs, seldom went to church, although he was quite a man to talk religion. His father was a missionary in China, where Mr. Dean was born, so he had a natural bent for religion.

I don't know as I need to go further to show that it was a place you could top off your day's work and you wanted to go where they didn't talk business or politics or making money or losing money or anything of the kind. Just talk about the news of the day, and he had some pipes which he put up over his fireplace and marked them "Rich," and he would take them down. I could go on for an hour and tell you, but I don't believe it is of itself of interest.

YOUNG: How much did you visit at his house?

RICH: During the year when there was leisure, but more through the long evenings of winter than in the summertime for he had quite a little land to take care of around the house and couldn't get away so much. But once a week, I guess, and I wasn't the only one in this, really. Mr. Davis and Mr. [Jackson] who were congenial spirits, exchanged visits and also joined in from time to time. I went oftener than they.

YOUNG: Did Mr. Dean visit at your house also?

RICH: He wasn't a great hand to return visits. Sometimes Mrs. Rich and I questioned whether we should go every time he invited us, but we always told him he mustn't invite us to that extent of his time. In connection with that I might say, lest I forget it, that he always wanted me to telephone up so that he could get his chores and his milking done before we arrived. Mrs. Rich generally went with me if there was room in the buggy.

YOUNG: What was his habit and practice about milking, if you know?

RICH: I don't know exactly when I wasn't there, but when I was there he milked between eight and nine o'clock so as to be through when I arrived. He never was ready to visit much before nine o'clock. It made it rather late for a businessman to get in much of a visit and get home to get his sleep — I realized that

the next morning — but when I wasn't there I wouldn't be positive, but I know it was late. Someone undoubtedly will know.

YOUNG: He had no occupation of his own?

RICH: He had that farm but he hired help when he could. He rarely planted anything. Later he found it better to rent his main house and live in his bungalow. He raised something for the garden, or allowed the guests to do what they were a mind to with it.

YOUNG: But in the season of 1918 he didn't even plant a garden, did he?

RICH: I don't know that he did. I didn't see any.

YOUNG: So he could lie abed as late as he was a mind to in the morning?

RICH: He was sure to do that.

YOUNG: Did you ever talk with him so as to know what time he usually got up?

RICH: No, I never did, but the smoke from his chimney is in sight of my house and I started my fire first always, no matter what I did, and I think Mrs. Dean started his. I'm not sure of that, but I know she did sometimes. It would be eight or nine o'clock before the smoke would come out.

YOUNG: How far apart are your houses? How far did you live from him?

RICH: A little over two miles, I would think. I know we laid a water main part way and that was a mile, and it must be a mile the rest of the distance.

YOUNG: What have you observed of Mrs. Dean in the latter part of her life, of late years?

RICH: Her mind's weakening is what troubled her. Mrs. Dean is the most brilliant, beautiful, accomplished woman I ever met, but she was complaining about her head considerably and couldn't remember well. Sometimes she would even forget what my name was and she would call me a stranger. When I was coming in she would be pretty sure to be out of the room, and, I don't know what they call it but it was weakening of the intellect, and she would say, "I don't want to meet a stranger."

YOUNG: They had a pleasant attractive home there on the hill?

RICH: Very.

YOUNG: They were well-read people, both of them?

RICH: The room is surrounded with books and they knew what was in them, and they had all the magazines pretty near that they could read. And Mr. Dean especially. Both read, but Mr. Dean especially read until after midnight whenever he wanted anything to do.

YOUNG: What about music?

RICH: Both of them very fond of it. Mrs. Dean used to be an accomplished musician. Mr. Dean used a player piano or the player organ or a Victrola, they had all three, but he preferred the piano and could give a pretty good concert. He would rather do it when we

arrived than anything else, to tell what selections he had and ask our opinion, especially Mrs. Rich, who is a good musician.

YOUNG: Mrs. Rich play the piano?

RICH: Yes, quite well.

YOUNG: Did she play up there some?

RICH: Yes.

YOUNG: Mr. and Mrs. Dean always interested to hear her?

RICH: Very.

YOUNG: Now, this friendly relationship which you have described continued about how long a time? Or when did it begin, perhaps, would be a better way to put it?

RICH: It grew up. I can't easily tell how soon we visited there. Mr. Dean bought the place to live in the old house and build his house. He must have been there five years, I would assume, before we visited because we didn't visit there a great deal until he built his new house.

YOUNG: When did he build the new house?

RICH: I can't tell exactly the date, but somewhere, I would think, in the 80's. Soon after he got title.

YOUNG: The new house is the one that has been referred to as the big house?

RICH: Yes.

YOUNG: And the one where the Colfelts lived one summer?

RICH: That's where they lived.

YOUNG: Dean lived there at one time after he built it?

RICH: Yes, he lived a long time there.

YOUNG: And then he decided to rent it and move back to the old farmhouse?

RICH: Yes.

YOUNG: Now, was there ever anything of an unfriendly nature between you and Dean, or between your family and the Dean family?

RICH: Never a shadow.

YOUNG: This relationship you have described as a pleasant relationship existed for a long time and continued up to the time of his death?

RICH: Up to the day of his death.

YOUNG: Neither you nor Mrs. Rich ever had any trouble or friction or ill-will or hard feeling there with Mr. and Mrs. Dean?

RICH: No, sir. Never in the world. And I don't think anybody could.

YOUNG: Well, somebody did evidently at the last night. Somebody wanted him out of the way, that's pretty evident.

RICH: I can't think how it could be, how there could be any ill-feeling. Must be, I suppose. He never had an enemy that I ever heard of, or could imagine the least ill-feeling toward him. There's a lot more to that, but it would take from now until night to tell all that

Dean has done out of pure friendship. He loved to do good.

YOUNG: To your family particularly, or everybody in general?

RICH: Well, everybody in general, but I would have to say, for I was laid up six weeks, to our family in particular. Every day something came. Literally. And I think Mr. Dean, he could write exceedingly witty, and he lived on a cent, but would laugh. He didn't care, he would feel badly if he got anything in return, and every day he sent a line down he knew would tickle a sick old fellow.

And if anyone was ill, Mr. and Mrs. Dean got something for them down to the market, or from the farm, and you never could pay them a cent. I would try to. You couldn't pay them. They didn't have a garden, we would give bouquets. They would be returned the next time they had a chance. More than you could possibly give them. They wouldn't be under obligation in the least bit. They ought not to do it, I would say, but you couldn't keep them from it.

YOUNG: I was about to ask you what their financial condition was, if you know?

RICH: Well, I never knew. They kept their money, if they had any, at Rochester, New York. From the time they came to town they always kept a small deposit in the Monadnock National Bank but didn't have much, a hundred dollars, and sometimes the other side of the balance, overdrawn.

YOUNG: What was the source of their income, if you know?

RICH: I never knew but a little of it. Mr. Dean had some bonds of the Rochester Telephone Company and the American Clay Company which he brought on, or had sent on from Rochester, and which he used as collateral on loans when he needed it, especially when he was building the bungalow, I think, fixing that up.

YOUNG: Did he borrow some money of the Monadnock National Bank at one time, or get a mortgage?

RICH: I think the mortgage was first given to the National Bank and was transferred a little later to the Savings Bank.

YOUNG: Was that what he built the new house with?

RICH: I can't tell you whether it was then, or whether it was when he built the bungalow. I would have to look up the dates to know.

YOUNG: If the date of the mortgage was December 19, 1874 and the mortgage for \$2,000, what would you say about that?

RICH: I would think he had used the money to build the new house, or finish it.

YOUNG: You would think 1894 was about the time? . . .

RICH: The National Bank has, perhaps, most of this, and the debt previously existed, so this debt must

have existed prior to the date of the mortgage if it was given to the National Bank. Must have been given, then, to help about the new house.

YOUNG: Then subsequently that mortgage was assigned to the Monadnock Savings Bank?

RICH: Yes.

YOUNG: Reduced to the extent of a thousand dollars when he sold his timber?

RICH: I think that's right.

YOUNG: And has the remainder of the mortgage ever been paid, or does the Savings Bank still hold it, if you know?

RICH: I couldn't say sure, but I think it's there.

YOUNG: Don't think it has ever been discharged?

RICH: I don't think so.

YOUNG: If the note hasn't been paid or the mortgage discharged, it's still the property of the Monadnock Savings Bank, so far as you know?

RICH: Yes.

YOUNG: Now, can you tell us anything more about their financial condition?

RICH: Mr. Dean never mentioned that to me.

YOUNG: Can you give us any idea whether they had plenty of money, what you perhaps, you might use a slang expression and call, flush? Or were they people hard up, perhaps approaching destitution?

RICH: I think I can, but Mr. Dean never mentioned it to me except when he came in to borrow a little.

YOUNG: How frequently did he borrow from your bank, or from you, if it was you personally?

RICH: From the Bank. We always considered it with the Directors. It wasn't frequent, but I can tell you all he did, but he never borrowed except, I suppose, that first must have been for finishing his house, and then the Bank still held a loan on which these Rochester bonds were collateral, I presume, for finishing the other house, the bungalow. That amounts to some \$650.

Now the collateral loan held by the National Bank was, I would say, still the first one he borrowed, as I recall it, because as I remember it that's probably the one loan which is now \$1,000. Another \$1,500 held by the Savings Bank, and the other was \$650 held by the National Bank. Probably three notes but taken as he needed them.

YOUNG: So that altogether he owed the two banks something like \$1,600?

RICH: Yes.

YOUNG: And do you know what the estates were?

RICH: No, I don't. I did know. There were two pieces, one for Mr. Dean's estate while the other was as the guardian of Mrs. Dean. I don't know where the lines go and I don't know as they did.

YOUNG: Well, at the time of his death he had Liberty Bonds to the amount of \$200?

RICH: I think that's just right.

YOUNG: Do you know where he got the money to buy those with?

RICH: He drew that from Rochester.

YOUNG: Do you know whether there was any money left in Rochester, or whether that probably exhausted his funds there?

RICH: Well, it probably exhausted it, so I've been told.

YOUNG: Well, the Liberty Bonds, wasn't it \$1,800 instead of \$1,200?

RICH: Well, I don't know. I would have to refer to the books.

YOUNG: Well, give us your idea of his financial condition. Did he have plenty of money?

RICH: He didn't have plenty of money and that's why he built his bungalow. That was Mrs. Dean's idea, so they could rent the larger house. Now I say, he never mentioned his finances to me in any way except as he came to the Bank to get a little money, but still I knew about it by Mrs. Dean who was inclined to worry a little over the finances, telling Mrs. Rich, and Mrs. Rich told me. That was the roundabout way, you see, I knew.

YOUNG: At the time of his death what was the condition of his bank account in the Monadnock National Bank?

RICH: He had overdrawn it.

YOUNG: About how much?

RICH: If I remember, \$20.

YOUNG: Had he borrowed any money of anyone, that you know of?

RICH: Not exactly borrowed. I think in 1917 the lightning did some damage to his house. I think it was in July. I know lightning hit all over town on that July day, July 27th. I was in the insurance business and had to go to almost every part of the town to see what it had done. It came in on the telephone wire at Mr. Dean's, ripped up the floor a good deal, ripped up the fireplace, and knocked the dishes off the shelf in the pantry, and the company was very busy on the other losses and they told me to settle.

Well, Mr. Dean probably wrote down an inventory that was rushed, but it amounted to over \$90, and he set such high prices on some of his crockery, he didn't call it crockery, some big name, it was a nice set, you see, that I didn't want to settle it, and he had some other things that he set a high price on and I told the company I didn't want to pass judgment, that he was my friend and if I allowed him I thought they would say that I wasn't fair to the company, so I said I wanted Dean to be treated right.

But they didn't come for some time, didn't settle until after his death, but was on the point of settling because he sent some of the provisions. The agent did come finally in 1918 and said that it was all right. But I did advance personally something like \$60, but I took it from the insurance company money. It was

personal, of course, but we kept separate accounts so we could prove that.

YOUNG: You advanced him \$60 on account of this claim of \$90 which was coming?

RICH: He wanted to sell a Liberty Bond and I said, "You don't have to do it."

YOUNG: So you have the impression or understanding that he wasn't in a financial condition but what he had to borrow on the claim?

RICH: That's certainly right.

YOUNG: And there was a mortgage of a \$1,000 on his place, and the loan at the Monadnock Bank approximating \$600?

RICH: I think that's right.

YOUNG: And when he died he left a will in which Mrs. Dean was the sole beneficiary?

RICH: All of us heard it read, yes.

YOUNG: And there was also in the safe deposit box a will by Mrs. Dean in which he was the sole beneficiary?

RICH: Yes.

YOUNG: Was there anything to your mind which suggests that there was ever any trouble or friction between Mr. and Mrs. Dean? Did they ever have any trouble among themselves?

RICH: I never called it trouble.

YOUNG: Describe it in your own way.

RICH: I'd never have known it if I hadn't been told.

YOUNG: Who told you?

RICH: Mrs. Rich.

YOUNG: How did she learn it?

RICH: We always asked the ladies, when they went, Mrs. Dean and Mrs. Rich, to go upstairs, and joined in a game of billiards. We thought it ought to be more fun than they sitting down underneath with our playing and smoking. But Mrs. Rich never did, and once I asked her why and she said Mrs. Dean would rather stay down, that she "would rather entertain me than have Mr. Dean." She was jealous and I had never known it.

YOUNG: You never saw anything of that kind?

RICH: I never saw anything. Whenever I was alone with Mrs. Dean and Mrs. Rich, or any of us were there and Mr. Dean was out, she said that, "I ought to die." She realized she was failing mentally and she "ought to die so Mr. Dean could marry him a young wife." She always mentioned that to Mrs. Rich, her many fears, but I never should have thought of anything from that jealousy.

YOUNG: And there was never anything you saw yourself personally to indicate to your mind she was jealous of him? Was there anything that indicated to your mind she was jealous of him?

RICH: I would never have thought of it myself.

YOUNG: And so was there ever anything?

RICH: Yes, yes there was. I am almost forgetting. Mr.

Dean, I told you, was a great entertainer to ladies who were there as much as men, but he treated them, as far as I could see, just the same, but they liked to go, and at the time there was a lady stopping with Mr. Baldwin, came from New Orleans, a beautiful, accomplished lady, and Mr. Dean was invited by Mr. Baldwin, and Mrs. Dean, too, to their house, probably every day when they were able to go. Dean came every day, and we were invited to dinner and to play golf. That was the basis of it.

But this lady was equal to Mr. Dean in literary knowledge and could talk with Mr. Dean, or anybody else equal to him if they came. Occasionally, I don't think it was intentional, I'm not implying anything that I would think was wrong, but they both would be downtown at the same time and this lady rode home with Mr. Dean to the Baldwin house. Or if Mr. Dean was driving on further, she would ride with him up to Jaffrey Center and back, all in the daytime, and no one ever heard there was anything wrong, but Mrs. Dean told a friend of hers, I guess I could think of her name if I tried, but it was a young lady in town, a teacher at the high school, what she thought of this accomplished woman from New Orleans, and unwisely this young girl, who was in school, reported that to the Baldwins, and there was a falling out, and Mr. Dean was loyal to Mrs. Dean and they didn't visit afterwards.

It won't take long to tell you all I know about this case, but if you want me to tell you what I think would be interesting about it, it would take a lot of time.

WITNESS DISMISSED

RECESS UNTIL 2:00 P.M.

THURSDAY, APRIL 17th
2:00 P.M.

WALTER E. EMERSON

Direct Examination by Mr. Young

YOUNG: What official position, if any, do you hold in the county?

EMERSON: Deputy Sheriff, under Sheriff [Reed].

YOUNG: How long have you been Deputy Sheriff?

EMERSON: I think eight years before this.

YOUNG: And you were Deputy Sheriff during the summer of 1918?

EMERSON: Yes.

YOUNG: You live in town?

EMERSON: Fitzwilliam.

YOUNG: That's how far from Jaffrey?

EMERSON: Nine or ten miles.

YOUNG: Were you acquainted with William K. Dean?

EMERSON: I knew him somewhat.

YOUNG: Know him personally? Ever have any business relations with him or anything?

EMERSON: No, sir.

YOUNG: Were you called there to his place at any time in 1918?

EMERSON: Yes.

YOUNG: When was that?

EMERSON: That was August 14th. Directly after dinner. About twelve o'clock, as I recall.

YOUNG: You were called by?

EMERSON: By Mr. Nute. He is a police officer of East Jaffrey, and also Deputy Sheriff.

YOUNG: And you went immediately to the Dean farm?

EMERSON: Yes.

YOUNG: And when you arrived there, who was present?

EMERSON: Mr. Hogan was there, Mr. Coolidge, I think one of the police officers, Perley Enos, and other people I didn't know.

YOUNG: And Mr. Pickard hadn't arrived at that time?

EMERSON: No, sir.

YOUNG: Shortly afterwards he did arrive with Sheriff [Reed] later in the afternoon?

EMERSON: Yes.

YOUNG: Just when did the Medical Referee, Dr. Dinsmore, come?

EMERSON: I think around four o'clock. Later in the afternoon.

YOUNG: The body had been discovered in the well, I assume, when you got there?

EMERSON: Well, the Stratton boy had hooked it up, so he told me.

YOUNG: The body wasn't removed from the well until Dinsmore and Pickard arrived?

EMERSON: No, sir.

YOUNG: Were you present when it was removed?

EMERSON: Yes.

YOUNG: Helped with it?

EMERSON: Yes.

YOUNG: Who else assisted in removing the body from the cistern?

EMERSON: The undertaker, Mr. Leighton, assisted, and I helped, and there were several people around the well there who helped.

YOUNG: When Mr. Dean was taken out of the cistern, I heard from Sheriff Reed that his hands were tied together behind his back and his knees were tied together with rope, and there was a rope around his right wrist, was it?

EMERSON: Yes, there were two ropes on his wrist.

YOUNG: Wound around in a sort of half slipknot?

EMERSON: Yes.

YOUNG: A 3/4-inch rope wound around his neck?

EMERSON: Yes, with the ends in the back.

YOUNG: And outside all this was a sack, a potato sack, whatever you're a mind to call it, a burlap sack, and underneath the sack was a horse blanket, and between the horse blanket and the sack was a 27-pound rock. All of this, as I have stated it, is pretty correct?

EMERSON: Yes, pretty correct.

YOUNG: Did you notice any wounds on Mr. Dean's head?

EMERSON: Yes.

YOUNG: Where were those?

EMERSON: Up on the side of his head, here.

YOUNG: Were you present at the autopsy?

EMERSON: No, sir.

YOUNG: After the body was removed from the well, where was it taken for the autopsy?

EMERSON: The undertaker took it into the Dean house, and from there I think it went to his rooms in East Jaffrey.

YOUNG: Now, Mr. Dean was dressed with a pair of short riding breeches?

EMERSON: Khaki short pants and long black stockings.

YOUNG: And white rubber-bottomed tennis shoes, sometimes so-called, over which there were black overshoes?

EMERSON: I don't recall the overshoes.

YOUNG: The upper part of the body was covered with a thin shirt?

EMERSON: Yes, a soft colored shirt.

YOUNG: No watch or valuables on the person, so far as you know?

EMERSON: No, sir, so far as I know.

YOUNG: After you arrived there, before the body was removed, having been informed the body was in the well, did you make any investigation or examination of the premises with a view to ascertaining how it happened to be there?

EMERSON: Why, prior to Mr. Pickard's arrival I looked the place over a while, and Mr. Lord and myself made quite a search after they had him out of the well.

YOUNG: Did you see the blood stains and the evidence of the assault down at the barn?

EMERSON: Yes.

YOUNG: That's about 150 to 175 feet from the cistern where he was found?

EMERSON: 175, perhaps, or a trifle more.

YOUNG: And it's a hill from the stable to the cistern?

EMERSON: Yes.

YOUNG: What was the condition of the surface of the earth between the barn and the cistern?

EMERSON: Hard coarse ground, and sometimes I guess it had been food for the cow occasionally.

YOUNG: Grass a few inches in length?

EMERSON: Yes.

YOUNG: Did you make an examination of the ground

between the stable and the cistern with a view of ascertaining whether anything had been hauled or dragged against it?

EMERSON: Somewhat.

YOUNG: Anything in evidence?

EMERSON: Not positive.

YOUNG: Any evidence you think might have been evidence of something having been dragged along the grass?

EMERSON: No, sir, not away from the porch.

YOUNG: Shortly after you got there, or perhaps you better state what time it was that the thunder shower began?

EMERSON: I think it was a little past five. It wasn't very long after we got him out of the well and we took a short time to look around.

YOUNG: That was a severe shower?

EMERSON: One of the worst I ever saw.

YOUNG: Sufficient rain fell so as to obliterate signs left which might have been traced?

EMERSON: Every trace outside the road and the driveway had been absolutely obliterated.

YOUNG: Had you looked for automobile tracks?

EMERSON: Tracks. I have since. We didn't outside of the road. We didn't take time.

YOUNG: In such examinations as you made yourself, did you find any tracks of any kind?

EMERSON: After the shower was over I took the two officers and saw where there was a car or two turned out on the north side of the place, that is, going north beyond the driveway and his place, but it might have been caused from anything other than this.

YOUNG: Did you ever find any tracks down on the old wood road? Did you see those?

EMERSON: Yes, I was with Wellington at that time. They appeared to go across the swamp. There is a track down there by the house and those appeared to go across on to the wood road, which went on to another road leading to the Peterborough Road.

YOUNG: Could you see where a car stopped?

EMERSON: There was no car connected with those tracks. They were footprints. That is, in the swamp and the wood road.

YOUNG: Did you see any automobile tracks at any place, on any of the wood roads or other roads in that immediate vicinity?

EMERSON: I saw nothing down on that cross road at all.

YOUNG: On any other road except the ones you have mentioned up by the Dean place?

EMERSON: Yes, where the grass turned out, but you wouldn't connect that with this.

YOUNG: Was there any place in the woods where a car had stopped or turned around?

EMERSON: I don't recall that, but that must have been on the south wood road.

YOUNG: Had you heard about it?

EMERSON: I heard some talk about it, a little bit.

YOUNG: Do you know who saw that?

EMERSON: I don't know. I think George Wellington might know.

YOUNG: This cistern has been described as an excavation in the earth somewhat in a circular shape. About how deep would you say it was?

EMERSON: I think it was some six feet of water, or a little more. Some seven feet total depth as I recall.

YOUNG: How large in diameter on the bottom?

EMERSON: About six feet I would say, or a trifle more.

YOUNG: And the opening on the surface of the ground was about how big?

EMERSON: About three feet and a half.

YOUNG: That was covered with boards nailed together to be in a size to form a circular shape and that lay down over the opening?

EMERSON: Those boards were set and then that was placed on top.

YOUNG: Was the cistern, or the well, whichever way you want to call it, high enough above the ground and of sufficient prominence so as to have attracted attention to one who hadn't known it was there, would you think?

EMERSON: Yes. Oh, yes. Plainly visible from around the driveway there anyway.

YOUNG: Or from the barn?

EMERSON: Oh, yes.

YOUNG: Persons there in the night might have found it but there wasn't anything that stuck up so it would attract attention in the night, was there?

EMERSON: If they went around the house they would see it at the first time around.

YOUNG: Did you see any place where it looked to you as though this rock, which was found inside the bag, had been taken or moved from?

EMERSON: There was one place on the east side of the house within some eight or ten feet of the cistern that looked as though some stone had been pulled out.

YOUNG: A stone the same in size and shape to the one found on the body?

EMERSON: Same in size and shape. That stone had, as I remember when we took it up, some scratches on it. That might occur from the stone being thrown over, and that led me to believe it was perhaps taken from the pile, which was some of those dumped down to level the earth a little better.

YOUNG: Now, afterwards this cistern was pumped out?

EMERSON: Yes.

YOUNG: Who did that?

EMERSON: I did that with a couple of men.

YOUNG: What did you use?

EMERSON: I used a three-inch diesel gasoline driven pump.

YOUNG: You lay it up there and pumped out the cistern?

EMERSON: Yes.

YOUNG: And also the other wells on the place?

EMERSON: Yes. The cistern was done the second day after taking him out.

YOUNG: Now, after the water was pumped out of the cistern did anybody get down in there to see what was left?

EMERSON: Frank [Barrison], one of my men, got down in there and stayed in there continuously until all the water was taken out.

YOUNG: After the body was taken out was the cistern examined?

EMERSON: It was.

YOUNG: This man who was down in there, did he look it over carefully?

EMERSON: He did, for everything.

YOUNG: What, if anything, was found?

EMERSON: A tobacco box.

YOUNG: Who found it?

EMERSON: Mr. [Barrison] handed it out. I saw it when the water was two feet deep in there. It was plainly visible on the bottom, and I told him to leave it there until he could get it in his hand, and then he picked it up and handed it to me, and it lay in the sun there in the presence of the man who was to assist us and myself for some little time.

YOUNG: Then what was done with it?

EMERSON: We took it away with us.

YOUNG: In whose possession has it been since?

EMERSON: It went over to the village in Charlie Baldwin's possession and I have had it ever since, with the exception of some three or four weeks DeKerlor had it. Or Kent, of Jaffrey.

YOUNG: What did he have it for?

EMERSON: He came to my house with Mr. Humiston in East Jaffrey where he lived and asked me to show the box and photograph it, and I gave him the box in the presence of Mr. Humiston at my house, and he took it away and kept it, I think, some two or three weeks, at which time I got it given back. I went to Humiston several times to get it but wasn't able to get it. Finally I sent my daughter with an order and she got the box and delivered it to my possession.

YOUNG: Have you it now?

EMERSON: Yes.

YOUNG: Is it in the same condition that it was when it came out of the water?

EMERSON: Other than its being dry.

YOUNG: Was there anything in it when you found it?

EMERSON: Yes, what you find there now, and it was wet. This is the one statement by the Justice of the Peace that I had those two men make before the

Justice of the Peace, in that solemn setting, that's the box they found in the well. Those two witnesses are both available.

YOUNG: Well, I guess there's no dispute about the box, is there?

EMERSON: No, I guess not.

YOUNG: This is a metal box, perhaps somewhat silver plated. I would think so. It looks like an old-fashioned snuff box, and on the lid are engraved the initials "H.W.D." And before this the contents were all dried up. What was that, tobacco?

EMERSON: That was tobacco for rolling cigarettes, and the papers also were in there.

YOUNG: The papers were little thin rice paper such as they use in rolling cigarettes?

EMERSON: Yes.

YOUNG: You gentlemen may pass that around if you want to, only don't spill out the contents.

Have you heard anything about any other cigarette case?

EMERSON: Yes.

YOUNG: Where was that, and what about it?

EMERSON: The first time I saw it was at the bungalow, so-called, at the Dean homestead.

YOUNG: When was that?

EMERSON: The afternoon when he was taken out of the well. The second day after. I don't recall definitely.

YOUNG: Now, this other cigarette case you speak of, what did that look like?

EMERSON: A box such as was used. I think a thin smaller box.

YOUNG: Have anything in it at the time?

EMERSON: I didn't look in it. It was against the window ledge in the kitchen down at the Dean bungalow.

YOUNG: Have you ever taken any pains to inquire whether this one you brought here was Mr. Dean's or not?

EMERSON: I submitted that box, in the presence of Mr. Scott, to Mr. Cleaves of West Rindge and he said that appeared to be the same box he had seen Mr. Dean roll cigarettes a great many times. He played billiards with Mr. Dean a great many times. Mr. Rich, he didn't think of it as being Mr. Dean's box he used most of any.

YOUNG: Did you ever find out anything about this other one you spoke of?

EMERSON: I saw one in Humiston's house, I think.

YOUNG: Who has that now, if you know?

EMERSON: I don't know who has it now.

YOUNG: You understand there was a box taken from the house and by mistake labeled "taken from the well"?

EMERSON: Yes.

YOUNG: Whose mistake was that, do you know?

EMERSON: I don't know as I could definitely place that.

YOUNG: Was it a mistake, or do you think somebody was intending to cover up something?

EMERSON: I didn't think they were intending to cover up anything.

YOUNG: Do you know how it happened it was marked "taken from the well"?

EMERSON: I don't exactly. It was marked with the paper in it when I saw it, and in the presence of Mr. Scott I took this box out of my pocket, laid it on the table, and said that was the box.

YOUNG: Did you ever tell him about the two boxes?

EMERSON: No, sir.

YOUNG: Did they inquire of you about it?

EMERSON: Mr. Kent made some talk about the other box at one time.

YOUNG: What did you tell him?

EMERSON: I don't think I explained very much other than to say that the box that he knew about in my possession was the only box that was in the well and that I had never said anything different.

YOUNG: Well, there wasn't but one box found in the well?

EMERSON: No, sir.

YOUNG: That's the one? The one we have here? And the other one, if there was one, was found down to the house? That's the one you saw?

EMERSON: As I understand it, yes.

YOUNG: And there never was any claim that that one that was down to the house was taken to the well?

EMERSON: Not on my part.

YOUNG: Did anyone connected with the case, that represented the county or the state?

EMERSON: No, sir, not that I know of.

YOUNG: Did you have any talk with Mrs. Dean on the afternoon of the day the body was found?

EMERSON: Very little.

YOUNG: Did she know that the body had been found until some time afterwards?

EMERSON: My answer to that would have to be what somebody else told me.

YOUNG: Well, did you at any time ever have any talk with Mrs. Dean, or overhear any conversation with her, with regard to Mr. Dean?

EMERSON: Oh, yes, I talked with her at various times afterwards.

YOUNG: Did she ever make any statement to you about Billy being dead before she knew he was dead in fact?

EMERSON: The first statement of her talking to me was that afternoon before we took him out of the well, and her statement at that time was that Billy was gone, Billy was gone.

YOUNG: Did she say where?

EMERSON: She pointed down in a southerly direction saying, "Down in there. In a hole down in there."

YOUNG: Did she say anything about deep water?

EMERSON: I don't recall the deep water to me at that time.

YOUNG: Did she, that afternoon, say that he was dead at any time in your hearing?

EMERSON: As I recall, she said she thought he was dead.

YOUNG: Anybody ask her why she thought so?

EMERSON: I don't think so. I don't recall it.

YOUNG: Did you hear her say anything about going away from there, or giving away any of her things or property?

EMERSON: She mentioned that, but not the afternoon that we took him out of the well, as I recall. It was a later day, either one or two days after. She was doing that the day I pumped the cistern there.

YOUNG: Did she understand what you were doing, do you suppose? Did she come up where you were working?

EMERSON: She didn't understand what I was doing when I pumped the cistern, but did when I was pumping the well, because she came out and asked what I was doing and I told her I was going to pump the well. She raised some objection and I told her I was going to clean the well all out so the water would be all right.

YOUNG: She didn't understand you were looking for anything in particular?

EMERSON: No, sir, not in particular.

YOUNG: There's another well up to the south of the house and bungalow. Did you pump that out?

EMERSON: Yes.

YOUNG: What was the object in pumping out those wells?

EMERSON: To see if we could find the implement he might have been struck with, or the milk pail.

YOUNG: At that time Mrs. Dean had reported that the milk pail he used was the tin pail with the strainer on the side of it?

EMERSON: Yes, she always reported it to me that way.

YOUNG: And she claimed that's what he used to milk with that night?

EMERSON: Yes.

YOUNG: And that's what you were hunting for?

EMERSON: Yes.

YOUNG: And afterwards it was concluded maybe he hadn't used the tin pail but used the white and blue enamel pail?

EMERSON: It was the white enamel pail, blue streaks on the outside.

YOUNG: A pail that holds eight or ten quarts?

EMERSON: Yes.

YOUNG: You became satisfied from your investigation later that it was the enamel pail which he used that night?

EMERSON: Not definitely, but reasonably so, yes.

YOUNG: It became a question whether you relied on her or someone else?

EMERSON: No, sir, we relied on outside witnesses on that.

YOUNG: Did the outside witnesses give you the impression, or the information, that it was the enamel pail that he used that night, or how did you get it?

EMERSON: Two witnesses for the enamel pail, and we had two or three for the strainer pail.

YOUNG: So it never was quite settled in your own mind what he had used?

EMERSON: Not definitely, no.

YOUNG: But insofar as you have any inclination to adopt one theory more than the other, you are slightly inclined towards the enamel pail, are you?

EMERSON: It was on account of certain witnesses I interviewed who seemed to be in a position where they should know.

YOUNG: Now, did you talk with Mrs. Dean anything about her husband's whereabouts the night before the murder?

EMERSON: Yes.

YOUNG: What did she tell you as to where he had been?

EMERSON: Down to the village to the store.

YOUNG: Did she say about any particular place where he had called? That is, I mean that he reported to her when he got home?

EMERSON: Yes. At Mr. Rich's.

YOUNG: Did she tell you who Mr. Dean said was there?

EMERSON: Yes. Miss Hodgkins.

YOUNG: Did she say anything about Billy's bringing home anything in the wagon?

EMERSON: Yes.

YOUNG: Can you relate that just as she told you?

EMERSON: She spoke of the groceries which he brought in and took out of the team. Also there were some flowers that were sent to her.

YOUNG: Did she say who Mr. Dean said sent the flowers?

EMERSON: Spoke of the Rich people in general.

YOUNG: Did you see the flowers?

EMERSON: Not to take particular notice. I might have and not noticed them.

YOUNG: Were there any flowers there?

EMERSON: I think there was a bouquet all the time on the table there.

YOUNG: Did she say anything about any canned stuff or preserved fruit that Billy brought home?

EMERSON: I don't recall that. She spoke to me about

some particular thing that she ate herself, of his bringing there, and at this moment I can't tell that, but it might come to me later. It was some particular article of food that she ate.

YOUNG: You were together with her quite a few times?

EMERSON: Oh, several times, yes.

YOUNG: How did she appear to you as to being rational or otherwise?

EMERSON: Oh, I never saw her rational really at any time. Perhaps for ten seconds or more she was speaking one or two words you might think she was going to be, but she would go right back.

YOUNG: It was hard to keep her mind centered on what you were talking about?

EMERSON: Yes.

YOUNG: You asked her a question and she would answer way off?

EMERSON: Before she finished her sentence she would be off.

YOUNG: And then when you brought her back to the original story she would stick with it a few seconds and then be off somewhere else?

EMERSON: Yes.

YOUNG: That's the experience you had with her?

EMERSON: Yes. And after a short examination she would get very tired, almost completely exhausted.

YOUNG: And never seemed to explain in rational ways at all?

EMERSON: No, sir.

YOUNG: What was her physical condition, as you recall it?

EMERSON: I didn't call it good at all. One afternoon about two o'clock we waited until we could get a chance, without anybody else being in the room with her, to start in and make a thorough examination of her statements, and she went along between forty and forty-five minutes and her eyes began to close, and she was sitting on the couch hammock there, and she began to topple and waver, and I suggested to Mr. Scott we better give her a rest, and we stepped up, led her over on to the couch — it had a cover that was there — and covered her up, and it wasn't sixty seconds from the time I had finished that she was sound asleep, totally exhausted, right in our presence.

YOUNG: Mr. Scott was the Pinkerton investigator? He was working with the County authorities?

EMERSON: Yes.

YOUNG: Did you know the Colfelts at all?

EMERSON: I never knew them until the night he was taken out of the well.

YOUNG: The night Dean was taken out of the well?

EMERSON: Yes. That night I met the pair of them.

YOUNG: Who did you meet that night?

EMERSON: I went to Greenville and saw Mrs. Colfelt in her own house and in her own yard.

YOUNG: What was the purpose of your going over there to the Colfelts?

EMERSON: To see if we could get any information regarding the Dean people, etc.

YOUNG: Did you tell Mrs. Colfelt the object of your visit?

EMERSON: I didn't that night.

YOUNG: What excuse did you make for getting in touch with them?

EMERSON: Took some water out of the radiator and then drove up the yard toward the kitchen. I had the young man with me who moved them over there and I sent him in for water, and while he was in getting it I drew it out of the radiator so as to stay there for a while.

YOUNG: So as to make an excuse for a longer visit?

EMERSON: Yes. We stayed without creating any suspicion at all. She doesn't know today that I was the man that was there, although I have met her since several times.

YOUNG: Did you have any conversation with her?

EMERSON: Some, yes.

YOUNG: What, if anything, did she say about Mr. Colfelt, where he was?

EMERSON: She said he had gone to work for the government.

YOUNG: Was there anything that attracted your attention in her appearance?

EMERSON: Yes.

YOUNG: What was it?

EMERSON: She was very nervous. The boy went in first, the young man got the first two pitchers of water, and then later I went in. She was nervous. I heard her reply to his first inquiry as to where Mr. Colfelt was, how long he had been gone, and she said he had been gone six weeks, and later she came out to the car. She didn't know I overheard the first question and I asked her how long Mr. Colfelt had been gone. She said six weeks, and I waited a few minutes and then I asked her again, in a little different way, "You say he's been gone a month or six weeks?" She said yes.

We then backed the car down and went down in front of the barn and I stopped the car to get out, intending to interview the coachman a little, and she immediately came down that way. I stopped the motor and she came down and wanted to know what I was down there for, and I told her the engine was somewhat warm, it was particularly muddy going, and I thought I would wait a few minutes before going ahead. I said a few words to the man at the barn and asked him where the big motor car was, the Marmon, and he said it went away with Mr. Colfelt.

She closed up then and he immediately stopped talking.

Back in the background I saw a man standing with light-colored trousers on, and he stayed back there and overheard all our conversation. She inquired of me as to why I had stopped at the barn, wanted to know what I wanted, etc., a couple of times, and finally I saw she was going to hang around there all the time, and I got into the car and came over to Keene.

YOUNG: You didn't have any further conversation with the coachman?

EMERSON: I couldn't at that time because she stayed right there.

YOUNG: Did she have anything in her hand when she came to the door?

EMERSON: I don't recall that she did.

YOUNG: Have you ever known it was claimed by anybody that she had a .38-caliber revolver in her hand when she came to the door?

EMERSON: I never heard it, and didn't see her so do that night.

YOUNG: Who would have information enough that she had one if you and the boy didn't see it?

EMERSON: Davis, he would have known. There was no one else there that I know of that would report it.

YOUNG: You didn't see any gun?

EMERSON: No, sir.

YOUNG: As far as you know, Davis didn't?

EMERSON: He never told me she had one, and he would have mentioned one if she had, I think. He has been with me on some of these cases.

YOUNG: You don't know who those people were within the Colfelt house that night?

EMERSON: We have information, I think, which tells. I don't recall their names here.

YOUNG: Was it Potter?

EMERSON: Yes, Potter was one name, as I recall it.

YOUNG: And a Miss Pearson?

EMERSON: I don't recall that.

YOUNG: And another young lady, or don't you know?

EMERSON: I don't know about those. There were other people in the house that I didn't see, other than hearing their voices through the window.

YOUNG: How did you find out those people's names were Potter?

EMERSON: The next morning before daylight I went back to Jaffrey and I sent three men over there to see who came and went from that house that morning.

YOUNG: The Colfelt house?

EMERSON: Yes.

YOUNG: Who came and went?

EMERSON: The Potter people were chauffeured from the railroad station with their baggage.

YOUNG: Did you go?

EMERSON: I didn't.

YOUNG: Who did see them?

EMERSON: George Wellington, Davis, and a man by the name of Gilsun who was chauffeured there.

YOUNG: They were over to the station?

EMERSON: Greenville.

YOUNG: That's the nearest railroad station to the house where Colfelt lived in Temple?

EMERSON: Yes.

YOUNG: Where were you that morning?

EMERSON: I stopped at Jaffrey and did some business on the case. I think I was up to the Dean farm, I think, during the forenoon, and in the afternoon I was at the Dean farm between three and four when Davis, Wellington, and Gilsun appeared back with the report.

YOUNG: And their report in substance was what?

EMERSON: That the people were chauffeured and their baggage went with them, but they didn't see anything of Colfelt himself there.

YOUNG: Did they give you a description of those people?

EMERSON: They did. George Wellington has that description.

YOUNG: Now, did you ever check up to find out who they were?

EMERSON: It was done.

YOUNG: By the Department of Justice?

EMERSON: I understand so, and the County together.

YOUNG: You don't know what they found out about them?

EMERSON: No, sir, I've never talked with the Department of Justice with regard to that.

YOUNG: Now, what else do you know about this? Make it as complete as you can. Go ahead and tell whatever else you know about this case, or of importance in connection with it. We may overlook some things you know about if I continue to do it by questions.

EMERSON: I think most of the investigation was given me by the County, and in statements probably.

YOUNG: I know, but the Jury didn't know about that. We want you to tell them, see?

EMERSON: The question, what I really know about it, is a little bit hard to answer.

YOUNG: Have you ever seen any of those lights over around there?

EMERSON: No, sir. I thought I did. I went out for about five nights quite late. The only thing I saw in the way of a light was one night a slight flash on the north side of Temple Mt., which for a little while I thought was going to develop something, but nothing ever occurred. It was probably what an automobile might give a reflection from. That's the only thing I ever saw from the Dean house. The other lights turned out to be a star or something like that.

YOUNG: Did some of those varied colored lights in

the sky that were supposed to have been discovered later develop to be planets or stars?

EMERSON: Yes, they did, as far as I'm concerned.

YOUNG: I take it you regard the lights over in that vicinity with some degree of skepticism, do you?

EMERSON: I couldn't give a no definitely, or argue with anyone who could believe at any time, but I never saw anything that I was sure had anything to do with it.

YOUNG: Do you know anything about the Colfelts that you haven't stated?

EMERSON: I think that some other witness would be able to tell about his whereabouts and his car conditions better than myself.

YOUNG: To go back once more to this revolver theory, did you ever state to anyone that you noticed that Mrs. Colfelt had a .38-caliber revolver in her hand when she came to the door that night when you visited there to get some water for the radiator?

EMERSON: I didn't see it.

YOUNG: I say, did you ever state to anybody that Mrs. Colfelt had a? . . .

EMERSON: No, sir. In explanation of that, that might have started from this rumor. Somebody in Jaffrey did say to me that Mr. Colfelt owned a .38-caliber Colt pistol, and some young man in Jaffrey made some statement — this is hearsay — but somebody made a statement that he wouldn't hesitate to shoot a man if he wanted to. That's all I know about it.

YOUNG: I'm not questioning your story at all, but I want to get your statement absolutely sure, whether you have stated to anyone that Mrs. Colfelt, that you noticed that Mrs. Colfelt had a .38-caliber revolver in her hand, or any revolver in her hand, when she came to the door that night you called to get water for the radiator?

EMERSON: I never saw her have one. I never thought she did.

YOUNG: And never made a statement about it before?

EMERSON: No, sir, never. Never thought of it before.

YOUNG: Is my question the first time it ever was suggested to you that she had a gun in her hand when she came to the door?

EMERSON: Yes, it is.

YOUNG: Do you know anything about a lady's hairpin that was found near the cistern there at the Dean place?

EMERSON: I think at one time, I think I saw a kind of hairpin lying southeast of the well, but I did see one upstairs in one of the rooms, on the mattress, which I positively recall.

YOUNG: Those were both saved by someone, were they?

EMERSON: I think the one upstairs was saved.

PICKARD: They were both saved. I'll have them here.

I ought to say this, that I picked the one up myself by the well and wrapped it in a piece of paper. It's now in the same paper that it was when I wrapped it up that day. It's in my possession and has been there all the time.

YOUNG: Do you know the Riches, Mr. and Mrs. Rich?

EMERSON: Yes.

YOUNG: How long have you known them?

EMERSON: Twenty-five years.

YOUNG: Have you yourself investigated those reports that Mr. Rich was out on the street the night of the murder, in automobiles, etc.

EMERSON: I have.

YOUNG: Who knows about his being seen that night? Who are the witnesses that know about it? I don't want to miss anybody.

EMERSON: You have reference to the evening?

YOUNG: Yes, the evening preceding the murder.

EMERSON: This is a little data I've looked up since seeing you in order to refresh my memory. Miss Margaret Costello of East Jaffrey. Miss Anne M. Costello also saw him.

YOUNG: You have interviewed them?

EMERSON: Last night in the presence of Mr. Hogan we interviewed Miss Costello. Her statement is here and I asked her if she would sign this before a Justice of the Peace and she said she would.

YOUNG: The Solicitor knows about this? Does he know?

PICKARD: I have not seen that statement.

EMERSON: I have not been able to see him or telephone him. He would have known about it if I could have done it.

YOUNG: Your interview with the Misses Costello was last evening?

EMERSON: Yes, last evening. There's one other thing here which I didn't take down owing to her not agreeing with one of these other ones. I wanted to talk with her again after she talked it over.

YOUNG: You say Mrs. Chamberlain professes not to know anything about it?

EMERSON: Yes, she always professes she didn't know anything about it. Miss Chamberlain and Mrs. Chamberlain said she didn't see Mr. Dean after he passed her home going towards home.

YOUNG: Is she coming?

EMERSON: If we ask her to.

YOUNG: Now, do you know anything else about this matter from your investigation? Is there any other fact you can state to us that will throw any light on this situation? If so, go ahead and state it. I mightn't have covered all the ground.

EMERSON: We searched the barn pretty thoroughly for implements and for the pail, or any implements that might be used to wound or destroy, etc., with

various people I had with me. Some of the time I had a police officer from Keene, and other people we had, too.

YOUNG: Did you find the pail?

EMERSON: No, sir, we didn't find anything.

YOUNG: Did you see anything of this imprint in the hay as though somebody had lain on the hay?

EMERSON: Yes.

YOUNG: How did that look to you?

EMERSON: That looked very much as though someone might have laid down to rest for a while. It was hardly enough to warrant saying he had stayed there overnight, but looked very much as though somebody had lain down.

YOUNG: Can you tell anything about whether it was a grown person?

EMERSON: Yes, it was a full-grown man who switched about on the hay, and the underneath would indicate that that was on the hay on the south part of the barn. New hay.

YOUNG: Who called your attention to that first, do you remember?

EMERSON: Mr. Pickard and I discovered that, and I don't recall whether he had with someone else prior to that point.

YOUNG: And you went up to look at it, to satisfy yourself?

EMERSON: Very carefully, and I took pains that no one walked in the place.

YOUNG: There's nothing, so far as you know, that you can tell us about that that will give us any more information about it other than that it was an imprint in the hay?

EMERSON: No, sir. I found one large stone fallen off the wall ahead, quite a good sized stone, nearly the size of a bushel basket, not quite, I thought had been knocked off by someone, but that might have been done by the first searchers who were trying to find where Mr. Dean was in the morning.

YOUNG: Were there any other implements or tools or possible weapons in the barn on the first floor?

EMERSON: Oh, various tools that would go with a farm. Hoes, rakes, axes.

YOUNG: Tools hung up on the side of the wall?

EMERSON: Yes, anything that would be used about the barn.

YOUNG: Any ropes there?

EMERSON: Oh, plenty of those, all lengths and sizes.

YOUNG: All hung up or lying around the barn?

EMERSON: Yes.

YOUNG: Bags there?

EMERSON: Down under the barn there were numerous bags with various marks laid up on the dashboards of the wagon.

YOUNG: Do you know anything about this wagon?

You were over there the afternoon I was looking it over, weren't you?

EMERSON: Yes.

YOUNG: What did you see? Was it rubber tired or iron tired?

EMERSON: Steel tired.

YOUNG: It was steel tired Friday when we were over there, wasn't it? And has been ever since?

EMERSON: Always was, so far as I know.

YOUNG: That's a wood-colored wagon without any seat on the back, kind of a backboard arrangement with a little nickel rolled around the back seat where you can lay a blanket in?

EMERSON: Yes, a varnished natural wood.

YOUNG: And the seat tipped up?

EMERSON: As I recall, the seat was moveable on it. I remember a place to put things in the back.

YOUNG: And then there was another seat you could tip out and sit on the back end if you wanted to, wasn't there?

EMERSON: I don't recall that. I think there was.

YOUNG: Did Mrs. Dean designate that wagon to you at any time as the one Mr. Dean used downtown that night, the last night he went?

EMERSON: I don't recall her saying that was the particular wagon. Other witnesses I think will identify that.

YOUNG: You understand that was the wagon?

EMERSON: Yes.

YOUNG: He didn't have but one horse?

EMERSON: That's all there was in the barn.

YOUNG: And the other old wagon that was in under the scaffold, did you examine that?

EMERSON: Didn't look to me as though it had been used recently. Tires not in very good condition.

YOUNG: What was the color of this one he was supposed to have used that night?

EMERSON: I think it was a light vanished natural wood.

YOUNG: Did you see any greenish colored wagons there?

EMERSON: No, sir. The farm wagon down underneath. I think the evidence will come in, or has been in, that he was seen in this wagon that you and I saw and that the blanket we found on his head was the blanket that was in that wagon when he was at the village, and the blanket he usually used with that team.

YOUNG: Did you make an examination of the inside of the barn for blood spots?

EMERSON: Yes.

YOUNG: Did you find any blood spots on the inside of the barn?

EMERSON: Didn't find any on the floor.

YOUNG: Any been pointed out to you since?

EMERSON: No, sir.

YOUNG: See any blood spots on the outside of the building, except what was on the knob and the outside of the steps to the stoop?

EMERSON: On the board and the steps to the stoop, and I did see two or three drops on the grass before the shower.

YOUNG: Has your attention been called to these blood spots on the door?

EMERSON: I think so, at one time.

YOUNG: Did you find any blood spots there?

EMERSON: Not that I thought were blood spots.

YOUNG: Do you think now they were blood spots?

EMERSON: I can't think they were.

YOUNG: Those blood spots out on the little stoop, what did they look like?

EMERSON: They were blood all right, very plain.

YOUNG: Did you see some holes in the platform there?

EMERSON: Do you have reference to where boards were taken out?

YOUNG: No indentations in the boards that were there?

EMERSON: Some scratches on either one or two of them.

YOUNG: How do you describe that?

EMERSON: Quite a little length on the two, I think.

YOUNG: Blood on those?

EMERSON: No, sir. Blood was over beyond those.

YOUNG: Did you see anything that looked like holes in the side?

(Mr. Pickard brings in board)

Your attention ever called to those holes or dents there in this board you now hold in your hand?

EMERSON: That looks to be the board we took out of the piazza, there in the piazza there.

YOUNG: Did you see these?

EMERSON: I don't recall seeing these three there, but I do recall these scratches here. I don't recall that, or that.

JURYMAN: May I ask you if that board was cut out of the platform soon after the murder, or was it a week or so afterwards?

PICKARD: It must have been two weeks afterwards.

JURYMAN: Plenty of time for new marks to get on there then?

YOUNG: There were some blood spots on the steps to the stoop, were there?

EMERSON: Yes.

YOUNG: Did you examine the outside of the door?

EMERSON: I didn't see anything on that door that I would be sure was blood.

YOUNG: And on the door knob there was blood?

EMERSON: Yes.

YOUNG: You took that to Boston and they couldn't find any fingerprints on it? And said it was a smudge rather than a fingerprint?

EMERSON: That's what they reported to me.

YOUNG: Is there anything else that I haven't touched upon?

EMERSON: Doubtless Mrs. Morison mentioned the big car that went by her house that night? That was rumor, so far as I'm concerned.

YOUNG: Were you able to trace that car anywhere else?

EMERSON: The Finn that lives on the old Weber farm there, Lippman, his boy mentioned hearing a car go by that night, in an interview Mr. Scott and I took very soon after the murder.

YOUNG: You went around with Scott quite a good deal on this matter?

EMERSON: Yes, quite a good deal, and sometimes alone.

PICKARD: I might ask you this. I don't know whether it has been asked or not. Who was with you in interviewing most of those witnesses during the investigation?

EMERSON: Mr. Scott.

PICKARD: How did you get a statement from those witnesses?

EMERSON: Mr. Scott asked the questions and took it down in writing, and then handed it to them to read, or read it over to them, asking them if that was their statement as they had understood it, and asked if there was anything he omitted to ask, any question I wanted, which I did occasionally, and in some cases they were asked to sign, but in all cases it was either given them to read, or was read to them, the identical thing that was turned in to Mr. Pickard's office.

PICKARD: Were you present when Mrs. Chouinard was interviewed?

EMERSON: I was.

PICKARD: Do you speak French?

EMERSON: I don't.

PICKARD: Her interview was in French?

EMERSON: Her interview was in French, using one of her older boys as the interpreter.

PICKARD: After your investigation are you, or any other people, so far as you know, have you been able to reach any conclusion as to who killed Mr. Dean?

EMERSON: No, sir.

PICKARD: Is there any evidence you can suggest, or noticed yourself, which would indicate who, in your judgment, committed this crime?

EMERSON: Not evidence enough so I would want to try the case, or produce the evidence, rather, for it.

PICKARD: Have you, in your investigation, secured information which gives you a basis, in your own mind, for a conclusion as to who did it, so that you feel that you know who did it, or that you have any feeling as to who did it?

EMERSON: Not to tie up to any one line, no, sir. I am

divided. I can't say who did it, but who might have done it.

PICKARD: Have you got any opinion you could express?

EMERSON: I don't care to give any opinion until I have more facts than I have now.

PICKARD: Well, I'll leave that to your own judgment. Well, that's all.

JURYMAN: By the way, you helped, or did milk the cow, the next day?

EMERSON: I didn't. George Wellington had milked the cow and was going down to the barn when I saw the milk in the pail. I took notice of the amount of milk in the pail and later took the milk pail to West Rindge where the cow was at that time. After leaving her to get a little bit used to the place, I had her milked there to satisfy myself reasonably well with regard to that.

JURYMAN: What did you call, that she had been milked before or not the night before at midnight?

EMERSON: That she had been milked.

JURYMAN: Was there any evidence of milk in any pail you found around there that morning?

EMERSON: Only in the blue pail that the milk was in.

JURYMAN: There had been milk in that pail?

EMERSON: George milked her in that pail. That was the milk in it. I saw the boy start down to the house with it.

JURYMAN: Do you know where he got the pail that morning when he milked?

EMERSON: I think he got it at the pantry down to the house.

JURYMAN: Was there anything in it when he got it?

EMERSON: I didn't understand there was. I think it had been cleaned.

JURYMAN: So if, as a matter of fact, that was the pail which Mr. Dean started with to the barn to milk the night of the murder and if, as you believe, the cow had been milked, and that was the pail that had been used, someone had carried it back to the house and washed it up?

EMERSON: Yes. She always stuck to the fact that the milk never came. That was her statement. That the milk never came.

JURYMAN: Let's see, did we ever find the old strainer milk pail?

EMERSON: No, sir, no strainer milk pail was ever found, to my knowledge.

JURYMAN: Who was the fellow that claimed he had identified the strainer pail some time before?

EMERSON: That must be our conversation with De-Kerlor out at my house one Sunday afternoon when he was there with Ken, Mr. Marsden. He said he thought he had found the implement that had been used to kill with and he found the pail that the milk was in, said he found it over there somewhere. I

didn't question definitely as to where. I asked him what about it, and he went to work and described a coal hod to me, and I finally asked him if that wasn't the coal hod, and Mr. Marsden said, "That's what he means to tell you about."

JURYMAN: He didn't say whether they milked the cows in any such thing as a coal hod, did he?

EMERSON: He said he thought that would fit well under the cow's back and be a handy thing to milk in.

I don't want you gentlemen to think this is something I brought to you. I have a couple of witnesses around who sat in my house. One of them is Mr. Marsden.

JURYMAN: Well, you probably laughed that day.

EMERSON: Well, I certainly did, and one of the witnesses was somewhat tickled.

JURYMAN: What do you say about that pail?

EMERSON: That pail is the pail that I took down to Rindge.

JURYMAN: And you say the pail with the milk in it, about how far would you say the milk came?

EMERSON: About up to here. Just below that dark spot here.

JURYMAN: Won't you please put a mark on it? (Witness shows the pail with the mark)

YOUNG: You have seen the pencil mark that I made on the pail?

EMERSON: Yes.

YOUNG: And you say the milk came, as near as you can tell, approximately at the same place where I have made a mark, so that the spot we put on the enamel is above the milk?

EMERSON: Just a trifle. That is, as I observed it with this boy walking past me. Wellington, the man who milked, should be a little more accurate with regard to that milk than myself.

WITNESS DISMISSED

LAWRENCE COLFELT *recalled*

Examination by Mr. Young

YOUNG: I now show you a little metal case. Do you recognize it?

COLFELT: I do. I would say that belonged to Mr. Dean. I've seen it, I might say, a hundred times. He constantly had it, took tobacco out of it, and he would roll his cigarettes from this.

YOUNG: Do you know what these initials are? Was your attention called to that in any way?

COLFELT: If it was, I don't remember.

YOUNG: But you have no doubt that was his cigarette or tobacco box?

COLFELT: I would certainly say it was, or one that was exactly like it. Looks like the one I have always seen him use.

There was some question about the milk pails. He had a pail that held ten quarts. I had a cow that had come in fresh some time in February. I went up to the farm and his cow went dry and was dry for three months and I supplied him with milk and she came in March 15th. She was a healthy cow and I said, "This old red cow?" I mean I called her red and he used to call her red. I said, "That's a good cow, well bred, but you've got to show me first when the cow came in fresh."

He had a pail and used to fill it right to the top, and my pail wasn't full to the top, and I felt sort of badly about it and I said, "Let's see that pail," and he showed it to me, and I said, "That's not as large as my pail." So I took it up to the house and I took a quart measure and I put ten quarts in, and mine held fourteen.

That pail was an old-fashioned little pail with a little round spout and he used to take it over to the house, put his cheesecloth on it, and strain the milk that way.

YOUNG: Was yours like it?

COLFELT: No, mine had a sieve arrangement in it, a piece of wire sieve.

YOUNG: And the milk ran out through that and left the dirt on the inside?

COLFELT: Yes, when it wasn't broken. When it wasn't out of order.

YOUNG: Anyway, you could put on a new sieve if it should break?

COLFELT: Yes, or solder it on.

YOUNG: Mr. Dean's pail had a wire strainer on it?

COLFELT: No, sir. Didn't have a strainer. It had a little cover. It had a piece of metal that came across like that, and then this round spout was here, and as I say, when he took it over to the house he had a little rim like the top of a tin can and strained it that way.

YOUNG: Ever see this pail?

COLFELT: I've seen one like it over to Mr. Dean's place.

YOUNG: Ever see him milking with it?

COLFELT: No, sir, not with that. We used to get water with that down at the trough. I ought to know those pails — I carried twenty pails of water a day very often from the house down.

YOUNG: You think what he used for a milk pail was this tin pail with the strainer on the side?

COLFELT: That's the one I saw him use, and the brass pail he fed the calf in.

YOUNG: He was using that strainer pail up to the time you left?

COLFELT: I couldn't say that because I wasn't in the barn. I had a man then and he was down doing the milking. Oh, yes, I was over there. No, I wasn't because Romano was with me to move the things over. I

couldn't say for the last month whether he had that pail or not.

From the month before June fifth I couldn't say as to that, but I was under the impression he always had that pail. You see, I knew more about the pail when I did the milking and he would come up to the house to get the milk. He used to come to the kitchen to get it and he took it, whatever I left it in, and laded it into his pail.

JURYMAN: Did that pail, Mr. Colfelt, you describe as being the one he used, have the indication of being nearly worn out?

COLFELT: Yes, very old.

JURYMAN: So it's not impossible that that could have been discarded?

COLFELT: Not impossible, but not to my knowledge.

PICKARD: Any pail answering that description has never been found.

COLFELT: Well, I never saw any pail like this. I don't think they make them nowadays. I never saw any anywhere I've been.

PICKARD: Did you ever see Mr. Dean carry any other box for his cigarette tobacco or cigarette paper than this one?

COLFELT: No, that was the pride of his life, and he was going to roll just the nicest cigarettes out of that as he could in a day.

PICKARD: Where did he carry it?

COLFELT: I think in his front pocket. It seems to me I can remember that.

WITNESS DISMISSED

DR. MAGRATH *recalled*

Direct Examination by Mr. Pickard

PICKARD: Something was said when you were here a few days ago about a digger, a garden digger, and that you had it in your possession, and that it had certain indications of something upon it. Have you that digger with you?

MAGRATH: Yes.

PICKARD: Now, will you please let the jury see it?

MAGRATH: This article was handed to me, as I testified, on Tuesday, January 6, 1918, at East Jaffrey by Mr. Terry Weiss and Mr. Robert Valkenburgh who, I say, received it from Charles A. Bean, and it has remained in my charge ever since.

I made, as I testified, some prior study of the implement and I have since made a complete and thorough analysis of whatever there is on it.

This implement, as I said, is about 10 inches long. It is just 10 inches long, or 9 $\frac{7}{8}$ inches. Its weight is only 5 $\frac{1}{2}$ ounces. I said it might weigh a pound. I overestimated it. I spoke of its being castware. It's

cast forging. Of what it is, I'm not sure, but it is of iron in some form.

There are, as you see, five prongs. The distance between the rear set is 2 inches, between the middle pair 1 $\frac{1}{2}$ inches, and the length of the prongs, or the teeth, if you call them such, this part of the implement, is an inch and a half.

On this implement there are still visible, some of them I have scraped off, some reddish spots. The majority was on the middle lefthand prong on the outer surface, and that was a small mass of clotted blood made up of what are called the red blood corpuscles of the kind which exist in warm-blooded animals, including man.

There are some two or three spots of that sort on the implement, and on the handle are some small reddish brown spots which likewise are made up of blood corpuscles. On the prongs this is visible. Some reddish brown colored scrapings from these prongs showed under a microscope to be blood. An amount stuck to the prongs and there are a few of them left here, some small white or brownish hairlike structures. These are blood corpuscles, the blood which I refer to, as I have said, that of a warm-blooded animal as distinguished from the blood of a reptile or blood of poultry or anything of the poultry order.

The amount of blood there isn't sufficiently large to enable a further determination by a delicate process recording more than there is visible from this implement by which human blood may be distinguished from other kinds of mammalian blood. All I can say is that the blood corpuscles there are those of a warm-blooded animal and that they are so far, therefore, consistent with human blood.

PICKARD: When you mention hair, did you see hair upon the instrument at any place?

MAGRATH: No, there are no hairs. It's quite possible to distinguish microscopically between hair and vegetable fiber, for instance, and I found on examining the implement, over all the prongs, I found nothing which was hairlike.

PICKARD: Doctor, since you are here today, have you talked with anybody who would give you any further information as to the character of the wounds upon the head of the dead man?

MAGRATH: I have.

PICKARD: Who was that?

MAGRATH: Drs. Dinsmore and Faulkner of Keene.

PICKARD: Where did you understand they were to secure that information?

MAGRATH: Making a post mortem examination of the body of Mr. Dean.

PICKARD: Will you tell the jury what information they gave you as to the character of the wounds upon Mr. Dean's head?

MAGRATH: Dr. Dinsmore, reported by Dr. Faulkner,

described two wounds, one in the forehead which began two inches more or less above the corner of the left eye and ran an inch and three eighths to the right. This wound, he said, had clean cut edges. Beyond that he didn't offer any description.

Another was three and a half inches above the top of the nose, the right of the nose, which brings it up toward the top of the head to run over crosswise to the right. That was one inch and three quarters or thereabouts long. That wound went through the scalp pretty much down to the bone of the skull, and its edges were pretty sharp, but he noticed no evidence of cutting, or cutting of hair, and described the wounds in such a way as to lead me to believe they were what I would call cracks or breaks in the scalp, such as described on Tuesday as being caused by a blunt instrument.

They agreed that was the type of wound which would be made by a club, the edge of a board, or something not with a cutting edge, but which with the force of the blows would crack the skull.

That is supportive of the opinion I have already offered, based on some photographs I have studied of the skull itself, which showed the cracks and fracture and shows that those wounds were made by something clublike in character.

PICKARD: Will a blunt instrument brought upon the skull make the sort of wound you found those to be?

MAGRATH: As they were described, yes.

PICKARD: Take a policeman's billy, a round hardwood instrument covered with leather, or something of that sort, would you get that sort of a wound from a blow of that instrument?

MAGRATH: You might.

PICKARD: What leads you to the supposition that it wasn't a cutting edge, or a cutting implement like an axe, that produced those wounds?

MAGRATH: From my own observation of the outer surface of the skull. There was no cut in that. A blow from the cutting edge of a heavy knife, hatchet, or axe, I believe, if it had produced those wounds, I would have found it in the outer surface of the skull. Such injury to the skull wasn't apparent. That I had opportunity to see myself.

PICKARD: Would you, Doctor, have expected to find the wounds which you have described on Mr. Dean's head if he were struck with the prongs of the cultivator which I hold in my hand?

MAGRATH: No, I would expect to find, as a result of the striking against the forehead by that implement held with the prongs toward the forehead, several wounds or scratches, to say the least, unless by any possibility the one outermost was the only one to come in contact with the surface, which could be brought to the full by holding the implement at an angle. Further, the wound described, as described by

those physicians, is not a wound made, if such a wound could be made, to the full depth of the scalp with the prongs. It is not a rip, but a crack.

Further, that would be such that the two wounds, the one here and the one on the top of the head, would have been made by any two. It would have to be by the rear two, and I don't think that the implement could be so placed upon the head and drawn across it with a single blow to produce the blade going to the right in one case, and to the left in the other.

PICKARD: Perhaps you stated Tuesday, I have forgotten, in your opinion how many blows were struck Mr. Dean?

MAGRATH: At least two. I judge from the wounds described, the wounds shown in the photographs, supported by the condition of the skull.

PICKARD: Could you tell us whether or not, in your opinion, this implement could have been used as a club, or in any way, knowing its weight and other characteristics, that it could have produced those wounds which you have described.

MAGRATH: It could be used as a club by turning it around. It doesn't impress me as being heavy enough or long enough, even if wielded with considerable force, with all the force that could be applied, to produce the wounds described by the doctors.

PICKARD: Have you with you, Doctor, any other exhibit which has at any time been left with you?

MAGRATH: Yes, I have. A piece of board.

PICKARD: Do these pieces have any relation to each other?

MAGRATH: They do. It was left, in an informal way, in my care. This long piece of board I have here.

PICKARD: You understand it was taken from where?

MAGRATH: Somewhere on the Dean farm. From the barn, I believe.

PICKARD: What, if anything, was pointed out to you on that board?

MAGRATH: On this piece. The other is marked with the date on which I received it, marked in December. It was pointed out to me at this time, which was on the 11th of February current, two holes or dents in the surface of this board about which pencil marks were drawn. This board was handed me by Mr. Kent and he drew the pencil marks around those two holes, which I now indicate. He drew my attention to two parallel scratches running from those holes towards one end of the board.

PICKARD: Are there any other holes or scratches on the board other than those two?

MAGRATH: Yes, there's one at one side, an inch or more, or about an inch from one of those holes. This one, which to my eye has an appearance similar to those two. There's still another on the opposite side. Then there are some vague groovings on the surface

more or less parallel with one of those scratches.

PICKARD: Have you attempted to explain from the application of the cultivator how these might be made?

MAGRATH: I have placed the cultivator in the position of those scratches.

PICKARD: Will you please do that?

MAGRATH: This implement placed with the teeth in these holes fits them and fits the scratches.

PICKARD: Now, assuming that those holes were made, and the scratches made, by the two rear prongs of this instrument, how do you explain the other hole which appears to the right of the two holes previously described, and also how was the scratch made to the right of the two scratches previously described, if by this instrument? Is there any way?

MAGRATH: I don't attempt to. You mean make that hole with one prong so you can draw it along there? But they apparently cannot be made simultaneously by the implement in any position.

PICKARD: Now, do you find any jam or crush on the upper part of this instrument, on the upper part?

MAGRATH: Well, I noticed one marring or change in the surface, the upper surface of the handle. There's a small crack. I don't know how it was made to start with, but I find in the wood it has one mark.

PICKARD: Can you tell us whether, when you were at the Dean homestead by the large house so-called, your attention was called to any marks on the stone near the cistern?

MAGRATH: Yes.

PICKARD: Did you have occasion to fit those marks with this?

MAGRATH: Well, I never had seen this instrument at that time. I was at the homestead before I saw this instrument.

PICKARD: Supposing that the marks upon that stone, which I think was a hard granite surface as I recall it, were made by any of these prongs, what would have been the effect, if any, upon the prongs?

MAGRATH: Well, ground them off a bit. One of them is a little brighter than the others. I think it's the righthand rear one is a little brighter than the others, so far as any difference in the tops is concerned.

PICKARD: There's no blunting?

MAGRATH: Very little on the righthand rear one. Under a bright artificial light that shows a rather bright surface I didn't find on the others.

PICKARD: Now, is there anything further, Doctor, with reference to these matters, that you wish to call to the attention of the jury?

MAGRATH: I think not.

JURYMAN: You found no blood stains on these boards?

MAGRATH: My attention wasn't drawn to the matter of blood stains on the board so I haven't subjected

them to anything more than a handling examination.

JURYMAN: Do you think a man striking a man with this instrument could kill him?

MAGRATH: I wouldn't want to say. I believe that, held in this fashion, it didn't cause the crack on the skull. It is open, perhaps, to argument whether a thin skull and the right kind of skull, you could drive that into a man's head, and if you did he might die from the effects of it. It isn't very likely. I wouldn't say it's impossible but I would say it's unlikely this is the instrument that caused the marks on Mr. Dean's forehead and the one that made the fracture. I am of the opinion it was not the instrument.

JURYMAN: Do you think a man who intended to kill a man would use that possibly as a weapon?

MAGRATH: No, sir, I would think not.

JURYMAN: That isn't regarded as a formidable weapon, of course?

MAGRATH: If that were applied to a man's face it might do a good deal of damage, and it may be possible to be driven through a thin skull and do considerable harm. My opinion is the damage to the head was wrought with something clublike, and with force sufficient to crack the skull.

JURYMAN: Presumably something somewhat heavier?

MAGRATH: Yes. It might be a little longer, might not be any bigger around than that, but if it was heavier it might produce the injury, the fractured bone, which has been described and seen.

WITNESS DISMISSED

JURY RESTS

CHARLES L. RICH *recalled*

Direct Examination by Mr. Young

YOUNG: I believe this morning you told us something of Mr. Dean's financial situation and of his financial relations with the bank, and of the friendly relations that existed between his family and your family, and I guess I had asked you if there had ever been any trouble or friction between you and Mrs. Rich and Mr. and Mrs. Dean, and you said there had not.

RICH: Not the least.

YOUNG: When was the last time you ever saw Mr. Dean alive?

RICH: Well, it was August 13th, the night that he was killed.

YOUNG: He visited at your house that night, did he?

RICH: Yes.

YOUNG: How did he happen to come there? Was there any telephone message or anything?

RICH: I have been told there was. I didn't know any-

thing about it until I saw him drive into the yard with Miss Hodgkins.

YOUNG: That's Mrs. Rich's sister?

RICH: Yes. She was at our home and she was a great friend of Mr. Dean's, liked to visit there — and I don't know as you care what Mrs. Rich told me about it afterwards?

YOUNG: No, perhaps we won't bother with that. We'll go along. You saw Mr. Dean drive into your yard that evening?

RICH: Yes.

YOUNG: And was anyone with him?

RICH: Yes, Miss Hodgkins was with him.

YOUNG: Can you give us any opinion as to what time of the evening that was?

RICH: It was a little after nine.

YOUNG: How do you fix it as that time?

RICH: I had to get up to go to the train the next morning and I meant to go to bed not later than nine, and I know I was already late in hurrying to go to bed.

YOUNG: Had your team been out that night? Your horse?

RICH: I don't know. I hadn't had it.

YOUNG: Had your horse been taken to the mill somewhere to get some sawdust?

RICH: It's very possible. There's a Mr. Baldwin who has part of my land to cultivate and in return he helps me about the stable.

YOUNG: Do you know whether, as a matter of fact, he had the team out that night?

RICH: I am not positive about that.

YOUNG: You say Mr. Dean arrived there a little after nine, and you mean by that a few minutes after nine?

RICH: I don't think it was more than a quarter past nine.

YOUNG: Have you ever made a statement it was earlier than that?

RICH: No, I couldn't because I know I was late to bed if I was going to bed at nine o'clock.

YOUNG: You don't recall you ever suggested a time earlier than nine or a few minutes past that he came there?

RICH: No, I don't think possibly I could. The only way I remember is that I was late in getting to bed at nine o'clock even then.

YOUNG: Now, had you sustained an injury to your face that day?

RICH: Yes.

YOUNG: When did that happen?

RICH: It was just that time, just before I went into the house to go to bed. Mrs. Rich said, "You better give this basket of pea pods to the horse," and when I was stepping into the box stall the horse didn't know I was coming — I had to walk across the sawdust — and it kicked me. The basket was a grape basket, rather an old one, and the handle had been broken off, and so I carried it on my arm, and I was smoking a pipe. You understand that I had a pipe?

YOUNG: What sort of pipe?

RICH: It was a briar pipe. I believe I have it with me. I don't carry it, in fact, now, because the stem was broken at that time, but I can use it.

YOUNG: What kind of stem?

RICH: I think it was amber, I bought it for that, anyway, and the horse, I slapped the horse as I stepped through the door, and the lights weren't on and she was frightened and kicked, striking me in the side and knocking me over, but something knocked that basket up, broke my pipe. It didn't cut the flesh any, but some vein under the flesh, so that for a day or two my eye was considerably black.

YOUNG: Was there a large discoloration from that?

RICH: Well, under the eye, where you get black eyes, it cut a vein.

YOUNG: Was there any bruise on the cheek bone?

RICH: Nothing below that bone across there. Right on that bone, under the eye, it seemed somewhat purplish.

YOUNG: Any cut through the skin at any point?

RICH: Not the slightest.

YOUNG: Any scratches on your face?

RICH: No, I saw no scratches. It showed where something hit on my nose, but the only place I could feel it was sore at all was on that bone.

YOUNG: Any cut or scratch on your ear?

RICH: Not from that. I don't know which ear there was a slight something that looked red. I don't know how it happened.

YOUNG: Did it happen at that time?

RICH: No, that was something different.

YOUNG: Was there any blood from this accident?

RICH: Only just a little from a nostril that flowed outside. I could see there was going to be blood settling there.

YOUNG: I mean, was there any blood that came out to the surface?

RICH: Not enough to hardly notice. On my nose I saw there was a slight flow of blood. It didn't keep up.

YOUNG: You had sustained this accident before Dean arrived?

RICH: Just before. I had just stepped into the house when he drove up.

YOUNG: Had you just returned from your work at the bank?

RICH: I can't be positive. I had been to the bank and got the mail, but I think I had been in the garden a while. I know I had on my work clothes because in falling in the stable the back of my shirt, it was a very warm night, was wet with sweat, and I think that was from the garden rather than the bank. It was stained falling in the sawdust where the horse had lain, and I

judge from that I must have been working for a while in the garden.

YOUNG: Did you see Baldwin at all that night?

RICH: I can't be positive about that.

YOUNG: You have no recollection of his having driven into the yard with a team?

RICH: I must, but I don't seem to remember that in any way, but it was usual for him to come about once a day when he got through his work and supper. There is nothing to fasten that in my mind.

YOUNG: About how many minutes did you say it was prior to the time Dean arrived that you got this kick from the horse?

RICH: About ten, or less or more. Somewhere around ten. I remember that for I was heating some water by the electric heater. The fire had gone out in the kitchen and the water was cold, and I was going to hold some compresses on it with hot water, thinking that might help, don't you know, until the next day. I hadn't got the water hot when he drove in.

YOUNG: How many minutes do you guess it was, in your best judgment?

RICH: Might have been fifteen but I would say nearer ten, just time to go in and start the heater.

YOUNG: And then when Dean arrived at the house you had sustained this injury and were heating water for it?

RICH: Heating water for it.

YOUNG: Did you tell Mr. Dean how it occurred?

RICH: Yes.

YOUNG: Were you in and out of the room where he was that evening?

RICH: He was on the front verandah and two or three times I went out there and passed the evening so he wouldn't think I was neglecting him any.

YOUNG: Was there anything said that night about any fear he entertained, or any trouble he was having with anybody?

RICH: He didn't say it to me. I only know from what the ladies told me.

YOUNG: So far as they told you, was there anything he said about that to them?

RICH: Well, they said he seemed to be anxious, had some anxiety about driving home without a light. That's what they said about his intending to get his electric battery. He had a hand one replenished with a battery but they didn't have any.

YOUNG: I mean, was there anything said so far as you know about his having had trouble with anybody?

RICH: No.

YOUNG: Was there anything said about the lights he had seen upon the hill there, so far as you know?

RICH: No. I didn't know he had seen any.

YOUNG: He never reported that fact to you at any time?

RICH: No, he never said a word.

YOUNG: Did he ever talk with you, or in your presence at any time, about contemplating sending word to Boston for a Federal agent to come to investigate?

RICH: No, I only heard that afterwards from others. I never heard a word from him.

YOUNG: Did he ever intimate to you, or in your presence, that there were things going on in that vicinity which ought to be investigated by the Federal government?

RICH: No, not a word, and that's the strange part of it to me, for we talked together often about everything in that way.

YOUNG: You and he entertained the same views with regard to the national situation and the war emergency so-called?

RICH: Exactly. Both very bitter against the German end of it.

YOUNG: Did you ever talk with him about the Colfelts?

RICH: Yes.

YOUNG: What about that? Go ahead and tell us about that.

RICH: He never mentioned to me any mention all the time I knew him and his family, so it isn't strange, but he was in the bank when the Colfelts went there first, and Mrs. Dean was unwilling to lease the house, and Mr. Dean told me that he shouldn't lease it unless she was perfectly willing.

At some time in the fall, I think it was October, might have been earlier, he telephoned down, or came, I can't remember, and said to Mrs. Rich, "You are the only person who Mrs. Dean listens to for advice. Will you come up and tell her what you think about letting the house?" He wanted to be sure he let the house if he could. And Mrs. Rich walked up to the house, and the result was that Mr. Dean said, after having it explained to her and Mrs. Rich, that they were without money. She didn't know that. I don't think she knew about the finances. Mr. Dean kept them. I think it was her money. She found they were without money, and she said, "I'll agree. Mr. Dean can do just as he pleases."

I speak of that because when the Colfelts came I was invited at least once a week to come up and meet Mr. Colfelt and help entertain him so he would find this farm a pleasant place to spend as long a time as possible.

The first I knew that there was any change was in the spring. This lasted all winter, and we were so busy at the bank over the war activities that I couldn't go up very often, but along in the spring it changed. I would say it was in May. I know we were talking about renting the farm and Mr. Dean was anxious that he could rent it to someone who would raise something.

The great cry was to raise some food on your farm.

He said he would let a man have it at any price if he would produce something that would be of use for food in Jaffrey, but he wouldn't let it to Mr. Colfelt. He said he wouldn't let it to him under any consideration. And this very last of it happened in the bank office.

YOUNG: When was that?

RICH: I think it must have been in May, perhaps early in May for we were getting ready — Mr. Dean was anxious to get ready for farming, and I went out in the front office where Mr. Dean sat and I said, "Now we have dealings with Mr. Colfelt, he keeps his deposit here and we have loaned him some money to buy an automobile. If there is anything we should know, I want you to tell us." The only reply was, "You never can tell by what he says what he is going to do. He heard me say there wasn't room enough in the barn for two men."

It must have been the first of May when I first heard that he couldn't agree with the Colfelts. I inquired into that a little but he didn't complain. He said, "There wasn't room." And there wasn't. They both had stock enough to fill the barn and there had to be an agreement. Mr. Colfelt had to put his automobile in where the hens ran and he must have objected to that. Mr. Dean must have objected to having the automobile there for he couldn't get his horse or his buggy out very well. He had to go through that room. That's about all I know about his not having a pleasant time.

YOUNG: Did you understand he was having any trouble with the Colfelts?

RICH: I never heard anything so it led me to think it was nothing more serious than being in one another's way in the barn.

YOUNG: Did he ever say anything to you about his suspicions of the Colfelts, or anything else with respect to their being German secret officers or German agents?

RICH: No, I never heard a word, and I tried to find out about what he knew about it.

YOUNG: Why did you do that?

RICH: The Federal Secret Service men came to my house. That was in the spring, after the snow went away, and wanted to know what I knew. He said, "You know the Colfelts. You know Dean and you know the Colfelts." I told him I didn't know anything only I would like to explain how I met him. I referred him to Mr. Dean, and he went up there. I asked Mr. Dean what he had told them and what they asked, but he didn't tell me anything.

YOUNG: Did you ever see anything in the Colfelts that led you to believe they were pro-German?

RICH: No, I never did. There was a little more to this Secret Service man. It hadn't been more than ten days, I would say, when two more different ones

came. That began to surprise me that two should come so soon, but I was so anxious to help them all I could, and I didn't ask them. They were good looking men, and I said if anybody knew more than Dean he would tell them, but he wasn't afraid to tell them if he knew anything. I never knew the result of that. Perhaps he might have known too much.

YOUNG: Perhaps they weren't officers? You never inquired their names?

RICH: I'm sorry, I never inquired for their credentials or names. I know the first ones acted more like business. I talked with them and they said, "We want to get in conjunction with your chief of police, we will report to him and he will report to us. We have arrangements with him. We'll work with him." Mr. Colfelt's name was on the checklist to report what he said himself.

YOUNG: Was there anyone, so far as you know, that had any enmity or ill will toward Mr. Dean?

RICH: I didn't know of a soul. I don't see how it is possible anybody could have.

YOUNG: Getting back to the day previous to Mr. Dean's death, that is the day the evening of which he called at your house, what time did you get through in the bank?

RICH: If I could, I would like to finish that about Mr. Colfelt. There is just a little more, that the tables were exactly turned in the spring. Instead of Mr. Dean asking Mrs. Rich to arrange a lease with the Colfelts, the Colfelts came to me and asked me to arrange the lease with Mr. Dean. So when I went to talk with Mr. Dean of it, although he wanted to lease the farm, he wouldn't lease it in any way to them.

YOUNG: Had you ever known the Colfelts before this time?

RICH: No, sir.

YOUNG: How did you happen to meet them?

RICH: That's what I would like to tell. Mr. Dean wanted a lease. He wanted to sell his place and the Colfelts first came from the place we call the Baldwin place in 1916, I would say, on May first. Well, of course, he came to the bank to make his deposit. He started a little account there but I didn't know about it. Mr. Dean said, "Will you take the Colfelts, Mrs. Dean and myself and the Colfelts, take us over to where Mrs. [] the musician, holds her open air concerts?"

Mr. Dean was a great lover of music and thought that would entertain them most of anything. I told him I would do it, and I could continue on with these, several occasions subsequent to that, but they were all at the insistence of Mr. Dean, to entertain them, thinking he might sell his farm.

We went two or three times to Peterborough, but I don't know as repeating would help any. It was at the request of Mr. Dean every time, and Mrs. Rich said,

"We have been entertained so much by them," and wanted to entertain them once, so she invited them down to dinner one evening, Mr. and Mrs. Dean with them. Mrs. Dean didn't think it best to come.

YOUNG: That's the only time the Colfelts visited at your house?

RICH: Yes.

YOUNG: Did you ever eat with them?

RICH: Yes, the very first time when we went with them. They took their automobile, as I understand it, and I took mine. They said, "Come in to lunch," and it proved to be a regular dinner, something around eight o'clock I returned to Peterborough. At another time Mr. Dean, this all happened while the Colfelts were at the Baldwin place, a neighboring house a mile away, a little more than a mile, another time, I don't know as I can set the date for that, but it doesn't matter. It must have been in that year for I sold my automobile in November.

YOUNG: What year?

RICH: 1916.

YOUNG: Have you had a car since?

RICH: No. I don't know whether it was after they went up to the Dean place in October or whether it was when they were at the Baldwin place. Anyway, Mr. Dean heard that Mr. Colfelt wanted to see a place in Peterborough. Mrs. White was trying to lease it to him, up north it was, at Peterborough Village. There was nothing came of that. There was no particular feeling with that, I remember.

Another time, in my house — you stop me if you wish, I'll answer that in full — but there was a fine pianist came to Jaffrey Center to play accompaniments for a concert that Mrs. B. L. Robinson, whose husband is in Cambridge at Harvard College, had arranged. I met them. Mr. Dean wanted to hear her play on Mrs. Rich's piano. She said it was a good-toned piano, but I suppose it was to give the Colfelts as good an impression of the town as they could.

The Colfelts drove down with their car. The pianist came down and played a little. As I remember it, that's all there was to that particular event. That was after they moved into Mr. Dean's house because Mr. Dean raised turkeys and he came to give one to the Colfelts on condition they invited the Riches, and we went up there in the evening to a turkey dinner.

YOUNG: Now, going back to the day before the murder, what time did you get through at the bank that day?

RICH: Well, we rarely ever got through much before six o'clock.

YOUNG: Have you any recollection of that day?

RICH: Anything especially about the bank?

YOUNG: Yes.

RICH: No.

YOUNG: What time do you think you got through?

RICH: Towards six, I would say. I go home to supper then and probably . . .

YOUNG: Well, let's not talk about what you did generally but confine ourselves to that day.

RICH: What I do generally is the only way I might remember what I did.

YOUNG: If you can remember, say that.

RICH: I can't remember anything special about getting through.

YOUNG: You don't remember what time in particular you went home from your work this Tuesday?

RICH: No, I can't say positively without doubt. I could tell you what I did do.

YOUNG: After supper, what did you do?

RICH: I go to the post office — being Tuesday night they don't close — to get the mail if there was anything special.

YOUNG: Well, you did that night?

RICH: I suppose I did. I don't remember that particularly.

YOUNG: Don't remember whether you went to the post office or not?

RICH: Well, I must have. There is nothing about it that makes me feel I could remember. No, I couldn't be positive but I hardly ever omitted it, and I don't go home to supper, generally, because the post office would close before I got the mail, but Tuesday night I go back to get it.

YOUNG: After you got the mail did you go to the bank?

RICH: Probably. I don't know for sure.

YOUNG: Do you know what time you got back to the house that night?

RICH: The only way I can tell is that I had on my work clothes when I was in the town and I must have come home and changed them to get into the garden. I got my shirt wet with sweat because the stones in the sawdust stuck to it.

YOUNG: You can't remember whether you were down street that night after supper or not?

RICH: No, I can't tell.

YOUNG: You can't tell what time you got home if you did go?

RICH: Not positive, no. Except that I had been at work in the garden.

YOUNG: How, then, do you fix the time as nine o'clock when Mr. Dean came?

RICH: Only that I remember I was getting late to bed and I had promised myself. I have to get up at six o'clock Wednesday morning.

YOUNG: Were you off your premises or out of the house that night again?

RICH: No, sir.

YOUNG: How do you remember that fact?

RICH: Well, I can remember very vividly what I did all the evening. I went to bed as soon as the ladies were

through their toilet room upstairs, which was around eleven o'clock.

YOUNG: Well, go ahead. I want you to tell us what you did, if you can tell.

RICH: Well, I can tell, I think. I was very attentive to that face, and wet cloths in hot water, and occasionally would go out and try to engage Mr. Dean in some banter. One of them was, he always had a joke. He said, "I don't believe that hot water is effective," and Mr. Dean was a surgeon but he was educated in New York State and they told him that he had one of the most promising futures if he had stuck to it. So she was trying to get him to prescribe for my face. She had witch hazel or something else, some disinfectant, and I didn't think it was the thing. I thought hot water was more effective. He said, "If that were taken this way, I think the alcohol would have more effect on him, but if he is applying it on his face, I guess the hot water would be the thing."

I kept up bathing until Mr. Dean went away. There was nothing but to do it. I went out to help him unhitch his horse from the post. It was hot and I went with him to the barn and put my lantern on his buggy and lighted it, and with the same match in the other hand I put a cigar in his mouth and lighted that. He said he didn't know but what he preferred his cigarettes, but he said he would do the same as I did when I went to his house. He went away smoking that cigar.

YOUNG: Did you notice what kind of rig he had that night?

RICH: He had what they call a buggy, I guess. It was finished in natural wood, a light wood, yellowish.

YOUNG: What time was it when he drove away?

RICH: Well, it was before eleven o'clock. I would say half past ten, perhaps a little bit later than that.

YOUNG: How do you fix the time as half past ten?

RICH: After he went Miss Hodgkins and Mrs. Rich said, "Now, you aren't putting those cloths on hot enough." And they could wring them out hotter than I could, and they applied them until toward eleven o'clock, stayed there half an hour, I would say. They went upstairs and then I stayed and kept up the application until I heard them leave the toilet room, and then I followed and went to bed.

YOUNG: Can you give us any clearer idea, or any better reason, how you fix the time when Mr. Dean left?

RICH: No, I can't, except the time as I estimate it and remember it, that they stayed with me and it was after eleven o'clock I know when I went to bed. As I sat at the kitchen table the clock was on the wall, as near as that was, and I know I was feeling it was getting late for an old fellow who was to start in the morning.

YOUNG: Will you state how old you are?

RICH: I am sixty-six.

YOUNG: You think he went about 10:30?

RICH: That's as near as I can fix the time.

YOUNG: How far was it up to his house?

RICH: I never measured it, but it's something like two miles.

YOUNG: How long would it take him to drive up there with his team?

RICH: The way he would drive with that horse, he would be around fifteen or twenty minutes.

YOUNG: Did you leave the house again that night?

RICH: No, only as I went to the barn to look for my pipe. I can't say too sure whether I found my pipe that night or in the morning.

YOUNG: Was there any other person to your house with a team or any other conveyance?

RICH: Not to my knowledge. I'm very positive. I shut the barn up.

YOUNG: Did anybody drive in or out of the driveway to your house with a carriage or automobile after Mr. Dean left?

RICH: No, sir, not to my knowledge, not that night, no.

YOUNG: Were you out on the street again at any time that night?

RICH: Not at all. I didn't leave the house only as I went to look for that pipe.

YOUNG: Can you tell us whether or not, at any time later in the evening, you were down street in an automobile?

RICH: No, sir. I didn't leave the house.

YOUNG: Do you know a man by the name of Mr. LaRose?

RICH: Yes. Someone came up before the Municipal Court by that name, I think.

YOUNG: Do you know him by sight?

RICH: I wouldn't be positive about that. I never had anything to do with him.

YOUNG: Well, do you know him when you see him?

RICH: I don't think I would know him perhaps.

YOUNG: And you say you were not in an automobile that night?

RICH: I didn't go out of the house after Mr. Dean left, no, sir.

YOUNG: Or after you hurt your face?

RICH: No.

YOUNG: Now, when did you first know of Mr. Dean's death?

RICH: It was the next day. I would say it was eleven o'clock or after.

YOUNG: How did you first learn of it?

RICH: One of the neighbors telephoned down to the bank and said to the one who answered the telephone, "Do you know what Mrs. Dean is saying? That Mr. Dean is dead."

YOUNG: Who was that neighbor?

RICH: The Henchmans. It was Mr. Henchman's

daughter who said that Mrs. Dean had telephoned down to have her father come up and get the cow, Mr. Dean was dead.

YOUNG: Did you call her up that day?

RICH: Mrs. Dean?

YOUNG: Yes.

RICH: Yes, I did.

YOUNG: When?

RICH: Very soon afterwards. The first thing I did was to see the undertaker down by the post office and I went down and I thought if this was so, that Mr. Dean was dead, they must have sent for the undertaker. He didn't know anything about it, and I said, "We'll telephone," and I went to the office and telephoned to Mrs. Dean.

YOUNG: Did you suggest then that he go up to get the job?

RICH: No, I didn't know there was any job.

YOUNG: You telephoned to Mrs. Dean?

RICH: He went over to the office with me, Mr. Leighton's office, the undertaker.

YOUNG: What did you say to Mrs. Dean when you called up?

RICH: Mr. Leighton suggested, as well as myself, that we call Mrs. Dean up and ask of Mrs. Dean what was the trouble. We couldn't believe there was any trouble.

YOUNG: Who called up?

RICH: I did.

YOUNG: What did you say?

RICH: I said I would like to speak to Mr. Dean. She said, "Mr. Dean isn't here. He's dead."

YOUNG: What did she say after that?

RICH: I said, "Have you got anyone helping you? I'll be right up."

YOUNG: Did you inquire how he died or anything about it?

RICH: No. I don't know whether she told me she couldn't find him. I think she did, perhaps, because I took some help to help find him.

YOUNG: Anything said over the telephone at that time about his being in deep water?

RICH: No.

YOUNG: Who went up with you to the Dean place?

RICH: Mr. Leighton took his car, and I took Mrs. Rich and her sister. Mrs. Dean had been what we call feeble, whenever she visited she didn't leave the carriage, or didn't leave her chair, and I felt that she needed much assistance about that time. I tried to get Miss Crow, who is in the neighboring house, to go up. She's a trained nurse over in Keene at the hospital. She had gone. Mrs. Rich agreed to go and I said it would be well if her sister would go, she was so well acquainted with Mr. Dean.

YOUNG: Without lengthening the conversation, who finally went?

RICH: Mrs. Rich, her sister, and myself.

YOUNG: Did you get a nurse?

RICH: No, Miss Crow was away.

YOUNG: Did you get one later?

RICH: The selectmen had someone stay with Mrs. Dean nights.

YOUNG: When you got up there had they found the body then?

RICH: I didn't know that. They had just found it, it proved.

YOUNG: Did they tell you they had found it?

RICH: Yes.

YOUNG: And did you talk with Mrs. Dean?

RICH: Yes.

YOUNG: What did she say, if anything, about Billy?

RICH: I wonder if I hadn't better tell about the whole thing?

YOUNG: Yes, tell the whole story.

RICH: We were expecting to find her abed, or in great need of help anyway, and she was down at the barn taking care of the cattle, so the man in charge said, and I said, "Ladies, you better go down and see if you can be of any assistance." Quite a lot happened along there then.

YOUNG: You started to tell your story. Go ahead and tell it in your own way.

RICH: We all felt Mr. Dean had been so tired out and discouraged and hardly himself that it might be suicide, and while the ladies went to the barn — you have an idea, haven't you, where the barn is from the bungalow — I looked the bungalow over. I knew Mr. Dean, if he had committed suicide, would be likely to leave some line to me somewhere around, and I looked first to see where to look for it if that was the case, that is, if he had come in from the barn with his milk and his lantern, I would be familiar with them. I didn't find the pail that he usually milked in, but I found the pail in which somebody had been milking.

YOUNG: What kind of pail was that?

RICH: That was an agate pail.

YOUNG: Was it one similar to this?

RICH: Yes, he had two pails like that. One was the little water one we had brought from the well, and the other one hadn't been washed.

YOUNG: Where was that?

RICH: It was in the kitchen. Kitchen or pantry. We found it there anyway. I looked upstairs and downstairs, in the cellar, and out around the wells — there were two wells near the house — when I observed the ladies coming back, but instead of Mrs. Rich and her sister supporting Mrs. Dean, she was explaining to them and walking ahead a little.

I went down and spoke to Mrs. Dean and said we came up to help, and she said that Mr. Dean was dead, he was over here in deep water.

YOUNG: Which direction did she point then?

RICH: She pointed off, not towards the cistern exactly, but rather toward the barn, off toward the valley. Nothing definite about that. I didn't know what to say to her and I walked along and hadn't gone but a little when I met the selectmen, or one of them, a Mr. Enos, who was acting as Police Officer, and they said they had found the body, and I walked right back to tell Mrs. Dean that she was right, Mr. Dean was dead, they had found him. I made it as easy as I could to tell her he was dead, but she turned around and took us to the house.

YOUNG: Did she say anything?

RICH: Nothing more than that he was in deep water and they couldn't find him.

YOUNG: What did she say when you said he had been found?

RICH: "They couldn't find him." Repeated it.

YOUNG: Do you think she sensed the thing, that he had been found?

RICH: I don't think so. I have studied that a good deal. I have an aunt living with me, eighty-four years old, and her mind is cracking the same as Mrs. Dean's. Not quite so far as that. And when a niece of mine died, you couldn't make my aunt believe it was a death. She wanted to think it was a wedding, and she sticks to it to this day, that we went off and attended a good time. And I put the two together, trying to study them, and at first I was a little surprised that the woman, sick, too, should have strength enough to walk all over the farm and do a good many things. I can explain, if you wish.

YOUNG: Had she been sick abed?

RICH: Yes, before that.

YOUNG: How did you get that information?

RICH: I had been there and Mr. Dean told me she wasn't sitting up.

YOUNG: Did you at any time conclude, or suspect, that Mrs. Dean might have killed Mr. Dean?

RICH: I did. I didn't at once for I didn't think it was possible that a woman could do it, and it wasn't for two days I happened to be talking with Miss Hodgkins about who could possibly have done it, and she said she had an idea. She said that it was very possible that Mrs. Dean had done it.

YOUNG: Well, do you think she had the physical strength to have done it?

RICH: Well, I didn't.

YOUNG: Do you think so now?

RICH: Well, I took Miss Hodgkins' word for it. It came out in this way. We first knew it Wednesday. That afternoon there was a terrible thunder storm and I went to Mrs. Dean and she insisted on going from the house to the barn to see if the barn was properly shut up, and I wasn't there but Miss Hodgkins sat in the driveway.

YOUNG: We were told this the other day when she was here.

RICH: Well, that's the first idea I had that Mrs. Dean had strength enough to do that. If you ever see Mrs. Dean you will see she is large and strong. She puts large chunks of wood on the fireplace to save Mr. Dean, who had heart trouble. And there's more to that. Before I get through I want to tell you. I have studied it carefully.

I didn't study it to make out that Mrs. Dean must have done it, or could have done it, or considered whether it was possible for her to do it, but she told us after we got in the house, talking about this, trying to find out what she knew about it, without any idea she could have done it, "Oh, I wish I had gone to the barn when Mr. Dean didn't come back."

Now, if she knew anything about it, it seemed to me, she wouldn't be telling us that. I inquired how the lantern got in the house and she said she got it in the morning. And the pail. And she said the pail, instead of being milked in, Mr. Dean had carried milk to the bull calf and was feeding the boy, she called it.

So after I had some time, after all these months thinking of it, and all the evidence I can find, I'm just as much in the dark about whether to think Mrs. Dean had a hand in it or whether to think she hadn't.

She was aroused at times, if you don't care I will tell that, over their finances, and she said she asked Mr. Dean for money when he got home and he said he had none. He had a little in his pocket, a bill and a few cents. And about the first thing she asked me after we sat down in the house to talk over what should be done was if she had any money in the bank. And as I understood it, the account was overdrawn. Mr. Dean had always conducted things with rather a strong hand. I don't think he ever carried home any money to speak of, and she didn't have any.

YOUNG: And then afterwards did you talk with her of other matters?

RICH: Yes, I went up there every day as long as she stayed there. I think every day. There was nothing, and I don't know as anything new occurred.

There is more to it that I might tell. She was very solicitous to know what became of the animals. They had some turkeys, perhaps two hens, a horse and a cow, and the bull calf. So much I know of. And she kept to it very intelligently and full of knowledge, the way she always was when I had known her first, until they were very well taken care of.

YOUNG: Did she offer to give any of them away?

RICH: I don't know as she did.

YOUNG: Didn't offer you anything?

RICH: No. Miss Ware, who resided in Rindge, visited Mr. Dean's place about as often as I did. She was a tower of strength there. She took right hold and she

is wealthy so could do anything she wanted to. She had the stock taken right over to her place, and the man who had worked for her took the cow and I don't know but the bull to feed, and she got the help on her place to take the turkeys, and Miss Ware paid for them. I presume it didn't cost the other woman anything. Didn't make any difference.

The point is that Mrs. Dean could think this thing all out, inquire of Miss Ware how much she realized and where the money went, and has tried ever since to get some money.

YOUNG: Who was appointed guardian?

RICH: Mr. Davis.

YOUNG: And was he also appointed Administrator of the estate?

RICH: Yes.

YOUNG: When did you first know of that?

RICH: The first one I knew to mention it was Miss Plummer.

YOUNG: Did you make any suggestion that Mr. Davis be appointed?

RICH: When they asked me I said he was the best man in town but I didn't think they could get him. He wanted to be a representative to Congress and he said he probably wouldn't be in town, so it didn't occur to me. They asked me about several others, like Mr. Coolidge.

YOUNG: You recommended Mr. Coolidge, did you not, the afternoon when I was there?

RICH: Yes, Mr. Coolidge was all right. There were plenty of men would have been all right. Any man had the time and was well acquainted with the real estate and could get the most at the time, and Mr. Davis was the best at the time, in my opinion, but I didn't suppose they could get him, but they did.

YOUNG: Now, have you told any other stories about how you sustained this injury to your eye other than the one you have related here?

RICH: No, I have no other to tell.

YOUNG: Have you ever told anyone it was a board you had in your hand that was kicked against your face?

RICH: No.

YOUNG: Or that it was a pitchfork?

RICH: No. No. I never told it but one way, and I had to tell it to quite a number, and the only unfortunate thing about telling it was, until I heard about Mr. Dean's death, when they asked me down to the bank how about the other fellow, I said, "He's dead. He can't tell. He's not here."

YOUNG: That was said in a facetious manner?

RICH: Yes. I didn't know Mr. Dean was dead. I didn't repeat it afterward. It didn't sound so well.

YOUNG: But someone asked you about the other fellow and you said, "He can't tell, he's dead"?

RICH: He wasn't the other one. They asked me and I said, "He isn't here and he can't tell you." Well, I had

to tell everybody how it happened. It must have been something I had in my hand. It wasn't the horse. I know that.

YOUNG: What about this performance up to the barn when this man, Kent, put the paper on your face. What about that?

RICH: Well, that's some story. Well, I was dense enough to not know on that day that he meant to implicate me. I supposed it was some joke, for he and I had spent most of the time together after his arrival in town until that time.

Whether I could spare the time or not, I told everybody, no matter what was going on, guests or anybody else, on this case the time was theirs if I could be of any assistance right here. I didn't even know he was a detective. He was introduced to me as a special friend of Mr. Dean's brother.

And this day, he came there, of course, to the bank and wanted to know if I could go in the afternoon at two o'clock. He didn't say where. I wanted to postpone it if it would do just as well until I could get my business done and the mail out, but he said there were others in it that will have to at that time, and I said, "That settles it. I go now."

I got in the car and went to the cemetery where they exhumed the body, and he took photographs, and he took a piece of paper and held it on the corpse's face and I think he drew on the paper or something, so he could tell where the wounds were on the head, three of them, looked like three, and after examining the body and asking the physicians who were present, Mr. Dinsmore was there and one or two others, we took the cars to go somewhere else, I didn't know where, but it seems we went to the Dean farm.

But the selectman, Mr. Coolidge, who had the car, he said, "Do you think I'm going to carry that piece of paper in my car?" How do I know what is on there. Have you washed your hands?" He was so fastidious about his car. You will see why I'm speaking about this by and by. Unless that was done he could not get in the car before doing it. I said the man did wash his hands. He had washed them in the sand as well as he could. Mr. Coolidge finally agreed to take Mr. Kent, as we knew him then, in the car.

We went up to the Dean farm and looked over about everything. Looked where they pumped the water out of the well, and the particular thing seemed to be some marks on the steps entering the barn and leading up to the house. Some scratches were on the stone up to the main house. And this paper was produced and held on them and it was claimed they fit the marks on the steps and the marks up to the house on the stone.

And then this slimy paper, when he put it on the face of the body there was something on the face and

it was a vile looking piece of paper, but he put it on my face.

I had told him he could do anything he pleased to anybody or to me to help this thing along, and I never should complain. So he went on to explain that probably if they could see the wounds on Rich's face, they would fit this. He was laying that on Dean's face, he was laying it on the doorstep, and he was laying it on another place where something had been thrown. Then he said, "If the wounds hadn't healed, you will see it fit Rich's face."

YOUNG: Had the wounds healed?

RICH: There was nothing to show then. There never were any wounds to heal.

YOUNG: What reply did you make? Did he say anything further at that time?

RICH: Yes, but I was so stupid I didn't know what he meant. Then he finally called the men all around and he said, "That's what I claim and I think Mr. Rich has something to explain." And I had explained to him how that happened, and I had explained to everyone present how it happened, and I said, "I have nothing further to say, but if you want to have a chance to write it down, or if you want to put me under oath, I will repeat the story. You all know it."

It didn't fit anything. There never had been anything on my face that that would fit.

YOUNG: Did you understand he was making an accusation or insinuation?

RICH: No, I didn't. I didn't, all that day, understand. I didn't know he was a detective, and when he was showing me those things I worked as hard as I could to find out what could have made those marks at the house, and Mr. Dinsmore was there and he had examined the body and looked it over carefully, even putting his fingers in the wounds, and would know if anything that could have made those three or four dents in the floor and on the stone could have made the wounds on Mr. Dean's head, and he said it couldn't.

YOUNG: Mr. Dean was bald-headed, was he?

RICH: His forehead was particularly high, but he didn't have to wash indefinitely to wash his face.

I don't know when it crept through my head that that man might think that I knew something about it. But there's the point, I might as well mention it. It's an important point in this for me, of course, when I thought he guessed that I had a hand in it. I don't know whether it was a guess or what it was. I was mad, of course. I didn't have a chance to say anything about it.

No, when I came to my senses, and I was disturbed, but when I came to them it appeared what were the facts. "Any man in town that would know about the situation leading up to this murder, it ought to be you. It ought to be Rich." Anybody had a

right to say that. Anybody ought to know they ought to come to me first, the same as the Secret Service men did, because they knew I had been there often and seen them both, Mr. Dean and Mr. Colfelt, for a year and a half. And when I came to think of it in that light, you couldn't blame them any for following the trail while it was fresh.

YOUNG: How did you happen to have the key to Dean's safety deposit box?

RICH: Why, I didn't have it. I never had it. But while the ladies were up there, Mrs. Rich and Miss Hodgkins, I said, "You keep your eyes out if you can find anything that will help with this, you do so." And it turned up later they did observe. It was something with regard to Mrs. Dean. That there was no mud on her shoes. If she had been out in the night long enough to do that job, her shoes ought to show it. There were no stains on her clothing. Her clothing was very dirty. Mr. Dean didn't keep her very well. I don't know as she would change anyway. They observed that even before they had any idea she could have done it.

YOUNG: If she had gone to the barn at five o'clock and chased around the way she said she did, the dirt from that would have shown?

RICH: Well, they weren't white anyway, so they said when they observed it. And said there were no stains on her clothing, especially if there was blood from the wounds on Mr. Dean's head, and it seems to me there must have been.

YOUNG: Did she have on white shoes?

RICH: It seems to me she did, but I can't say.

PICKARD: They were white shoes and they were shown to the chemist at Concord and showed no trace of blood.

YOUNG: Was there a fire in the stove when you got up there?

RICH: I think there was, in the kitchen.

YOUNG: I wonder if there was any examination of the ashes made there?

RICH: I might make a suggestion. Has Mr. Enos been here?

YOUNG: No.

RICH: Well, yes, they did. Mr. Wellington, and I guess Mr. Scott, looked in the stuff, but Mr. Enos knows something about that fire. At least I was told he did.

YOUNG: You started to tell us about the key to the safety deposit box?

RICH: They found his safe deposit key. Mr. Dean rented a box at the bank and there should be two keys. Mrs. Rich thought it was the wise thing to keep it. I told her I didn't want it, and she ought to take it back. She brought it home, and I guess she had it when you called.

YOUNG: Had the safety deposit box ever been opened

since Mr. Dean's death until the time that you and I and Mr. Coolidge opened it?

RICH: No.

YOUNG: At that time Mr. Cleaves of the U.S. Department of Justice was present?

RICH: He was with you, yes.

YOUNG: I guess Mr. Pickard was in there part of the time?

RICH: Yes, and Mr. Anderson, as I remember it.

YOUNG: And between the time that the key was brought down by Mrs. Rich, and the time the box was opened there when we were all present, the box has never been opened by anybody?

RICH: No, sir. And I was particular she should not have the key to the bank, and she never had been to the bank until she carried it back to be sure that no one else had it because it might be asked if I had it, or used it. I had no occasion to use it.

YOUNG: You saw the will, anyway, to Mrs. Dean, two wills written by Mr. Dean, an earlier one and the one finally approved which was in favor of Mrs. Dean?

RICH: I saw it for the first time when the Attorney General read it.

YOUNG: And also the will of Mrs. Dean in which he was sole beneficiary?

RICH: Yes.

WITNESS DISMISSED

YOUNG: I don't know that I can be here tomorrow, Mr. Pickard. I have been away a week and haven't been in touch with my office and I feel I must go back tomorrow. I don't want you to feel I am deserting you, and I don't want you to feel I don't want to help, but I have some things may take looking into and I have a case which I have got to try Monday, and that's a State case. I would like to go back tomorrow morning, if you feel all right about it.

PICKARD: Well, of course, I want to accommodate you in any way. You have been good to come over here. It's one of those serious cases and I would like to have you here as much as possible.

YOUNG: I want to say, if I am not here tomorrow, if I do go home tomorrow morning, it will be because of the fact that I have other matters which I feel I must attend to, not because it is in any degree less important, but I feel that Mr. Pickard can conduct continuation of the examination as well as I can, and I also felt at the beginning that he probably could do the entire work as well as I could, my desire simply being to assist him.

There is another matter I want to speak of and that is this. It has been suggested here on the part of some people that the authorities, among which is included myself, have been negligent in the performance of their duty and haven't done all that should have been

done in connection with the investigation of this case, and that as a result of their inefficiency or lack of ability or neglect, perhaps, the guilty party in this crime has been allowed to escape, and I say to you, gentlemen, most frankly, that when you are through with your deliberations in this case, if you should feel that the Sheriff of the County, or the County Solicitor, or the Attorney General, had neglected their duty, which was apparent to you, that I believe it to be your duty as a citizen of the County of Cheshire, to report that fact to his honor, Judge [Goff] who is presiding here at this trial. I don't think of anything else I want to suggest.

PICKARD: I don't know, gentlemen, but that you ought to give note of the circumstances. You heard, I think, the opinion that was expressed by one of the witnesses that the County Solicitor was an ignoramus or a traitor. If this is the case, it would seem you ought to be here to conduct an investigation.

YOUNG: Well, the reason for the statement I have just made is apparent I think to all of you gentlemen. I have implicit faith and entire confidence in human nature as a general rule, and I believe that out of the twenty-one men who compose this panel that the general result will be a sensible result. If I didn't believe that, and didn't have more faith in human nature, I would be here dealing with this case.

JURYMAN: I would like to say, gentlemen, there was nothing in the testimony to affect my opinion of the County Solicitor, and I presume I speak for the others.

YOUNG: Well, I made that suggestion that perhaps as members of the jury you didn't know the power the jury has. If we don't produce information you feel should be produced, you have the authority to call upon the court to direct us, or the other officers of the county, to bring this information here for your observation. You are as big as the court.

JURYMAN: I would like to say, Mr. Attorney General, that I am sorry to see you leave the case. There are some things I feel that you could clear up that possibly Mr. Pickard would be reluctant to do. It's evident that someone has influenced the selectmen of the Town of Jaffrey, that it has not only been prevalent and talked of considerably in Jaffrey but through the whole county, and in a great measure a much larger distance away, and if that point could be cleared up so that it could go out that there was prejudice brought in some way.

YOUNG: I will tell you, Mr. Juryman, I have purposely done this, and I will take the credit or blame for this part of managing the case, but I have had all those people who it has been suggested to me might in any way be implicated with the committing of this crime brought in here while I am here, and I think you will agree with me that my examination of them has been

somewhat in the nature of cross-examination, that I have tried to bring out everything that they might know about it whether it tended to substantiate one theory or another, purposely doing that so that if there is any criticism, and I want you to understand truly, if there is any criticism, it is just as much criticism of my office or the sheriff's office as of anyone else's.

There is no one under any greater obligation than the other to do this thing, and do it right. My leaving

the case is not that I am abandoning it, but simply because I feel that I have got to do something else, I have got other duties which I must attend to, and personally I have no reservation in leaving the matter in the hands of the County Solicitor because I believe he can do this as well as he has done any of the rest of it.

ADJOURNED UNTIL 9:00 A.M.



ORDER OF WITNESSES

Friday, April 18, 1919

9:00 A.M.

CHARLES RICH, *recalled*
EDWARD BOYNTON, *recalled*
EDWARD P. BALDWIN
EVERETT BINGHAM
PERLEY ENOS
MARGARET COSTELLO
ANNIE COSTELLO
CHARLES BEAN

CHARLES RICH *resumes stand*

Examination by Mr. Young

YOUNG: Did Mr. Dean ever report to you he had asked for police protection, or ever suggest to you he was going to?

RICH: No, he never did to me. I heard of it but he never said a word to me.

YOUNG: Had he ever spoken to you, or conveyed to you in any way, as to any fear or thought that someone might be contemplating doing him personal injury or harm?

RICH: He never said a word to me.

YOUNG: Never mentioned it to you or your family, so far as you know?

RICH: So far as I know, nothing about it.

YOUNG: You and he were perhaps as friendly as anybody?

RICH: He met me as often as he did anybody, and I was surprised he didn't say something, if there was anything. He wasn't afraid of anything and I think if there was anything he would have struck immediately. I don't think he would have waited for the sun to go down.

YOUNG: Did he ever speak to you about receiving a threatening letter of any kind?

RICH: No, he never mentioned anything about any troubles.

YOUNG: He never mentioned to you the fact that he had received a letter of any kind?

RICH: No, never knew it until after his death I heard it mentioned.

YOUNG: Now, on the night that he was at your house, the evening before the murder, when he left, what was the outside condition as to light or darkness?

RICH: Well, the moon had gone down and we thought he better have a light, and he was reluctant to say so to me, but he did to the ladies.

YOUNG: Did he offer any reasons why he wanted the light?

RICH: Not a word. The ladies — I heard them surmising what he . . .

YOUNG: There is a law in this state that you have to have a light of some kind on a vehicle when you are outside the village precincts?

PICKARD: Yes, artificial lights are more than five hundred feet apart.

YOUNG: Which I think applies to a carriage as well as to a heavier vehicle.

RICH: The ladies suggested the light when he went to

his place for he stayed until after dark. They were very insistent that he should have a light.

YOUNG: Did this wagon he drove that night have a top to it?

RICH: No.

YOUNG: Was his horse a slow-going horse?

RICH: Travelled rather slowly, an old horse one of the neighbors let him take.

YOUNG: Now, you spoke of a light. Did he borrow a lantern or light of some kind at your house?

RICH: Yes.

YOUNG: Whereabouts did he put it?

RICH: We put it on the dasher. He had no place to fasten it. There was a spring in the back but he slipped it right on the dasher area.

YOUNG: And that was lighted?

RICH: Yes, I lighted it myself.

YOUNG: That would throw the light ahead?

RICH: Yes, it would just go by the horse.

YOUNG: It was on which side of the wagon?

RICH: On the left, I think. I am very sure. Where I always put mine if I have to put it on the dasher. I'm very sure.

YOUNG: That was your lantern, I assume. Did you ever get it back?

RICH: I brought it back. Mr. Butler — I don't know but that the ones who took possession of it put it in Mr. Butler's car.

YOUNG: Who is Butler?

RICH: He's the livery man at East Jaffrey. I saw at the auction one just like it that was sold. Mr. Dean's auction.

YOUNG: Who bought it?

RICH: John Crow. Later it was sold again.

YOUNG: Who bought it?

RICH: Mr. Kent.

YOUNG: Did you see the one Kent had here the other day?

RICH: No, but I saw Mr. Dean's at the auction. I guess he bought it.

YOUNG: Did you see the cigarette case shown here?

RICH: There were two.

YOUNG: Did you see the one shown here?

RICH: Must be I have.

YOUNG: I mean, did you see it here?

RICH: No.

YOUNG: You say there were two cigarette cases. Who has the other one?

RICH: I'm not sure. Is this the one with the initials?

YOUNG: Well, describe both of them.

RICH: One of them was a nice silver snuff box that I think his wife's father used. He and his wife were of the same name. They were cousins. And so were the initials. It ended with "D" for Dean.

YOUNG: How many times have you seen that?

RICH: Two or three hundred.

YOUNG: What would be the occasion of your seeing it?

RICH: He carried his makings for cigarettes and we hardly ever saw him down the street when he wasn't making or smoking cigarettes, and he would do that evenings when I was there and offer me one.

YOUNG: Did you roll cigarettes?

RICH: Well, not so that he would approve them all the time. He would roll them for me. I couldn't get by the expert. He didn't approve of my roll.

YOUNG: The other cigarette case which you have spoken of was what kind of a case?

RICH: It was flat, not so thick, might have been three and a half inches long and two and a half inches wide. It was used for cigarette candy, it was called.

YOUNG: Was it adapted to carrying real smoking cigarettes after the candy was out?

RICH: It was just a thing. Somebody gave him a box of these and he gave them out to his friends. Gave me this case filled with candy.

YOUNG: Do you know how many there were in the box?

RICH: I would say half a dozen. It wasn't very good. I've had mine seven years and there's still some candy in it.

YOUNG: Do you recognize either of these articles?

RICH: Yes, I can tell by the initials. I'm very sure that's the one.

YOUNG: Is there any doubt in your mind about that being Mr. Dean's cigarette case you now have in your hand?

RICH: Not the least bit. I have seen it so many times. There's no question about it.

YOUNG: What do you know about this one we have here?

RICH: Well, that's like the one he gave me, but not exactly alike. There's a different emblem on mine. Mine, I asked what it was and it was some coat of arms meaning something to one who understood it. I've seen that with the cigarettes inside.

YOUNG: Would you say this one you now have in your hand is the one that was Mr. Dean's?

RICH: Yes, I recognize it by the picture on the outside.

YOUNG: Is that a picture of anybody in particular or just a fancy picture?

RICH: That's a picture on that, and the other one was given to me.

YOUNG: You say he had a number of these and gave them away among his friends. You used yours, did you?

RICH: Well, I never carried a cigarette. I never used it. The candy looked like a cigarette, especially in that paper, but Mrs. Rich didn't like it and I didn't like it and it was still in it the last time I saw the box. Some of it.

YOUNG: Those little folders that are in there, are

those to use with the rolling machine or not?

RICH: I don't know about that. That was a new one for me. I think they were made up, he got them all made, some way. There's a German emblem on it, I noticed. Those boxes, some of them, said "made in Germany." Some of them. I don't know whether this one does or not. Looks like "Germany" on there. I guess it was "Germany" instead of "made in Germany."

YOUNG: Yes, that says "Germany" impressed in the tin.

RICH: I'm told that emblem on there is German, too. I don't know it myself.

YOUNG: That coat of arms on the little paper folders, you mean?

RICH: Yes.

YOUNG: This one was in the water?

PICKARD: No, this was the one found at the house and given to Wellington by Mrs. Bryant.

YOUNG: This one we found there that day I was there?

PICKARD: Yes.

RICH: I'm wondering how the tobacco could get out?

YOUNG: Do you think there was ever any tobacco in there?

RICH: He wouldn't carry them empty. He had them put somewhere.

YOUNG: Assuming that this case was found in the house, upon some reflection wouldn't you say these were what you rolled cigarettes with?

RICH: I don't know enough about it to answer that intelligently.

YOUNG: Did you ever know of his having one of these machines for rolling cigarettes with a piece of paper you put the tobacco in and roll it up like this?

RICH: I never saw him use one, but he might.

YOUNG: Did you ever see one of those?

RICH: No. He might have done it but I never saw it, and he was so expert in rolling one up I would hardly suspect he would resort to that. Although he did show me some cigarettes he had all rolled up, and the joke of it was before he used to stick the paper down dry and when he came to fold them around they had all bent up.

YOUNG: Do you know anyone else he gave the cases like this to?

RICH: Oh, he had quite a number of them. I saw them at his house when he got them. But I never knew who he gave them to.

YOUNG: Now, on the morning you were up there, on the day the body was found, who first informed you of it that they had found Mr. Dean?

RICH: I think Mr. Coolidge or Mr. Enos. But Mr. Coolidge probably. They were together. Walking down the road together.

YOUNG: Were you there when they began the search?

RICH: No.

YOUNG: Now, what I was going to ask you about. Were you there any time when they were searching for the milk pail?

RICH: I never saw anybody look for the milk pail except myself. I looked everywhere myself.

YOUNG: How did you know the milk pail was gone?

RICH: Well, I don't know how I knew.

YOUNG: Which pail did he use to milk in?

RICH: I've seen him use both. I've seen him use this pail that was here, but generally he used the strainer pail.

YOUNG: How long before his death was the last time you saw that pail or knew of its existence?

RICH: I can't tell positively but it was before the snow went off. I went on snow shoes.

YOUNG: The winter before?

RICH: Yes. The last time I saw him milk or have milk.

YOUNG: And that was the last time you saw that strainer pail?

RICH: Yes.

YOUNG: And that was the pail that you were helping search for?

RICH: Yes. I didn't know anybody else looked for it but I was trying to satisfy myself whether he had been back to the house after milking or not.

YOUNG: Did you make any remark to anyone that morning in substance if they would come over to the well you could show them where the milk pail was?

RICH: No. When they began to talk about pumping out the water thinking there might be things there in the well, I told them where all the wells were.

YOUNG: There were two wells and this cistern on the place?

RICH: Yes.

YOUNG: One well right near the little house where they lived that they used for domestic purposes?

RICH: Yes.

YOUNG: And the cistern was up by the big house where Mr. Dean was found? And then a well up in the field southwest of the line between the two houses?

RICH: Yes.

YOUNG: What was that used for, do you know?

RICH: Well, it was used for the old barn which sat there. The old barn sat there when Mr. Dean moved in and he connected it with his main house, too. It was dry weather and the cistern gave out.

YOUNG: Was this well in use, this last well you speak of, in use at the time of the death of Mr. Dean?

RICH: No, I suppose not, because there was plenty of water in the cistern and it was a long distance to pump water.

YOUNG: Which well connected with the stable that was then in use, either of them?

RICH: Well, the water that went to the stable went

through the house, was pumped through the house cellar.

YOUNG: Which house?

RICH: The main house, the big house.

YOUNG: Were you there when the well and cistern were pumped out?

RICH: No.

YOUNG: Now, Mr. Dean's funeral was Friday, the day I was there first.

RICH: I know it was the day you were there.

YOUNG: Who were the bearers to that funeral?

RICH: Well, I was one. I don't know who the others were because I was hindered from going.

YOUNG: What hindered you from going?

RICH: There was the County Solicitor, the Sheriff, and another officer called and wanted to see Mr. Dean's papers just as I was leaving the bank to go to the funeral.

YOUNG: And that's the reason why you didn't go to the funeral?

RICH: I was just leaving the bank to go, just in time to get there.

YOUNG: Did you say anything to them that you were supposed to be at the funeral as a bearer?

RICH: Yes.

YOUNG: Was there some excuse sent up to the funeral, do you remember?

RICH: No, there wasn't. I couldn't find anybody to go. In fact, those officers said doubtless they would get through so I could go. So I was delayed.

YOUNG: But when the fellows were slow, then you were hindered?

RICH: Well, I don't think that would be any reflection on anybody. Yes.

YOUNG: Now, when did you first, if at all, have any communication, telephone or otherwise, with Mr. Colfelt after Mr. Dean's murder?

RICH: Well, I communicated with him only to send receipts from the bank for his deposit. I communicated with a man in Jaffrey who was working in Portsmouth to verify where Mr. Colfelt was.

YOUNG: Can you tell us whether or not you had any telephone communication with Mr. Colfelt either by calling him, or his call to you, on Thursday the 15th, which would be the second day after the murder.

RICH: No, nothing after he left the farm. Well, let's see. Thursday. No, nothing of that kind from the house or anything. The Colfelts lived in Temple.

YOUNG: Did you communicate with their house?

RICH: Not at that time. I can make that plain. How I remember, the first Mrs. Colfelt said she knew about it, she was at Peterborough and heard of it and drove up immediately with her auto. Some time after that she called me up.

YOUNG: Well, she called and talked about the murder?

RICH: Yes.

YOUNG: Do you know how long after the murder that was?

RICH: I can't tell positively but it was pretty soon, but it was after she had visited, only she came herself, but she wanted to drive over and see me and she did come over.

YOUNG: Now, Colfelt was in the bank Saturday preceding the murder, was he not? What was the object of his visit at that time?

RICH: He made a deposit and I think drew a little money.

YOUNG: Did he say anything about what his plans were at that time?

RICH: Yes, he seemed to be quite delighted with the fact that he had gotten a job at the shipyard.

YOUNG: Did he tell you when he was going there to work?

RICH: No, he told Mrs. Rich. He didn't say anything about it to me. I was very busy.

YOUNG: She waited on him at the counter?

RICH: I think I waited on him, but there were a lot waiting also and he passed by and saw Mrs. Rich in another room where she was working and told her.

YOUNG: He stopped and chatted with her a while?

RICH: I think that's the way I learned about his going to Portsmouth. He was talking all summer that he expected one ought to work or fight, and he wanted to, he said.

YOUNG: Did your bank handle the Liberty loans for that immediate vicinity?

RICH: Yes.

YOUNG: And were you on the committee or not?

RICH: I think they excused me from the committee after the first loan. I told them we had about all we could handle without soliciting. We couldn't go outside. We did all we could inside.

YOUNG: Did Mr. Dean buy his Liberty bonds that you have spoken of at your bank?

RICH: Yes.

YOUNG: Where did he get the money to do it?

RICH: He drew it from Rochester, I remember, the first time. He drew \$1,300 and put \$1,200 into bonds, a peculiar way, one \$500 and seven \$100. After contemplating, I realized as he needed it, but he didn't say that.

YOUNG: Your theory was that he could sell the smaller ones as he needed money if he wanted to?

RICH: Yes. The first thing I knew, he wanted to sell me one.

YOUNG: He subsequently bought other bonds to the extent of \$1,800 or \$2,000?

RICH: Yes. I can't tell exactly but I think the next time he bought \$500, or something like that, the same way. Drew the money, drew on his bank at Rochester, and deposited it in his account, I think, and drew a check

for pay for his bonds. He said he put every cent he had into it.

YOUNG: Do you know whether Colfelt bought any bonds or not?

RICH: Yes.

YOUNG: Buy them at your bank?

RICH: Yes, he bought it at our bank. I would say \$1,500 or perhaps \$2,000 in several issues.

YOUNG: About \$500 of each issue you think?

RICH: Yes.

YOUNG: Did you personally have any trouble with anyone about any bonds or about the delivery of any bonds subscribed for at your bank?

RICH: Not a bit.

YOUNG: Did you have any trouble about any allotments that were made by soldiers to their wives or dependents?

RICH: That was at the Savings Bank, if you might call it trouble. A soldier allotted his money to some sweetheart and the soldier's parents objected. I never knew what the outcome was.

YOUNG: What was the name?

RICH: I don't remember, or never knew it.

YOUNG: Was it Hatch?

RICH: I don't think it was Hatch, but some such name. I had nothing to do with that. There were two banks in the office and Mr. Townsend, I remember, had some little question in deciding what he ought to do. He wanted to do what was right, but he didn't know whether the parents could stop his delivering the money. I don't think it was to the young man's wife.

YOUNG: Was there a Mrs. Hatch who had an allotment there?

RICH: Yes.

YOUNG: Did she have any trouble about that?

RICH: No.

YOUNG: Was there any pressure about it?

RICH: Well, came somewhere near it. I guess she thought she ought to be the beneficiary. I'll tell you how it happened. His allotment still comes to the bank, \$100 a month, and the first two . . .

YOUNG: How do you get an allotment of \$100 a month?

RICH: Well, he's a lieutenant in the Medical service. Anyway, it was \$100 a month. The two came without any directions, "Credit to Lawrence B. Hatch, 2nd Lieutenant" and we tried to reach him at the area of his work, he was to Camp Devens, and tried to follow him with a letter to find out. We thought probably it was meant to be handed over to his wife, but no directions from him, and he left for France so that none of our letters seemed to have reached him, but the third one when it came said, "Credit to Mrs. Marion B. Hatch," I think is the name, and then we turned them all over to her.

YOUNG: How was that turned over, by cashier's

check, in cash, or by your personal check?

RICH: Well, after the first two we endorsed the check and sent it to her, but she came in and I think a Cashier's check was given.

YOUNG: Had the bank in the meantime cashed those two allotment checks?

RICH: Yes, and credited Dr. Hatch.

YOUNG: Then how did you get it from Dr. Hatch's account to give it to her?

RICH: Well, we took the chance of turning it over. It was our mistake, after crediting his account.

YOUNG: Was it your mistake, or his mistake not making it plain what to do?

RICH: Well, we thought that was right because it wasn't mentioned to be to anyone else's. It was our mistake it wasn't turned over to the wife at once, but we didn't know enough about it. That wasn't any cause for trouble, and I don't think the Doctor felt badly over that, but he telephoned me some time before that, before any allotment came, to charge up his note.

He owed the bank \$75 but he didn't have any deposit in the bank, so the telephone was more or less to tell when this came credit to Dr. Hatch \$100 on such a matter. I think I remember right. Then we charged up the note. But he objected to that when he heard of it, and the only thing he did object to. He didn't object to our keeping the money until we knew what to do with it. That was unintentional. We didn't intend to do any harm to him because we told him we wouldn't call for that hundred until he was ready to pay it.

He telephoned to charge the note to his account, which didn't amount to more than one or two dollars, and we thought he knew that the allotment was coming.

YOUNG: When it came to his credit, you offset the note against it?

RICH: We charged it up, but we also told him, not him but told his wife about it, and that if she needed the money, \$75 or twice \$75, to let us know. We would get him to send another note and she could have it. We weren't looking for the money. We wanted to do just as he said.

YOUNG: Have you ever had any bad investments of any considerable amount in the last few years?

RICH: Personally?

YOUNG: Yes.

RICH: No, sir. No investments except paying money on my own note. That's about as good.

YOUNG: Have you bought any stocks, speculated at all in the last, well, I won't limit — ever speculated on stocks?

RICH: Well, I suppose you would say speculated. I never bought over \$5,000 worth at any time, I think. A man would be kind of strange if he didn't hope he

might sell it for more than he bought it, but I bought it to have it, and hold some dividend-paying stocks, and when I needed the money, I sold them.

YOUNG: Did you sell it at a loss?

RICH: No, I didn't lose anything. Didn't make enough so that I'd write it down anywhere.

YOUNG: What I want to get at is whether you have speculated in the stock market at all?

RICH: Well, that's all.

YOUNG: Have you ever bought or sold on margin?

RICH: No.

YOUNG: Have you ever lost any sums of any large amount, or any sums?

RICH: Well, large for me, but it was in the New Hampshire Trust Bank over to Manchester. That was some years ago.

YOUNG: Twenty-five?

RICH: Yes.

YOUNG: Almost everybody in this part of New Hampshire, or anywhere in New Hampshire, lost something in that, didn't they?

RICH: Well, I knew quite a number. I would say yes.

YOUNG: Now to return again to the events of the night of the murder, you think that Mr. Dean arrived at your house somewhere in the vicinity of nine o'clock, as I recall your statement?

RICH: Yes. Must have been later.

YOUNG: And that you came from the bank to your supper, and after supper went down to the post office to get the mail?

RICH: That I can't fix as positive, but that's what I do.

YOUNG: If you can't fix it as positive, I don't suppose you can give us any better or clearer statement as to what time you later returned from the post office to your home?

RICH: No, I can't, but it must have been early enough to get in some work on the land.

YOUNG: Well, you don't think that just as you came back from the post office Mrs. Rich handed you peas, pea pods, and told you to go out and give them to the horse?

RICH: No, not just as I came back, but just as I was going to bed. I know that because it was dusk.

YOUNG: Well, after the injury to your eye, and after Mr. Dean left the house, you can say positively that you didn't go out on the street again that night?

RICH: Yes.

YOUNG: And you weren't in an automobile that night?

RICH: No.

YOUNG: Did you at that time own an automobile?

RICH: No.

YOUNG: And at that time did you drive an automobile of anyone else's?

RICH: Only the one that was stored in the barn. I

occasionally drove from the barn to the bank. Never went any further.

YOUNG: Whose is that?

RICH: Mrs. Henchman, who lives up on the farm two miles away, more or less. She kept her car in the bank.

YOUNG: What kind is it?

RICH: Buick. A small one. 1912 model. Five passenger.

YOUNG: Where was that car before the murder?

RICH: After she got through the bank it was at home. I suppose it was at home. There was a car in my stable. A Ford. I never learned to drive it. I suppose I could but I never did. He always takes the key home with him and the key is something that turns on the power. He calls it a key. I suppose I could have found another. He always told me to take the car if I wanted to, take the car home.

YOUNG: You don't know whether you could use a ten cent or a penny nail?

RICH: No.

YOUNG: Let's see, you told us all about your conversation with Leighton, the undertaker, the day you heard of the death of Dean. You told that the other day, didn't you?

RICH: I think so. All there was. There wasn't any conversation really.

YOUNG: Did you suggest to him that he go up and see if he could get the job?

RICH: No, I didn't know anything about any job.

YOUNG: What was the reason why you took Leighton up there that day?

RICH: He was the first man I met. He was a man that had the leisure and he had an automobile and a good man to go on such a task.

YOUNG: Did the fact he was an undertaker have anything to do with it?

RICH: No, I went to him because he was the first man I saw, and I thought he would know of the death, if anyone did.

YOUNG: That is, when you heard Mr. Dean was dead you went to the undertaker to see if he had heard of it?

RICH: Yes. When I looked out of the bank window the first man I saw was Leighton down by the post office and I said, "That's a good idea. I'll ask him if he knows." But he hadn't heard anything more than I had, not so much.

YOUNG: Then he suggested to . . .

RICH: Yes, to see what Mrs. Dean would say.

YOUNG: And you did go in and she told you Billy was dead?

RICH: Yes.

YOUNG: And then you suggested to Leighton, "Let's go up"?

RICH: Yes.

YOUNG: He had a car of his own?

RICH: He had a Hudson, a nice one.
 YOUNG: You assumed if Billy was dead they would need an undertaker if they found him?
 RICH: Yes, but I couldn't believe he was. I asked just enough to find out she didn't know where he was.
 YOUNG: Are there any other undertakers in East Jaffrey or that vicinity except Leighton?
 RICH: There's Mr. Cournoyer. He's been doing that work but he always had an assistant in Winchendon.
 YOUNG: Where is his place of business in East Jaffrey?
 RICH: Well, he has a grocery store in East Jaffrey. Whether he has an undertaker's room, I can't tell you. I never heard of one.
 YOUNG: Does he have a sign as an undertaker?
 RICH: No.
 YOUNG: Leighton is the fellow that people ordinarily go to in cases of death?
 RICH: Yes. Cournoyer, you see, is Catholic, and Leighton is not, you see.
 YOUNG: I don't know of anything else I want to talk to Mr. Rich about. If there are any members of the jury who have questions they would like to ask, I would like to have them.
 JURYMAN: There is one question. You spoke about planning to go to Boston the next morning. What changed your mind?
 RICH: No, I wasn't going to Boston. The bank has a large factory to furnish the payroll for in Winchendon, and every Wednesday morning we send \$6,000 or \$7,000 to Winchendon with the payroll, and every Wednesday morning I have to be there.
 JURYMAN: You didn't go on that trip.
 RICH: I carry the money to the post office.
 JURYMAN: Didn't you say you were planning to go to Boston, or somewhere, the reason you wanted to go to bed at nine o'clock?
 RICH: No, I had to be up to meet the train for this express package. The train leaves now at 6:39. It was somewhere near that then. I had to be up before six.
 JURYMAN: That is, you kept the money in the bank overnight and had to go over and open the safe, take the money, and take it to the express office?
 RICH: Yes, and that was a small task compared to being sure to be there. The alarm clocks weren't working very well, they were hardly reliable, and I had to depend on myself.
 JURYMAN: Well, you had to get there in season to give this package to the express agent and have it billed?
 RICH: Yes.
 JURYMAN: Why wouldn't you take it over the night before? Would the express do it?
 RICH: No, hardly. They had no place to keep it there and they wouldn't handle it the night before. That's been done since 1858 when the bank was started.

He's had his payroll in the bank ever since. The father is dead but his son is running the business.
 YOUNG: I guess there is one matter we haven't spoken of and that is whether there were any lights ever shown from your house as signal lights, or which might have been mistaken for signal lights?
 RICH: No, haven't anything to signal with.
 YOUNG: You have electric lights, haven't you?
 RICH: No.
 YOUNG: No electric lights shine from your house?
 RICH: No, sir.
 YOUNG: No electric globes about the premises at all?
 RICH: No.
 YOUNG: Ever use your system of window-shade signaling, pushing it up and down to make flashes of light?
 RICH: No.
 YOUNG: On the night of the murder, the night after Mr. Dean left your house, were there people up in the house that night, in your house?
 RICH: Not after I went to bed. Not that I know of.
 YOUNG: That, you say, was about eleven?
 RICH: It must have been somewhat past eleven before I got to bed.
 YOUNG: Do you know whether there were any lights in your house, or people moving about at a much later hour than that?
 RICH: I didn't know of it. I slept very soundly. I wouldn't say there weren't.
 YOUNG: So far as you know, there were not?
 RICH: No.
 YOUNG: No confusion or disturbance around your house that night that you know of?
 RICH: Not that I know of.
 YOUNG: Now, let's see, on this Wednesday morning, that particular Wednesday morning, would you get up before it was light enough to see and have to have artificial light?
 RICH: No, not that time of year.
 YOUNG: Are there any lights on the outside of your building anywhere?
 RICH: There's one on each porch. There are two porches.
 YOUNG: Any out around the barn?
 RICH: Yes, the barn was lighted.
 YOUNG: Were there any lights turned on at the time Mr. Dean left?
 RICH: Yes.
 YOUNG: What lights?
 RICH: All the barn lights, turned them on from the house, and this one in the gable end of the barn, it lights the whole lawn where his horse was hitched.
 YOUNG: That's the light that is on the outside?
 RICH: Yes, on the outside. I think it's a tungsten lamp.
 YOUNG: A tungsten lamp?
 RICH: Yes, I think so.

YOUNG: Those lights were all turned on before he left?

RICH: Yes, when he was going out. He went through the kitchen where I was.

YOUNG: How long did they remain turned on?

RICH: Well, we turned them off immediately after he left, but I was thinking about that. I must have gone back after eleven o'clock to see if I could find my pipe. I'm not sure whether I went then or whether I went the next morning, but I think it would be quite reasonable I would go back.

YOUNG: Do you recall whether you found it that night or not?

RICH: I can't tell you whether I found it that night. I found it when I went after it.

YOUNG: Do you remember whether you found it by daylight or artificial light?

RICH: No, I can't remember that, but it is a particularly nice pipe and I think I went back sometime that night before I went to bed, but I can't fix it somehow.

YOUNG: If you did you would have to turn the lights on?

RICH: Yes, I would have to turn the lights on or I couldn't see.

YOUNG: And when you turned the switch on you would have to have light on inside and out?

RICH: Yes. Didn't have to, but there weren't any of them turned off.

YOUNG: Well, they are all generated by this one switch?

RICH: Yes.

JURYMAN: Would you make it a little clearer why you think Mrs. Dean did it?

RICH: Well, I don't know as I think she did it. I had been inclined to think so. I would like to tell you all I know about that. It was strange to go up there, as I told you, I think, expecting to find an invalid, prostrate with grief and overcome as most ladies would be whether they were invalids or not, but when we arrived there she was the bravest and strongest one on the farm, including myself, and here's the point that struck me.

She was down to the barn looking after the cow and the turkeys and the horse, seeing that they had water and feed. And she knew how to do that after two years. For five or six years before that Mr. Dean wasn't able to do that and Mrs. Dean took it right up, no hesitation, did all the errands down street, and took care of the stock, to help Mr. Dean, but she didn't do the milking, I believe, but she could do anything.

She was down there doing that instead of being overcome with grief, and while I knew Mrs. Dean was strong, perhaps she would do that, perhaps that would be her way, I was a little surprised at that knowing she was an invalid. And from that day to this

she hasn't, to my knowledge, inquired what became of Mr. Dean or mentioned it.

She came to see me at the office very often. All I heard her say was that she missed Billy Dean. And I have seen a letter where she announced to her friend, Mrs. Carson, the death of Mr. Dean, but the letter was written to tell about the dog, which was mentioned a good deal more in the letter, the dog was dead. Now Mrs. Dean perhaps never exactly did like everything that was done to the animals, but nothing about Mr. Dean.

YOUNG: She remembers about his coming home that night, what he brought, etc.?

RICH: Yes, and what he said. Yes, she remembers all that right up to then.

YOUNG: And right there, do you recall what was sent home by him, if anything, from your house?

RICH: Mrs. Rich sent a very meager bouquet of flowers, sweet peas or something of that kind.

YOUNG: Anything to eat?

RICH: Why, hardly ever went to see Mr. Dean that she didn't give him something to eat, but I don't know.

YOUNG: Any canned fruits or preserves?

RICH: That's what Mrs. Dean loved to eat more than anything else. I don't know. It would be strange if she didn't because I never knew her to go without taking something.

YOUNG: You said Mrs. Dean remembered what was done with the animals but didn't recall anything about Mr. Dean?

RICH: She didn't talk about it at all, and when I told her she was right, Mr. Dean was dead and he was found, she still insisted he couldn't be found, he was away over there somewhere in deep water and couldn't be found, and all the time since then it has been just that way with her. And so I thought she did it because of that.

JURYMAN: Would you think she had the physical strength to do it?

RICH: I didn't think so.

JURYMAN: Do you think so now?

RICH: Well, I go something on the judgment of the ladies that stopped there, the nurses, and Mrs. Rich, who saw some test of it. She was a very strong woman and did things about the barn when Mr. Dean was laid up. That was some time before. She would take a bag of corn and empty it into the feed boxes.

No, I don't think it was possible for her to do it when you come to that, the physical part of it, and the age of Mr. Dean, although the body was trussed up somewhere near as Mr. Dean bound his turkeys when he killed them. He bound them so as to keep the feathers clean, keep them from fluttering, but the knots were good secure knots. I don't know any ladies . . .

JURYMAN: Do you think she had the strength, phys-

ically, to carry the body up and shove it into the well?
RICH: I don't think she could have done it. Did I tell you how that well looked? It was a brick cistern, kind of round shape, came up above the surface of the ground. The mortar had gotten out of the top bricks so they were loose, except on one side where it sloped down from the house.

Now, I looked over the ground when I went there, when the selectmen and Mr. Charlie Stratton had just found the body. They had taken him out, waiting to notify the others, and I looked across and I didn't see how anybody could get him in there without disturbing the bricks, or if they went to the house, sliding it down, disturbing the earth as it lay under the cover. I couldn't find a brick. I couldn't find any trace over there around the well where it ought to be found if dragged at all, or from the barn up to the house. I couldn't locate a thing except there was a little blood on the grass at one place.

JURYMAN: Up by the well?

RICH: Down by the barn. And there was a little blood on the door handle, and I didn't see that. My attention wasn't called to that, the bloody door handle.

JURYMAN: Do you recall making the statement to anyone shortly after the murder that you thought that Mrs. Dean was quite as likely to have done it as anybody?

RICH: Well, I think I may have, but I never felt that she did. And we had this question, from that time to this, to see if I couldn't form some conclusion myself, and that's why I despair of helping these gentlemen any. I couldn't come to any conclusion myself.

YOUNG: Didn't Mr. [], a member of the [] commission, pronounce the theory quite definitely that Mrs. Dean was the party that did it?

RICH: Yes.

YOUNG: Wasn't what he said, and the theory he advanced, responsible to more or less a degree for the possible conclusion perhaps that Mrs. Dean might have done it?

RICH: I don't think it had very much to do with me, that is, about the matter or any particular facts.

YOUNG: You weren't up to the farm that day I was over there and met [] the first time?

RICH: No, I don't think I was ever there when you were up.

JURYMAN: Mr. Rich, you knew Mr. and Mrs. Dean very well, but can you advance any reason or any motive why she would have perpetrated the deed?

RICH: What motive she would have?

JURYMAN: Yes.

RICH: That sticks with me more or less, that Mr. Dean didn't have any money to give her and she was always talking about her money. She must have had enough. They said she had enough so they could live on her farm comfortably, but she always asked me if there

was money now at the bank, as though she wasn't told about it. And while that isn't motive enough to go and kill her husband, she wouldn't do it unless she was frenzied.

YOUNG: Assuming that she did it, didn't everybody who supported that theory at all also assume that she did it because of her mental condition, and that subsequently her mind was a blank?

RICH: Yes, it was absolutely a blank. You couldn't get her to cross the line from the time Mr. Dean went to the barn. From that time she never passed the line to talk about Mr. Dean. Now I don't want to give here, to give the impression that I am trying to show that Mrs. Dean did it, but as I understand it, there isn't a shadow of evidence that anybody else has done it.

JURYMAN: Did you ever make the remark that you would hate to be in Mrs. Dean's place under these circumstances?

RICH: No, no. I don't see why I would. No, I never made that remark. I never thought of it.

JURYMAN: Another question I would like to ask. You are good to answer all questions put to you.

RICH: Well, I'm glad to answer anything I can that would help.

JURYMAN: Had you known of Mr. Dean being away from home as late at night as he was that last night?

RICH: Very rarely away from home at night. He had sometimes in the summertime visited the summer guests, especially Mr. and Mrs. Robinson, but what time of day he was up there, I don't know.

JURYMAN: Did you notice when he left that night there was anything different about the man than any other time? Was he more anxious or anything of that kind?

RICH: No, I couldn't see anything. He was just the same. That same night he showed he was himself. He met one of the livery men who has got an auto and he was a man Mr. Dean would telephone down to, Mr. Stratton, and say, "Bring up some groceries." He would rather pay him to bring them up. He would say, "Have you got your auto? Well, you bring me up a hundred pounds of sugar." You know, there wasn't a man in town could buy a pound only once a week, so the joke was, "Well, you bring me back a hundred pounds."

JURYMAN: Was your eye paining you?

RICH: Not the least. It wasn't hurt so that I knew it until I looked in the glass. And in further answer to your question, he didn't say anything to me but Mrs. Robinson could tell you, and I could tell you what she told me, and Miss Hodgkins, too, about his talking on particular serious subjects — "What became of a man after his death?"

JURYMAN: They both related that same incident?

RICH: Yes, gave me some impression that he might be thinking of that, although you never could tell. He

was a great scholar and a great philosopher, and his hobby was, if he was talking with you, to give you all the opportunity in the world to do the talking and discuss something, get you started where you could talk, and I never knew when he was really serious and when he wasn't. So I don't know about this, whether he started this subject about the afterlife to know what other people thought, or whether he wanted to give them a chance to talk to save him talking so much. He was very skillful in conversation. You never could tell his motives.

JURYMAN: Let me ask once more really about Dean's weight. What was the total weight of Mr. Dean with this clothing, this bag, the ropes, the stone, and everything?

YOUNG: The report of the autopsy was that Mr. Dean weighed about 145 pounds. The stone weighed 27 $\frac{3}{4}$ pounds, I think I remember that weight. And probably the clothing and the ropes would have to weigh, well, from three to eight pounds, according to whether they were rubber shoes or not.

JURYMAN: And that would be a total of 175 to 180 pounds?

YOUNG: Yes, approximately. Probably 180 pounds.

JURYMAN: It seems strange that a man of your judgment would think that any woman could carry a weight of 180 pounds and drop him into the well.

RICH: Well, I don't think so. I have told you frankly. All the arguments are against it. Nothing disturbed. How one person, I don't care whether man or woman, how one person could get that in there. I know I found my father dead in my house when he was there one Sunday and he wasn't any heavier than Mr. Dean, without the stone in there, and it was some task to pick up the dead body, limp, and lay him on the cot. I don't understand how she could do it.

YOUNG: Of course, this thing would be true, which doesn't give much force to the proposition, of course. It wasn't necessary that she could carry the stone from the barn up to the cistern. It might just as well have been put in the bag there, but that means the carrying of the weight of 150 pounds, which might seem as improbable, or nearly as improbable, for a woman than 180 pounds.

JURYMAN: It is thought that the stone was gotten up near the house, isn't it?

YOUNG: Well, you gentlemen can attach as much importance to that as you see fit. There were several places where stones had been moved. There was a place on the wall down by the barn where it looked as though an irregular but somewhat longer than wider stone had been taken out. Against the wall on the ground it looked as though a long irregularly shaped stone had been pulled out. There was a place down near the house where it looked as though a stone had been taken out.

It isn't very important where it came from because if anyone could carry 150 pounds, this stone wouldn't, I don't think, have been the last feather that broke down the rigging.

JURYMAN: On the other hand, wouldn't it seem almost impossible to have taken that body up there by the cistern and put that stone in and got it ready without leaving some track that might have been seen the next morning?

YOUNG: Well, I assume that quite likely, if there hadn't been anybody led to search the cistern to know the body was there, I think quite likely you would have found something, but, of course, the tracks of the people that went there to look in the cistern in the first place gummed the thing all up.

If anyone of us had been there that morning we would naturally have gone to look in the cistern some time during the day after it had occurred to us he would have been in there, and the people who went to the cistern, their tracks, as well as the people who went there to do the job, were there, and during the day there were undoubtedly a good many, but the day I was there, there were more than fifty went to look down the cistern that I know of, besides myself, and I presume likely if it had been known that Dean was in the cistern, and a couple of careful, observing men had gone up there and begun at a distance and worked up to the cistern, very likely they might have discovered something that would have thrown some light on it, that is, you might have been able to define whether the shoes of the people who had been there last were ladies' shoes or men's shoes, whether they had rubber heels or not.

Such things might have been disclosed, but I don't criticize or find fault because always the most natural thing is for people to rush around and see what they can find.

JURYMAN: There is no reason why a stone of that shape couldn't have been easily slipped into the bag. I wouldn't feel anyone of Mr. Dean's size, any reason why a stone like that couldn't be easily slid into the bag at the well or any place.

YOUNG: I assume the location isn't contributing anything, if the stone was put in at the barn or the cistern, one place as well as another. The bag wouldn't have to be drawn over the stone.

RICH: A thing that isn't taken into consideration, the first blow wasn't necessarily struck at the barn. There's no mark at the barn to show it. It might come from the shoe, or one's hand, or anything. But I think you are right in thinking it was done there.

YOUNG: Didn't you see the edge of the steps down there, Mr. Rich? On the edge of the barn didn't it look as though something had been dragged down over?

RICH: Yes, but if the shoe was bloody, I don't see why it couldn't have marked that.

YOUNG: But assuming the blood had been on the shoe up to the cistern and walked down to the damp grass, there wouldn't have been enough left on it to spot the floor.

RICH: Yes, that's what I thought of when I went there. The first thing, I wanted to water the stock. They said they hadn't been watered, but none of us could think of any way except to bring water from the big house, pump it down cellar in the big house, and we did lead the horse and the cow up there to water, and no one since, as I understand it, has found a way of making water run to the barn. There is a way but they said it was out of commission some way, last I knew.

YOUNG: When was the water turned off in the big house, did you know?

RICH: I didn't, no. I was told someone sent Mr. Henchman to see the problem, then look after it.

YOUNG: Do you know who sent him?

RICH: No, I don't know. I did know. I don't know whether it was Mr. Dean's brother, or the administrator, or who.

YOUNG: Hadn't been any administrator appointed then, had there?

RICH: I don't know. I don't know when it was done.

YOUNG: Can you suggest anything — I believe you made some statement on that line — can you suggest anything that we haven't gone into that can throw any further light on this situation?

RICH: I tried to think of something that would be of some use. Can't think of anything that would be of use to the matter.

YOUNG: From your information on the entire matter, and such knowledge as you have concerning the entire situation, have you reached any conclusion, or any fixed suspicion as to who might have done this?

RICH: No, I can't fix it on anybody.

YOUNG: Do you put any stock in the turkey thief theory?

RICH: They didn't take any turkeys anyway.

YOUNG: How do you know?

RICH: Mrs. Dean. She said they were all there.

YOUNG: Do you suppose she could count them?

RICH: Well, some things like that she knows about. The only conclusion I can arrive at is as to motive. Either Mrs. Dean did it, or Mr. Dean knew too much about something and somebody had got to get rid of him, or somebody was overtaken in the barn and there was trouble.

YOUNG: Now, then, if Mr. Dean knew too much about somebody, or if he was in touch with conditions which to him looked to be adverse to the interests of the Federal government, wouldn't it seem probable that he would have said something to you, as the local magistrate, a man who he had confidence

in, a man of some prominence in the affairs of that immediate community, and a man with whom he visited the very night before he was murdered, and the very day he had sent to Boston to have a Federal agent sent out here?

RICH: Well, I was surprised, if there was anything, that I didn't know about it. But there was something. He wasn't very frank in telling me anything about the trouble between him and Colfelt, but come to think of it, he never discussed his private affairs with me or anybody else I knew of.

YOUNG: Have you seen the letters that went back and forth between Dean and the Colfelts?

RICH: Somebody showed me a letter Mr. Dean wrote to the Colfelts about the rent.

YOUNG: That was written the 12th of August, the day before he was down to your house?

RICH: Something like that.

YOUNG: Was there anything in any of those letters that were shown you that showed any foulness on Dean's part or Colfelt's part?

RICH: Not the least.

YOUNG: They were not even what you would call sharp business letters?

RICH: Not in the least bit. But they wouldn't be. If there was something, they wouldn't be from Mr. Dean. He was too slick a proposition, writing to ladies especially, to be sarcastic. Knowing Mr. Dean I would know they would get a very slick letter anyway.

YOUNG: Well, the telegram he sent the Colfelts was "Please return the things you took away and send me a check for the hay," as I remember it.

RICH: Yes.

YOUNG: If you were telegraphing him to pay it would be a very different nature. You probably wouldn't say "please" in the telegram?

RICH: Well, I am not Mr. Dean. Mr. Colfelt used to say he was the most perfect gentleman he had ever met in his life.

JURYMAN: Do you recall in your conversation with Mr. Dean that night of his expressing any concern in regard to leaving Mrs. Dean alone?

RICH: No, I didn't talk with him enough to hear that, if he said it. I never knew how he left Mrs. Dean alone. I can tell you what I've been told. I've been told he generally fixed it so she couldn't go out of the house while he was gone, but I don't know that of my own knowledge.

JURYMAN: Do you mean he would lock her in?

RICH: Yes. She evidently went to the barn when he was away because she knew where everything was, how they were taken care of, and everything, but she wasn't able to go when he was at home.

Now I'm not telling that as anything strange. I have studied that subject tremendously hard for I told you I have an aunt who is in the same condition, ap-

proaching that senile dementia, old age loss of mind power.

JURYMEN: What they used to call softening of the brain?

RICH: Yes.

JURYMEN: And now they call arterial sclerosis?

RICH: This aunt of mine couldn't go down the door-steps to go out to the barn or go outdoors no matter how mild the weather, when we are there. Mrs. Rich and I came up Monday or Friday, one of the days we got home after we had been up here for this hearing, somebody had been out to get the eggs and brought them in, and while there was a man named Costello taking care of the place, he hadn't done it.

And I have known of my aunt's looking over the things in the barn — she had some old trunks and things out there — when I am not there. We don't lock her in at all, she goes out and looks her things over, but when I am there, for some reason, this isn't natural for her, but for some reason she thinks she can't do anything, and so I can see a likeness between them.

Mrs. Dean might feel there was somebody there checking up. I don't believe she would try to deceive Mr. Dean any more than my aunt tries to deceive me, but as I told you, we had the sudden death of a niece and you couldn't make my aunt understand it as death. Mrs. Rich and I went to a wedding and had a good time, and you couldn't change it in her opinion. You couldn't tell her the niece is dead and we went to the funeral. She doesn't comprehend it.

Now, when we told Mrs. Dean at the very first — she seems to comprehend it now — but at the very first, that Mr. Dean was dead and they found him, she wouldn't understand it. She stuck to her theory he couldn't be found. That's just like my aunt. So, you see, if one of you acted that way we would know you knew about that job, but when you come to it these people don't know anything about it after what they told her.

JURYMEN: May I ask what her condition has been since the murder. Is it improved or grown worse?

RICH: I can't say that it's any worse. She walks down street to the office quite often. They reported — she was sent to Worcester to be under observation — and they said there is no reason why she shouldn't be at home in somebody's family in the village. She lives in East Jaffrey now, but she came twice a week or three times, to know what became of the money Miss Ware paid. She said, "I want some of that. Why don't you pay it to me?"

Miss Ware had told her she would pay Mr. Davis, the guardian, for the stock and that he would deposit it in the bank. They had brought it to the bank to me, and I told her time and time again she was a child again, had nothing to worry about, that the State of

New Hampshire had charge of her affairs and would see she had plenty, and that she didn't have to worry about anything.

I told her that whenever she came. I said, "Mrs. Dean, I am going to write this out and when you feel like asking me questions, you get my letter and read it." And she hasn't been in the bank but once since then. And the other evening I met her at the concert and she beckoned me and I went over and she said, "I thank you for writing me that letter, Mr. Rich, for when I read that I can understand the situation."

JURYMEN: Did you write her?

RICH: When she was there I wrote it down just as I told you, that she was a child under the guardianship of the State and she didn't have anything to worry about, and not only that her property was taken care of, but there were plenty of folks like Mrs. Robinson, Mrs. B. L. Robinson, and C. L. Rich, who had stated that Mrs. Dean never should have to be taken away on account of want of money to take care of her.

JURYMEN: I believe you already stated to us that Mr. Dean didn't say anything to you as to having any fear or being reluctant to leave his place on account of anything going on there, that he couldn't get away, that he was afraid to go away?

RICH: No, I never heard him say very much. I heard him say that he didn't come earlier because he couldn't leave Mrs. Dean, but he never would explain just what the matter was.

JURYMEN: We had another case, if I may be permitted to speak of it, where a fellow was knocked in the head. Now if somebody had done the same thing to him, some fellow might be hanging around, knowing he had money or something, wouldn't this have been a logical thing for him to have done, killed him and tied him up to get rid of him?

RICH: It looks so to me.

JURYMEN: We had a suspect character who did just that thing, and I wondered if it had been looked into with respect to Mr. Dean?

PICKARD: I can only say that, of course, we knew about this case definitely since the Dean murder, but at that time we didn't know the identity of the fellow and I guess it is clear to me, and seems it is clear to you, that there is the possibility, but I haven't anything beyond the possibility.

YOUNG: We have another one in Hookset we have spent time on, and I would like to have someone tell me about that.

PICKARD: We have no argument that anybody has ever claimed to.

JURYMEN: Did Mr. Dean have anything in his pocket, any watch, or money, or anything?

YOUNG: No, his watch was at the house and what little change he had was left at the house. Mrs. Dean said he had no money at all.

PICKARD: Do you remember there was some sort of small tray in the window on the day we got there that had a little change in it and it was right beside his watch?

JURYMAN: You don't know about that, do you? Whether he would be likely to have any money in his pocket, if he had drawn money from the bank?

RICH: He rarely carried home enough to be called money. Why he had, I don't know but what it was his inviolable rule — there was a merchant here where he traded and he could tell you — but he wouldn't come into the bank for cash, he went to the store. He seldom exceeded five dollars, I don't know as he ever did, but generally five dollars cash and endorsed by some of the merchants. Now before this happened he went to the merchants, this was endorsed by Goodnow Bros., this last check, as I remember it, and he paid a bill of goods and he had some change.

YOUNG: That was a five dollar check, wasn't it?

RICH: Yes. And Mrs. Dean has told Mrs. Rich — I never talked to her about what Mr. Dean did — sometimes asked if she had any money in the bank, but I understood he never carried any money home of any kind.

YOUNG: Do you know how much his purchases at Goodnow's amounted to?

RICH: Why, I don't know exactly. We were trying to figure out how much he might have carried home from that check.

YOUNG: Did you figure it?

RICH: I went over it with the others and didn't copy the figures and I can't tell you.

YOUNG: Who else figured it out, do you remember?

RICH: I saw Mr. Scott's figures and he told me what they were, something like that, and asked me what I thought about it, and that's probably his way of doing business.

You have been asking if this was an act of a tramp being caught there. I had often thought of that, and I know others had. There was a place on the hay like as though somebody had camped more or less.

YOUNG: Did you see that?

RICH: No, I didn't see it but there was a place in the grass — this I was told by the detectives and Scott and Wellington — in the grass where it looked as if somebody had lain on it. It might have been a calf, you know, for all I know.

YOUNG: Right in that connection, do you recall Mr. Dean's ever telling about losing turkeys in an unusual way?

RICH: Only by foxes.

YOUNG: He didn't suggest there were any two-legged foxes?

RICH: No, he didn't. What he told me, he said they came to get them right in his sight. He never turned

out his turkeys as some of them did, down in the field, without going with them.

YOUNG: He didn't suggest that they disappeared at night although he put them in the barn?

RICH: No, I never heard him say that, but he always attributed it to foxes. I told him to go and get Mr. Kidder — Mr. Fay knows what a professional he is in trapping — or Mr. Wellington, to trap them or hunt them in some way, and I think somebody did set some traps for him, but Mr. Dean was such a lover of wild animals that he wouldn't shoot at a fox right in front of his house if he sat there and he had a gun in the house within reach. He would rather lose his turkeys than to kill the animal that carried them off.

PICKARD: With reference to the cash he had with him that night, I want to read this, taken from one of Mr. Scott's records, dated August 20, 1918:

"I then went to Goodnow's Store where I learned that Mr. Dean had made some purchases on August 13th at about 8:30 to 8:45 p.m. They spoke of it as a few minutes before they closed. He was waited on by Charles Bobbilee who sold him three [] at \$1.65, two pounds of raisins 28 cents, one package of [] 12 cents, a dozen lemons 50 cents, some [] 30 cents, six cans tobacco Prince Albert at 90 cents. . . total \$3.75, and paid cash for the same.

"The cash was paid to the treasurer, Mrs. Foyle, who also recalls seeing Mr. Dean and recalls his paying his bill. He tendered a five dollar bill or a ten dollar bill and got his change, which, as she remembers it, he had a pocketbook but cannot describe it. It was his custom lately to pay cash. He used to pay by check. He transacted his business and went out. He had his team outside of the door."

RICH: He rarely drew any cash from the bank. He drew his check payable to cash and some of the merchants gave him the balance. If he paid cash to Goodnow Bros., he had been to some other store before, but that didn't matter. That was his custom.

JURYMAN: It appears to me, Mr. Attorney General, you spoke about going away. If there are any other witnesses that would need examination I think if we could have the benefit of your presence here we could examine them and have Mr. Rich come back later.

I am asking a few questions, maybe thinking some of the other jurymen would suggest something. My questions have been fully answered, and I remembered what you spoke of last night and I think it might be a good idea to have the benefit of your presence if there are any other witnesses to be examined.

PICKARD: The Attorney General has consented to stay with us all day.

WITNESS DISMISSED

EDWARD C. BOYNTON *recalled*

Direct Examination by Mr. Young

YOUNG: I don't know as I recall just where we left off with you, Mr. Boynton?

BOYNTON: It strikes me it was about the time the body was taken out of the cistern, but I'm not sure.

YOUNG: You were present at the time the body was taken out of the well?

BOYNTON: Yes.

YOUNG: And those other gentlemen whose names have been mentioned, Mr. Coolidge, Mr. Rich, the doctors, the County Solicitor, and several others were present at that time?

BOYNTON: Well, I wouldn't want to say about it. They might have been. I don't recall Mr. Rich being there.

YOUNG: I didn't mean Mr. Rich. I guess that was my mistake. He had been there on the place that day?

BOYNTON: Yes.

YOUNG: Had you met him?

BOYNTON: I wouldn't want to say that I had.

YOUNG: But the body was taken out in the latter part of the afternoon?

BOYNTON: Yes.

YOUNG: Were you there when the cistern was pumped out?

BOYNTON: Yes.

YOUNG: Did you see anything that was taken out of the well?

BOYNTON: It was a tobacco box, or cigarette case, or something of that kind.

YOUNG: Was there more than one?

BOYNTON: I didn't see but one.

YOUNG: What was done with that when it was taken out?

BOYNTON: Well, it was thrown out on the edge of the cistern, on the ground. It lay there some time. I couldn't say how long.

YOUNG: Was it thrown out or laid out?

BOYNTON: It was thrown out.

YOUNG: Was it closed?

BOYNTON: I think it was closed when it was thrown out. I think it laid there perhaps less than half an hour.

YOUNG: Is this the case?

BOYNTON: No, sir.

YOUNG: That isn't the case that came out of the well?

BOYNTON: No, sir, it isn't.

YOUNG: Is that the case that came out of the well?

BOYNTON: No, sir, I would say not.

YOUNG: Neither one of these is the case that came out of the well?

BOYNTON: I would say not.

YOUNG: Will you describe the one which did come out of the well?

BOYNTON: I think the one that came out of the well

was a larger case than those. It opened in the same way that those open. I think it was, instead of round corners, it was square.

YOUNG: Have you ever seen it since?

BOYNTON: No, sir.

YOUNG: Do you know who took it away that day?

BOYNTON: Only from hearsay.

YOUNG: Who did you understand took it away?

BOYNTON: I understood Mr. Emerson took it away.

YOUNG: You feel quite positive that this case that I now hand you was not the one that came from the well?

BOYNTON: No, sir.

YOUNG: Did you see that there that day?

BOYNTON: No, sir, I didn't. It was a larger case than that and wasn't as thick.

YOUNG: Who else saw it?

BOYNTON: There was Mr. Emerson, and the only ones I could swear to were Mr. Emerson and his two men.

YOUNG: And Mr. Emerson, the Deputy Sheriff, and his two men were the people who pumped it out with a gasoline-driven pump?

BOYNTON: Yes.

YOUNG: And when the water got down so it wasn't very deep near the bottom of the cistern could you see this lying on the bottom?

BOYNTON: Yes.

YOUNG: Do you remember the name of the man who picked it up?

BOYNTON: I don't know that I knew his name. It was one of Mr. Emerson's employees.

YOUNG: Part of the time you call it a well and part of the time a cistern. It's shaped like a well but is technically a cistern?

BOYNTON: Yes.

YOUNG: Did anybody say anything about there being any initials or marks on it?

BOYNTON: No.

YOUNG: When you were looking at it, who had it?

BOYNTON: It was lying on the bank when I saw it.

YOUNG: Did you see anybody pick it up?

BOYNTON: No.

YOUNG: Where was it when you left?

BOYNTON: I think it was picked up while I was there, but I didn't see when it was picked up. I thought it was going to be left there and perhaps nothing said about it.

YOUNG: Did you understand it was Dean's box or not?

BOYNTON: I didn't know anything at all about it. Nothing said at that time.

YOUNG: Have you ever heard of another box than these two you now see here?

BOYNTON: Yes, I think I have seen one that had his initials on. Seems to me, as I remember, it was larger,

or perhaps might not have been, with initials. There was a box that I saw Wellington have. I think that it was larger than this.

YOUNG: You are sure it wasn't this shiny one that Wellington had?

BOYNTON: I wouldn't swear to that but I think not. I think it was an old-fashioned snuff box that he had.

YOUNG: What do you call this one?

BOYNTON: Well, that's more like what I would say was a snuff box.

YOUNG: But you are quite positive that neither one of these was the one that came out of the well?

BOYNTON: I'm not positive these aren't the ones that came out of the well.

YOUNG: Now, the day that the body was found had you told us about meeting Mrs. Dean and talking with her?

BOYNTON: I don't think I did.

YOUNG: Didn't speak with her at all?

BOYNTON: No, I don't think so.

YOUNG: Overhear any conversation she had?

BOYNTON: No.

YOUNG: Did you go down to the barn?

BOYNTON: Yes.

YOUNG: Did you see the blood stains on the floor?

BOYNTON: I didn't until my attention was called to them by several persons, I won't say whether it was Mr. Lord or some of the other men.

YOUNG: Mr. Lord didn't get there until quite late in the afternoon?

BOYNTON: I couldn't say who called my attention to them. My attention was called to them first.

YOUNG: Did you see the blood on the doorknob?

BOYNTON: I didn't until my attention was turned to it.

YOUNG: Your attention called to it, or did you see any blood stains on the wide door leading into the barn?

BOYNTON: I don't think my attention was called to them, and I don't think I saw them.

YOUNG: Did you see any blood stains on the grass?

BOYNTON: I did after we were there, I saw it on the grass.

YOUNG: See any blood stains on the inside of the barn anywhere?

BOYNTON: I didn't at that time.

YOUNG: Make any examination of the premises after your attention was called to the blood to see if there were any stains of blood in the barn?

BOYNTON: Yes, I looked around some but the barn was so that I couldn't see it afterwards. My attention was called by, I think the Federal officers, to the blood stains in the barn.

YOUNG: Whereabouts was that?

BOYNTON: It was just back of the door.

YOUNG: That is, as you go into the barn through the little door with the little white porcelain knob, off of the porch that opened into the barn like that?

BOYNTON: Yes.

YOUNG: And it would swing back onto the side of the barn if you were a mind to swing it back, wouldn't it?

BOYNTON: Yes.

YOUNG: Where, with respect to this door opening into the barn, where was the blood stain?

BOYNTON: I would say not a great way, perhaps something in that position. Just in back of the door. If you opened the door wide, I would say it showed from the door.

YOUNG: That is, the door would swing by the spot?

BOYNTON: I think the door would swing by the spot.

YOUNG: How large a spot was that?

BOYNTON: Well, I would say a heel mark.

YOUNG: Could you tell what kind of shoe?

BOYNTON: No, it wasn't plain enough.

YOUNG: Rubber heel or leather heel? Smooth or with nails?

BOYNTON: I couldn't say. It wasn't plain enough to see.

YOUNG: Was it an imprint or a smudge?

BOYNTON: It was an imprint.

YOUNG: As though the heel was put down firmly, or merely like as though somebody had stepped in it? Your conclusion was that the bleeding was there and somebody stepped in it?

BOYNTON: It seems to me as though the blood was on the floor and was stepped in afterwards.

YOUNG: If that was true, whoever did that couldn't have gotten out of the barn in any way without stepping in it, could they?

BOYNTON: No, I would say not.

YOUNG: Did you find any other imprints from that heel? Any other spots of blood in the barn at all?

BOYNTON: No, sir.

YOUNG: So if the person walked away after having stepped in the blood there, there wasn't enough on the shoe to make a mark anywhere else?

BOYNTON: Well, there was so much litter in the barn there I think perhaps an imprint of the heel wouldn't have shown after that step.

YOUNG: Were you down to the barn that afternoon when I swept it up?

BOYNTON: No, I wasn't. I was there the next morning and if you swept it up I don't consider it a very good job.

YOUNG: I didn't sweep it very clean?

BOYNTON: No.

YOUNG: Those were the only blood spots or stains you observed at that time?

BOYNTON: Yes.

PICKARD: Those weren't observed at that time, were they?

BOYNTON: No, they were not at that time. It was the

Federal officers that called my attention to the heel mark.

YOUNG: How long was that after the murder?

BOYNTON: I couldn't say. They were there soon after. I would judge it was along into the next week, but I'm not sure. I don't think they were there the first week, only someone from the County, but I couldn't say definitely when they came over.

YOUNG: Well, the two Federal officers were Valkenburgh and Weiss?

BOYNTON: Yes.

YOUNG: And you didn't see this until after they got there?

BOYNTON: No, sir.

YOUNG: Do you say Valkenburgh and Weiss came on to the scene the next week?

BOYNTON: I couldn't say. I didn't set it down or make a memo to see when they did come. It was soon afterwards. I would say it wasn't weeks.

YOUNG: Was Mr. Kent working on the case at that time?

BOYNTON: I think Mr. Kent was on the case at that time.

YOUNG: You don't recall how long he had been working on it?

BOYNTON: Well, I think Frederick Dean returned to New York either Saturday or Sunday after the murder, and I think he returned either Sunday or Monday. Is that correct, Mr. Pickard?

PICKARD: It was the following Saturday, the second Saturday after the murder that he returned.

YOUNG: Assuming the murder took place Tuesday night, Mr. Dean and Mr. Kent returned to New York a week from the following Saturday?

BOYNTON: I would have said sooner than that. What day was Mr. Dean buried?

YOUNG: Friday, the day I was over there. Mr. Frederick Dean was there then, and he was there Saturday when I was there.

BOYNTON: Well, from memory I would have said that Mr. Dean and Mr. Kent went back quicker than that.

YOUNG: Well, not later than a week from the following Saturday?

BOYNTON: Yes.

PICKARD: I think actually it was Friday night, but rather late.

YOUNG: Was your attention called to the blood spots, I think you said it was something on the outside of this wide door that opened into the barn?

BOYNTON: Not blood spots at the time my attention was called to it, saying that it was some calf's feed or something of that kind.

YOUNG: Brown water, something of that nature?

BOYNTON: Yes.

YOUNG: Did you remove them or investigate them in any way?

BOYNTON: No, and perhaps, to tell the truth, I wouldn't want to say under oath that that was calf's feed that had been put there. I couldn't swear there was anything on the door.

YOUNG: Did you know that Kent afterwards found blood spots there?

BOYNTON: Yes, I know it was explained there was blood spots there.

YOUNG: Not this calf's feed?

BOYNTON: Well, under it or on it. I don't know how that was. Must have been, I suppose, if they were there.

YOUNG: You told us something the other day about seeing lights. Can you briefly tell us how many different times you saw those lights which you took to be signal lights?

BOYNTON: I would tell you a good many times if I told you the number, I think.

YOUNG: Your best impression?

BOYNTON: Almost continuously, unless it was a cloudy night, and sometimes on a very cloudy night perhaps. I know there was one night, I think it was one Sunday night, that a neighbor of mine, Mr. Fitzgerald, was over there and it was quite foggy, and with the fog you couldn't see a great distance, but we went into Herbert Moore's house and looking out of the back window and there was a pattern light from the peak of Pack Monadnock that showed through three times that night.

YOUNG: How far is that from Pack Monadnock?

BOYNTON: It was probably, in a direct line, five or six miles I would judge.

YOUNG: You say it was cloudy and foggy?

BOYNTON: Yes.

YOUNG: Could you see Pack Monadnock?

BOYNTON: Oh no, we couldn't see it.

YOUNG: Did you conclude the light came from that mountain?

BOYNTON: From the right of that mountain, I would say.

YOUNG: Do you mean it came from beyond the mountain?

BOYNTON: No, over the range, which it would have to.

YOUNG: Is that direction toward the Dean or Colfelt place?

BOYNTON: No, the light was east, in that direction from the Temple Mt. toward the Dean place.

YOUNG: From the Temple Mt. toward the Dean place? Pack Monadnock is northeast of the Dean place?

BOYNTON: Well, Pack Monadnock is in the other range. It joins the Temple range.

YOUNG: The Dean place would be between the point where you were?

BOYNTON: No.

YOUNG: That is, you were up between Pack Monadnock Mt. and the Dean place?

BOYNTON: No. Here was the Dean place, and here was Pack Monadnock, and here was my place, and the Dean place would be off somewhere like this, and we were looking across here.

YOUNG: It looked to you as though the light was flashing from the direction of Pack Monadnock?

BOYNTON: It wasn't flashing, it was a pattern searchlight.

YOUNG: Remained approximately how long?

BOYNTON: A very short time. There were three flashes through there. Mr. Fitzgerald made the remark, he said, "That's a pattern searchlight."

YOUNG: Did you ever reach any conclusion as to what it was?

BOYNTON: No, no further than what I could see from the lights.

YOUNG: Did you report that fact to the Federal officers?

BOYNTON: Yes.

YOUNG: Were they in that vicinity at that time working?

BOYNTON: No, they were not, I think.

YOUNG: Do you remember what time of year this was?

BOYNTON: Well, it was, I would say, about in the latter part of September.

YOUNG: Since the Dean murder, and since Mr. Colfelt moved from the Dean place, of course?

BOYNTON: Yes.

YOUNG: And also while he was working in Portsmouth?

BOYNTON: I would say yes, although I'm not positive about that.

YOUNG: There was no one on the Dean place at that time?

BOYNTON: No one on the Dean place at all.

YOUNG: Have you got any explanation or theory as to what the purpose of that light could have been?

BOYNTON: Well, I have a theory as to what it might have been.

YOUNG: What is your theory?

BOYNTON: My theory was that there was a continuation of those lights which reached to some point where messages could be sent by the flashes place to place.

YOUNG: On this dark, foggy night?

BOYNTON: On clear nights.

YOUNG: How many miles, in your judgment, was it in a straight line from the place where you sat and observed this line?

BOYNTON: I would judge it might have been possibly seven miles where I judge the light was thrown over.

JURYMAN: May I inquire where your home is?

BOYNTON: It's right in East Jaffrey. Right in the edge

of the village. That would be east of the Main Street.

It's on Main Street. It's on what they call East Main.

YOUNG: Is the Dean place visible from your residence?

BOYNTON: Yes.

YOUNG: And the Rich house?

BOYNTON: The Rich house isn't visible. That is, I've never seen it and I don't think it can be seen.

YOUNG: Did you say you had seen some lights from the Rich house?

BOYNTON: No.

YOUNG: You never have?

BOYNTON: No. I've explained the lights that were coming from the Rich house the other day.

YOUNG: What about those?

BOYNTON: My attention was called by — I won't say just who — that the Humiston folks were looking from their flat roof and watching those lights.

YOUNG: Were you present?

BOYNTON: I was on the flat roof of the house with them.

YOUNG: Now just what did you see?

BOYNTON: I never saw any lights from the Rich house while I was there. I could see the Rich house from there.

YOUNG: But you didn't see any lights?

BOYNTON: I didn't see any lights, but they said that they had, and they had taken out white paper with the dots and dashes that were taken from the lights, and I won't be positive but I think the time which elapsed between the flashes. I won't say that is positive, but that's my remembrance of the report.

YOUNG: Anybody ever translate that or reduce it to letters?

BOYNTON: No, I don't think they have. I don't think it would be possible probably. I don't think that they were using perhaps the Morse code. I know a little about it. Or any code that they were familiar with.

YOUNG: Well, in order to send a message by means of the Morse code with lights, it would require somebody qualified, wouldn't it? Or don't you know about that?

BOYNTON: I don't know about it.

YOUNG: In the first place it would require somebody that could read Morse, wouldn't it?

BOYNTON: Well, if it was sent by Morse code, yes.

YOUNG: Or if it was sent in some other code which we don't know anything about, it would require somebody that could read that?

BOYNTON: Yes.

YOUNG: Well, if it was words for which a symbol was the word, it would require a considerable number of signals to express any considerable amount of that in a message, if one signal was for each word?

BOYNTON: A single word might mean quite a long message, of course.

YOUNG: But in order to successfully transmit messages in that way it would have to be by someone who understood or could read the code?

BOYNTON: That to my mind would be essential necessarily in relaying. I think it ought to be possible for him to relay a message which he received, and not know anything at all about the message itself.

YOUNG: You would have to read it when it came?

BOYNTON: I would have to get the dots and dashes.

YOUNG: You might know what the message meant, but you would have to be able to read it so that you could repeat it?

BOYNTON: Yes, that's correct.

YOUNG: That is, you would have to know whether it was — for instance, in the Morse code, A is one dot and a dash?

BOYNTON: Yes.

YOUNG: Somebody who was relaying would have to be able to distinguish between dots and dashes?

BOYNTON: Yes.

YOUNG: And if the dots and dashes meant more than one letter, they would have to know the letters of some alphabet?

BOYNTON: Yes.

YOUNG: And if it was words, somebody would have to have the code book?

BOYNTON: Yes, but I have felt that possibly those who relayed it didn't know the message.

YOUNG: Are there any Morse operators around East Jaffrey you know of besides the one in the telegraph office?

BOYNTON: He is the only one I know of. He is the telegrapher there at the station.

YOUNG: Do you know whether Rich knows anything about the Morse code or not?

BOYNTON: No, I don't.

YOUNG: Now, you say you didn't see any lights at the Rich house?

BOYNTON: No.

YOUNG: You have told us about those ones you saw over on Pack Monadnock. Ever seen them at the Dean place?

BOYNTON: I saw them on the Garfield hill one night come over a cottage, some place on the Garfield hill one night. I got near enough so that I could hear them. I got near enough so that I was perhaps a hundred fifty yards from there. Evidently there was no message to be sent that night. From my back windows, in the evening when the lights were flashed, I put some sticks pointing straight to the lights as near as my eye would sight, and in the morning . . .

YOUNG: To interrupt you there, did you ever show those sticks citing a place to the Federal agents?

BOYNTON: Yes.

YOUNG: Did they trace them out, locate them?

BOYNTON: In the morning I could tell exactly where the lights line struck.

YOUNG: What were some of the points?

BOYNTON: It struck on the Dean hill, and it struck on the Garfield hill.

YOUNG: And your observations of the points where the light struck is the point where it originated?

BOYNTON: It's where the light pointed at, straight to the light.

YOUNG: And you say that it showed that the light originated in some instances on the Dean hill, and in some instances on the Garfield hill? Any other places?

BOYNTON: I've seen them on the mountain. Then I wasn't in a position that I could trace anything there. And then the Federal officers came and were in that vicinity and advised me to keep away from the hills as they had men stationed on the hills watching for those lights and there might be some mixup if I was out there.

YOUNG: Did you ever hear of their getting anybody?

BOYNTON: No. They had some man up there. I think they came with automobiles. I didn't see them, but undoubtedly they were there.

JURYMAN: May I inquire the location of the Garfield hill, as you termed it?

BOYNTON: It's right back of Matt Garfield's, on top of that hill where Loughlin lives, on the hill there.

JURY RESTS

YOUNG: Now, those various lights you saw at various times were all reported by you to the Federal government?

BOYNTON: Yes.

YOUNG: You gave them detailed statements as to what you have seen, and told them all you knew about it?

BOYNTON: Yes, as far as I was able, yes.

YOUNG: Do you know, as a matter of fact, whether they continued, or whether they made investigation of the instances that you reported to them about those lights?

BOYNTON: The searchlight. I know they were out a good many nights.

YOUNG: Did they search any houses there to see if they could find anything that would give any information about the lights?

BOYNTON: I don't know whether they did or not.

YOUNG: You don't know that they did?

BOYNTON: I didn't confer with them at all. They told me very little about what they had found.

YOUNG: What is the fact? Do you know whether there have been any arrests made by the Federal authorities in connection with the lights which have been seen in East Jaffrey or the vicinity?

BOYNTON: I don't know.

YOUNG: They never were quite able to get right down to the least conclusion of the problem, were they?

BOYNTON: Not to my knowledge. I don't know what information they have with regard to it.

YOUNG: They've been working on it more or less for a year?

BOYNTON: Yes.

YOUNG: I presume everything that has been seen, and everything everybody has thought they have seen, has been communicated to the Federal agents?

BOYNTON: I presume so.

YOUNG: Do you know Colfelt?

BOYNTON: Not particularly.

YOUNG: Ever have any conversation with him?

BOYNTON: Yes.

YOUNG: When?

BOYNTON: Well, I don't think I ever had any conversation with him but twice.

YOUNG: Anything concerning this matter?

BOYNTON: No, before the murder. I've never spoken to him, except in the entry room the other day, since the murder. Never have seen him.

YOUNG: Has anything come to your attention, or do you know anything which would implicate, or tend to implicate him, either with the lights or with the Dean murder?

BOYNTON: Only by hearsay. I, of course, have heard some of the evidence which they got from the Austrian.

YOUNG: By the Austrian you mean Romano?

BOYNTON: Yes.

YOUNG: Evidence obtained by the Pinkerton Agency people, or the Federal agents?

BOYNTON: Personally, and by other people that live in Jaffrey. One evidence which we intend to present.

YOUNG: Who is that?

BOYNTON: Mrs. Mack. Mr. Emerson has her name.

YOUNG: Now, of your own knowledge, anything that you have seen yourself and that you can testify to of your own knowledge, or which you can testify to before a court of final jurisdiction, is there anything that you can state or suggest regarding information which shows, or tends to show, how this crime was committed, and by who?

BOYNTON: I have only a theory with regard to why the crime was committed, and perhaps how it was committed.

YOUNG: Your theory being that Mr. Dean had reported to the Federal authorities that he wanted some assistance in the way of investigating something he knew about, about someone who was a pro-German or German agent?

BOYNTON: And further than that, he had one other motive. Now, there may be there were two motives

for that crime. At first I didn't know, not from knowledge, but from theory . . .

YOUNG: Well, go ahead and tell us.

BOYNTON: I felt from the first that Mr. Dean knew too much. Now I can't say why, if they wished to dispose of him and dispose of him alone, why they didn't take a different method to dispose of him rather than this. He was trussed in a quite peculiar manner. There have been some who claim there was a rope tied around his knees, and also both his ankles. Did you notice anything about that? I don't think there was anything untied above his ankles. I say, I think he was trussed in a peculiar way, with a sack over his head.

YOUNG: What deduction do you make from that?

BOYNTON: I think there were possibilities they were interested in those lights, that they wanted him found this way that they would know that he was murdered for that purpose, and as a threat to them that they must keep their mouth shut or they might get the same. That's my opinion.

YOUNG: You think, first, this was done by somebody who was interested in preventing such information as Mr. Dean might have had from being conveyed to the Federal authorities, and that the circumstances of the murder and the manner in which he was tied up indicated that they wanted everybody to know why it was done?

BOYNTON: Not everybody, those connected.

YOUNG: Anybody who it might interest that it was done for that purpose, so as to serve as an object lesson to them?

BOYNTON: That was my idea exactly.

YOUNG: Can you suggest any views that haven't already been drawn out by you, anything we could use in the way of evidence to substantiate that theory you have already stated?

BOYNTON: I don't know that I can. There were suspicious things that happened. Now, why was — at first I had no suspicion of anyone, and it went a good while before I got suspicious. I wanted to wait. Why was Mr. Rich — one day he came to me on the street and he said, "Have you examined Romano? Have you found him?" I said, "No, I don't know about him, but if there is any chance we'll get to it."

"But," I said, "I would like Colfelt to explain certain things. I would like to know why Colfelt, why those window glasses were colored, I believe by some chemical or some heat. I would like to know why the window screens fell in little small pieces, just fell all over the floor at once, which had been told to me by an electrician or a mechanic might have been occasioned through a heavy electric current or by some chemicals." I said, "I would like to know why."

And Mr. Rich told me that Mr. Colfelt's income was enough to support him without work, it came

regularly every month and he had no need to work, and he was as good an American as he or I, and I asked him why, if he was that, he went from the Dean farm three days a week to New York.

YOUNG: Did he go?

BOYNTON: It has been reported to me that he did, and later on I will show you that I feel very convinced so.

YOUNG: Who knows about that?

BOYNTON: Well, I'll tell you the answer because it seems my testimony would give it. I said he didn't go from our station but went from some other stations.

YOUNG: What stations, for instance?

BOYNTON: I couldn't tell you. This he reported to me. And he said when he was sick and unable to go, he sent his wife. Mr. Rich said he went with his automobile a good many times, which showed to me he knew he was going.

YOUNG: That is, from that you inferred that Mr. Rich? . . .

BOYNTON: I inferred from Mr. Rich's answer to me that he knew he was making those trips.

YOUNG: To New York, or any other place?

BOYNTON: No other place was mentioned but New York.

YOUNG: Now, right there, how do you connect up the New York visits and the lights and the signals, if any were given, with the activities? How do you connect them up with activities of a pro-German or German nature?

BOYNTON: Well, in New York they had, there were pro-Germans getting information in New York. It was impossible to telephone it. It was impossible, or not impossible but it was certainly careless to repeat it.

YOUNG: Might have written it in a code as well as he could send it?

BOYNTON: Could have written it in a code. Now, in speaking of the code, I found a card which I think will be produced by the Federal authorities. Mr. Johnson, our photographer, told me that the Colfelt girl had had many prints made in certain ways.

YOUNG: Do you remember how many?

BOYNTON: No, there was no number spoken, but I had one of them.

YOUNG: Have you got it here?

BOYNTON: No, I gave it to the Federal officers.

YOUNG: Who did you give it to?

BOYNTON: I think, I can't say, but these cards, if I remember it correctly, on the lefthand side of the card was a large teddy bear. In the middle of this card was a doll. At the other side there was another big bear.

YOUNG: What was that?

BOYNTON: I thought it would be a smaller teddy bear, but it was afterwards proved to be a dog, and I

felt that it might be a code that was being sent there, and I handed it over.

YOUNG: Now, right there, at the time you handed this card over, you handed it over to the Federal authorities?

BOYNTON: I handed it to Mr. Humiston first and they got it from him. The Federal officer at that time thought there was nothing to this.

YOUNG: At the time you handed it over to Mr. Humiston, if that was the name, did you see any clock or representation of a clock on it?

BOYNTON: I didn't. But that clock was found afterwards by someone else, and that clock I never saw.

YOUNG: Have you ever seen it since?

BOYNTON: I haven't seen the card since I gave it to Mr. Humiston.

YOUNG: Were there any figures or numbers on the card as you observed it?

BOYNTON: I couldn't see any indication of any double exposure or anything of the kind.

YOUNG: Do you understand it is since claimed there was a double exposure?

BOYNTON: I understand since then there was a double exposure.

YOUNG: Who made that?

BOYNTON: Well, it came from Mrs. Humiston and I think her daughter.

YOUNG: Do you know who discovered that?

BOYNTON: I think Mrs. Humiston.

YOUNG: You say you never have seen the clock?

BOYNTON: I never have seen the clock.

YOUNG: You turned them over first to Humiston?

BOYNTON: I think, I wouldn't swear to that, but I think the Federal authorities have the card. I know there was a big bear. I told Mr. Humiston, kind of laughing, I said, "The big bear and the little bear and the lights." I'm not much of an astronomer but that's the way it was reported to me afterwards. There was a light or lights right in there which to my mind, in sending this card, told them where to look for the lights.

YOUNG: Do you have any idea who it told, or who would be interested to know that?

BOYNTON: No, I have no idea who would be interested to know for they have kept that matter pretty cozy.

YOUNG: Assuming you had an interest in the lights, did you assume it was lights shown up in that vicinity?

BOYNTON: It represented lights shown in that vicinity.

YOUNG: What facts do you conclude it would be essential or important to German interests to communicate to about East Jaffrey?

BOYNTON: I have heard — Federal officers, as I say, don't say much — but I have understood they have connected the lights from Mt. Wachusett to West Point where it is told me they could pick up by wire-

less receiver any message which was sent out from Washington. Take that for what it's worth. That's what is given to me, and other evidence will probably . . .

YOUNG: Well, what I want to get at is as to where that opinion would originate? Would it be in East Jaffrey?

BOYNTON: It possibly came from Camp Devens.

YOUNG: East Jaffrey isn't in a line between Camp Devens and West Point, New York?

BOYNTON: No, it isn't, but it was flashed from hill to hill, from the Dean place and from the Dean windows. In the upper story Wachusett is visible.

YOUNG: So is Mt. Monadnock and Pack Monadnock?

BOYNTON: I don't think from any back windows they wouldn't be visible, but from the second story windows they would be.

YOUNG: Tell me if this is true. You can see Wachusett much plainer from Monadnock Mt. than you can from the Dean place, can't you?

BOYNTON: I would say yes.

YOUNG: Monadnock Mt. is twice as high as the Dean hill?

BOYNTON: Yes, more than that I guess.

YOUNG: It is as near Wachusett within two or three miles as the Dean hill?

BOYNTON: Yes.

YOUNG: And there is no occasion to relay it from Wachusett to the Dean place, and from the Dean place to Monadnock or Pack Monadnock?

BOYNTON: It might have been from Monadnock toward Portsmouth, toward the White Mts.

YOUNG: What particular information is suggested to your mind would be essential to the German government to be relayed to the White Mts.?

BOYNTON: Nothing, only it's a continuous chain which has been discovered, as I understand.

YOUNG: Do you know where the White Mts. chain leads to? Has that been shown to you?

BOYNTON: I think I know pretty near where it goes. You can flash from here to the White Mts., and then toward Maine, I think.

YOUNG: Do you know where the next point north of here is that they relayed to?

BOYNTON: No.

YOUNG: You couldn't see the light on the White Mts. from Monadnock, could you?

BOYNTON: I would judge it ought to be a pretty powerful light.

YOUNG: You couldn't see the light from Portsmouth or Portland Harbor on Monadnock?

BOYNTON: No, sir.

YOUNG: Even if evidence showed a consistent chain of visibility from Monadnock, as I understand it, you couldn't, without a very powerful light, could you?

BOYNTON: It would have to be a very powerful light, and then have to be relayed.

YOUNG: Any light which Monadnock could see from Camp Devens, or which could be seen at Camp Devens from Mt. Monadnock, or could be seen on the Maine coast or on the White Mts. north of us, would have to be powerful enough so it would illuminate the whole valley here, wouldn't it?

BOYNTON: I would say so, and that's why the lights were stationed along at intervals. There were lights reported to have been seen on the Rindge hills. That's nearer to Wachusett.

YOUNG: Were there any lights reported north of there that you know of? You don't know where the next point was?

BOYNTON: I don't know where the next point was.

YOUNG: So your idea is that the information they were trying to communicate originated somewhere south of here?

BOYNTON: I would say so, yes. I felt in my mind, and it may be taken for just what it's worth, if they could pick up information as to when our transports were leaving from wireless that might be sent from Washington, it was an easy matter to relay that over, and if I remember rightly, they claimed that a man was experimenting on the White Mts., which threw the light into Portsmouth Harbor.

YOUNG: Any light that was thrown from the White Mts. to Portsmouth Harbor would be visible all along the route, wouldn't it?

BOYNTON: That I couldn't say. But the idea was this. Couldn't they have got that information, relayed it on by lights and flash it to submarines in the water, telling them when transports would be sent out?

YOUNG: Well, of course, the communication with the submarines would have to be by wireless, wouldn't it?

BOYNTON: Not if it had been late. They could be at certain points at certain times and get this information without wireless.

YOUNG: Now, to go back, you say the screens at the Colfelt house which you saw all crumbled up and your impression, I believe, was that that was a different result than would come from the action of the elements?

BOYNTON: Yes.

YOUNG: I presume you have seen screens that have fallen to pieces by reason of long exposure to dampness and rust?

BOYNTON: I certainly have.

YOUNG: But this was different?

BOYNTON: It seemed a bit peculiar to me.

YOUNG: What do you mean by that?

BOYNTON: Falling as it did. I presume you saw them. I never saw a rust that would break screens to pieces as they were broken.

YOUNG: How long had the screens been in the window without being taken out?

BOYNTON: I couldn't tell you.

YOUNG: How long had they been exposed to the weather?

BOYNTON: Some of them were not exposed to the weather.

YOUNG: Were all the screens, all over the house, that way?

BOYNTON: No, they were not.

YOUNG: Which were?

BOYNTON: There was one on the south side of the house that was a door screen.

YOUNG: And some of the screens in the windows?

BOYNTON: Some of the screens in the windows that were on the north side.

YOUNG: Whose attention did you call to them? Did you call somebody's attention to that, or was your attention directed to it by somebody else?

BOYNTON: I called Mr. Baldwin's attention to it.

YOUNG: That was the day of the murder?

BOYNTON: Oh, no, it was quite a little while after the murder. I spoke of it, and in searching around the house, the remark I made, I knew those lights and didn't know how they were produced and I told Mr. Baldwin, I said, "In looking around here I have looked for something that might have contained some chemicals and I couldn't find it." He said, "Didn't you find any indication of chemicals?" I said, "No." He said, "Didn't you notice the window screens?" and I said yes I had. He said, "That indicates to me there was a powerful electric current or some powerful chemical." He thought it was burned by an electric current. I'm pretty positive he felt that way.

YOUNG: Did you get the theory it was an electric current falling around in the atmosphere, or that the current was sent through the screen?

BOYNTON: I've been told, although this may be off, that the current was the receiver for a wireless.

YOUNG: It would have to be grounded and insulated, wouldn't it?

BOYNTON: I don't know a thing about it. I don't know but very little about electricity.

YOUNG: Well, it would have to be connected up with the receiving apparatus, wouldn't it?

BOYNTON: Yes.

YOUNG: And if it wasn't insulated from the current, whatever current came on, instead of going into your receiving apparatus, would go back to the earth, wouldn't it?

BOYNTON: I don't know anything about it.

YOUNG: Were any other screens in the condition you have mentioned or were there spots when that would be in fairly good condition?

BOYNTON: There were spots that were in fairly good condition.

YOUNG: And those spots you speak of as crumbling to pieces or to small fragments, had they dropped right out of the screen?

BOYNTON: They had dropped right out of the screen.

YOUNG: Did this mechanic, or anybody else, suggest to you any reason why there would be an application of chemicals?

BOYNTON: No.

YOUNG: Did you know, or has anyone told you, what particular chemicals were applied, such as would be used, such as you suggest?

BOYNTON: No.

YOUNG: Well, now, is there any electricity up around that place? That is, I mean is there any electric wire from the town service or from any other service that you know of?

BOYNTON: I don't think there is.

YOUNG: So whatever electricity there was on the premises would have to be generated right there?

BOYNTON: I would say so, yes.

YOUNG: Now, in order to do that there would have to be a generator or a storage battery?

BOYNTON: I would say so, yes.

YOUNG: If there was a storage battery which would generate the light which you spoke of, it would be an exceedingly heavy and cumbersome affair?

BOYNTON: Yes.

YOUNG: The storage battery which would be required to generate the light you described would have to be exceedingly powerful to get the tremendous voltage?

BOYNTON: Well, was that light from the Dean farm?

YOUNG: Well, a red incandescent light such as you have in the house here, or even the same as you have on the public streets, would not have been so strong and powerful as the lights which you describe?

BOYNTON: No, nothing near.

YOUNG: This light you saw was something far ahead of the red arc lights?

BOYNTON: Yes.

YOUNG: Have you made any investigation to ascertain whether it would be possible for the storage battery to reproduce electricity enough to run a lamp as powerful as any incandescent light?

BOYNTON: No, I don't know anything about that, but I have thought it might be possible. I know we get power from an automobile, and I don't know whether it would be possible to have used an auto to have produced power to generate it or not.

YOUNG: In order to do that you would have to have a generator, a dynamo, quite a large machine, and that would have to be fastened down sufficiently so you could apply a considerable horsepower to it to get electricity enough to do this kind of job?

BOYNTON: Well, as I say, I don't know.

YOUNG: Well, now, assuming that was a storage battery and the only way you could use that was to take it where electricity is generated, and carry it where you wanted to use it, and draw the electricity out, just the same as you pick up your tank of any kind of reserve?

BOYNTON: Yes.

YOUNG: And let's say that can be done by an alternating current, can it? Do you know whether the current is direct or alternating current?

BOYNTON: No, I don't.

YOUNG: Is there any place in East Jaffrey, of your knowledge, where they can recharge a storage battery?

BOYNTON: I don't know. Not that I know of.

YOUNG: So if there was a storage battery it would have to be taken to some other place to be refilled or recharged. Do you know how long it takes to recharge a storage battery? Have you any information about that?

BOYNTON: I think I've heard the man who runs an electric car say it takes quite a few hours.

YOUNG: That is to say, it takes twice as many hours to recharge it as to run it?

BOYNTON: Yes. I don't know about that. I know it took quite a time to recharge it.

YOUNG: Coming back to the house on the hill there, you say you saw some window glass that had discoloration on it. Will you describe that a little more fully?

BOYNTON: Well, it had the appearance of glass which I had seen that was exposed to heat. That was as near as I can explain it. Heat will discolor glass.

YOUNG: Just one more question about the lights, and then I won't bother you again with this. Were those lights you saw, or any of them, such as might have been produced by the red acetylene gas, the same as a flare used on automobiles?

BOYNTON: I think quite a number of them I saw were from automobile headlights, and there is, of course, acetylene gas. I can't tell what the lights were. They were not very strong, powerful lights, I would say today, I saw from the Garfield hill. From my house I can see the Garfield light in his house. I can see the lights in the Eaves' house. The light which I saw on the hill wasn't much stronger than the lights which will show from the house at times.

YOUNG: Have you seen those lights right along since Dean was murdered? On the Dean homestead?

BOYNTON: I've seen them. Not continuously. I haven't seen them on the Dean homestead. I was over to the Crow place, which is in plain view of the Dean place on the north side, and they asked us if someone had moved into the Dean place as the lights were showing from the north side of the house.

YOUNG: What time of the year was that, do you know?

BOYNTON: I think it was less than a week ago.

YOUNG: Do you mean you have seen lights, that lights have been seen there since the 11th of November? Can you suggest any particular reason why German sympathizers or agents should be showing lights after the 11th of November, after the war ceased and the Armistice was signed?

BOYNTON: Well, I don't consider peace is declared by Germany yet. It may not be a war of arms and ammunition, but still it's war.

YOUNG: You think German agents are active?

BOYNTON: I think so.

YOUNG: No trouble about sending things through the mail, is there? More convenient sending messages through the mail than lights through the air, flashes possible of detection?

BOYNTON: It may be that those lights were shown to discredit some lights previously shown. I don't know about that.

YOUNG: Is there anybody in your vicinity now suspected of being connected with the German interests that you know of?

BOYNTON: Why, no one but what have already been mentioned.

YOUNG: Who is there now that has been already mentioned? Anybody besides Mr. Rich? He is the only one who you would consider as possibly having anything to do with it?

BOYNTON: The only one I would consider, and I don't want you to feel I am in any way certain about that, only what I have heard. If what I have heard is right, I have these suspicions which I would like to clear up.

YOUNG: Let's see about that. Have you taken any action and steps your own self personally to ascertain whether those facts you refer to are, in fact, true or not?

BOYNTON: I have been, as I told you, on the flat roof.

YOUNG: I am not thinking about the flat roof. Have you made this personal suspicion, or were you relating such information as came to you from Federal agents and Mr. Kent?

BOYNTON: Well, there have been too many things that have happened that have led me to be suspicious. As you are talking about it, there was, to my mind, a suspicious circumstance that happened after Mr. Dean was exhumed the first time.

YOUNG: Yes, I was coming to that later. Do you refer to the time at the grave?

BOYNTON: No, at the house, afterwards.

YOUNG: What was that? Tell us about it.

BOYNTON: The body was exhumed. I was present and I saw Mr. Kent place a paper over the dead man's face and make marks on the wounds. He then asked us to go to the Dean place and we found identical marks on the porch steps.

YOUNG: Who found that there?

BOYNTON: That was Mr. Kent, and I am going to tell you now that if I had seen Mr. Kent I would have considered it placed there, but we went straight from the grave after the man was disinterred, to the house, and it was impossible for it to be applied, because there was a mark and I know it was impossible for him to have made the mark, not knowing the wounds on the face. He found another mark. That was on the stone just above the cistern, and he stepped up to Mr. Rich and put this paper over his eye.

YOUNG: Had he previously put the paper over the mark on the porch and over the mark on the stone?

BOYNTON: Yes. And then he said, almost in these words, I think, "Strange to say, it fits the wounds on your face. Mr. Rich, how did you receive your black eye?"

YOUNG: What reply did Mr. Rich make?

BOYNTON: He said, "I don't know as I can tell." Dr. Dinsmore said, "Mr. Rich, do you mean to tell us you can't tell how your received your black eye?" And I didn't get Mr. Rich's answer. I can't say anything further with regard to that because I've heard what the answer was, but I didn't get his answer.

Here's another fact that comes in here that started suspicions in my mind. Why was Mrs. Dean, a woman who had suffered — Mr. Pickard and I had a discussion about that — I don't know but what he is right. It may be a form of insanity.

PICKARD: I think we both decided that we were not analysts and would take the doctors' say-so.

BOYNTON: We were just talking that over. Well, after Mr. Dean was taken from the well and carried down to Leighton's, I said that Mrs. Dean be told that her husband had been murdered. I said, "Her mind is in such shape it won't affect her very much." And the women, they held their hands up in horror and they said, "You can't have Mrs. Dean told!"

YOUNG: Who said that?

BOYNTON: Mrs. Rich and Miss Hodgkins. I won't say whether Miss Elsie Plummer was there or not. And so nothing was done. Well, it wasn't but a few hours afterwards before those people were taking up articles, doing them up in paper and handing them to Mrs. Dean to tie up. I think it was done hoping she would tie a square knot and implicate herself in the murder.

YOUNG: What objection do you have to that?

BOYNTON: Well, it ought to be a simple matter to tell Mrs. Dean her husband had been murdered when they thought she had done it herself.

YOUNG: Do you think there was any objection to getting her to tie a square knot?

BOYNTON: Not a bit. I have no objection to finding information and I consider that a fair method.

YOUNG: Well, don't you know that the matter of hav-

ing her tie the knots was suggested by either Mr. Pickard or the sheriff?

BOYNTON: That I didn't know anything at all about.

PICKARD: Don't you remember whether Miss Mary Ware was there?

BOYNTON: Miss Mary Ware was there.

PICKARD: Do you know whether Mr. Frederick Dean intimated, or suggested, that possibly Mrs. Dean might have done this?

BOYNTON: I didn't know that he did.

PICKARD: You didn't talk with him in there?

BOYNTON: Yes, I talked with him.

PICKARD: Did he make that suggestion to you, or in your hearing? Nothing to intimate that?

BOYNTON: No, sir.

PICKARD: Was there any other suspicious thing? You have mentioned the fact they wouldn't tell Mrs. Dean that her husband had been murdered, and the fact they had her tying up bundles. What, if any other things, were there you considered suspicious?

BOYNTON: Well, in looking back, I felt kind of surprised that Mr. Rich didn't take a more active part in looking up the man after he had disappeared.

PICKARD: Well, he was up there that afternoon. Anything suspicious in that?

BOYNTON: Well, I don't think he was there until after the body was found, was he?

PICKARD: Well, I don't know as he was. He was there before it was taken out of the cistern?

BOYNTON: Yes, he was there before it was taken out of the cistern.

PICKARD: And somebody suggested they were telephoning to him when he came into the road. Do you think it was suspicious, his coming up there?

BOYNTON: No, the suspicion was that he hadn't been there earlier.

PICKARD: Do you know what time he learned of the death of Mr. Dean?

BOYNTON: He couldn't have learned that until a very short time before he arrived at the place.

PICKARD: Then you may infer from that that he came as soon as he found it out, couldn't you?

BOYNTON: I think Mrs. Dean telephoned to him.

PICKARD: You understand Mrs. Dean telephoned to him, or he to her?

BOYNTON: I think she telephoned to Garfield first. Possibly Garfield telephoned to him. That I don't know.

PICKARD: Well, do you regard it suspicious that Mr. Rich came up that morning as he did?

BOYNTON: I say no. Only suspicion was that he didn't come earlier.

PICKARD: If he came as soon as he found out, or heard that Mr. Dean was dead or couldn't be found, there wouldn't be any suspicion attached to that?

BOYNTON: I think the evidence will be presented

here that will show that he was aware that Mr. Dean was dead long before, or not dead but missing.

PICKARD: How did he get that information, as you understand it?

BOYNTON: I couldn't say but I think that Mr. Leighton will tell you that he came to him early in the day and reported that Mr. Dean was missing.

PICKARD: By Leighton you mean the undertaker, don't you? Well, I'll get that from him. Are there any other suspicious circumstances?

BOYNTON: Well, I don't know that there is that would come directly under my observation.

PICKARD: So then, if I understand you correctly, the suspicious circumstances that have come directly under your observation is that Mrs. Rich and Miss Hodgkins, and perhaps Mr. Rich, didn't think it advisable to tell Mrs. Dean that her husband was murdered? Let's say murdered or dead.

BOYNTON: Well, murdered. I think it was reported later, after the body was found, that he was murdered.

PICKARD: The suspicious circumstances that you have mentioned are first that the Riches and their immediate family didn't want to tell Mrs. Dean that her husband had been murdered?

YOUNG: Well, if that was the suspicious act on the part of the ladies and is to be seen as evidence of their disturbed condition of mind, prompted perhaps by a sense of guilt, the next inference must be that, assuming Mr. Rich had been implicated in the murder, they, too, must have known of it. You would have to reach that conclusion, wouldn't you?

BOYNTON: Certainly.

YOUNG: So that otherwise they wouldn't have been attempting to cover up?

BOYNTON: That's correct.

YOUNG: Now, let's see. The two suspicious circumstances you now relate are these. First, on the part of Mrs. Rich and Miss Hodgkins that Mrs. Dean should not be informed of the fact of her husband's murder; and second, the attempt on the part of somebody, you aren't quite clear just who, to get Mrs. Dean to tie knots to see if she would tie square knots. Is that right? Are there any others?

BOYNTON: Only, as I say, from what I saw in putting the paper over his face.

JURYMAN: In your opinion the paper fitted, did it?

BOYNTON: Why, it seemed so, but, of course, I know he had a very bad looking eye, and the reports of the different people vary a great deal as to how he got it.

JURYMAN: Were there any marks on his face that indicated he had been scratched?

BOYNTON: There was a mark right under here that I noticed.

YOUNG: Which way did that mark run? Did it run almost at a right angle?

BOYNTON: Would naturally run there.

YOUNG: That would be down toward the corner of the mouth?

BOYNTON: Yes.

JURYMAN: Was there any other mark parallel with that?

BOYNTON: Parallel with that? Not that I know of.

YOUNG: Was that a cut or a scratch?

BOYNTON: It seemed a scratch. Just enough so it would show.

YOUNG: Was there any other cut on the ear, or scratch?

BOYNTON: Not that I discovered or have heard.

YOUNG: Did you look at that time to see if there were? Weren't you looking to see if those things fitted with his face?

BOYNTON: No, I didn't. Well, I was looking at the paper. He didn't put anything but the paper on and the paper partially covered his face. The only thing I could see was just the marks on the paper and then kind of compare them.

YOUNG: What did you compare them with if not with the scratches on his face?

BOYNTON: Well, this scratch on his face wasn't a mark, it was a scratch.

YOUNG: And so what did you compare the marks on the paper with if you didn't compare them with the marks or scratches on his face?

BOYNTON: I was looking at the paper as he held it over there. I couldn't swear and wouldn't swear they compared with his face.

YOUNG: What would you say now, as you look back on it, are you willing to say whether there were any other scratches, other than this one?

BOYNTON: No, I wouldn't testify to there being any other scratches on his face.

YOUNG: Then can you say whether there was any cut or scratch on the lobe or any other part of Mr. Rich's ear?

BOYNTON: No, sir, I couldn't.

YOUNG: Then you couldn't say whether the marks on the paper, or the indentations in the paper, corresponded with the marks or scratches on his face?

BOYNTON: No, I wouldn't say. It looked about as it looked there on his face but covered.

YOUNG: Covered what?

BOYNTON: Covered the black eye and the wound there.

YOUNG: Well, I don't know as I am myself quite clear, but as I gather it from you, and from Mr. Kent's testimony the other day, and the other witnesses also, that this paper was put on Mr. Rich's face with the remark, "Strange to relate, the marks on the paper fit your face."

BOYNTON: Well, as I remember that it strikes me that, well, it strikes me that — why, I would say that

perhaps that was the outline of the wound on Dean's head.

YOUNG: Kind of a triangular affair?

BOYNTON: As if something — as you remember it, Mr. Pickard?

PICKARD: Well, I wasn't there at the exhumation.

BOYNTON: Well, as I remember, the measurements were taken there. I think, if I remember correctly, that the measurements were taken, an inch and a quarter — but I wouldn't say the exact dimensions, but it was something on those lines which Dr. Dinsmore, I guess, took the measurements.

YOUNG: What I want to get at is this. If I understand the situation correctly, there at the exhumation of the body Mr. Kent, or Dr. DeKerlor, had this paper, which I assume to have been a tracing as nearly as could be made of the wounds on the head of Mr. Dean? He placed that paper, after having put it over the marks on the porch and the scratches on the stone, against the face of Mr. Rich, at the same time saying, "Strange to relate, it also fits the marks of the wounds on your face."

BOYNTON: Yes.

YOUNG: Now, what I want to get at is whether that remark of his directed your attention to inquire in your mind whether that did, as a matter of fact, fit or not?

BOYNTON: Well, as I told you, at that time I hadn't believed the man could make me believe Mr. Rich was implicated, not in the least.

JURYMEN: What we want to know is whether you know there were two marks on his face that fit — on Mr. Rich's face — that fit on those marks on the paper?

BOYNTON: I wouldn't swear that it did, no, sir.

JURYMEN: I would say that paper, putting it on his face was no evidence, was it?

BOYNTON: Well, I told you it was a surprise to me because knowing Mr. Rich as well as I did, I expected murder to be committed right there.

JURYMEN: You only saw one mark on Mr. Rich's face? One scratch?

BOYNTON: Well, one mark. It was down, as I say, right here somewhere.

JURYMEN: I don't see how two or three marks could compare with one mark.

BOYNTON: This was a scratch.

JURYMEN: But any scratches would compare with one scratch on the man's face?

BOYNTON: Well, there were two places that were struck. Now, one might have been a glancing blow. One might have been a considerable blow.

JURYMEN: If Mr. Rich had two marks on his face and they were the same distance apart or something, they would compare, but you can't compare two marks with only one, can you?

BOYNTON: Well, I wouldn't swear to that. I won't swear to anything. I am not feeling confident with it.

YOUNG: You aren't in a position to say whether Mr. Rich had a scratch or a mark on the lobe of his ear?

BOYNTON: No, I'm not.

YOUNG: So you couldn't see where any of the dentings on the paper fit any of the marks, scratches, cuts or abrasions on Mr. Rich's face?

BOYNTON: No, I couldn't.

PICKARD: You have been connected with the case through Mr. Kent from that time?

BOYNTON: Yes.

PICKARD: You know, of course, that he has stated some very strong things about Mr. Rich's connection with the case?

BOYNTON: Yes.

PICKARD: And you undoubtedly have heard him say that one of the strongest pieces of evidence he had was the fastening of this paper on Mr. Rich's face?

BOYNTON: No, I never heard he ever did say that, I don't think. Still he might have.

PICKARD: Did you ever talk about it in his presence, about those cuts on the face?

BOYNTON: Yes.

PICKARD: About the paper fitting on them?

BOYNTON: Yes.

PICKARD: What did he tell you then?

BOYNTON: He thought they fit.

PICKARD: What did you tell him?

BOYNTON: I told him I couldn't swear that they did.

PICKARD: Then he hasn't had your support in that theory?

BOYNTON: No, not thoroughly. I couldn't say that those marks, I don't know, because I want to feel when this is over that I believe what I have said.

JURYMEN: Have you any evidence that anybody ever saw any scratches on Rich's face?

BOYNTON: I think we can produce evidence.

JURYMEN: Who is that going to be?

BOYNTON: The fellow that shaved him, Silas Christian. He is the one man I would say that would have any evidence in regard to that.

JURYMEN: You made the remark that knowing Mr. Rich as you did, you expected murder to be committed right there. What is that inference? That he had a violent temper, or what?

BOYNTON: Well, he is quite quick tempered, as I am myself, and I've seen him get started — well, I don't know as I would have blamed him much if he had struck out. I think I would.

JURYMEN: You're judging him by yourself?

BOYNTON: I'm judging him by myself. I don't think I would have stood for any man's putting that paper on my face.

YOUNG: Well, someone on the board didn't want to ride in the automobile with it, did he?

BOYNTON: Well, I don't know but what he objected to it. He is a little more timid than I am.

YOUNG: Well, did Rich make any further talk there at that time?

BOYNTON: On the Dean place after the episode about the paper? Yes, there was a little thing that came along. I didn't attach any importance to it. Some of them did. He told us he would show us where the milk pail was.

YOUNG: That was the day after the body was exhumed?

BOYNTON: That was the day the body was exhumed, when this paper was put on his face. That was at the Dean place and not at the cemetery, and we went over — he took us over to this well on the hill that was kind of — well, it was right south of the house. It was east off the barn. And he said, "There. You will find the milk pail in there." But that had been all pumped out.

YOUNG: Did he know it had been pumped out?

BOYNTON: I don't think he did, no. I don't think he did. I would think it was just a simple — he thought he was showing another place where the pail might be found.

YOUNG: Merely indicating another place where you might look?

BOYNTON: Yes, that was my idea of it exactly.

PICKARD: That well there isn't very easy to be seen, is it?

BOYNTON: No, it isn't as easy to be seen and he might have thought we didn't know of that well.

YOUNG: Turning again to this episode of placing the paper over his face, did Rich say anything about, "Go ahead, do whatever you are a mind to. I am perfectly willing that anything should be done that will throw any light on this"?

BOYNTON: No.

YOUNG: Nothing of that sort?

BOYNTON: No. There was a little talk made when we got back. We stopped right in front of the bank. I was in the car with Mr. Rich and as we stepped out . . .

YOUNG: Did he talk about this paper episode going down?

BOYNTON: No, I never heard a word from him.

YOUNG: Do you think he appreciated the fact that it was an accusation of his implication in the crime?

BOYNTON: I don't know exactly how he did take it, but I would have taken it that way anyway.

YOUNG: Did he show any indication of offense at that time?

BOYNTON: No. No, he didn't.

YOUNG: Well, after that did he show any indication that he was afraid or fearful, or anything of the kind? Some distress?

BOYNTON: He came very near breaking down, as I was going to tell you, at the bank, and I want to tell

you again that at that time I didn't believe he had any connection whatever, in any way, shape, or manner.

YOUNG: At that time, did your suggestion that he did have any connection with it, had anybody said that he had?

BOYNTON: Yes, it was talked of. The next day, by some people.

YOUNG: The next day after the murder?

BOYNTON: Yes, the next day after the murder. There were people there that said — connected his black eye with it.

YOUNG: Now, in answer to one of the jurors you were going to tell what took place at the bank after you got back from the Dean place that day.

BOYNTON: Yes. We got back from the bank and Kent said, "Now, go up to Rich's house and search for the instrument." I said, "There's no need of taking anyone up there. Mr. Rich will go to the house with you and he will show you everything there was, even show you the horse that kicked him." And Mr. Rich kind of broke down almost, and he said, "What is this, a joke?" That's the only time I saw him show emotion.

YOUNG: Did anyone answer whether it was a joke or not?

BOYNTON: Well, it seemed to me even then, not believing that he was guilty, that it was far off for a joke. I didn't feel it was anything of the sort.

YOUNG: What did Kent say, or what explanation did he make, if any, when he was doing tracings of the wounds on Dean's head? What did you think he was planning?

BOYNTON: I didn't know.

YOUNG: Did it afterwards look to you as though that was the beginning of the subsequent chain of events, that he was taking tracings of the wounds to put over the marks in the steps and the scratches on the stone?

BOYNTON: He must have evidently found those marks on the steps and on the stone before he made the tracings because he couldn't have taken us directly from the cemetery there and found those unless he had found them before.

YOUNG: So that evidently was a part of his plan, to take the tracings of the wounds on the head, place them on the marks on the step and on the stone, and then on the marks on Rich's face?

BOYNTON: He had evidently found those places. Now I questioned Kent and I said if he had seen the wounds on Dean's head I would have said it was a trick, but he hadn't seen those wounds. How could he make those tracings there. I sat near enough to Dean when he made the tracings so that I am positive he made the right tracings there.

YOUNG: I am not insinuating anything, only I say that chain of events was evidently a pre-arranged plan to see whether the wounds, the tracings of the wounds,

would fit the marks on the step, the marks on the stone, and the cuts on Rich's face?

BOYNTON: Well, I don't see how it could have been pre-planned when he didn't know the wounds on the face.

YOUNG: I don't mean two or three days before, but I mean when he got up to the grave and made the tracings of the wounds on Dean's head, that was the first step in the subsequent events?

BOYNTON: Yes. And he took us right to the step next, and then to the stone.

PICKARD: Gentlemen, I was going to suggest this. I don't know how much longer you have to interrogate Mr. Boynton?

YOUNG: I have only one point, and that was about the window pane that was taken out.

JURYMAN: I move we go ahead. We'll stay until one o'clock all right if necessary.

BOYNTON: I want to state to the jury that I was present when those clothes were found over beyond Proctor's which are to be presented here. I want to get that before them to show that I was there when the bundles were opened.

YOUNG: That bundle had a newspaper on it. Could you tell the date of the newspaper?

BOYNTON: I think it was something like a month. About a month after the murder, I think.

YOUNG: You never have seen those?

BOYNTON: No.

YOUNG: So you don't know what the date of the newspaper was then?

BOYNTON: No, I don't.

YOUNG: Now, the window glass which you have spoken of, can you describe that more fully than you already have?

BOYNTON: I don't know that I can. It was in quite a number of colors, as you know heat would naturally make it. I have felt that there was a pretty powerful light used there and if that were used through the glass, that must have been very close to the glass, and it was discolored. It was bluish and reddish cast.

YOUNG: Kind of an iridescent effect, the same as you get when you drop a particle of pitch on top of water?

BOYNTON: Something of that effect, only perhaps not as pronounced.

YOUNG: Did you ever see anything like that on old houses, on old houses or any houses where the quality of the glass wasn't very good?

BOYNTON: No, I don't know that I ever did. I have seen old glassware that was very bluish.

YOUNG: You mean there was a difference in the glass, but did you ever see in any old houses, or cheap glass, this same iridescent effect?

BOYNTON: No, I never did.

YOUNG: There was a pane of that glass taken out by

the Federal agent and carried to the chemist in Massachusetts?

BOYNTON: I suppose so. I don't know.

YOUNG: What was the theory about that, that that showed some solution to dispel the raindrops on the outside?

BOYNTON: I don't know that, I'm sure.

YOUNG: If that was the theory, and the light on the inside of the window was close enough so that the heat discolored the glass, why rain on the outside would have been likely to have broken the glass, wouldn't it?

BOYNTON: I would judge so. I know that water has that effect. I have dropped it occasionally on lamp chimneys.

YOUNG: If you blow out the lamp, sometimes the spray from your mouth will break it?

BOYNTON: Yes.

YOUNG: What is your opinion about that glass? Was the discoloration produced by heat or by some solution applied to it?

BOYNTON: I couldn't tell. I never saw anything like it before. And I don't want to under like conditions.

YOUNG: Was it more than one window?

BOYNTON: I don't think it was in only one window when I noticed. Still, it might.

YOUNG: Was this on the same window that had the destroyed screen?

BOYNTON: On one of the windows, yes.

YOUNG: Well, now, is there anything else you think of that you want to speak of?

BOYNTON: I don't think there is.

YOUNG: You think you have told us all you know?

BOYNTON: I've told you a good deal more than I know. I want you to understand that some of this stuff is from hearsay. I am not responsible for all that I have said. I have tried to let you know what I was certain of and what I was uncertain of.

YOUNG: There were many things asked you here, but my idea of it was so that we might get the whole situation before these men with the hope that we might have the benefit of your reasoning upon it. Have you any further questions, Mr. Pickard?

PICKARD: No, I don't think so.

JURYMAN: I would like to ask Mr. Boynton if he has any knowledge of who was responsible for the starting of the story that the county authorities had been inefficient or negligent in the prosecution of this case?

BOYNTON: Well, I don't know. I don't know but what I shall have to acknowledge that sometimes I have felt that way, although at the present time I've got somewhat different thought. It seemed to me that they didn't make the effort that they might. Where the story started, I don't know.

YOUNG: Did it occur to you that they probably were in

a position to have evidence concerning it that you didn't have? That your own judgment must be based upon rumor, whereas their action would be concluded by the facts they had in the case?

BOYNTON: I don't quite get your question.

YOUNG: That they had the opportunity of knowing all that had taken place in the case, that is, through interrogation of witnesses they had the whole story, whereas you had the opportunity only of picking up things here and there.

BOYNTON: I felt at one time, I might be wrong, but I felt at one time they were more ready to receive evidence on one side than they were on the other.

YOUNG: What led you to that supposition?

BOYNTON: From the fact of the interview we had with the County Solicitor.

YOUNG: Did you ever submit any evidence, or call any witness of it?

BOYNTON: We had evidence that was submitted by the man who was in our employ.

YOUNG: Was it evidence, or a theory?

BOYNTON: To my mind it was some evidence.

YOUNG: Do you mind telling us who that man was that was in your employ?

BOYNTON: Kent.

YOUNG: What was the evidence submitted that we wouldn't pay any attention to?

BOYNTON: It was evidence that came from the District Attorney.

YOUNG: The understanding was that Mr. Pickard refused to receive any evidence that might be presented by Kent? In the first place, when Kent came here Mr. Dean took him to Mr. Pickard?

BOYNTON: Yes.

YOUNG: And Mr. Pickard, at someone's suggestion, I don't know who, employed Kent for a couple of days and paid his expenses from the county.

BOYNTON: Mr. Pickard?

YOUNG: Mr. Pickard paid his expenses for two days.

PICKARD: Let me fix that a little more definitely. Mr. Dean brought Mr. Kent here on the second Friday after the murder, that is, to East Jaffrey, at night. He called me up some time about noon on Saturday and told me that he had a man that he wished me to meet. I went over with the Clerk of the Court, and met with him over there.

At that time I pretty well formed my impression, but I knew that Mr. Dean was the only brother of the murdered man and he wished to know if I had any objections whatever to Mr. Kent going ahead with the investigation in his behalf. I told him no, and further than that I told him that I would furnish either Wellington or Emerson, and a car, to go over all the ground for a day or two. That was done.

Then when I came to my office on the Monday night succeeding, certain things that took place there

whereby I told Mr. Kent that he couldn't do any more investigation for me at the expense of the county. I also told Mr. Dean that if he wished to have him conduct this investigation, he might do so, but Mr. Kent couldn't do any investigation for me at the expense of the county.

The next time was when I received a telegram from Mr. Dean in which he repudiated Mr. Kent, and Mr. Kent had also been repudiated by the New York World. The next thing I knew was when Mr. Kent had been employed by the selectmen. I ought to say this, that I don't think I care, and I don't think it is material to this case, to go into what took place at my office at that time, and subsequent times, when I pretty well expressed my opinion about Mr. Kent.

I began on this assumption, that I want an absolutely thorough investigation of this case, and if Mr. Kent can bring any facts before this jury, or any tribunal, he ought to be given every chance, but I received absolutely no facts from Mr. Kent that had verification.

BOYNTON: You told us that was the second communication. On the first, and I am pretty positive, we have one or two letters we got from you. Now, here was one thing. The County officials went to the Dean place. They started in on that investigation and I didn't notice things as perhaps I should because I had every confidence in the world that the investigation would be conducted all right, but after the first few days it was five months before we heard anything.

YOUNG: From the County Attorney? Did you make any inquiry for any particular information, Mr. Boynton?

BOYNTON: No, I don't think we did.

YOUNG: You couldn't very well expect any information that had been obtained would be made public before the arrests were made?

BOYNTON: I don't expect so.

YOUNG: Has anybody refused to give you any specific information you have asked for?

BOYNTON: Not that I know of.

YOUNG: Have you asked anybody for information?

BOYNTON: I wouldn't say that I had.

YOUNG: Why not, if you wanted to know anything, why didn't you ask somebody that knew about it before you found fault or cursed their refusal to give it to you?

BOYNTON: I don't know that we ever cursed them because they didn't give us anything.

YOUNG: You understood every bit of information there was taken in Mr. Pickard's office was turned over in the form of manuscripts to the Federal agents?

BOYNTON: Yes, I understood it was.

YOUNG: And they were given the benefit or charge, if

it was a benefit or charge, of the investigation the Pinkerton men had made?

BOYNTON: I supposed that it was from the Federal officers.

YOUNG: You understood that Mr. Scott was here for several days and weeks and interviewed everybody on the case that he could think of, or anybody suggested to him?

BOYNTON: Yes.

YOUNG: And those reports were all turned over to the Federal authorities?

BOYNTON: I suppose they were.

YOUNG: What particular thing was it you wanted to know that they wouldn't tell you?

BOYNTON: I never said it was anything we wanted to know they wouldn't tell us.

YOUNG: You said there was something you felt a little hurt about?

BOYNTON: Well, he didn't even recognize us in any way or shape, there in town. It seemed as though we were set right aside, and at the same time I knew he was holding, and had held meetings with people that were very much opposed at the methods that were being used there in town.

YOUNG: Well, now, I don't quite get that. I am a little bit dense on that. What do you think should have been done? Do you think we should have — I'll ask you this question. Was it because of the fact that we didn't adopt this man, Kent?

BOYNTON: Oh, no. Not at all. Not at all.

YOUNG: Was it because of the fact that we didn't publish in the newspaper what we had done or found out?

BOYNTON: No.

YOUNG: Was it because of the fact that we didn't write your own Board of Selectmen a letter telling what we had done?

BOYNTON: You might have kept us informed of what you were doing at least.

YOUNG: Was it your understanding that it is a part of the duties of the selectmen to investigate crime within their limits?

BOYNTON: No, I don't expect it is.

YOUNG: That isn't one of the jurisdictional affairs of the town, is it?

BOYNTON: I would consider it is of interest to the town, I would consider.

YOUNG: All matters outside of finances in the town you consider it is the town's job to undertake?

BOYNTON: I would consider it the town's job to use every effort possible to clear up a murder case.

YOUNG: That's everybody's job. No more one man's than another's.

BOYNTON: That's the duty of citizenship, of course.

YOUNG: I was merely trying to get your own view of it, that's all, because I have told the jury this, and I

would just as soon say it, that if, upon their investigation of this case, they find or believe that the County Solicitor, or the Sheriff, or myself, either through inefficiency, or neglect, or inability, have in any way failed to do their full duty here, it is the duty of this Grand Jury to report that fact to the presiding judge.

BOYNTON: I want to say now that my opinion has been changed considerably, but I did have that feeling, and from the appearance of this investigation I feel satisfied that every effort has been made to bring out everything that can be brought out.

YOUNG: Now, bearing out what I just stated, if there is anything that you want to suggest to the jury with regard to the conduct of this case, I want you to feel perfectly free to suggest it now, and if you would feel any freer to do it, Mr. Pickard and I would be glad to leave.

BOYNTON: Well, I certainly have seen enough, if I had anything to say, to say it before you and Mr. Pickard both, if there was anything to say, if I had any fault to find, but I haven't.

JURYMAN: I want to ask one more question and then I will keep my fool questions to myself. Were you, when your first opinion was made, somewhat influenced by this man, Kent?

BOYNTON: No, I wasn't. I was opposed to him in the first beginning. It was simply the little things that came along that convinced me against my will. I told Mr. Kent that he was on the wrong track.

JURYMAN: I would like to ask this question, if the selectmen of the town — if we have somebody here that can answer it — have as much authority to go ahead and work out a case of that kind as anyone?

YOUNG: Well, of course, answering that question partly is what I have already suggested. It is everybody's business to do everything they can to help find out the true facts with regard to any crime. Of course, you appreciate the fact that what is everybody's business is sometimes said to be nobody's business, and the State has the particular office machinery and particular department which is particularly charged, under the statutes, with the enforcement of the law.

Now, the head of that department happens to be the Attorney General's office, under me and the Assistant Attorney General, and the office is charged, under the statute, with the duty of seeing that the several departments of the State perform their work in accordance with the law of the State.

Then under the Attorney General there is a Solicitor in each county who, under the statute, is specifically charged with the enforcement of crime laws, and then, of course, the enforcement officers, consisting of the Sheriff, who is under the immediate direction of the County Solicitor there, and the officers directly under his supervision, and he can require of them at any time their services in connection

with the investigation or prosecution of any crime.

Now then, of course, when you get down into the small municipalities like the city and the town, in almost every city there is a police department which is particularly and specifically charged with the criminal matters and criminals.

And in the towns, of course, the selectmen are the head of the business affairs of the town and I presume that it is the duty of everybody all along the line to cooperate, and I assume that if the Attorney General wouldn't, and the County Solicitor wouldn't, and didn't anybody pay attention to it, the selectmen might very properly go in and make the investigation of the crime. I presume that might be very properly done.

Just the same as if a conflagration should break out the selectmen, if there wasn't anybody else to attend to it, it might be their duty to do it, but if they had a fire department they might naturally expect they would attend to it and wisely call for the chief of the fire department. And we think the same rule would apply to other matters.

If there wasn't anybody else doing it, it ought to be their duty perhaps, but it is the work primarily, and truly the duty, of the County Solicitor. He is the fellow who always moves. Of course, if he didn't move and wouldn't pay attention to the matter, I think it ought to be very proper for them to make application to our office to find out why he didn't.

And if we found out he didn't do what was right or didn't do what he ought to do, I think it ought to be the business of the Attorney General's office to call the attention of the Court to that matter and ask that he be removed. I am speaking in general terms, not of the mistakes we all make, for we are not, any of us, perfect.

BOYNTON: Here's one thing that jarred us considerably. We wanted this matter cleared up. Why were our State people writing to us in regard to the matter time after time. Now, at one time there were two selectmen, I didn't happen to be one of them, that came here and they said that Mr. Pickard told them that if Mrs. Dean was in her right mind, he would have her indicted in twenty-four hours.

We think that her condition wasn't up to him to defend, but it was up to him to prosecute if he had that thought. There was one reason. Now, Mr. Pickard told us up there — those two men still claim the same thing — Mr. Pickard said he didn't make a statement as hard as that, and I hope he didn't.

PICKARD: If you wish, I can repeat the exact statement I did make. We were discussing claims in the case. I think one of the selectmen mentioned several other things which had come up in the meantime, and I said that the person at that time who appeared to me as essentially important was Mrs. Dean be-

cause she was the last known person who had seen Mr. Dean alive, and if she had been a sane person and had said and done all the things she did say and do, I would have presented the case to a Grand Jury. BOYNTON: Well, it's a mite sight different a statement that came to me. I didn't hear it.

JURYMAN: Gentlemen, I would like to ask, are the County officers, in a case like this, required to report to the town their investigations?

YOUNG: No, there is no obligation to report to anybody, only, of course, when it comes time to give whatever is done in court — not in the Grand Jury room — but whatever is done in court is a matter of public record. Anybody can go in there with a book and pencil and can take and publish in a newspaper.

JURYMAN: I don't mean it that way, but while they are conducting the investigation, are they expected to report to the town officers?

YOUNG: No, I think not, only just as a matter of what might be thought proper for them, or in regard to anything it didn't appear to be any harm in disclosing, I would not see any harm in disclosing it. There are a lot of things that might happen. I don't know about this case, but there are a lot of things that might happen you wouldn't want disclosed.

JURYMAN: That's the inference I was drawing. There might be such an occasion as that?

BOYNTON: I think when the Federal authorities come on there will be some matters come up that will explain some of these things that I don't feel it proper to explain today.

YOUNG: Did the Federal authorities explain to you why they were so particularly interested in the death of Mr. Dean?

BOYNTON: They have expressed to me very strongly if there was treason attached to this, it was beyond their province to prosecute the murder. That's the way it has always been expressed to me.

YOUNG: Is there anything further you want to suggest to Mr. Boynton? If not, I don't think we shall want to recall you.

PICKARD: We want to give you, Mr. Boynton, an absolutely free chance to . . .

BOYNTON: I want to say now, Mr. Pickard, that I have seen you are doing everything you can to clear the matter up. A man has the right to change his mind, and I feel, perhaps, at one time we were a great deal more antagonistic than we are at the present time.

WITNESS DISMISSED

EDWARD P. BALDWIN

Direct Examination by Mr. Pickard

PICKARD: Where do you live?

BALDWIN: On the Old Peterborough Road, about a

quarter of a mile from the East Jaffrey Post Office from the center of the road.

PICKARD: Is that on the road to Mr. Dean's house?

BALDWIN: It is.

PICKARD: Do you know Mr. Rich?

BALDWIN: I do.

PICKARD: Did you know Mr. Dean before his death?

BALDWIN: I did, but not very intimately. Had met him to speak to him. Had met him for a few moments at a time for the last six or seven years. The most I saw of Mr. Dean was the two years and a half I worked at the Baldwin place, about halfway between East Jaffrey and his place.

PICKARD: Who were you working for there?

BALDWIN: Mr. Albert Baldwin of New Orleans.

PICKARD: Do you know Mr. Rich?

BALDWIN: I do, yes.

PICKARD: How far do you live from him?

BALDWIN: An eighth of a mile or less. Two minutes' walk. It could be less than an eighth of a mile.

PICKARD: Did you ever do any business of any sort with him?

BALDWIN: Nothing, only I have taken care of his horse for the last four years when he has been away, and had exercised it more or less during that time whether he was away or not.

PICKARD: What kind of a horse is that?

BALDWIN: It's a strictly driving horse. Not large enough to work. Never has worked much of any.

PICKARD: Would you describe it as a well-bred, slow horse?

BALDWIN: Not by considerable, no, sir.

PICKARD: Just tell us about that. What about the spirits of the horse?

BALDWIN: She's always doing well under a good driver.

PICKARD: Has Mr. Rich ever had any accidents with that horse that you know of?

BALDWIN: Yes, he had a quite serious accident about the time, or at the time, that I commenced to drive her. I can't say. Three or four years probably. There are others would know the exact date of the accident. His axle broke and his horse started to run and she didn't get away and he stayed with her and he had a side of his head cut open that night, which was a pretty serious accident.

PICKARD: So serious that for a time his life was probably despaired of?

BALDWIN: Yes.

PICKARD: Have you ever seen the horse kick?

BALDWIN: I have, yes. I saw her kick out three different times, one when she started away from me when I was trying to catch her, and twice and three times when her harness broke.

PICKARD: Now, what do you say about the likelihood of her kicking if you should go up on her in the night

and put your hand on her flank without her knowing you were there?

BALDWIN: Well, I wouldn't want to do it. The nearest explanation I can give about that, if any of the gentlemen that are listening have animals, or have ever taken care of anything like that, she remains calm, but quickly startle her and she would unintentionally let her feet fly.

PICKARD: Did you ever drive his horse?

BALDWIN: Yes, quite frequently.

PICKARD: Did you drive her on the day of Mr. Dean's murder?

BALDWIN: I did.

PICKARD: Tell the jury about that.

BALDWIN: I started out directly after supper, which must have been about half past six. I come home to supper — finish work at six, and about six or seven minutes walk from home — and I always, my supper is always ready, so that I perhaps used fifteen minutes to have a bite, when I hitched up Mr. Rich's horse and drove to Bean & Symonds for a bag of sawdust, which I drove back to Mr. Rich's with the bag of sawdust, and we were slow as I was hitched up and I drove a couple of miles away, perhaps halfway to Jaffrey Center, and I don't recall whether I went up to see anything in the garden or whether I turned in there just as a matter of course, but I did go and just look at the garden, didn't get out of the wagon, and drove directly to the barn, put up the mare, and went home.

PICKARD: What barn?

BALDWIN: Mr. Rich's barn.

PICKARD: What time did you get back?

BALDWIN: I couldn't have taken — the trip might have taken — the way I would usually drive in there and out, which is just exercise for the mare, and I would have to leave the sawdust, might have been done in thirty minutes. Not over forty.

PICKARD: What was the latest time you got back to Mr. Rich's house that night?

BALDWIN: Couldn't have been later than 7:45.

PICKARD: Couldn't it have been eight?

BALDWIN: No, sir. I couldn't have used that much time unless I had walked the mare, which I naturally wouldn't do if I was out to give her a little exercise.

PICKARD: Was it as late as quarter of nine when you were at Bean & Symonds for the sawdust?

BALDWIN: No, sir, I went to Bean & Symonds first.

PICKARD: Supposing some person had said you were at Bean & Symonds at 8:45, just starting from there with the bag of sawdust, what would you say to that?

BALDWIN: I wouldn't care to say very plainly just what I think of it.

PICKARD: In other words, whether it was true or not that you were there at that time?

BALDWIN: I wasn't there at that time, no, sir.

PICKARD: Is there any doubt about that in your mind?

BALDWIN: There is none, no, sir.

PICKARD: Did you see Mr. Dean the night that he was killed?

BALDWIN: I couldn't say that I did. I might possibly have seen him but I don't think that I did.

PICKARD: Now, is there anything further about this case, about the death of Mr. Dean, that you have to tell us?

BALDWIN: No, sir, there is not.

PICKARD: Did you see Rich that night?

BALDWIN: I'm positive that I saw Mr. Rich on the doorstep that night. I wouldn't care to take oath on it because this is something I have done several times, but as I remember it, C. L. Rich was on his back doorstep and I told him I was going for a little sawdust, and he asked me if I wanted any help. Now I have got sawdust before and since, and I wouldn't care to take oath on it that was the night he asked me but I would say it was.

PICKARD: Well, if you did see him there, what time was it?

BALDWIN: Not five minutes either way from 6:30 when I first went up to hitch up. I have stated, I have said before now, that Mr. Rich was there, but not under oath. Simply as I have mentioned it at home.

PICKARD: But if he was there, it was in the neighborhood of half past six?

BALDWIN: Half past six. From 6:30 to 6:40.

PICKARD: Did you see him any time after that that evening?

BALDWIN: Not as I remember it. Mr. Rich may have been working in his garden or somewhere around there, but I didn't see him to speak to him.

PICKARD: Do any jurors wish to ask any questions?

YOUNG: Might it not have been some other night that you arrived at the barn as early as 7:30 or 7:45?

BALDWIN: No, sir.

YOUNG: If you are mistaken about seeing Rich that night, why might you not be mistaken about the time?

BALDWIN: Because I have been asked if I saw Mr. Dean that night by different ones in town, and I didn't know what time Mr. Dean came in to town that night, never have heard it, never have heard it mentioned, but at the time it has been stated I was at Bean & Symonds I was at home all right, in bed before that.

It seems a little unusual at that time of night, but I think that anyone from Jaffrey — I've been there in the village eight years — knows that I am out early in the morning and it isn't infrequent for me to be ready to go to bed any time after 8:30, especially in the wintertime and especially in the summertime.

PICKARD: Why I asked was, if you weren't quite clear

whether the time you saw Mr. Rich was on the night that Dean was murdered, if there was any possibility for you to confuse the night you were down at Bean & Symonds with some other night?

BALDWIN: No, sir, and there is no doubt in my mind that that was the night that Mr. Rich asked me if I wanted any help about getting the sawdust. There is no doubt in my mind whatever.

PICKARD: When have you been out to Bean & Symonds mill at 8:45?

BALDWIN: I don't know that I ever went into Bean & Symonds mill at 8:45 at night, with one exception. A chauffeur that works for Mr. Stratton came down one night to my house a year ago, or possibly two years, I can't tell whether it's last season or not, he came down there one evening, late in the evening, and wanted to go to Boston in the morning, wanted to get a new fan belt for his automobile.

I told him of the belts at Bean & Symonds shop and he wanted to get me to go down there that night, which was later I think than any other time I went to Bean & Symonds factory at night. It might have been 8:30 that night.

PICKARD: Did you have Mr. Rich's horse that night?

BALDWIN: I didn't, no, sir. I was carried down in the automobile.

JURYMAN: Why did he ask you if you wanted any help in carrying the bag of sawdust?

BALDWIN: Because he didn't know whether I was going to get one bag or three or four, and whether I wanted some help to fill the bags.

JURYMAN: Was it customary to get any assistance in getting the sawdust?

BALDWIN: Yes, we have been down together when I was going to get four or five bags, but that night I think as I came out from work, I had been down there quite a few times to get a single bag or possibly two bags, and if I saw a bag of sawdust scattered there on the ground, I would go ahead and get the bag of sawdust, or two bags if it was there, and that night I remember that I was only going to get one bag and didn't need any assistance when I went down to get the bag of sawdust and drove home with it.

WITNESS DISMISSED

EVERETT P. BINGHAM

Direct Examination by Mr. Pickard

PICKARD: Where do you live?

BINGHAM: On the Old Peterborough Road, just below the Tack Shop.

PICKARD: Is that the road out toward Mr. Dean's house?

BINGHAM: Yes.

PICKARD: How far from Mr. Dean is your place located?

BINGHAM: About a mile and a half, or a mile and a quarter.

PICKARD: Were you at home on the night of the 13th of August?

BINGHAM: Yes.

PICKARD: What were you doing in the evening?

BINGHAM: Sitting in the yard after work. I didn't go out. I was sitting in the swing that evening.

PICKARD: Did you see anybody go by that you knew?

BINGHAM: I saw quite a few people in the town that went by, and also Mr. Dean, going towards town.

PICKARD: What time was it?

BINGHAM: The way I figure, I had no watch on me, but twenty minutes past eight for a fact. I went in to my missus a little while before that and she said it was about quarter past eight, so I think it was about five minutes that Mr. Dean went by.

PICKARD: Did you see him when he went back?

BINGHAM: No, sir, I didn't.

PICKARD: What time did you go to bed that night?

BINGHAM: I went to bed at exactly ten o'clock by our clock in the kitchen. I went in the house at exactly ten minutes of ten by that clock.

PICKARD: At any time that evening, before or after you went to bed, did you hear any vehicles go by your house?

BINGHAM: Yes. Besides the double swing we have there, I had just bought before that a new couch hammock and I was lying down in the hammock up to that time.

PICKARD: Did you hear any vehicles going towards Mr. Dean's?

BINGHAM: Yes, I heard a wagon and also an automobile.

PICKARD: What time was that?

BINGHAM: Why, figuring my time back, it was exactly ten minutes of ten when I went into the house, and I figure it back that the automobile — when I got out of the swing — I figure the automobile went by the house at just twenty minutes of ten, and the team just a few minutes before that.

PICKARD: You can't say whose those were?

BINGHAM: I didn't get up and I just saw the team as it went by, and the automobile, just as it came to the edge of the house I got out of the swing, and it was a touring car that went by with lights on.

PICKARD: Couldn't get the number?

BINGHAM: No, sir, although it was a new car. I've been driving automobiles considerably the last ten years, and it was a large six-cylinder car. I could tell from the sound of it, it was a car not in very good repair.

PICKARD: Could you see what kind of lights?

BINGHAM: No, sir.

PICKARD: The top up or down?

BINGHAM: The top was up.

PICKARD: How many folks in it?

BINGHAM: I couldn't tell you, sir.

PICKARD: Going slow or fast?

BINGHAM: Going very fast.

PICKARD: Well, a little after this you heard this team going by. Have you any knowledge who that was?

BINGHAM: No, I heard the team go by before the automobile.

PICKARD: And going slow or fast?

BINGHAM: Well, just at a jog, I would say, about a middle rate of speed like a horse would trot along.

PICKARD: Could you tell who that was?

BINGHAM: No, sir, I was lying in the swing at the time and I couldn't see.

PICKARD: It isn't an unusual thing, is it, for teams to go by there at that time?

BINGHAM: No, sir.

PICKARD: Or for autos?

BINGHAM: No, sir.

PICKARD: Now, after you went to bed at ten o'clock did you hear anything more?

BINGHAM: No, sir, I didn't. I went to bed by our clock I would say about ten o'clock. A coincidence happened. The sheriff was down to see me night before last and I told him when I met him, I told him at ten minutes of ten by our clock, and I stuck to that.

I looked in the house and my father was there at the time and he asked me the time, and it happened just ten minutes to ten when he was there that night. Our clock is an old clock, been there for some time, and my father pulled out his watch as he went up and there on his watch was twenty minutes before than our clock. So I say it was ten minutes by our clock. Might have been quarter of, for all I know. That's all I know that happened that night.

Besides that, the sheriff asked me if I had ever seen Mr. Colfelt on the road, or at any time. I am a good man for snow-shoeing, and I have seen Mr. Colfelt on snow shoes out toward the mountain way, and one night between the first and the fifth of a summer night I saw Mr. Colfelt in his car. The thing happened. Mrs. Adams, a party in East Jaffrey, and her sister came down and asked my wife and myself to go to Winchendon with them. They wanted a car because her husband was coming into Winchendon on the 9:30 train. She wanted to drive the car herself, but wanted someone to go with her that knew something about the car in case anything happened. So I went with her to Winchendon, and Mr. Adams came on the 9:30 train.

They did a little shopping and we left, and I figure it was between half, or might have been a quarter of eleven, I saw Mr. Colfelt's car. The lights were out, and how we happened to see this car was that the car

was standing on the side of the road, and I told Adams to switch the car over and throw the lights on that car as we passed by. Mrs. Colfelt was in the back of the car and Mr. Colfelt was standing in the front of the car, just a little ways from the radiator.

PICKARD: Anybody else there?

BINGHAM: No, sir. This was just below Mr. Wellington's house, on the opposite side of the street.

PICKARD: Can you fix the date of that?

BINGHAM: Why, I went to see Mr. Adams and asked him if he remembered what day he went to Boston, and he couldn't quite tell me, but I saw Mrs. Adams again this morning, and I figured it was the second of August and she said that she doesn't know whether it was the second, or third, or fourth.

PICKARD: 1918?

BINGHAM: Yes. About two weeks before the murder happened.

PICKARD: Had you seen the Colfelts driving late at night at any time previous to that?

BINGHAM: I've seen them go by my house as late as eleven o'clock. I've seen Mr. Colfelt walk by my house dressed in his breeches. I've seen him go by very late at night, and sometimes I've seen him go in town with his wife in the wagon, and I am a great one to lie out in the hammock summer nights, and even in the winter. I've got a lot of livestock there and they keep me up, and I've seen him go by, seen them both come in in the wagon or automobile, and I've seen him walking home alone. He isn't the only one, of course. I've seen other people out late.

PICKARD: How far out from the center of East Jaffrey do you live?

BINGHAM: I live, I don't know exactly, about half a mile or something, just about half a mile, I would say, from Goodnow's Store. I live about six minutes' walk, five or six minutes' walk.

PICKARD: Did you at that time think anything strange about those actions?

BINGHAM: No, sir. Of course, I never thought anything about any murder or anything like that happening around there because everything is generally quiet. Of course, the man, I thought — I have worked for wealthy people a lot in my life — and I thought it was strange for a wealthy man to want to live out in a place like Dean's in the middle of winter, and the going as bad as it was. Very bad winters we have out there, especially the last year. That's the only thing that passed through my head. It was funny a man would want to live out in that part of the country.

PICKARD: Have you seen anything other than that that could connect him up with the lights or other mysterious doings around there?

BINGHAM: No, sir. In fact, I've never seen any of those lights.

PICKARD: Never at any time?

BINGHAM: Well, I've had lights pointed out to me, but they looked to me more like stars than they did lights. Of course, I don't know.

PICKARD: But you have heard, of course, they looked like flashing signals from mountain peak to mountain peak?

BINGHAM: The only thing I've seen, a party called my attention to go out two different nights. We met eventually to look at lights and I watched a light they told me was the light one night, from the side of the house, and I followed that light several nights, and the second night it was dark, but the next night I could see it was a twinkling star in the heaven.

Another time they brought us out to look at the light on the mountain, and it looked like a bon fire, something like that. But I think it was found out that that light was some fire they had up there. I don't know just how it all turned out, but Jaffrey people went up there to examine it.

PICKARD: And have you evidence where the fire had been burning that night?

BINGHAM: There was a fire. Somebody had built a fire.

YOUNG: This night you saw the car standing beside the road, Colfelt in front of the radiator, what did he appear to be doing?

BINGHAM: Well, as we swung up to him, our car was going along, and we were going at a moderate rate of speed.

YOUNG: Were you overtaking his car, or meeting him?

BINGHAM: We were overtaking his car. He was faced toward Jaffrey. It was on the righthand side of the road, close over on the side, and as we came along we saw the car and I said to Mr. Adams, "I wonder whose car that is? Swing the lights on to see." And we did, and he was back to us and was just a step or two away from the radiator, but he was hidden toward the hood, and we swung the lights as we went by and he turned his head, like that. It might have been the lights were strong for him.

YOUNG: Did he appear to be doing anything with the car?

BINGHAM: No, sir. He wasn't doing anything with the car. The hood wasn't on the car and the lights were out and he was as far as from here to that chair from the radiator, so he couldn't be working on the car.

PICKARD: Have the jurymen any questions?

WITNESS DISMISSED

PERLEY H. ENOS

Direct Examination by Mr. Pickard

PICKARD: What position do you hold there in East Jaffrey?

ENOS: I run the store there for Mr. Hilbreth, and I have acted the last year as Chief of Police.

PICKARD: Were you acting Chief of Police on August 13th when Mr. Dean was murdered?

ENOS: Yes.

PICKARD: When did you first know about his disappearance?

ENOS: I think it was somewhere between nine and ten o'clock. Mr. Coolidge came and said there was a man missing, and I asked him who it was, and he said Mr. Dean and he wanted me to go over to help find him.

PICKARD: Was there anything further he said about his disappearance then?

ENOS: Not at that time. I said, "I can't go just at the present time but I'll go as soon as I can." And he said, "All right. I'll go out and see if I can find somebody." So in about ten or fifteen minutes he came back, and he said he couldn't locate anybody, and, "We'll go and we'll pick up Mr. Hogan on our way."

We stopped to get Mr. Hogan on our way up. On getting up there Coolidge said, "In the first place we'll look the house over. The old lady is out of her mind, and you see if you can find anything there. Just as likely as not, she might have killed him."

PICKARD: Who said that?

ENOS: Mr. Coolidge.

PICKARD: He is a selectman?

ENOS: Yes. That's what he thought might have happened. So we got up there and we looked the house all over and we didn't find anything of importance there, so we started to go up to the big house, up by the barn, and then we met Mr. Garfield and Mr. Smith. They had got there before we got there, and they said they had looked the barn all over and the large house and they didn't find anything of importance.

So we started looking around the place and we couldn't find any clue to where he had gone to, and his wife said he went to milk with the milk pail and the lantern, so we were trying to find the lantern and the milk pail, and we looked all around.

So finally I left those people and went way down below the barn in the woods and came around up to the house the other way, and I said, "I am going back into the house," and I went in, and I asked her where the lantern was and she said, "Lantern? Lantern? What is that?" I said, "What he goes with in the night time." "Oh," she said, "this is what you mean." And she took me to the hallway between the shed and the house — it's connected — and she got this lantern. I said, "Where did you find that?" She said, "I found that in the barn about five o'clock." I said, "Was it burning?" And she said, "No, it was out." I shook it and I saw there was oil in it and the chimney was somewhat smoked, if I remember right.

Then I saw in the kitchen where he had come

home and before he went to the barn I saw where he had changed his underclothes, left them over the back of the chair, and his gold watch lay on the table right side of the chair, and I knew what kind of clothes he had on to the village that night because I saw him down there, and he had taken his clothes off that he had at the village, and slipped his old clothes on, but he had left his underclothes in the chair.

PICKARD: Go ahead, what did you do then?

ENOS: I started over there back up to the bungalow and I told, I think Mr. Coolidge then, that I had found his clothes down there where he had changed them, and the lantern, and so we commenced looking again, and then I separated from them again, and I was looking around and as I was coming back Mr. Coolidge hollered to me, said, "Come here to my place." And when I got up there Mr. Hogan and Mr. Coolidge and Mr. Garfield were looking in the cistern, and Coolidge said — they had a pole — Coolidge said, "You take hold of this and see if you can feel anything in there. I thought I felt something in the bottom. You try it and see what you find."

I took the pole and I jammed down once or twice, and I struck the bottom, and then I struck this substance. I said, "I think he is in there." So I went down to the barn to get an ice hook, and we got down in there.

Mr. Stratton was there at the time, young Stratton, he had come there at that time, and from where I was I couldn't reach the bottom, so he climbed down in to get his foot on the track and the pipe there was in there, and I got hold of him, and he got hold of the body and pulled it up a ways until we could get hold of it, and as Mr. Dean came up we saw his feet first, and as he came along up we saw his feet were tied, and then we saw his hands were tied up. We didn't see the sack over him, so we let him back, and Mr. Coolidge and I went down and I telephoned to you.

PICKARD: Do you remember what time that was?

ENOS: I think just before noon.

YOUNG: Where was Mrs. Dean then?

ENOS: She was in the other room.

YOUNG: Could she hear what you said?

ENOS: No, she couldn't.

YOUNG: Did you have any talk that morning as to what had become of Billy?

ENOS: She told us that Billy was dead, or something to that effect, and later I had quite a lot of talk with her because I was with her there every night after the murder as long as she stayed there.

YOUNG: That particular afternoon, the day when the body was found shortly before noon, what talk did you have with her?

ENOS: Why, when we first came there she said, "Billy, I think he is dead because he hasn't come back. He went to do his chores and hasn't come back." And

that ran in her mind, that he was dead because he hadn't come back. She made the remark that he must be dead because he never stayed away like that. And she told about his having a pain up here that bothered him quite a lot lately.

YOUNG: And in his legs?

ENOS: I don't remember of her saying anything about his legs.

YOUNG: Anything said that afternoon about Billy being dead in the water?

ENOS: I think she did. I don't know whether that afternoon or later, but there seemed to be some water that she claimed, and I asked her where it was, and she pointed to it and she said it was a swampy hollow over there, and that seemed to run in her mind that he must be in some water somewhere.

YOUNG: Was that before or after the body was found?

ENOS: That was after, if I remember right. I don't remember of her saying anything about his being in the water until we had found the body because we didn't have much talk with her before the body was found.

YOUNG: Well, you say that you had some occasion to see her and talk with her after that?

ENOS: After that. I was up around the barn with her and I called attention to the cistern at one time when I was up there with her. I asked her what that was in there, and she said it was a cistern, and I said, "Is there anything in it?" And she said it generally dries up in the summer.

YOUNG: Did she look in it then?

ENOS: No, she didn't look in it.

YOUNG: Was that after the cistern had been pumped out, or before?

ENOS: That was after because this was on the Sunday morning.

YOUNG: Did you stay there nights?

ENOS: Every night but one.

YOUNG: Did anything occur during any of those nights that you wish to tell about?

ENOS: Why no, I don't think so. Of course, I could tell you about the first night. On the first night Mrs. Bryant and the District Nurse stayed there, and Joe Lemire and Charlie Rice and myself. I stayed down to the house and Charlie Rice and Mr. Lemire stayed at the large house.

YOUNG: What was the purpose of staying up there?

ENOS: They all thought they would see whether anybody came around to look in the cistern. That was the object. To see if anybody showed up that night.

YOUNG: They were armed?

ENOS: Yes. And sometime during that night, the earlier part of the evening, Mrs. Dean said to me, "What day is it?" I said, "The 13th." She said, "How foolish. I might have got my paper to look." In a little while after that, one of the two women that was there went

into the kitchen, and when she came back she said, "What do you know, she's beginning to want to mark this calendar that Billy died."

YOUNG: Did they see her actually marking it, did you understand?

ENOS: I don't think they did, but they discovered it soon afterwards because they hadn't noticed it before.

YOUNG: Do you know whether it was suggested to Mrs. Dean that she mark the calendar or not?

ENOS: No. They spoke about that. They said, "What do you think? She's marked that calendar." It was soon after we had talked about what day of the month it was that they discovered it. She was very much agitated the first night that we stayed there. She told us we better go home. She seemed to be very anxious and she was running back and forth all night that night. That's what I mean. She went upstairs, and she would go out onto this verandah outdoors on the back, and she didn't seem to sleep, and she was up quite often through the night, walking back and forth, but she never tried to leave the house at any time in the night.

And after the first night she was anxious if any of us was late about getting there, why we didn't come, seemed to want us there after the first night.

YOUNG: Do you know anything about Mrs. Dean's burning that stick of wood? Would you tell about that?

ENOS: Well, there was some wood in the shed and there wasn't much of it split. When we stayed there nights we made a practice of going out and splitting some wood and bringing in the wood box full of wood to leave for the next day, and this stick Mr. Lemire picked up with the rest of the wood and brought in.

She tried to put some wood in the stove, and she got hold of this stick and she couldn't get the covers on, so she spoke two or three times about the stove was too long for the stick. She got it mixed up, and she kept that going, I think she had it going the next night, so that the next night the nurse told me about that stick, so I went down and split it in two and it was broken up. It was a hard stick, cut too long for the stove.

YOUNG: Anything about it that attracted your attention?

ENOS: Not a thing. Simply she tried to put it in the stove and the covers wouldn't go on, and she took it out and put it in the wood box.

YOUNG: Who brought it out of the shed, she or Mr. Lemire?

ENOS: Mr. Lemire.

YOUNG: Do you know anything about Mr. Dean's losing any chickens or turkeys?

ENOS: Why, all I know is the nice conductor that runs from Peterborough down on the first train in the

morning, Mr. [Reed], he said he wanted to see me. I think it was the very next night because the next night, that was Thursday night, I didn't go to the Dean farm to stay, but that was the only night while she was there I didn't stay. I think I went to the train to see him and he said, "Had you heard that Mr. Dean had been losing some poultry? And," he said, "you may get some claim that way." That's all he seemed to know about it.

YOUNG: Did Mr. Dean ever make any complaint to you about losing any poultry?

ENOS: No, he never had.

YOUNG: Did Mr. Dean ever make a complaint to you, or any member of your police force, that he might need protection?

ENOS: Why, Mr. [Lindsey] said that he came to him and asked where he could get protection. He said he had lived there a good many years and he never had any reason to need anybody. He didn't know but that he might, or something to that effect. That's the way Mr. Lindsey tells it.

YOUNG: Lindsey was the only policeman?

ENOS: He is the truant officer. Had been truant officer for some time.

YOUNG: Was he on the police force?

ENOS: Yes.

YOUNG: Did you know Mr. Dean pretty well?

ENOS: I didn't. I never spoke to the man in my life that I know of.

YOUNG: Do you know when this report was, this talk he had with Lindsey, was?

ENOS: I would say probably, if I remember right, it might have been a few weeks before.

YOUNG: And was that reported to you?

ENOS: No, it wasn't. I never heard of it until after the murder.

YOUNG: Was much attention paid to it at that time?

ENOS: There wasn't, because some kind of thought Mr. Dean was quite a hand to joke, and some took it as a joke. Mr. Lindsey always wears a large badge around and some kind of took it as a joke.

YOUNG: Did he say anything about a threatening letter?

ENOS: Not that I know of.

YOUNG: Did he go into details at all with Lindsey as to what he might need a policeman for?

ENOS: Not that I know of.

YOUNG: Do you know whether it was chicken thefts, or German spies?

ENOS: I don't know what it was.

YOUNG: And you say it wasn't reported to you until after the crime?

ENOS: Not until afterwards.

YOUNG: Was it reported to Charlie Nute?

ENOS: I don't think so. If it had been, he would have told me about it.

YOUNG: Is there anything more connected with the case in any way, whether it's connected with any assistance that Mr. Dean wished, or with any knowledge that you have of Mr. Colfelt or Mr. Rich, or anything at all connected with the case that I haven't asked you about? If so, go ahead and tell us.

ENOS: Why, I have been called up there perhaps two or three different times by Mr. Kent. He claimed that he saw lights flashing there.

YOUNG: From that house?

ENOS: Yes. He came to me one day and he said, "You didn't see the lights flash up there last night?" I said, "Were they going?" He said, "They were going strong." And I didn't take any stock in that because I had heard so much about the lights that I had watched every night, and I know that that night he told me about the lights it was impossible, because I was where I could see, and this was the fire on the evening that he claimed the lights, and he claimed that he had gone up there that day and found where they were set up.

So he got a car and wanted to know if I would go up there that particular night. I said I couldn't go until late, so we went over and we got up there about nine o'clock, and I had a map and he told me just where the lights were set up. He told me where they were going to station a body of men and were going to surround this field, and I was to be there at nine o'clock, at a certain time we were going to meet there in this field and round up this gang that had the lights going if they were there.

Well, I got there and, of course, there wasn't any lights there, and I didn't expect there would be because I never took any stock in anything he said because I know he has told things that weren't so, and this night where he claimed the lights were set, I couldn't see any. I've never seen any lights though I have looked for them time and time again.

YOUNG: Have you ever seen anything that other people pointed out as lights?

ENOS: All the stars that I've seen ever since I was a boy.

YOUNG: How do you explain the fact that they looked to other people like lights?

ENOS: Imagination, to my mind. You look at any star long enough and unless you get in line with something, if you stand perfectly still, you will see that move. That is, you imagine it.

YOUNG: They do, don't they?

ENOS: What I mean, you will see it move as though it jumped off this way, or that way, unless you get in line.

YOUNG: How many different times do you think stars have been pointed out to you as lights?

ENOS: Oh, probably forty or fifty.

YOUNG: You said yourself they weren't lights?

ENOS: I did.

YOUNG: Did you ever see this great sudden sunburst of light on the mountain?

ENOS: I saw one one night when I was up to Mr. Dean's place with Mr. Kent. I saw a meteor fall out of the sky, the very same thing some say they thought was a signal. It was the same thing I saw once when I was a boy, a flash dropped out of the sky and dropped down.

YOUNG: Sometimes called shooting stars?

ENOS: No, not a shooting star. I've seen stars shoot through the air, but this is a ball of fire starting up in the sky and dropping down.

YOUNG: If anybody saw it from a distance, it would be a shooting star, wouldn't it?

ENOS: Well, I saw one once before, larger than I saw that night. This one we saw that night probably fell between us and the mountain. When I was a boy I remember I saw one fall that wasn't probably twenty rods from me.

YOUNG: Did anybody up in that vicinity in the spring of the year get those lights confused with a lightning bug?

ENOS: I don't think so.

YOUNG: Is there anything to that?

ENOS: Got mixed up with automobiles flashing going over hills, or hidden places, lights from different houses mixed up. As the trees begin to shed their leaves different lights would appear. If you got your bearing in the day time, you would find where they came from certain houses. Of course, in the summer months they wouldn't show.

YOUNG: Did you get in touch with the Federal agents at all?

ENOS: Yes, once I think.

YOUNG: Do you know, as a matter of fact, whether they have been up around there for a year or so?

ENOS: The story was, I think, probably, I don't know that it was the year before Mr. Dean was murdered but a long time before, that this Mr. Colfelt was a German spy. That was the report around, and I know the Federal men had been there for a time.

YOUNG: And have been right along since?

ENOS: Yes, they've been there for a time.

YOUNG: Has anybody ever been arrested by the Federal government, or by any other power or authority, for signal lights, or for any anti-American activities?

ENOS: Not that I know of.

YOUNG: Hasn't been anybody arrested in the community there?

ENOS: No, there hasn't been, and I've been told that up until the summer months when they were there they never could get anything against this Mr. Colfelt, couldn't find any trace of anything. Those stars they claimed simply because they would rise and set.

The star isn't stationary, when it goes down to the horizon it goes very fast.

YOUNG: And a big star, when it happens to be almost parallel with the horizon?

ENOS: It falls right along with it. You take a star, when it goes almost down to the horizon, you maybe go into the house and you won't think you are in there but a minute or two, and you come out and it will be gone. And it will come up almost as fast. Of course, after it goes up into the sky, you don't notice it move then.

YOUNG: As a member of the police force of Jaffrey, and a man interested in these things, you have given this Dean murder a lot of attention and investigations, haven't you?

ENOS: I've looked up that way, been up that way, watched up that way, night after night.

YOUNG: Interviewed people? You've been in touch with the situation there?

ENOS: Oh, yes. Oh, in this connection, I have watched that place time and time again. Rarely a night but I would watch it in some way.

YOUNG: Have you any theory about who killed Dean?

ENOS: Haven't a likely theory at all.

YOUNG: As a police officer, what would you suggest doing that hasn't been done?

ENOS: I can't think of anything. I think there's always been too much done, or too much said. I don't know as there has been too much done.

YOUNG: This would be a good place to stop, then.

JURYMAN: That would be agreeable to the Grand Jury.

JURY RESTS

PICKARD: As I understand it, the selectmen haven't required you to make this investigation. They have secured outside talent to do that?

ENOS: I was out with Mr. Kent two or three different times, but I never saw anything.

JURYMAN: I would like to ask you, speaking of Mr. Kent, have you any other reason to discredit Mr. Kent's activities, or statement, or theories?

ENOS: Why, there might be some others, yes.

JURYMAN: Would you state them?

ENOS: I know he had something that belonged to me at one time and he agreed to bring it back before he went away, and he didn't, and so when he came back I went to him and I asked him why he didn't do as he agreed, and he said he told Mr. [Amsden] to return it. I spoke to Mr. Amsden about it and he said Mr. Kent hadn't said anything to him about it. So I think Mr. Kent lied.

WITNESS DISMISSED

MARGARET COSTELLO

Direct Examination by Mr. Pickard

PICKARD: You live where in East Jaffrey?

COSTELO: On School Street.

PICKARD: What street is that with reference to where Mr. Rich lives?

COSTELO: The same street.

PICKARD: How near him do you live?

COSTELO: Across the road, diagonally across, just past our house to get to his house.

PICKARD: You live nearer the village than he does?

COSTELO: Yes.

PICKARD: And in going to the bank from his house, if he follows the road, he has to go past your house?

COSTELO: Yes. That is, to go directly.

PICKARD: Does Mr. Rich live directly on the Main road or back from the road a ways?

COSTELO: Back from the road.

PICKARD: In a valley or on a hill?

COSTELO: On a hill.

PICKARD: How far back from the road would you say it was? I mean, is it as far from here to this church spire, right here, across here?

COSTELO: I would say it was a little bit farther.

PICKARD: And in order to get to his house you have to drive up the path, or walk?

COSTELO: Drive up the driveway.

PICKARD: Is that a straight road or curved?

COSTELO: I think there are a couple of curves.

PICKARD: How long have you lived in East Jaffrey?

COSTELO: All my life.

PICKARD: How long have you lived in the house where you now live?

COSTELO: Very nearly thirty years.

PICKARD: How long have you known Mr. Rich?

COSTELO: Why, very nearly thirty years, or rather, since he's built the house on that street.

PICKARD: He has lived there ever since that time, in that house?

COSTELO: Yes.

PICKARD: Now, did you know Mr. Dean?

COSTELO: I did some, yes.

PICKARD: And do you recall the evening that he met his death, August 13th?

COSTELO: Yes.

PICKARD: Did you see Mr. Dean that day?

COSTELO: Yes.

PICKARD: Where and when?

COSTELO: I saw him in the drug store, on the sidewalk outside of the drug store.

PICKARD: Anybody with him at the drug store?

COSTELO: Miss Hodgkins was the only one I noticed.

PICKARD: Is she Mrs. Rich's sister?

COSTELO: Yes.

PICKARD: Did you hear any talk between them?

COSTELO: I didn't.

PICKARD: Did they talk?

COSTELO: They were talking.

PICKARD: What time was that?

COSTELO: Between 8:40 and 8:45 the first time, and between 8:50 and 8:55 the second time.

PICKARD: You saw him twice that evening?

COSTELO: I saw him twice.

PICKARD: How do you happen to be so certain of the time, just tell us.

COSTELO: I knew what time I left the house.

PICKARD: What time was it?

COSTELO: At 8:40.

PICKARD: And you went over there directly to the post office?

COSTELO: Yes.

PICKARD: And your purpose there was what?

COSTELO: I mailed a parcel post package.

PICKARD: Well, after leaving the post office, it was about what time?

COSTELO: Between 8:50 and 8:55.

PICKARD: Where did you go?

COSTELO: Directly to [Parkers'] Store.

PICKARD: How long did you stay there?

COSTELO: I left there at nine o'clock.

PICKARD: Where did you go from there?

COSTELO: Directly home.

PICKARD: How long did it take you to walk from Parkers' Store home?

COSTELO: Oh, perhaps two minutes. Two or three minutes.

PICKARD: So you would get home slightly after nine o'clock?

COSTELO: Yes.

PICKARD: Who was in your house with you that night?

COSTELO: My mother and sister.

PICKARD: Your sister's name is?

COSTELO: Annie Costello.

PICKARD: How well do you know Mr. Rich? Would you recognize him if you saw him on the street?

COSTELO: Certainly.

PICKARD: Now, after you got home that night did you see anybody pass your house that you knew?

COSTELO: Yes. Mr. Rich.

PICKARD: Going which way?

COSTELO: Toward the village.

PICKARD: Who was with him?

COSTELO: He was alone.

PICKARD: What time was that?

COSTELO: Why, between 9:40 and 9:45. About that.

PICKARD: How do you fix that time?

COSTELO: I went up street again at half past nine to mail a letter. I came back and I was on the porch.

PICKARD: Was the post office open when you went the second time?

COSTELO: It wasn't. That's why I had to go back the

second time to mail the letter. It closes at nine. Supposed to.

PICKARD: Who was on the piazza with you?

COSTELO: My sister.

PICKARD: Had she left the house that evening at all?

COSTELO: She was with me both times up street.

PICKARD: She went to the post office with you?

COSTELO: She did the second time, but not the first.

PICKARD: Was it after you went to the post office the second time or before that you saw Mr. Rich?

COSTELO: After I had been the second time.

PICKARD: And you fix that time as what?

COSTELO: At between 9:40 and 9:45.

PICKARD: How did you recognize him? What sort of night was it?

COSTELO: Why, it was a clear night.

PICKARD: Was there anything there that enabled you to see who it was? Any light of any kind?

COSTELO: There was an electric street light on the next street below.

PICKARD: How far away was that? Fix that distance from here to the first brick building you see out of that window. Was it as far as that, or farther?

COSTELO: I think about as far as that. There's a garden between our house and the next house, a small garden.

PICKARD: What time did Mr. Rich come back?

COSTELO: I don't know. I didn't see him.

PICKARD: Did you see anything of him after he went past your house?

COSTELO: No.

PICKARD: Did you speak with him?

COSTELO: I didn't.

PICKARD: How far from the walk were you?

COSTELO: Oh, about ten feet.

PICKARD: Did he look toward you?

COSTELO: I didn't pay any attention to him.

PICKARD: No words were spoken at all?

COSTELO: No.

PICKARD: How do you fix the date?

COSTELO: Why, on account of the murder.

PICKARD: And this was called to your attention when?

COSTELO: The next day.

PICKARD: By who?

COSTELO: By things I had heard.

PICKARD: What, for instance?

COSTELO: Why, some of the reports in regard to the murder.

PICKARD: Would you just as soon tell us what these were?

COSTELO: Why, in regard to someone, for instance, who was in the garden, there at the band concert, and the time for the band concert was while I had seen Mr. Dean and Mr. Rich both on the street.

PICKARD: Did you see Mr. Dean go up to Mr. Rich's that night?

COSTELO: I didn't.

PICKARD: Somebody said they saw Mr. Rich at the band concert?

COSTELO: I think there was some report of the kind, that they met at the band concert, Mr. Dean and Mr. Rich.

PICKARD: Do you know of anybody that met them at the band concert?

COSTELO: I don't.

PICKARD: Would Mr. Rich be going to the band concert at the time he went by your house?

COSTELO: I wouldn't think so.

PICKARD: That would be too late for that?

COSTELO: Yes, I think so.

PICKARD: Would it be in the right direction?

COSTELO: Why, he was going straight toward the village. The band concert was at Jaffrey Center, as I understand it.

PICKARD: That's about two miles from East Jaffrey approximately, isn't it? Did you notice anything peculiar about Mr. Rich that night?

COSTELO: No, sir.

PICKARD: Which side of his face was toward you?

COSTELO: The lefthand side.

PICKARD: Did you notice anything about his face?

COSTELO: I didn't.

PICKARD: Any marks on it of any sort?

COSTELO: Oh, I didn't notice.

PICKARD: Discoloration?

COSTELO: I didn't notice.

YOUNG: Just what do you mean by "didn't notice"? Do you mean you didn't look, you didn't see them, or that they might have been there and you didn't notice them?

COSTELO: I didn't pay any attention. I didn't look at him close enough for that, to see that he had any discoloration on the face.

YOUNG: I just simply wanted to get what you meant to convey by the words "didn't notice," that you didn't look, or looked and didn't see. Is it you or your sister who is the school teacher there?

COSTELO: My sister.

PICKARD: What are Mr. Rich's habits about speaking to you, and you to him, when you pass?

COSTELO: Sometimes he speaks, sometimes, of course, he doesn't.

PICKARD: Did you notice anything peculiar about his actions that night as he walked along?

COSTELO: No.

PICKARD: Was he walking fast or slow?

COSTELO: He was walking along at rather a hard gait.

PICKARD: How was he dressed?

COSTELO: He didn't have a coat. He had on a light shirt, and aside from that I didn't notice.

PICKARD: Could you tell whether he had a vest on or not?

COSTELO: He didn't have a vest.

PICKARD: What color trousers did he wear?

COSTELO: I don't know.

PICKARD: A collar and tie?

COSTELO: I don't know.

PICKARD: Is he often dressed that way when he goes past your house?

COSTELO: In the hot weather in the evening he often does.

PICKARD: Does he work down to the bank in the evening?

COSTELO: He does very often.

PICKARD: How do you know that?

COSTELO: Because passing the bank I see him working there.

YOUNG: How far is the bank below your house?

COSTELO: Why, there's one house and a store between.

YOUNG: Can you see it from your house?

COSTELO: Oh, no.

YOUNG: Did you see Dean going north by your house?

COSTELO: I didn't.

YOUNG: You didn't see him at all?

COSTELO: I didn't, after I saw him on the sidewalk outside the drug store. That was the last time I saw him.

YOUNG: That was about quarter of nine?

COSTELO: Between 8:50 and 8:55.

YOUNG: And as I understand you, between your first trip to the post office you went home and put something in the mail?

COSTELO: I took something back to the post office.

YOUNG: You had written a letter in the house?

COSTELO: Yes.

YOUNG: So you weren't sitting on the porch at the time Mr. Dean might have gone by, if he went up by the house shortly after you saw him at the post office?

COSTELO: I was in the house very shortly after nine until about half past.

YOUNG: The time that you saw Rich go down the street toward the village was after you had made your second trip to the post office and returned over there not later than what hour?

COSTELO: 9:40 and 9:45. Between them.

YOUNG: It was about an hour between your two trips to the post office?

COSTELO: We came home at nine and went back at half past, left the house at just half past nine. I took the second trip because I didn't have time to write my letter. I had to mail my parcel first to get it in at nine o'clock, and I returned to the house to write the letter and took that to the post office to mail it.

YOUNG: Because you could mail the letter through the slot in the door, but you couldn't mail a package that way?

COSTELO: Yes.

JURYMAN: I would like to ask Miss Costello if she feels positive that the person that passed her house was Mr. Rich, or is it possible she mistook some other person for Mr. Rich?

COSTELO: I'm positive it was Mr. Rich.

JURYMAN: You looked sufficiently to make yourself sure of that point?

COSTELO: I'm positive.

JURYMAN: And you're positive it was on the night of August 13th?

COSTELO: I'm positive.

YOUNG: How long did you remain on the piazza after Mr. Rich went down by?

COSTELO: Oh, just a very few minutes.

YOUNG: Ten or fifteen minutes? Twenty perhaps?

COSTELO: Perhaps ten minutes.

YOUNG: And he didn't return in the meantime?

COSTELO: Not then.

YOUNG: Is Rich's house in sight of yours?

COSTELO: Yes.

YOUNG: Have you ever seen signal lights or anything of that kind there?

COSTELO: I have not.

YOUNG: Or anything which might be mistaken for signal lights?

COSTELO: I've never seen anything of the kind.

YOUNG: Has it ever been suggested to you that lights were displayed from the Rich house?

COSTELO: People have asked me that question.

YOUNG: Have you ever looked, after that suggestion had been made to you, have you ever looked to satisfy yourself whether there were or not?

COSTELO: No, because I didn't see — if they had been flashed I didn't see why we didn't notice them.

YOUNG: Well, after it was spoken of, did you give it any more attention after that?

COSTELO: We had spoken of it, but I had never watched.

YOUNG: I don't mean exactly watched, but when you looked out perhaps unconsciously thought of it and wondered if you could see them?

COSTELO: I have thought of it when I looked out.

YOUNG: I mean unconsciously thought of it, and looked to see if you could see them?

COSTELO: I never looked to see if I could see them.

YOUNG: If someone had said they had seen a red flag on his flag pole, every time you looked at the flag pole you might have looked to see if it was true. That's the idea I have in mind. Now, it has been suggested that there were lights displayed there, and I wondered if after that you thought of it as you looked out toward the house in the evening?

COSTELO: Well, I never looked for them.
YOUNG: And you never had seen any?
COSTELO: No, sir.
YOUNG: Do you know of anybody that has seen them there?
COSTELO: I don't remember of anybody telling me they had seen them.
YOUNG: No member of your family has ever seen them?
COSTELO: No.
YOUNG: Have you any other statement you wish to make with reference to the case?
COSTELO: No, sir.

WITNESS DISMISSED

MISS ANNIE COSTELLO

Direct Examination by Mr. Pickard

PICKARD: You are a sister of Miss Margaret Costello, who just testified?
ANNIE: Yes.
PICKARD: Where do you live with reference to where she lives?
ANNIE: In the same house.
PICKARD: What is your occupation or profession?
ANNIE: Teaching, here in East Jaffrey.
PICKARD: Were you in East Jaffrey on the 13th of last August?
ANNIE: I was.
PICKARD: Where?
ANNIE: At home.
PICKARD: Now, will you tell the jury in your own way the events of that evening, assuming it was the evening that Mr. Dean was murdered.
ANNIE: We went to the Winchendon store in the afternoon, and when we came home my sister took her package and started for the post office. She went down to the post office and I stopped at [Parkers'] Store and waited until she came back. We came home and went into the house, read letters, and went back up the street at half past nine, and came back and sat on the steps until ten, or twenty minutes past ten.
PICKARD: How do you fix the time you went to the post office to be half past nine?
ANNIE: I looked at the clock before we started. It was just half past when we started to the post office the second time.
PICKARD: Could you tell when you went to the post office previously?
ANNIE: I would say about twenty minutes or a quarter of nine.
PICKARD: Can you tell when you went to the post office the next afternoon, the exact hour?

ANNIE: I don't know whether I went to the post office the next afternoon or not.
PICKARD: Now, assuming you came back at half past nine, you reached your house at what time?
ANNIE: No, sir. I started for the post office at half past nine.
PICKARD: And then tell me what you did after that?
ANNIE: Came back from the post office, and sat on the verandah.
PICKARD: Can you tell about what time you were back at the house?
ANNIE: Why, we started at half past nine. It took about five or ten minutes to walk.
PICKARD: You and your sister went together?
ANNIE: The second time, yes.
PICKARD: That would bring you back to your house at 9:40, or thereabouts?
ANNIE: 9:40, or 9:45, about that time.
PICKARD: Did you look at the clock at that time?
ANNIE: I didn't.
PICKARD: Where did you go after you got back to the house?
ANNIE: We remained at home.
PICKARD: What part of the house?
ANNIE: On the verandah.
PICKARD: Where is that with reference to the street?
ANNIE: Just up from the sidewalk. I would say about ten or twelve feet. I don't know exactly.
PICKARD: Elevated above the sidewalk?
ANNIE: It is.
PICKARD: Are there any lights, street lights, in that vicinity?
ANNIE: One down below in front of the next house.
PICKARD: After you got back there, did you see anybody go by the house that you knew?
ANNIE: I did.
PICKARD: Who was that?
ANNIE: Mr. Rich.
PICKARD: Where does he live?
ANNIE: In the house opposite, on a hill.
PICKARD: How was he dressed?
ANNIE: He had on a light shirt. He was in his shirt sleeves. That's all I observed.
PICKARD: What did you say to him when he went past?
ANNIE: Nothing.
PICKARD: Did he say anything to you?
ANNIE: He didn't.
PICKARD: Did you notice anything strange or unusual about him when he went past?
ANNIE: I didn't observe anything unusual.
PICKARD: How long have you known him?
ANNIE: Ever since I can remember.
PICKARD: You have always been near neighbors?
ANNIE: Yes.

PICKARD: Was it an unusual thing for him to go back and forth at night?

ANNIE: No, nothing unusual.

PICKARD: Where does he go?

ANNIE: I don't know positively. I think to the bank, but I don't know.

PICKARD: Have you ever seen him working late in the bank?

ANNIE: Yes.

PICKARD: It isn't an unusual thing for him to do that, I suppose?

ANNIE: No.

PICKARD: Did you see Mr. Dean that night?

ANNIE: I didn't.

PICKARD: As Mr. Rich went past you, did you notice his face?

ANNIE: I said I observed nothing out of the ordinary.

PICKARD: Could you tell which side of his face was toward you as he went past your house?

ANNIE: I saw him go up and back.

PICKARD: Well, what time did he go back?

ANNIE: My sister was in the house, came out shortly after the clock had struck ten, and Mr. Rich had gone back to his house. I couldn't tell you the exact time after the clock struck ten. I would say the first time I saw him go by was between twenty minutes or quarter of, and he went back about ten, I would say. Of course, I didn't look at the clock.

PICKARD: Would that be long enough for him to have gone down to the post office and back?

ANNIE: Yes.

PICKARD: Or to the bank, which is nearer, and back?

ANNIE: Yes.

PICKARD: Is the bank in sight from your house?

ANNIE: No.

PICKARD: So you couldn't tell whether that was lighted up or not after he went past?

ANNIE: No.

YOUNG: What do you say as to whether Mr. Rich did or did not have any bruises or discoloration on his face as you saw him that night?

ANNIE: I can't answer that question. I observed nothing upon his face at all.

YOUNG: Did you see him afterwards when he did have the discoloration?

ANNIE: Quite a while afterwards. I suppose I saw him go up and down, but I didn't pay attention to that.

YOUNG: Had you seen him go up and down before in the daytime?

ANNIE: Yes.

YOUNG: Did you notice he had a black eye then?

ANNIE: I didn't look at it.

YOUNG: Had you heard he had one?

ANNIE: Yes.

YOUNG: You didn't take the trouble to look and see?

ANNIE: No.

YOUNG: Have you ever seen any lights around Rich's place?

ANNIE: I haven't.

YOUNG: Have you seen any of those lights in the vicinity there, anywhere around East Jaffrey?

ANNIE: Yes, somewhere around Jaffrey. I don't know where.

YOUNG: What kind of light was that?

ANNIE: Well, it looked just like a large light that is flashed.

YOUNG: Flashes of light, or just a flash of light?

ANNIE: Flashes.

YOUNG: Could you locate the direction from which they came?

ANNIE: One night we watched and it appeared that night it was from the Dean place, but I don't know. After the murder.

YOUNG: How recently have you seen those lights?

ANNIE: I think it was sometime in October we went out one night to watch them.

YOUNG: Have you seen any since the Armistice was signed?

ANNIE: I think not.

YOUNG: What direction did you think the lights came from?

ANNIE: I don't know. I wasn't in my own home. I was up to the other house, and I don't know the direction exactly.

YOUNG: Have you heard it reported there were signal lights reported from Rich's house?

ANNIE: I've heard such a thing.

YOUNG: Did you ever see anything to make you think there was? That would lead you to think there were lights displayed from his house?

ANNIE: No, I don't think I have.

YOUNG: Have you ever looked to see if there were any lights, or ever thought of it as you looked at his house in the night?

ANNIE: Just after I heard it, that's all.

PICKARD: Do you remember what time you went to bed that night, you and your sister and family?

ANNIE: Not exactly. I would say it was — might have been half past ten or so.

PICKARD: Was there anything during the night that caused you to look up towards the Rich house?

ANNIE: No.

PICKARD: No disturbance, or lights flashing, or anything of that kind in that vicinity that you know of?

ANNIE: That night?

PICKARD: Yes.

ANNIE: No.

PICKARD: And you didn't see the lights on at Mr. Rich's house around four o'clock, and figures moving around Mr. Rich's house?

ANNIE: I don't understand your question.

PICKARD: I say, on the morning of the 14th, that is, on

Wednesday morning at four o'clock, whether you saw any lights flashing through the Rich house, and any figures moving around the house?

ANNIE: I never saw any lights flashing from Rich's house.

PICKARD: You didn't hear anything of Dean's team, or any other team, when it came out of that driveway that night?

ANNIE: No, sir.

PICKARD: Didn't hear any team at all?

ANNIE: I didn't hear any team at all.

WITNESS DISMISSED

CHARLES A. BEAN

Direct Examination by Mr. Young

YOUNG: Where do you reside?

BEAN: East Jaffrey, New Hampshire.

YOUNG: What is your occupation?

BEAN: My professional business is a nurse.

YOUNG: Did you know William K. Dean in his lifetime?

BEAN: Yes, I knew him a great many years, ever since 1900. I was a neighbor with him, used to mingle with him, go back and forth to the house, with boxing gloves, and I have been to the house a great many times to visit him.

YOUNG: You and he were friendly and very well acquainted?

BEAN: Yes.

YOUNG: When did you see him last, prior to the time of his death?

BEAN: I saw him on the 13th day of August last at 8:30 o'clock right in front of Goodnow's Store. As he turned in to come to Goodnow's Store, he drove up there, and I made inquiries about his wife, who was then invalided, and I held my watch in my hand and he said, "What time is it, Mr. Bean?" And I said, "By my time it is 8:30 but by that clock up there," I said, "it's 8:35. But," I said, "that doesn't count much in Jaffrey." And he said, "I must hurry along because the stores close at nine and I've got some purchases to make." He drove back to the bank, hitched his horse, got out and went in the back door to the store. That was Goodnow's Store.

YOUNG: Did you see him afterwards?

BEAN: I went in the store after that and he was making purchases, and then I came out again. I didn't stay but a few moments, and came out again and after a little while I saw him, between ten minutes and nine o'clock, come out and he had a can in his hand and placed it in the wagon, took a package out of his team that he had, a laundry package or something, and he went between the bank and the stable, went directly

over to the drug store, and then went to the post office, and then he went across the street over to Myer's Store and left his bundle there, because when he came out he didn't have his bundle with him, went to the front of the hotel, retraced his steps between the bank and the stable and he went and unhitched his horse to start for home.

YOUNG: Alone?

BEAN: Alone.

YOUNG: How far up the street did you see him drive?

BEAN: I stayed at the corner of the street and I judge I saw him up two hundred or two hundred fifty feet from where I stayed, from where he drove out.

YOUNG: Had he driven up as far as Rich's driveway?

BEAN: I didn't notice whether he went by Rich's, or drove up there. I turned around and I was playing with my dog. I was out giving my dog exercise at the time.

YOUNG: Did you see Miss Hodgkins that night?

BEAN: Miss Hodgkins was talking with him on the steps of the post office.

YOUNG: But she didn't drive up the street with him?

BEAN: I can't tell about that. She wasn't in the team with him. I couldn't say she drove away with him. She was talking with him and I don't know if she was in the team.

YOUNG: Do you mean to say you saw Dean drive up the road within two hundred feet and couldn't tell whether he had a woman in the team with him?

BEAN: My positive knowledge, he didn't have any woman with him at the time I saw him.

YOUNG: How far above the store did you watch him as he drove up, would you say?

BEAN: He drove right by and I would think he was about in front of Mrs. Chamberlain's house, about sixty or fifty feet from the store, maybe seventy-five feet, and I turned around then and he was going down towards Mr. Rich's place.

YOUNG: Did you see Ed Baldwin that night with Rich's team?

BEAN: Yes, I did. He was driving up. He had a bag that looked as if it was a bag of sawdust in the wagon, and he drove up, and it was probably between 7:30 to quarter of eight. I fix the time because I looked at my watch and I made the remark, I said, "If this was the old time it would be 6:30 instead of 7:30."

YOUNG: To him?

BEAN: No, not to him. To another man I was talking with as he drove up. And he drove up, right up the drive to Mr. Rich's barn and he had a bag that looked to be a bag of sawdust or something. That's what it looked like. That was between 7:30 and quarter of eight.

YOUNG: Now, let's see. You are the man who found the little cultivator, are you?

BEAN: Yes, I found that back of the barn. There's a

wall that runs this way, that goes up by to the back of the barn. What I call the back of the barn is right directly this way, and when I lived on the old Donovan farm I used to go around to Mr. Dean's place and come upon sort of a path there was there, and I used to go directly over that same road to get to Mr. Dean's place.

YOUNG: Where did you find the little cultivator?

BEAN: Right under a stone back of a large boulder that sits there.

YOUNG: How large was that stone?

BEAN: The stone might have been about that long, and about that wide.

YOUNG: And that laid up against the boulder?

BEAN: It laid underneath the boulder as though a person had taken and placed it in like that.

YOUNG: Could you see it from outside?

BEAN: Not unless you happened to be paying attention. I was searching for some such thing as that. I was searching along the wall as far as it went, on both sides, and then I started back and went down toward the barn, and that's where I found it.

YOUNG: This rock under which you found the digger, was it a part of the stone wall or off by itself?

BEAN: No, it was a part of the stone wall. It's a stone I have been over a lot of times going to Mr. Dean's. I would go by that boulder when I would go to Mr. Dean's.

YOUNG: What led you to think this was the implement with which Mr. Dean might have been assaulted?

BEAN: Well, it looked like blood prints on it and I handled it very carefully. I didn't want my finger prints to be on it, and when I took it, I took it like this.

YOUNG: Who did you deliver it to?

BEAN: I kept it, and when they had this autopsy, the day they had this autopsy, I spoke about it to Mr. Coolidge.

YOUNG: When did you find it?

BEAN: I found that along in November, I think, sometime.

YOUNG: You mean the autopsy that was performed by Dr. Magrath?

BEAN: Yes. The day he had that autopsy Mr. Coolidge said, "You better turn that over to Dr. Magrath, he's now up to Father Hennon's." I went directly up there and handed it to him.

YOUNG: Who was the first person you told this to?

BEAN: I told Mr. Coolidge about it.

YOUNG: Did you show it to anybody?

BEAN: I never showed it to anybody but him and Mr. [Hedge] in Mr. Goodnow's Store. These are the only two I showed it to.

YOUNG: Did you see the instrument at any time fitted to the marks on the steps there in the barn?

BEAN: Mr. DeKerlor took a picture of it. I never saw it fitted.

YOUNG: Did he ever see this digger?

BEAN: No, sir, I never showed it to him because DeKerlor, I had a talk with him and I took him up there and showed him where I found the instrument and he said that was a lucky find.

YOUNG: About how far from the cistern would you say it was that you found it?

BEAN: Well, that instrument from the cistern would be surely two hundred fifty feet. Not three hundred feet from the barn that well is. I would judge it might be that distance. And then it's surely two hundred feet from the barn to the cistern. Of course, the barn, the way it stands, they would have to go right around this way and go this way to go down that path, and here's where the door is to the barn where they came to go to the cistern.

YOUNG: Just what were you looking for when you made this investigation along the wall and under the stone there?

BEAN: Well, I was really looking for some bloody rocks or something. That's what set me to look for something that would hold bloody marks, might have been hidden somewhere, and as I made the remark, I said, "There must be some dirty clothes hid somewhere there."

YOUNG: Never found anything of that kind?

BEAN: No. I said to myself, "The best way to judge a man is to judge him by yourself." And I know if I did anything like that the first thing I would do would be to hide any bloody things on me and conceal it if I could.

YOUNG: So you weren't hunting for anything in particular when you found this instrument?

BEAN: I had this thing in mind also. I thought I might run across that, a pronged instrument of some kind. I had that in mind.

YOUNG: What made you think of that?

BEAN: Well, that he had been hit over the head with something and that it might be a garden cultivator, and I happened to think once when I was up there I saw a garden cultivator.

YOUNG: So you were looking for it?

BEAN: I was looking for that garden cultivator and, of course, that was on my mind more or less.

YOUNG: Is this the garden cultivator that Dean used to have, in your judgment?

BEAN: Yes, I would judge so.

YOUNG: Where did he keep it?

BEAN: I remember it in the barn, where I saw it. The last time I was there I saw it right near the stairs as you go upstairs.

YOUNG: Stairs there, were there?

BEAN: Well, a ladder there.

YOUNG: Was it stairs or a ladder?

BEAN: I don't think it was really steps or stairs.
 YOUNG: Was it a number of stairs, or just a straight ladder with rungs?
 BEAN: I couldn't swear exactly, but I don't believe it's really stairs such as you have in a building.
 YOUNG: What did you think there was in that barn that you go up to the top with?
 BEAN: Why, sort of a step ladder.
 YOUNG: You know a ladder when you see it, don't you?
 BEAN: Sure.
 YOUNG: Wasn't it a ladder?
 BEAN: I couldn't swear about that.
 YOUNG: Well, whatever, it was the means by which you go up to the top story of the barn, and it was right near it?
 BEAN: Yes.
 YOUNG: There were lots of other things around the barn? There were some axes, hoes, chains, etc.?
 BEAN: Yes.
 YOUNG: And a whole lot of things that would have made a much more formidable weapon than this cultivator?
 BEAN: Yes, certainly would.
 YOUNG: Now, who told you that Dean was hit with an instrument that looked like a cultivator?
 BEAN: Well, I couldn't tell exactly. A party said he overheard some conversation that they said he had marks on him that looked as though he had been hit with a garden cultivator, or something. I couldn't mention the person's name that overheard that conversation.
 YOUNG: Ever hear Kent say anything about that?
 BEAN: I can't recall whether it was Kent or somebody else that was talking about the murder one day. That impressed this on my mind.
 YOUNG: Did you see those lights over there?
 BEAN: Yes, quite a good many.
 YOUNG: You have paid considerable attention — you have a pair of strong glasses?
 BEAN: Yes, I've got a good pair of glasses. I've got a pair of powerful glasses.
 YOUNG: And do you retire early, or are you in the habit of staying up quite late?
 BEAN: Well, last night I went to bed at three o'clock, that's about the way I do. I'm not a very early-to-bed man, I rarely go to bed before eleven o'clock. More often after eleven.
 YOUNG: I call your attention directly to the night of August 13th, the night that Mr. Dean was probably killed, were you up that night until quite late?
 BEAN: I was up and got to bed a few minutes after eleven that night.
 YOUNG: Before that, where were you?
 BEAN: Well, between ten and eleven, no, about half past nine to eleven, along there, I was walking up and

down the street and in my yard smoking. I had my glasses with me.
 YOUNG: What were you looking for, those lights?
 BEAN: Those lights partly, and then again the young people going by. I could see them on the walk with my light, and then I would guy them the next day if they were going up with girls.
 YOUNG: Did you see anything up around the Rich house that night?
 BEAN: About twenty minutes of eleven I saw an automobile going on the road that leads by the factory.
 YOUNG: Is that the road from Dean's place?
 BEAN: That's the road right between the mill and Myer's Store.
 YOUNG: You saw an automobile?
 BEAN: An automobile, and I saw a flash light from Rich's barn and I heard a team drive out.
 YOUNG: This flash from Rich's barn, what was that?
 BEAN: The lights turned on. Somebody pressed that button and turned the lights on in this room.
 YOUNG: Could you see the team from where you were?
 BEAN: I could if I had used my glasses, but as I was, I didn't see it. I heard it.
 YOUNG: What kind of a team was it? A spirited horse?
 BEAN: Yes.
 YOUNG: Could you hear the wheels?
 BEAN: I could hear the wheels, hear them distinctly. It sounded like an iron-shod buggy. It turned, went around the road, and sounded as if it was going towards the old tack shop. I can't hear very distinctly there at night.
 YOUNG: Let's locate it with respect to whether it was going towards Dean's or away from Dean's?
 BEAN: It was going towards the Dean place.
 YOUNG: Would that mean that it was going back through the village, or following along that road?
 BEAN: No, leaving. It was going on the road toward the Dean place.
 YOUNG: What time was it?
 BEAN: I had my watch out a few minutes before that and it was about twenty minutes of eleven then. I said to the dog — I have a habit of talking to the dog — I said, "I guess I'll have another pipe of tobacco and then we'll go to bed." I filled my pipe, started to smoke, and just then the team drove out.
 YOUNG: Where did the automobile go?
 BEAN: I couldn't tell. It was rubber-tired. It sounded as if it was going down towards that way, towards the Dean place.
 YOUNG: What do you say about whether this horse that was driven out of there that night, at eleven o'clock, you say?
 BEAN: Twenty minutes of eleven.

YOUNG: What do you say as to whether that was Rich's horse or was not?

BEAN: It stepped like Mr. Rich's horse, and I've heard his horse travel a good deal. My impression is that it was Mr. Rich's horse.

YOUNG: You couldn't say anything as to whether it was one man or two, or anything about that?

BEAN: I couldn't. I didn't have my glasses fixed right to swing over there. I turned my glasses down and was holding the glasses in my hand, and I heard this going and saw the flash, and they got out before I could pull my machine up into focus to get the view, but I looked over to the barn and the barn appeared apparently empty and nobody there. The door was open and nobody appeared to be there.

YOUNG: Was it warm that night?

BEAN: A very warm night.

YOUNG: How long did the lights stay on at the Rich barn?

BEAN: I couldn't tell you, but they were on when I went to bed.

YOUNG: You don't know how long they remained on?

BEAN: No, sir.

YOUNG: Do you know Colfelt?

BEAN: Yes.

YOUNG: How long have you known him?

BEAN: I've known him since along in 1916.

YOUNG: Ever over to his house?

BEAN: Yes.

YOUNG: Did you go over there at one time to dock a puppy's tail?

BEAN: I did three dogs. Two or three, I think.

YOUNG: What did you see over there at that time that attracted your attention?

BEAN: Well, I went over there to dock tails twice.

YOUNG: Well, either time. What did you see?

BEAN: The first time I went over I went to the Baldwin place where he lived, on the Baldwin place, and docked the little puppies' tails. Irish terriers or something. And at that time I didn't notice anything out of the way, anyhow, but when I got home a night or two after that I held my glasses and I saw something that looked like a balloon going up in the air lighted. I thought he was amusing himself. I made up my mind he was a man of leisure, and perhaps a man such as I would be, amusing myself if I had plenty of money to spend and plenty of time to spend money in. I would investigate any little thing I wanted to investigate.

YOUNG: Who was this fellow you saw fussing with balloons?

BEAN: It came from the Baldwin place. I couldn't see the man, but I could see the balloon rising. It came from the Baldwin farm.

YOUNG: Could you see it on the ground when it started?

BEAN: No, it was up in the air quite a piece what time I saw it.

YOUNG: What time of the evening was that?

BEAN: It was along after nine o'clock.

YOUNG: How far was it over to the Baldwin's place?

BEAN: Oh, from where I sat I would think it might be, say, two miles.

YOUNG: Do you think you would look off a mile and tell as to where a hot air balloon came up?

BEAN: Yes. Here's the house, and I sat right there, and I could see the other side of it, and this thing took place down here on the other side of the house.

YOUNG: But already up?

BEAN: I couldn't swear it was Colfelt, but it came from his place and I concluded it was him because I might be interested in some such thing as that.

YOUNG: And you reported that to the Federal authorities, that you had seen Colfelt playing with balloons?

BEAN: Yes, I reported that.

YOUNG: Now, then, the other time you were over there, what did you see that day?

BEAN: The other time I was over there, I went to the Dean farm that time. There was a case, looked like a dress suit case, or something like that, only it was more of a box like and had a thing on it and it opened to me something like a telegraph operator's apparatus. You know. I didn't pay much more attention to it.

YOUNG: Are you referring to a mouthpiece?

BEAN: One of those tickers, you know.

YOUNG: You mean a telegraph machine?

BEAN: Yes, a telegraph. I closed the thing up again. I didn't think any more of it until I heard that he was kind of suspected of being a German spy, and then I said, "I wonder if that instrument might not be used to send and receive wireless messages."

YOUNG: Can you give us any better description of it?

BEAN: Well, that keyboard, do you mean?

YOUNG: Yes, the thing you saw in the box that you are talking about.

BEAN: This thing in the box had a little round thing, like that, and something like this, and about two cylinders here, and this little knob up here to press down, and then there were wires connected, as if there was a battery in here somewhere.

YOUNG: Do you know what kind of batteries they were?

BEAN: Well, the batteries were concealed so I couldn't see what they were.

YOUNG: It was something — you don't know exactly what it was?

BEAN: I never saw anything like it before. Never saw anything like it before.

YOUNG: Did you ever see the sending part of a wireless machine?

BEAN: No, not that I know of. Not unless that was one.

YOUNG: Was that on a board, or how was it?

BEAN: It was fixed onto this valise so you could turn this valise and it looked as though you could connect wires and use it right off.

YOUNG: Did you say anything to anybody about that?

BEAN: I spoke to the Federal officers about that. I didn't want to say anything to people in Jaffrey because they sort of surmised he was a spy and I didn't want to say anything about it. The one thing I would like to tell you also. Mr. Dean was a man that understood the art of self-defense. He had a crack at my nose several times.

YOUNG: Did he have some rheumatism the last part of his life?

BEAN: Well, he was afflicted with rheumatism, I think.

YOUNG: So that his arm went back on him?

BEAN: Yes.

YOUNG: He wasn't a fellow who, at the time of his death, you would expect to put up a stiff resistance?

BEAN: Well, I don't know. I would hate to tackle him then. I think Mr. Dean could defend himself with me all right, to be that age. Of course, he was quite a few years older than I was. He was a great man to exercise with dumbbells and in his life he was a man of fine physique.

YOUNG: Would you want to state positively as to the team that you heard drive out of Rich's house at 10:40 the night before Mr. Dean was murdered, as to whether it was Mr. Rich's team or Mr. Dean's team?

BEAN: It couldn't have been Mr. Dean's team, and I'll tell you why. Mr. Dean's horse I knew for years, and he wouldn't travel at that pace. Of that I'm positive. I feel very positive of that particular, and I would judge it wasn't Mr. Dean's team.

YOUNG: How do you feel about its being Rich's horse and team?

BEAN: It stepped like his horse.

YOUNG: Would you want to make a positive statement it was his horse?

BEAN: Well, I couldn't swear it was, but it sounded like it enough to make me believe it was. To my mind, I am well satisfied that it was his horse.

PICKARD: When was it that you found this hand cultivator?

BEAN: It was the second Wednesday, I believe, in November.

PICKARD: And when was it turned over to somebody?

BEAN: Well, I couldn't tell you exactly. It was along at Christmastime, I think.

PICKARD: At the time of Dr. Magrath's autopsy?

BEAN: Yes.

PICKARD: That was about the sixth of January, wasn't it?

BEAN: About that time.

PICKARD: Where had this cultivator been in the meantime?

BEAN: In my possession, and I hid it.

PICKARD: You were down there searching that day for an instrument of that sort?

BEAN: For that instrument, and other things, too.

PICKARD: Had it been indicated to you at the time you made this search that this might be the very instrument that struck Mr. Dean over the head?

BEAN: I showed it to Mr. Coolidge and he said, "That may be of great value, Charlie." And he said, "You hand that over to Dr. Magrath."

PICKARD: That was the day of the autopsy, January 6, 1919. Now, when was it you thought this might perhaps be the instrument that had assaulted Mr. Dean?

BEAN: Why, just after I found it, when I saw what looked like blood stains on it and looked like hairs on it, I concluded that might have something to do with the case.

PICKARD: Why wasn't it turned over to the authorities the two months in which you held it?

BEAN: Well, I concluded the Federal officers had been around working on the case and I thought I would turn it over to them.

PICKARD: Why didn't you?

BEAN: Well, wasn't much chance to see them.

PICKARD: You had an instrument in your possession two months which you thought might have an important bearing on this case?

BEAN: Yes.

PICKARD: And knowing that, you kept it for two months and didn't tell anybody about it?

BEAN: I understood the men had thrown up the case and weren't going to do anymore about it, and I thought would that instrument do them any good.

PICKARD: Didn't you know Mr. Kent was on the case?

BEAN: I expected to hand it in.

PICKARD: Do you mean to say you didn't see Mr. Kent from the time you found this implement until? . . .

BEAN: Yes, but I wasn't going to turn it over to him because he was employed by the town.

PICKARD: Then, if the men had thrown up the case, you should have given it to those who were prosecuting the case.

BEAN: Why should I turn it over to Mr. Kent?

PICKARD: You ought to turn it over to somebody.

BEAN: I was going to turn it over to the Federal authorities.

PICKARD: Hadn't the Federal authorities been there?

BEAN: Not so I could see them personally.

PICKARD: Had you seen the selectmen about it?

BEAN: I hadn't spoken to the selectmen. I made the

statement, "I am going to keep that until the proper authorities come around and then I'm going to hand it over." It was as safe in my possession as anybody else's.

PICKARD: You weren't the prosecuting officer who was in charge of the case, were you?

BEAN: No, sir, I wasn't. But I kept it.

PICKARD: I want to bring out here you shouldn't have kept it in your possession.

BEAN: That was my only reason. I didn't do it to be malicious at all.

JURYMAN: I would like you to state the distance between Mr. Rich's driveway where you heard this team coming out and the place where you were at the time?

BEAN: Well, I stood up there at the corner where you turn to go to the store, in front of the bank. That's where I stood.

JURYMAN: About how far would that be?

BEAN: Well, it must be between three and four hundred feet, I would say, between that and Mr. Rich's driveway.

JURYMAN: And the statement you made here, what you heard and not what you saw. You didn't see anything but simply heard a team coming out of that road?

BEAN: I don't want you gentlemen to understand I saw a team. I didn't see a team but heard it, and I judged the horse by his pace.

JURYMAN: Had you been hunting around the Dean place for anything you could find?

BEAN: I hunted the place pretty thoroughly, yes.

JURYMAN: Before that? Soon after the murder?

BEAN: Well, a few weeks after the murder. It came to my mind that perhaps I might be of some service to them in that line and find some things, and I did know about the Dean place and might be able to help them to solve something, and I wasn't getting into it, but I did it because I was interested in Mr. Dean. He was a kindly man and one of the best, and I knew there was a milk pail in the case and the last time I was at Mr. Dean's he had a milk pail in his hand. He had a blue and white enamel pail, white inside. I was up there and he had milked in it, and he was going towards the house, and it was about twelve o'clock, and it was a blue pail with white enamel inside.

PICKARD: It's now half past four and I am going to suggest we adjourn now and meet Monday at two o'clock.

WITNESS DISMISSED



ORDER OF WITNESSES

Monday, April 21, 1919

2:00 P.M.

LANA M. RICH, *Mrs. Charles Rich*

STATEMENTS

CHARLES M. DESCHENES

MRS. EMMA CHOUINARD

GEORGE WELLINGTON

SHERIFF LORD *recalled*

STATEMENTS

MRS. LANA M. RICH

Direct Examination by Mr. Pickard

PICKARD: Your husband's name is?

L.RICH: Charles Leon Rich.

PICKARD: Mr. Rich has been before the Grand Jury and has testified?

L.RICH: Yes.

PICKARD: How long have you lived in East Jaffrey?

L.RICH: I think we went there in 1883, as I remember. I'm not quite positive, but I think so.

PICKARD: And your husband has been connected with the bank there a large part of the time?

L.RICH: Ever since. Of course, he went there first as Clerk.

PICKARD: How much of that time have you known the Deans, William K. Dean and his wife?

L.RICH: I think we had known them, I haven't calculated at all, but I would say twenty-five years or more.

PICKARD: How did you happen to know them first?

L.RICH: I used to see them about the town, and Mrs.

Dean was very friendly and always spoke, and we saw them at the bank sometime, and that's when we called after a long time.

PICKARD: How much have you been acquainted with the Deans since you began to call on them?

L.RICH: Well, I really knew them very well. I thought they seemed to like to have us come.

PICKARD: Would they call on you?

L.RICH: Yes, they used to call on us.

PICKARD: Has Mrs. Dean been in the habit of going about a lot lately?

L.RICH: Not lately. She hasn't for the last year. I don't think Mr. Dean thought it was safe for her to do so.

PICKARD: What was her condition that would lead him to believe that?

L.RICH: Well, she didn't seem to be just herself. That is, she wasn't strong.

PICKARD: Did she make any complaint about her condition of health when you saw her?

L.RICH: Yes. She used to say, "My head is bad."

PICKARD: When was the last time you were up there before the murder of Mr. Dean?

L.RICH: Well, I think it was in November. You see, we weren't able to go much during the winter. We had so much to do.

PICKARD: You mean November 1917? That is, if the murder was in August 1918, it was the November before?

L.RICH: Yes, the November before.

PICKARD: Had Mr. Dean been at your house at any time from November until the time he was murdered?

L.RICH: Yes, he came to see me about Mrs. Dean, to see if we could think of something she might like to eat. He said she wasn't eating well and he couldn't seem to think of anything to give her and wanted to know if I could suggest anything she would like, and so I suggested — oh, we looked up a few things, and I suggested perhaps giving her lemons and egg, and he said she didn't care for egg, but he would try it.

PICKARD: Do you know whether or not she did?

L.RICH: She did. She has eaten it ever since, so far as I know. She seemed to like it.

PICKARD: Where is she now?

L.RICH: I think she's at Mr. Enslin's.

PICKARD: That's the Baptist minister to East Jaffrey?

L.RICH: Yes.

PICKARD: What is the condition of her life now?

L.RICH: I haven't seen Mrs. Dean for about six weeks. She has been down to the bank a few times, and has been in to see me there at the bank, but hasn't been up to the house.

PICKARD: What was her condition the last time you saw her?

L.RICH: Well, she really seemed stronger to me, but she was insistent to get a little money out of the bank.

PICKARD: Now, did you ever know of any trouble between Mr. and Mrs. Dean?

L.RICH: No, I never did.

PICKARD: What was their home life?

L.RICH: Why it seemed to me it was a fine home life. They seemed a very devoted couple.

PICKARD: Mr. Dean never complained?

L.RICH: Mr. Dean never complained.

PICKARD: Was she quite a care to him?

L.RICH: I think she was along at the last, but in this way. Mr. Dean had never taken care of a house at all. He never knew anything about doing anything about the house, and he had to do it, and it was hard for him to do it.

PICKARD: Did they have any servants or any help of any kind?

L.RICH: No, he did it.

PICKARD: How long have you known the Colfelts?

L.RICH: I don't remember when they first came to Jaffrey. They came to the Baldwin place, and the first of my seeing Mr. Colfelt, he came to the bank to make a deposit, and then I met Mrs. Colfelt, I think, at Mrs. Robinson's, at a musical. I think Mrs. Dean introduced me to Mrs. Colfelt at that time. I had seen her driving around with him, but she had never been to the bank, and I can't tell you just when that was.

PICKARD: Was that just before they went to the Dean place or after?

L.RICH: Yes, that was before they went to the Dean place, when they lived on the Baldwin place.

PICKARD: Did you ever call up there at the Colfelts?

L.RICH: I never called, but one night Mr. and Mrs. Dean and Mr. Rich and I were invited up there to dinner, and I believe we had been somewhere, but I can't for the life of me think where we had been, and they invited us up to dinner. That's the one time I was ever there. At the Baldwin place.

PICKARD: Were both Mr. and Mrs. Dean there at that time?

L.RICH: They were there at that time, yes.

PICKARD: Did you ever call on the Colfelts after they went to the Dean place?

L.RICH: No, but in this way. They invited Mr. and Mrs. Dean and Mr. Rich and myself up there one night to dinner to eat one of Mr. Dean's turkeys that he had. That's the one time we were in the house while they were there, when they were living on the Dean farm.

PICKARD: Did Mr. and Mrs. Dean go?

L.RICH: Mr. Dean went but Mrs. Dean didn't.

PICKARD: Do you know the reason?

L.RICH: No, I never knew the reason.

PICKARD: Was anything said that night that would lead you to suspect what the trouble was?

L.RICH: No, except when we went back, she said, "You've been gone a long time," as if she thought we had stayed up there quite a little while. When we

went back to the Deans, Mr. and Mrs. Colfelt and the daughter went back with us, and we had some music. Mr. Dean was very fond of music, and so was Mrs. Dean.

PICKARD: Who furnished the music?

L.RICH: Mr. Dean usually because he could play pretty well, but sometimes I played.

PICKARD: At any of those times you saw the Deans and the Colfelts together, was there any friction or trouble between them?

L.RICH: Never seemed to be, except that I noticed Mrs. Dean didn't seem to say anything after we went in. Although she did talk with me, she didn't talk with them. I didn't notice that she talked with Mrs. Colfelt.

PICKARD: Did Mrs. Colfelt ever complain of her slighting her, or anything like that?

L.RICH: I don't remember that she did.

PICKARD: In your own visits to the Colfelts and the Deans, did either of them ever complain about the other at any time?

L.RICH: No. Mr. Dean came to see me once and he asked me — that's the time when he came up to see about getting something for Mrs. Dean — and he asked me how I liked Mrs. Colfelt and if she had returned the things he had borrowed for the house. I furnished the bedding and sheets and pillow cases and blankets for Mr. Dean when they came back to his house because he said he couldn't ask Polly about that, it bothered her, and he didn't know whether they had sufficient bedding or not, and so I furnished that. I thought if I could help them any way, I wanted to.

PICKARD: Did he express any opinion of the Colfelts at that time?

L.RICH: All he said to me was, "How do you like Mrs. Colfelt?" I said, "I like her very well. She seems rather pleasant." He never said another word.

PICKARD: At any time there at your house, or at Mr. Dean's house, did he ever say he was afraid of anything the Colfelts would do, or had done?

L.RICH: He never did to me.

PICKARD: Did he complain of their actions around the place, their use of the barn, or anything like that?

L.RICH: He did say something about that, I think to Mr. Rich, but he never did to me.

PICKARD: And so, as I understand it, you never heard yourself any fault found by Mr. Dean with the Colfelts or any member of the family?

L.RICH: Why, I don't remember of his complaining. I remember of his asking me that, how I liked Mrs. Colfelt.

PICKARD: Did you know Miss Natalye?

L.RICH: Yes, I did, some.

PICKARD: Did Mr. Dean ever speak of her any more than as a member of the family?

L.RICH: No, not that I know of.

PICKARD: Did you know there was any trouble between the Deans and Colfelts of any sort?

L.RICH: I didn't, until Mr. Rich said that Mr. Dean spoke about the barn. That is, he hated to have anyone mixed up in the barn.

PICKARD: What did you understand that was? Did you understand it was a really severe quarrel?

L.RICH: I didn't think so. I thought it was because perhaps Mr. Dean did things his own way so long he hated to be bothered with anyone else there. That's what I supposed was the trouble. I don't know. Of course, I never inquired.

PICKARD: When was the last time you saw Mr. Dean?

L.RICH: The night he was murdered. At our house.

PICKARD: How did he happen to go there?

L.RICH: Well, in the afternoon about, I think, four o'clock, he telephoned down, I mean called our house — I'm not sure but I was at the bank anyway — and I answered, and he said, "How do you do, Mrs. Rich?" His next question was, "When is your sister coming?" I said, "She is here." "Well," he said, "May I come and call?" I said, "Surely." And he said, "I can't come very early. Would that be all right?" And I said, "Surely. We'll be glad to see you." So he came.

PICKARD: Was there anything strange or unusual about his calling to see Miss Hodgkins?

L.RICH: They had always been friendly, the same as we were. We thought a lot of the Deans.

PICKARD: Did he call on her this friendly way when she was there last year?

L.RICH: Yes, he has always called whenever she has been there, and we have gone up there.

PICKARD: More than once?

L.RICH: We most always walked up once during the summer when my sister was there, and sometimes we might have gone twice. I don't know. I don't recall for she has been coming to our house now for years. She has known them almost as long as I have. They are most interesting people to know.

PICKARD: Then, as I understand it, he called you at the bank sometime in the afternoon?

L.RICH: Yes.

PICKARD: When did he actually come to the house?

L.RICH: About nine o'clock, I would say. I would think it was. My sister went downtown to mail some letters and I know it was getting dusk and she said, "Do you suppose Mr. Dean will be here before I get back?" I said, "I think not." But she had met him downtown, I think as she was coming out of the post office, and they came back together.

PICKARD: Had you been out of the house at that time?

L.RICH: I had been working in the garden. Mr. Rich, too.

PICKARD: What was Mr. Rich doing when Mr. Dean arrived at your house that night?

L.RICH: Well, he was treating his eye, trying to.

PICKARD: What had happened?

L.RICH: Well, he went into the barn and the horse kicked him, and we had just gotten into the house and I had lighted the electric stove to heat some water when they came.

PICKARD: Where is the electric stove?

L.RICH: I have a little electric stove in the kitchen, on the kitchen table, and it was a very warm night and the kitchen fire was out, and so I was heating water on that.

PICKARD: What kind of a horse has Mr. Rich?

L.RICH: Well, she's a pretty good one. She's rather lively.

PICKARD: Is that the same horse Mr. Rich was driving three or four years ago?

L.RICH: Yes. She's a nice animal, but she's very quick in her movements.

PICKARD: What was the condition of Mr. Rich's eye when he came into the house?

L.RICH: Why, the face, I think it was the lefthand side, was puffed out as if he had been struck quite a blow, and the eye swollen and his face was swollen, but the eye wasn't black then, you know.

PICKARD: What other things were on his face, if any?

L.RICH: I don't remember.

PICKARD: Well, were there scratches or bruises? Was there any blood on his face?

L.RICH: I don't remember any blood on his face. His nose bled so that his shirt was soiled, but I don't remember that it had broken the skin. It was just bruised.

PICKARD: Did you notice the next morning whether there were any scratches on his face or not?

L.RICH: I don't remember. I don't think so. I don't remember any breaking of the skin.

PICKARD: What was the condition of his eye the next morning?

L.RICH: It was very black.

PICKARD: And remained so for several days?

L.RICH: Yes.

PICKARD: Did Mr. Rich treat his face with bandages in any way?

L.RICH: No, just used hot water.

YOUNG: Did he call a doctor at any time?

L.RICH: No. Our doctor had just gone. Both of our doctors had gone to war, and the only doctor there was there then was a French doctor, and I said to Mr. Rich, "What about it now that our doctor is gone?" And he said he didn't need a doctor, he was going to do it himself.

YOUNG: Who was your doctor?

L.RICH: Dr. Sweeney.

YOUNG: And the other doctor who had gone was?

L.RICH: Dr. Hatch.

YOUNG: Where was Mr. Rich when Mr. Dean came in?

L.RICH: At the kitchen table.

YOUNG: Did anyone come with Mr. Dean?

L.RICH: My sister came with him.

YOUNG: What sort of a conveyance did they come in?

L.RICH: They had a light-colored wagon.

YOUNG: One horse or more?

L.RICH: One horse.

YOUNG: What did he do with his horse?

L.RICH: Hitched it out in the yard. There's a stone post there.

YOUNG: And then they came in the house?

L.RICH: Yes.

YOUNG: Were you with Mr. Dean that night during his conversation?

L.RICH: Yes, part of the time. We went through the house, after he had stopped to talk with Mr. Rich, we went through the house to the front porch and sat there. It was a warm night. And then I went back and forth between the kitchen and the front porch.

YOUNG: Did you hear any of the talk between Mr. Dean and Miss Hodgkins?

L.RICH: I heard some of it.

YOUNG: What was it?

L.RICH: He was talking on perhaps an unusual subject, what our opinions were of the afterlife, and about the boys that had gone across, you know. But I didn't hear the full conversation and so I can't tell you.

YOUNG: Did you notice anything strange or unusual in his actions?

L.RICH: No, I didn't.

YOUNG: Was anything said about light while he was there, or a lantern?

L.RICH: Yes. When he started to go home the moon had gone down, and he had a flashlight and he had been trying to get a battery for the flashlight, and I know he picked up this light and he said, "I couldn't have the battery for two weeks." And Mr. Rich said, "Do you need a light?" "Oh," he said, "I hate to go home in the dark." He said, "You can take my lantern if you want it." And he went to get the lantern, and also got a cigar for him. They lighted the lantern.

YOUNG: Where was the lantern placed?

L.RICH: As I remember, on the dasher, I think. I didn't pay particular attention. I think that's where it was.

YOUNG: What kind of a lantern was it?

L.RICH: It was one of those bull's-eye lanterns, a carriage lantern.

YOUNG: Where is it now?

L.RICH: At our house.

YOUNG: He took it home with him?

L.RICH: Yes, he took it home with him, and then the

next day Mrs. Dean brought this lantern to me and she said, "Here's the lantern that Mr. Rich let Billy take last night." And she said, "Now, remember to take this home." She was very careful about returning things. And I took it and put it on the table on the back porch, and I forgot it the first day in the rush of going home, and so many things to do, but my sister, when she went up the next morning, sent it back.

YOUNG: By who?

L.RICH: I think it was Miss Hiller, the District Nurse. And there was another woman in there. Whether it was the woman that stayed with her, Mrs. Bryant. I think it was Mr. Butler's car, and whether it was Mr. Butler, or Mr. Fred Butler, that was driving, I don't know. I can't recall.

YOUNG: Did you recognize the lantern as your lantern or not?

L.RICH: Oh, yes, it was our lantern.

YOUNG: And Mrs. Dean mentioned it herself?

L.RICH: Yes, she mentioned it herself. I didn't think of it.

YOUNG: What else took place that night at your house other than what I have asked about? What time did Mr. Dean go home?

L.RICH: Well, I think he went home between quarter past ten and half past. I can't tell, but somewhere along there. I thought he would probably get home about eleven o'clock. I knew his horse wasn't very swift.

YOUNG: Did you go to the barn when he unhitched his horse and went home?

L.RICH: I went out into the yard. Yes, we stayed there and talked quite a little while.

YOUNG: Anything said about a blanket? Blanketing his horse?

L.RICH: Well, I can't seem to recall. The horse wouldn't need a blanket that night. It was pretty hot. It was a warm night.

YOUNG: Did you notice whether he had a blanket in his wagon?

L.RICH: I didn't notice. All I remember, I remember the carton in the back of the wagon where he had been buying things. I noticed that because of putting in something into the wagon.

YOUNG: What did you put in?

L.RICH: Oh, I put in a little bouquet I had of sweet peas. I always liked to send Mrs. Dean something, and usually I tried to send her something that possibly she could eat, you know, or something of that sort, but I didn't have anything so I sent this little bouquet. I know I said I wished I had something to send Mrs. Dean, and he said, "Send her your love." "Oh, well," I said, "I would like to send more than that." So I sent this bouquet.

YOUNG: Were there any empty cans or boxes you sent up there?

L.RICH: Yes, I sent two, I think. They were cans, it seems to me, he had brought sour cream in to me, and I put those in, and I put in the flowers, so I remember the carton.

YOUNG: He had some packages of his own?

L.RICH: He had packages of his own.

YOUNG: What time did your household go to bed that night?

L.RICH: Well, we went as soon as we could after eleven o'clock, or about that time.

YOUNG: How soon after eleven?

L.RICH: Well, I think my sister and I went up about eleven o'clock, and then Mr. Rich came up as soon as we were out of the bathroom.

YOUNG: Was there anything unusual or disturbing around the house that night? Were you called upon to get up and treat his face?

L.RICH: I don't remember of getting up. I don't recall it at all.

YOUNG: Did he get up after he went to bed?

L.RICH: I don't remember that he did.

YOUNG: Was he out of the house that night after Mr. Dean got there?

L.RICH: I don't think so, except in the yard, you know, when Mr. Dean went away.

YOUNG: Was he down to the bank at any time after Mr. Dean got there?

L.RICH: I don't remember his going off the hill. I think I was with him all the time, as I recall it.

YOUNG: Well, before Mr. Dean had come, had he been down to the bank, between half past eight to nine?

L.RICH: I don't think so for we were working in the garden. I don't remember of his going to the bank.

YOUNG: What about Mr. Rich's hours at the bank, does he go in the evening at all?

L.RICH: Yes, he works there night after night, but he didn't that night.

YOUNG: And you now recall distinctly working in the garden?

L.RICH: Yes, we were working in the garden until the time he went up to the barn.

YOUNG: Now, was there anything strange or exciting happening around your house after that time? Were there lights snapped on at two o'clock or four o'clock?

L.RICH: I don't remember of any light being on at all. I don't know why there should be.

YOUNG: Well, was there?

L.RICH: I would say not.

YOUNG: Well, is there any doubt about it at all?

L.RICH: Well, to me there is no doubt in my mind that we had a light at all. I have no recollection of a light.

YOUNG: Was Mr. Rich's team out of the barn that night?

L.RICH: No, I know it wasn't, except the early part of

the evening when Mr. Baldwin came and took the team and did some errands. He quite often drove the horse.

YOUNG: What time were you up the next morning?

L.RICH: At the usual time. I don't remember just when. We aren't such very early risers, but I would think I might have gotten up perhaps half past six. I do my own work so I would have to get up and do something.

YOUNG: Do you remember anything that made Mr. Rich get up earlier than usual that morning?

L.RICH: Well, he puts on the express package on the train every Wednesday morning. The Whitney payroll.

YOUNG: Did he do that that morning?

L.RICH: Yes.

YOUNG: What time does that mean he has to get to the train?

L.RICH: Well, he has to go to the express office. He would have to get up at six to get things ready to go to the express office and get his money on, or maybe earlier than that.

YOUNG: What was the condition of his eye that morning?

L.RICH: Black.

YOUNG: And did you notice that he had streaks running down the side of his face?

L.RICH: No, I don't seem to recall that at all. His face was puffed out.

YOUNG: And do you, now as you think of it, remember any time when you saw those streaks or scratches or bruises plainly running down the side of his face?

L.RICH: I don't remember it.

YOUNG: When did you first know that anything had happened to Mr. Dean?

L.RICH: Well, Mr. Rich came up to the house. I would think it was about between eleven and twelve. I know I was outdoors. I had my work done. I don't get a dinner at noon, I get my dinner at night, so I wasn't getting dinner. I was outdoors looking around. I know he said they couldn't find Mr. Dean.

YOUNG: Did he telephone that or come up and tell you?

L.RICH: He came up and told me, and he said, "I think we had better go up." He said, "Mrs. Dean may need you." And I knew she was not very well, that's what Mr. Dean had said, and so I went.

YOUNG: How?

L.RICH: Mr. Leighton took us in the auto, my sister with us.

YOUNG: Did you telephone up to Mrs. Dean after Mr. Rich told you Mr. Dean was missing?

L.RICH: No, sir.

YOUNG: Did you telephone to anybody about it?

L.RICH: I don't remember telephoning to anyone.

After he told me that, I got ready in a hurry and went up there.

YOUNG: Had Mrs. Dean telephoned to you that morning?

L.RICH: No, she didn't telephone to me. I was surprised she didn't. I said to her, "If you couldn't find Mr. Dean, why didn't you telephone to us?" And she said, "Why, I kept thinking he would come back."

YOUNG: That was after you got up there?

L.RICH: Yes.

YOUNG: Were there any women there at the time you arrived?

L.RICH: No.

YOUNG: Where did you see Mrs. Dean?

L.RICH: She was over near the barn. We got out of the house and then she was over near the barn, and so my sister and I walked over, and as we walked over, I think it was Mr. Martin Garfield that came and told me he had been found.

YOUNG: What talk did you have with Mrs. Dean?

L.RICH: Why, we went right to go to meet her and she seemed pleased to see us and she said, "Billy is dead, in deep water." And then Mr. Rich came along and she said something like that to him, and he said, "Yes, Mrs. Dean, Mr. Dean is dead in deep water, as you say." And she went right off talking about something else. She asked how my mother was.

YOUNG: Did she seem to sense it at all?

L.RICH: I don't know. She seemed to realize that he was gone but she didn't seem to feel badly. That's what surprised me. I couldn't understand it.

YOUNG: How soon after you got there before some other women came?

L.RICH: Miss Ware came, but I don't know when. That was that same day.

YOUNG: Did Miss Hiller come that day?

L.RICH: I think she came that night.

YOUNG: Did Mrs. Bryant?

L.RICH: I think they both came that night, as I remember it. We couldn't stay, and I think Miss Hiller came.

YOUNG: You were all over the Dean house that day, weren't you?

L.RICH: Yes.

YOUNG: And did you notice anything about the milk in the pantry?

L.RICH: I noticed that milk but I can't tell you anything about it. It was a very hot day, I know, and I didn't do anything with the milk. I never thought to notice anything about it.

YOUNG: So you don't know? . . .

L.RICH: I can't tell you a thing about the milk.

YOUNG: You don't know how many pails of milk they had?

L.RICH: It seems to me there were two on the table. Whether it was all one milking or not, I can't tell you.

YOUNG: How did Mrs. Dean impress you that day, as being fatigued, or otherwise?

L.RICH: No, she wasn't. And that surprised me. She was very alert some way and she didn't listen to me the way she usually does, you know. Most always I could do something with her, that is, make her rest, or do something, but she wouldn't, she would just push me one side. It might be, you know, on account of the excitement.

YOUNG: There were several men around there?

L.RICH: Yes, there were a lot of men around there. I don't know who. I didn't go up there. And when she would see a man go by she would say, "There goes another! There goes another!" She was as excited as could be.

YOUNG: Her nature now is rather childlike, isn't it? Rather simple?

L.RICH: Yes, she doesn't seem to remember very well.

YOUNG: Doesn't she take a sort of childlike interest in things? When she sees people go by she says, "Now, who is that?"

L.RICH: Yes, she does, but she was always interested in people. One of her chief characteristics was generosity and wanting to do something for everybody. She was a lovely woman.

YOUNG: When was it first indicated to you that the Colfelts might be implicated in this?

L.RICH: Well, right away the people all said that there must be some German spy business to this. I know Miss Ware felt very much impressed that way. I couldn't very well think it could be, but still I didn't know of Mr. Dean having an enemy in the world.

YOUNG: He never spoke to you of any?

L.RICH: No.

YOUNG: And never said he had any fear of the Colfelts, or anybody else?

L.RICH: He never said anything about it.

YOUNG: Do you know whether it is a fact or not that he gave the Colfelts twenty-four hours' notice to get off the place?

L.RICH: No, I don't know.

YOUNG: Did you ever have any talk with Mrs. White, the real estate agent, about this?

L.RICH: No.

YOUNG: Were you there the day Mrs. Colfelt came to the house?

L.RICH: Yes, I was.

YOUNG: Will you just describe what happened that day?

L.RICH: Why, she seemed quite excited, it seemed to me, and wanted to know if she could see Mrs. Dean. I met her because I was the only one she knew there. I think I introduced her to some of the ladies, and said I would see Mrs. Dean and perhaps Mrs. Dean would see her. I took her in and she saw Mrs. Dean.

YOUNG: Did Mrs. Dean know her?

L.RICH: She seemed to.

YOUNG: Have any talk especially?

L.RICH: I don't know. I don't know whether I stayed in there all the time Mrs. Colfelt was there or not. I can't recall.

YOUNG: Is there anything you remember of that conversation that would throw any light on their relations?

L.RICH: As far as I can remember, when Mrs. Colfelt met Mrs. Dean, Mrs. Dean spoke to her, as I remember it, and I remember when Mrs. Colfelt came out she said, "I haven't seen Mrs. Dean look as well as that ever. Her eyes were very brilliant."

YOUNG: When you saw Mrs. Dean that day, did she say anything to you about the bouquet of sweet peas you had sent down?

L.RICH: I don't remember whether she did or not.

YOUNG: You found the lantern there?

L.RICH: Yes.

YOUNG: And did you see anything else there that you had sent down the night before?

L.RICH: I saw those cans. They were in the pantry on the shelf. Evidently Mr. Dean had put the bouquet of sweet peas on the table in the main room and the cans were in the pantry on the shelf.

YOUNG: When was it that it was suggested by anybody that Mrs. Dean might know something about this matter?

L.RICH: Well, I think that my sister and I talked that over quite a little and wondered on account of the attitude of the woman. That's the only thing I went by, was her attitude. You never seemed to have to tell her Mr. Dean was dead. She seemed to know that, I don't know how. And I don't know that she was in any way mixed up in that, but her attitude was peculiar.

YOUNG: What about her strength? Would she have the strength to do that job?

L.RICH: Well, she was strong that day. That's all I know about it. You wouldn't think she could do it. And then another thing, she must have had on the same dress because she had sort of lost all interest in her personal appearance, and she had on this same soiled dress.

YOUNG: She wasn't very neat, was she?

L.RICH: She used to be the most immaculate person.

YOUNG: But that particular day?

L.RICH: No, she wasn't. But so far as I could see, there were no stains of blood on her dress, or on her shoes that were white canvas.

YOUNG: And at my suggestion, or somebody else's suggestion, did you look over the towels to see if there were any blood stains there?

L.RICH: I think possibly my sister did. I didn't.

YOUNG: And none were found?

L.RICH: She never told me that she found any.

YOUNG: Do you remember your sister saying that when she was at the drug store that night, talking with Mr. Dean, that Miss Georgia Lynch was there?

L.RICH: I don't remember of her saying so.

YOUNG: Miss Georgia Lynch is a school teacher, is she?

L.RICH: Yes, a young lady.

YOUNG: About that time Miss Georgia Lynch says, "Then Mr. Dean asked her if she was going right up home, and she said yes, and he said I'll drive you up. And he said if you have anything else to do, don't let me hurry you. This was about 8:40 or 8:50 p.m. And they went out." Miss Hodgkins didn't mention whether Miss Lynch was there or not?

L.RICH: No, she didn't say anything to me.

YOUNG: Miss Lynch is away teaching somewhere?

L.RICH: Yes, she's down in Connecticut teaching.

YOUNG: Have you seen the Colfelts?

L.RICH: Never, until I saw them here in Keene.

YOUNG: Have you ever heard them express any violence toward Mr. Dean or Mrs. Dean?

L.RICH: I don't know that I ever did. Mr. Colfelt, the last time that I saw him, showed me a telegram that he had from Mr. Dean saying something about returning something that he had, I don't remember what now, and he said, "What do you suppose made him send me that telegram?" He said, "I shall pay him all I owe him." It didn't seem really like Mr. Dean to do that, but still I guess he must have.

YOUNG: But there was no bitter feeling between the two men that you know of?

L.RICH: No, I never noticed any. But, you see, I didn't see those people very often. I hadn't seen them from November up to that August. I hadn't been up there.

YOUNG: Did Mr. Dean ever tell you about this threatening letter he is alleged to have gotten?

L.RICH: No.

YOUNG: Or to Mr. Rich that you know of?

L.RICH: I don't know. I don't think so, no. Miss Ware seemed to think there was one. Miss Ware I know was hunting for that all the time. She said she couldn't find it.

YOUNG: Let me see. When you arrived at the house on Wednesday, the day after the murder, it was sometime before noon?

L.RICH: I would think it was pretty nearly twelve o'clock before we got up there, and it might have been — I didn't pay any attention to the time.

YOUNG: And at that time there were no other women there?

L.RICH: No, Mrs. Dean had been there by herself.

YOUNG: You stayed there until who came?

L.RICH: Well, Miss Ware came and we all stayed, you know, until after that terrible thunder shower.

YOUNG: And then Miss Hiller came, and Mrs. Bryant?

L.RICH: Miss Hiller didn't come until night.

YOUNG: Was there any time when Mr. Colfelt, or Mrs. Colfelt, or any member of their family, or anybody else who might have written that threatening letter, no time when they might have come in to get the letter out after you got there?

L.RICH: Oh, no. Not after we got there, because we were there, you see, all the time, either my sister or I or Miss Ware. It seemed as if ever he had had any suspicion that anyone was going to be bad to him like that, he would have told Mr. Rich.

YOUNG: Did he confide in his wife?

L.RICH: No, I don't think so. She wouldn't understand.

YOUNG: So you wouldn't really expect to get anything from her?

L.RICH: No, I don't think she would understand at all.

PICKARD: Any questions, gentlemen? Is there anything else you can tell us except what you already have upon this case?

L.RICH: I'm trying to think. Perhaps these men can think of something to ask me. There is one thing you may be interested to know. This is on the Dean case, too, a little. That is, that our bank has been examined twice by the head Bank Commissioner of all New England, with his most competent associates, to see if we were all right.

PICKARD: Why was that done?

L.RICH: It was done by someone — someone had told them probably that we were suspicious characters and had invested money and lost it for people — and so this man came. I think the first time they came was in November, and they spent two days, and they didn't find any trouble with us, and they looked over all our Liberty loans, too. And on the last four loans we have handled almost five hundred dollars, and we have loan cards on those people, the poorer people in the town have taken the greater share of those loans, and they came in fifty dollars, a hundred dollars, and they come and pay fifty cents or a dollar a week, and the result is rather extra work.

And then they wanted to look over this Dean case. That's really what they were there for, I suppose, and Mr. Rich let them have all of Mr. Dean's papers, everything that we knew of that was connected in any way with Mr. Dean, and they looked over his accounts and they were satisfied.

And then, just a little while ago, he came again, came up to the house, and he said, "I am here again." "What are you going to do?" And he said, "I am going to examine the bank again." This was the very last of March and he had his competent associates again. I think there were three of them. And they went over everything again, and when he went away I said, "Come again." And he said, "No, I don't think I shall." And he said, "I think somebody else may

come, somebody from the Federal Department.”

PICKARD: What did you understand was the motive that led to that?

L.RICH: Why someone must have suggested we were a bad lot.

PICKARD: Wasn't it this? Didn't the Federal authorities, or Mr. Kent, or someone, make the assertion?

L.RICH: I assume it was Mr. Kent. I don't know.

PICKARD: Which? That Mr. Rich might have been speculating in stocks with the bank money?

L.RICH: Yes, I think so. But there's one thing about Mr. Rich. He never invests for other people.

PICKARD: Do you know anything about any losses sustained by stock speculations, or anything like that?

L.RICH: Mr. Rich?

PICKARD: Yes.

L.RICH: No, sir.

PICKARD: And the report of the Bank Examiners showed everything was all right?

L.RICH: The Bank Examiners said it was all right. Of course, he wanted to find some fault. He said some of our bookkeeping was kind of old-fashioned, but aside from that, he couldn't find any fault with us, and I thought perhaps you would like to know that. Mr. Rich probably wouldn't tell that, but I'm not so bashful.

PICKARD: Is there anything else that bears upon the matter?

L.RICH: Well, I can't think of anything, but maybe these gentlemen know more about this case than I do, and perhaps they can think of something they would like to ask.

JURYMAN: Have you any knowledge of just what caused the accident to Mr. Rich?

L.RICH: I don't think the horse's hoof hit his face in any way, but he had a pipe in his mouth, and I don't know, but it looked as though the bowl of the pipe might have hit his cheek. I don't know, but it looked that way. We had sawdust on the floor there in the stable and it doesn't make much sound when you are walking on it. I don't know, Mr. Rich is usually very careful with the horse, but he was careless that time.

JURYMAN: You don't remember whether he carried anything in his hand?

L.RICH: Yes. I am to blame for this, too. He had some pea pods he was going to give the horse, and I had been scolding because he didn't carry them in sooner. You see, I knew the horse liked them, and I had been canning peas, and he carried them in to her with this result.

JURYMAN: What was the nature of the receptacle for the peas?

L.RICH: A basket.

JURYMAN: What kind of basket?

L.RICH: As I remember, I had this basket, quite a good-sized one, that I had the pea pods in.

JURYMAN: A market basket?

L.RICH: Yes, more like that. But when he went up the hill — we were working on the garden on the hill — he had a bushel basket then, he was carrying it in the wheelbarrow, and I followed right along because I was trying to fasten up my chickens. I couldn't find the pole to fasten them in. He had taken away the rod, and I followed along just as he came out of the barn, and I met him there and asked what had become of this rod, and he was hurt.

JURYMAN: Did Mr. Rich state whether the blow he received was sufficient to knock him down or not?

L.RICH: Yes, it did knock him down. I thought his back was hurt but he said, “No, it wasn't my back that was hurt. I was knocked down.” She knocked him down and hit his side, too.

JURYMAN: Do you recall whether Mr. Rich went to the bank either Monday night or Wednesday night?

L.RICH: I don't know. He does go to the bank and he works there a lot. But whether he went or not, I can't tell you.

JURYMAN: It was his habit to go down frequently?

L.RICH: Yes, he works there too much.

RICKARD: If there are no other questions, that's all, Mrs. Rich.

L.RICH: If there is anything more I can tell you, I would be glad to.

WITNESS DISMISSED

PICKARD: While talking about this visit to Mr. Rich's house, perhaps it is a good place to put in the statement, the signed statement, of Miss Georgia Lynch, September 28, 1918. This is a copy of the original statement, the original being in the office of the Pinkerton Agency in Boston. It reads as follows:

“September 28, 1918. On the evening of Tuesday, August 13th, I first saw Mr. Dean at Goodnow's Store. My sister, Priscilla, and I were at Goodnow's making some purchases. I don't know that Mr. Dean made any purchases. He was talking with Mr. Fay. When we went out of this store it was about 8:25 p.m.

“We then went over to Duncan's Drug Store where we purchased sodas. Then Mr. Dean came in there. Miss Hodgkins was in there at the time. Miss Hodgkins went up and spoke to Mr. Dean and asked him how he was feeling. He said, ‘I'm feeling fine,’ and she said, ‘That's good enough for anyone,’ or ‘as well as anyone can feel.’

“Then Mr. Dean asked her if she was going right to home, and he said, ‘I'll drive you up,’ and he said, ‘if you have anything else to do, don't let me hurry you.’ This was about 8:40 or 8:50 p.m. They then went out. Miss Hodgkins purchased writing material. I didn't

see her purchase ice cream. Mr. Dean was dressed in short pants, a bright pink necktie, and wore a coat."

It might also be of interest here to read certain other statements with reference to any motive that Mr. Rich might have. These statements were taken after submission to me of certain papers by Mr. Kent in which he made certain statements as to the testimony of Mr. D. P. Emery, L. W. Davis, and Alfred Sawyer.

The statement of D. P. Emery regarding his interview with Kent on the Dean murder and business dealings with Mr. Rich:

"September 25, 1918. I have known Mr. Dean for some twenty-five or thirty years and I recall the time when he purchased his farm from Thomas Upton. He has always been known as a very fine man. All his transactions and dealings at the bank, so far as I know, have been satisfactory at the bank. I am president of the bank at East Jaffrey. I can't think of any person who would murder him. I have also known Mrs. Dean for years, but the last years she has been in failing health and I haven't seen her for a year or more.

"Regarding Mr. Rich being identified with the Dean murder, I could never believe it. At the time that Mr. Kent called on me he stated that Mr. Rich and Mr. Davis had lost money gambling in stocks. He gave the amount as six to eight thousand dollars that Rich had lost. He then wanted to know if Mr. Rich didn't owe me some money and I told him that I didn't choose to tell him. He stated that he would compel me to tell of my business with Mr. Rich and he would keep it private if I told him. I then showed him the note which I had received from Mr. Rich at which time I loaned Mr. Rich \$4,500 in 1913. At that time Mr. Rich had just built his house and I understood the money was to be used in connection with his building. The note is a demand note dated March 29, 1913, for \$4,500. It has been reduced to \$3,500.

"Kent also told me that Mr. Rich was very intimate with Miss Henschman. He also thought it was a wonder that it wasn't of public knowledge before this. I have never heard anything regarding Mr. Rich or Miss Henschman before.

"I don't know of any other money that Mr. Rich owes. Mr. Rich is a man who has received a very small salary up to the beginning of the war. He received only about a hundred a month, but since that time he has received up to \$2,000 a year. He also makes some extra money on his insurance business. Mr. Rich is a very hard working man and tends to business. My business transactions with Rich have always been entirely satisfactory. In fact, all his dealings with the bank have been satisfactory. If they hadn't been so, he would have been dismissed.

"I can't think of a motive that would come up for

Mr. Rich to murder Mr. Dean. I have not believed any of the stories I have heard which connect Rich with this murder. Mr. Rich was a friend of Mr. Dean. Mr. Dean carried a small account at the bank, so far as I know. D. P. Emery"

Following is the statement of Alfred Sawyer, who is president of the Monadnock Savings Bank:

"I have known Mr. Dean twenty-five or thirty years and I wrote the deed for him when he purchased the place at Jaffrey. Some time later he had a mortgage for \$2,000 put on the property, and later when he sold timber he paid \$1,000 back. So far as I know, there is \$1,000 on the place.

"So far as Mr. Dean's business is concerned, it has always been satisfactory at the bank. I am president of the Savings Bank and I have never seen any indications at any time of Mr. Rich speculating in stocks. I don't know that he ever speculated. I hold funds of \$2,000 at the Savings Bank with Mr. Rich to aid the poor. I don't believe that these funds have ever been tampered with, and I have never so intimated to any person that they were, either to Mr. Kent or to anybody else.

"Regarding the fire to my barn, I have learned that Mr. Dean's house was hit by lightning at the same time. I got my insurance within two or three months for the fire.

"When Mr. Kent talked with me he intimated Mr. Colfelt was a man under suspicion, and I told him I thought he was on the right track. He spoke to Colfelt several times and Colfelt had lived up there. I never spoke of Mr. Rich's wound changing any since the murder, but I did understand that Mr. Rich seemed to be growing older. I have noticed it long before the murder. I knew that he had too much work and business on his hands. He is a very hard worker and works long hours.

"I have never seen any misconduct or intimacy between Rich and any woman, and I believe nothing of that talk. I didn't state that Rich had anything to do with appointing Davis. In my opinion, Davis was appointed by the court as administrator and guardian.

"Regarding the library funds of \$6,000, Mr. Rich has nothing to do with that. I am one of the Trustees. It is in Mr. Davis's hands as treasurer of the Savings Bank.

"I have never found Mr. Rich strange in his actions to me at any time. I have seen him several times since the murder. I usually go to the bank every Saturday but I had no talk with him regarding the Dean murder as I am very busy on Saturday, our busiest day. I have stated that I thought that if Mr. Rich, Henschman, Colfelt, or any other person had any information about the murder, they ought to be made to come out with it.

"I have always believed Mr. Rich to be a great friend of Mr. Dean's, and his personal financial adviser. I know absolutely nothing about Mr. Dean's personal affairs. I know nothing regarding the events leading up to the murder. I can think of nothing that would be a motive for Mr. Rich to murder Mr. Dean. Mr. Dean wasn't known as a man of any great actions, but Mrs. Dean was always known as a very strong and robust woman, up to the past two years, while Mr. Dean was known as a sickly man."

The third one, by Lewis W. Davis, vice president of the Savings Bank, dated September 27th:

"After the murder of Mr. Dean, August 14th, about 4:30 to 5:30 p.m., at which time I went to the bank to get some money, I noticed Mr. Rich's black eye and made a remark about it, 'How does the other fellow look?' or something to that effect. There was some talk about the murder. Mr. Rich said, 'Have you heard anything about Mr. Dean?' and I said, 'No, what's the matter?' He said, 'He's dead.' He said something to indicate that Dean had been found murdered.

"Monday and Tuesday, August 12th and 13th, I didn't have occasion to go to the village. I was busy tending to the fire at my cottage. He didn't speak of how he hurt his eye on that day as he was very busy, and I didn't stop. I got my money and went along. Later one day I was talking with Mr. Rich and he spoke of how he hurt his eye. He said that he went out to the barn and had just stepped into the stall where his horse was, and as he put his hand on her head, it surprised her, and she kicked. She didn't strike him with her foot but her rump did strike his pipe, which broke the stem and it hit him in the eye.

"He didn't refer to the fact that Mr. Dean saw him that night or that he asked Dean what was good for his face. He didn't tell me that he told Dean what he was putting on his eye, or that there was alcohol in it, or that Dean said, 'You had better use it inside.'

"I have no reason to try to defend anyone in this case, but when I talked with Mr. Kent I expressed my ideas and opinions in connection with Mr. Rich. I don't know what kind of pipe Mr. Rich tends to smoke. I was appointed guardian and administrator of Mr. Dean's estate. Mr. Frederick Dean came to my house and urged me to be.

"After my first talk with Mr. Kent, and on the second talk, I find that he tried to tell me all the things I said which I didn't say. In other words, he tried to manufacture information. I don't know of Mr. Rich losing money at the stock market at any time. I never speculated with him. I am vice president of the bank. Examiners go through all the accounts of the bank and I have never seen any indications of any speculations on Mr. Rich's part. For my part, I have never lost a dollar in stocks. I purchase

and hold for income, and I don't believe that Mr. Rich speculates in stocks.

(Signed) Lewis W. Davis"

CHARLES M. DESCHENES

Direct Examination by Mr. Pickard

PICKARD: You live where?

DESCHNE: On the Baldwin farm.

PICKARD: How far is that from where Mr. Dean lived?

DESCHNE: About a mile.

PICKARD: On a pretty good road to his house?

DESCHNE: Yes.

PICKARD: How many houses beyond you are there before you get to Mr. Dean's house?

DESCHNE: Oh, not any.

PICKARD: You are the last house on that road before you come to his house?

DESCHNE: Yes.

PICKARD: How far beyond Mr. Dean's house is there an inhabitant?

DESCHNE: I think it's another mile.

PICKARD: So there's a strip of wood two miles along where there are no inhabitants except Mr. Dean? Did you know Mr. Dean?

DESCHNE: Yes.

PICKARD: Did you see him the day he was murdered?

DESCHNE: No, no, I didn't.

PICKARD: Were you at home that night?

DESCHNE: Yes.

PICKARD: Now, did you hear any travel past your house in the direction of Mr. Dean's that night? And won't you tell what you heard and when it was you heard it?

DESCHNE: Well, I heard an automobile and I heard a team. I was in my kitchen that night but it was about pretty close to eleven o'clock. It wasn't quite eleven o'clock. I think my clock was a little fast that night, and it was pretty close to eleven o'clock.

PICKARD: Did you notice whether the lights were on on the car or not?

DESCHNE: When I went out I couldn't see any team or automobile. I went out both times.

PICKARD: How was the automobile going, fast or slow?

DESCHNE: Why, I don't know exactly. It didn't look as if it was an automobile that was going very fast.

PICKARD: And the buggy or carriage?

DESCHNE: The carriage was going, well, not very fast, but it was trotting along.

PICKARD: Could you tell from the sound whether it was a steel-tired or rubber-tired carriage?

DESCHNE: I'm pretty sure it was steel-tired.

PICKARD: Do you know about Mr. Dean's horse, the

one he was accustomed to drive? Was it a lively horse, or otherwise?

DESCHNE: Quiet.

PICKARD: Were you at home when he went down towards the village that night?

DESCHNE: No, I was down to the village myself.

PICKARD: What time did you get home?

DESCHNE: About ten o'clock, I would judge.

PICKARD: What other conveyances, if any, went past that night after you got home, except those two you have mentioned?

DESCHNE: That's all.

PICKARD: Did you hear the auto go back the other way?

DESCHNE: No.

PICKARD: Well, now, must that automobile have gone to Mr. Dean's if it went on that road, or could it have gone straight through to Peterborough?

DESCHNE: Well, I don't know.

PICKARD: Would it have to go past Mr. Dean's house?

DESCHNE: Yes.

PICKARD: Does Mr. Dean's house sit on the road or back, some distance back? How many rods would you say?

DESCHNE: I don't know exactly but by quite a few rods in back from the road.

PICKARD: Was the house in sight from the road?

DESCHNE: One house is. That's the bungalow. I think it's in sight from the road. I don't know whether the other one is. I don't remember that.

PICKARD: Have you any knowledge of those lights that have been seen up around the Colfelt place?

DESCHNE: No.

PICKARD: Do you live on a hill or in a valley?

DESCHNE: Why, it's sort of a low valley. That is, it's almost down in a valley.

PICKARD: Suppose there had been bright lights up around the Dean place, could you have seen them from where you are?

DESCHNE: Well, I don't know. I suppose so.

PICKARD: You never have seen any there?

DESCHNE: No. I only went there last May so I wasn't there a great while before the murder.

PICKARD: Did you know Mr. Colfelt himself? Ever do any trading with him or his wife?

DESCHNE: Yes.

PICKARD: Ever have any trouble with them of any sort?

DESCHNE: No.

PICKARD: Now, is there anything else you know about the case?

DESCHNE: No.

PICKARD: You talk French as well as English, do you?

DESCHNE: Yes.

PICKARD: I would like to use you as an interpreter. I think there's one witness to which I want to use an interpreter. That's one thing I want to speak about, too. I don't propose to have anyone in here except witnesses, without speaking to the court first about it.

WITNESS DISMISSED

MRS. EMMA CHOUINARD, *through Interpreter Mr. Charles Deschenes*
Direct Examination by Mr. Pickard

PICKARD: You understand, Mr. Interpreter, you can hear the exact question and can hear her exact answer back, and if she doesn't understand the question and gives some different answer, you give her answer just the same.

PICKARD: What is your name?

CHUINRD: Emma Chouinard.

PICKARD: You live where?

CHUINRD: It's about half a mile, not quite half a mile, from the village of East Jaffrey.

PICKARD: How many children have you?

CHUINRD: Nine at home.

PICKARD: Did you know Mr. Dean?

CHUINRD: Yes.

PICKARD: And do you remember seeing him the night that he was murdered?

CHUINRD: Yes. I saw him go by in the street.

PICKARD: Do you live on the road leading out to Mr. Dean's house?

CHUINRD: Yes.

PICKARD: Which way was Mr. Dean going when you saw him first?

CHUINRD: I saw him once, and he was going home.

PICKARD: How did you happen to see him?

CHUINRD: I was going out to call my children. My children were in the street.

PICKARD: Were there any other children with your children playing in the street?

CHUINRD: All the neighbor's children.

PICKARD: What neighbor?

CHUINRD: Mrs. Bryant's children.

PICKARD: What time was it when you went out of the house?

CHUINRD: It was ten o'clock.

PICKARD: How do you know?

CHUINRD: I looked at the time before I went out to call in the children.

PICKARD: Is your clock slow or fast?

CHUINRD: I don't remember at the time the way my clock is set, but it was ten o'clock by my clock.

PICKARD: Did you tell Mr. Kent, or anybody else, that it was only nine o'clock when Mr. Dean was going by and that the light of day was just turning brown?

CHUINRD: It was dark, and it was ten o'clock, I told Mr. Kent.
 PICKARD: How do you know it was Mr. Dean?
 CHUINRD: I knew him well. He used to go by most every day.
 PICKARD: What was he driving, a wagon or a rig?
 CHUINRD: It was a light-colored carriage.
 PICKARD: Was his horse trotting or walking?
 CHUINRD: He was trotting along slowly.
 PICKARD: How could you see whether it was Mr. Dean if it was a dark night?
 CHUINRD: There was an electric light right near the road, opposite to the house.
 PICKARD: Was that light lighted that night?
 CHUINRD: Yes, it was lighted.
 PICKARD: What did you do after you called the children into the house?
 CHUINRD: They ran in the house and went to bed.
 PICKARD: Did you see Mr. Dean going to the village that night?
 CHUINRD: I didn't see him going to the village, I saw him coming back.
 JURYMAN: Will you ask her, Mr. Deschenes, if she noticed any light on Mr. Dean's carriage?
 CHUINRD: I don't remember of seeing any.
 PICKARD: Any questions, gentlemen? That's all.

WITNESS DISMISSED

GEORGE P. WELLINGTON

Direct Examination by Mr. Pickard

PICKARD: You live where?
 WLNGTN: In Jaffrey. The east part.
 PICKARD: And what position do you hold in the state?
 WLNGTN: I am State Game Warden.
 PICKARD: And have been for how long?
 WLNGTN: Fifteen years.
 PICKARD: How thoroughly are you acquainted with the region around East Jaffrey, particularly where Mr. Dean lived?
 WLNGTN: In a general way I know perhaps around Jaffrey for twenty-five, thirty, or fifty miles.
 PICKARD: Pretty well?
 WLNGTN: Very thoroughly.
 PICKARD: When was your attention first called to the disappearance of Mr. Dean?
 WLNGTN: About 11:30 on the 14th day of August, by Mr. Rich.
 PICKARD: How did he happen to call your attention to it?
 WLNGTN: I was at the post office and Mr. Rich came in there and he said it was rumored that Mr. Dean had been away all night and Mrs. Dean was com-

plaining about his disappearance, and he wanted to get all the help he could to go to look for him.
 PICKARD: Did you go over?
 WLNGTN: I did.
 PICKARD: What did you do after you got there?
 WLNGTN: Why, as I approached the premises I went by the bungalow and I noticed some men standing up at the large house, as I call it, and I went up there, and they said that Mr. Dean was found.
 PICKARD: Did anyone go up with you?
 WLNGTN: Mr. Baldwin.
 PICKARD: What was done after you got there?
 WLNGTN: They were standing around this cistern. Those I remember that were standing there were Matt Garfield, Perley Enos, William F. Coolidge, Peter E. Hogan, and a young man by the name of Smith. I don't know his first name. And the little Ingraham boy.
 PICKARD: We won't stop with the events of taking the body from the well, that's been described by others. At about noon or sometime after did you have anything to do with milking the cow?
 WLNGTN: I must have arrived at the Dean place about quarter past twelve, and after we had gone to the cistern, that is, I went to the cistern, some of the men with me thought the stock hadn't been fed and would we look after it, and the young man, Smith, helped carry water down to the barn. I think I fed the turkeys and chickens, and someone suggested the cow ought to be milked, and I said I would try to milk it — I hadn't milked for some time but I would do the best I could — and I suggested to Mr. Baldwin that if he could locate the pail we would try to get the milk. He went down to the cottage and came back with the pail with the milk in it.
 PICKARD: Look at that pail at your feet and see whether in your opinion that's the pail or not?
 WLNGTN: Why, it looks like the pail that I milked in. I remember it was what we call blue enamel.
 PICKARD: How much milk did you get?
 WLNGTN: As I remember, I would say about two-thirds full.
 PICKARD: Two-thirds of a pail of that size?
 WLNGTN: I would say about up to there (indicating). That is, with the foam.
 PICKARD: By the cottage you mean where Mr. and Mrs. Dean lived?
 WLNGTN: Yes.
 PICKARD: Did anything inside of that pail attract your attention when you got it?
 WLNGTN: I know I had the pail, and I sat down, and I gave the cow a little grain that ought to keep her quiet while I was milking, and I looked at the pail, of course, and I remarked, "Mr. Baldwin," I said, "I guess they didn't wash the pail after having milked in it. They just put cold water in, or something like that,

and shook it around and threw it out." There was a kind of stain, a greasy stain of something around the edge of the pail. It wasn't absolutely clean.

PICKARD: Where was that grease stain or ring?

WLNGTN: As I remember it, it seemed to be up a little from half or two-thirds of the distance from the bottom.

PICKARD: How did the measurement of the milk you got correspond in height with the location of that ring on the pail?

WLNGTN: I would say about the same.

PICKARD: Have you milked the cow since?

WLNGTN: No.

PICKARD: What did you do with the milk?

WLNGTN: I gave it to Mr. Baldwin and he took it down to the cottage.

PICKARD: Now, I call your attention to these two articles on the table. Have you ever seen either of these before?

WLNGTN: I have seen this before.

PICKARD: Where did that come from?

WLNGTN: That came from the cottage where Mr. and Mrs. Dean live.

PICKARD: Who gave it to you?

WLNGTN: Mrs. Bryant.

PICKARD: Who is she?

WLNGTN: A lady who lives in East Jaffrey.

PICKARD: She happened to be up there?

WLNGTN: I think she and Miss Hiller had Mrs. Dean in charge. This was given to me on the morning of the 16th.

PICKARD: That would be Friday?

WLNGTN: Friday. I would say between eight and nine o'clock. I was there at the cottage and Mrs. Bryant and Miss Hiller and Mr. Leighton were present and I asked the question, what Mr. Enslin found in the cistern, because I had just pumped it out the day before, and Mrs. Bryant said, "We found a cigarette case. That's the only thing I know of." She said, "I think it's here in the house." And she went in and brought this out. I didn't examine it at that time closely, but I took it and put it in my pocket, and after a little time I looked at it and I made up my mind it never had been wet.

PICKARD: As a matter of fact, that cigarette case, the one you hold, was found on the window beside Mr. Dean's watch?

WLNGTN: Yes.

PICKARD: Had you ever seen this other cigarette case?

WLNGTN: I don't know. I couldn't say that I had.

PICKARD: You weren't there when the well was pumped out?

WLNGTN: I wasn't.

PICKARD: And you have never seen it while it has been in Mr. Emerson's possession?

WLNGTN: No, sir.

PICKARD: You were well enough acquainted with Mr. Dean to know whether he had a cigarette case like that?

WLNGTN: I wasn't.

PICKARD: The day you got there, or the next day, what search, if any, did you make of the woods and the surroundings to determine Mr. Dean's whereabouts or to get any clue as to who killed him?

WLNGTN: Why, the next day I wasn't at the Dean place until about three o'clock. I was in Temple.

PICKARD: Doing what?

WLNGTN: I was shadowing Colfelt's house at Temple. Mrs. Colfelt left there right after dinner, that is, around one o'clock, and I was in an automobile and I shadowed her to Peterborough. She went into Mrs. Dan White's office. She left there and went on the Jaffrey road towards Jaffrey. I learned enough so that I thought she was going to the Dean place, and I went the back road to the Dean place, and I think I got there just about the same time she did.

PICKARD: What day of the week was that?

WLNGTN: That was on Thursday.

PICKARD: Was Mrs. Colfelt at the Dean house Wednesday at any time you were there?

WLNGTN: Not that I know of.

PICKARD: Well, now, what investigation did you make of the old roads and trails through the woods?

WLNGTN: I think I spent three or four days, and I was in the woods and looking for the milk pail that was supposed to be thought could not be found, and afterwards we were satisfied this pail must have been the one used. In fact, I looked everywhere, looked for any evidence we might get hold of.

PICKARD: And did you find anything?

WLNGTN: No. We found a trail down in the swamp which afterwards proved that Sheriff Emerson and someone else had been through there.

PICKARD: What is the condition of the country down in that vicinity beyond the Dean house and farm, whether it is high or low?

WLNGTN: Why, around the Dean place it merely slopes into valleys, and then higher land. You might say it's a beautiful view from the Dean place in most any direction.

PICKARD: Have you ever seen any of the lights around the Dean place, or in that vicinity?

WLNGTN: Why, now, just what lights?

PICKARD: The lights that have been alleged to be part of the German spy system?

WLNGTN: No, I haven't.

PICKARD: Have you ever looked for them?

WLNGTN: Yes.

PICKARD: How much?

WLNGTN: Why, the fall before Mr. Dean was killed my attention was called to it by Miss Ware. She knew

I was out a good deal through the country and she explained the situation. In fact, I didn't think of it until such a time as she had mentioned it, and after that, that fall, I lost several nights looking to Monadnock Mt. for those lights. I've seen lights but nothing but what I could account for easily.

PICKARD: How are they accounted for, in your opinion, those lights you have seen?

WLNGTN: Electric lights, illuminations of the towns, etc., but in one instance I thought perhaps I might have discovered something. It was off from a point of Jaffrey Center. We were at a high point there, and in the direction of the John [Lamb] place. We had people said they had seen reflections come up there, or flashes as you might call them, so I looked there one night, and after being there somewhere about 9:30, I would say, I saw the lights that I thought could be.

I think it was somewhere about eight minutes from that time a big automobile came down into Jaffrey Center, and a short time after that we saw another flash that wasn't as prominent as the first, and then about twelve minutes a small car came by, possibly a Ford, otherwise known as a Flivver.

I marked the direction that this came that I observed it from, and there happened to be a cherry tree growing in this mowing, so I stuck down a stick to get a direct line. It was in the direction of Mountain Road, and we decided these automobiles were responsible for it because there were two automobiles and two flashes, and the light being thrown up into the sky, that would be a feasible explanation.

PICKARD: Did you make any examination around the Dean place of the fireplaces or stove?

WLNGTN: The Sunday following we took the ashes out of the stove and examined them very carefully.

PICKARD: And did you find anything there?

WLNGTN: Why, as I remember it, we found as if some clothing might have been burned.

PICKARD: Find any buttons?

WLNGTN: There were buttons.

PICKARD: Or buckles?

WLNGTN: Yes, there was one buckle.

PICKARD: You don't know when or under what condition these were burned?

WLNGTN: I did ask those that were in attendance there if the shoes had been removed or if they had observed anything being burned and the reason for it, and they didn't seem to know that they had been.

PICKARD: Were you with Mr. Kent when the wireless system was discovered?

WLNGTN: I first met Mr. Kent on the 25th. Mr. Walter Emerson came to my place with Mr. Kent and Mr. Frederick Dean, the brother of William K. Dean. I think it was half past three or four, and Mr. Emerson asked if I would go with them to the Dean place. Mr. Kent wanted to see the Temple range and

so he wanted to go. We went to the big house, the mansion you may call it, and looked around, and Mr. Kent asked some questions regarding the cistern, the door, etc., at the barn, pictured the way it might have occurred, and then went up to the big house and on the verandah which overlooks in a southerly direction, and in the meantime, before we left the house he wanted me to take my field glasses with me.

So he looked in the direction of Lew Turner's. The back of Lew Turner's barn is an open field. "You will observe," he said, "an iron trestle." I didn't just know where he was looking, so I got it more defined, and he said, "Directly back of the building." He said, "It's a wireless." Well, it seemed strange to me and I said, "Is that what you call them out in New York?" He said, "Yes." "Well," I said, "here in New Hampshire we call them windmills."

After that we looked farther away towards the Temple range, and as near as I could grasp it, there were two white birch trees on a high elevation, seemed to be in a lot that had been cut off, and the sun going down somewhat I think must have reflected on a telegraph line because it kind of reflected against those white birches, and it appeared to him that was another wireless.

PICKARD: This alleged wireless was a windmill? Is there a windmill located there?

WLNGTN: There is.

PICKARD: You say you had never seen any of those lights that you could not account for?

WLNGTN: I never had.

PICKARD: Did Mr. Dean ever speak to you about foxes taking his turkeys?

WLNGTN: He did.

PICKARD: What about that?

WLNGTN: He said that — he first telephoned me and said that the foxes were giving him great trouble about carrying off his turkeys. In fact, he had seen one the day previous to his telephoning, I think he said, and he just came down from the barn, and I guess the fox dropped the turkey because there were quite a lot of feathers in there, and he explained where he had driven the fox away and recovered his turkey, and there was evidence of the way through the woods where evidently they had taken them away, and he appealed to me to see if I could help get rid of them and render what assistance I could.

PICKARD: When was that?

WLNGTN: I would say that must have been six weeks before he was murdered.

PICKARD: Did he at that time say anything to you that would lead you to think that others were stealing his turkeys?

WLNGTN: He didn't.

PICKARD: Did he ever complain to you in that respect at any time?

WLNGTN: No, he always laid it up against the foxes.
PICKARD: Did you know him well enough to feel well acquainted?

WLNGTN: No, not well acquainted. I always had a great deal of respect for the old gentleman.

PICKARD: Do you know of any enemies he had?

WLNGTN: Absolutely none.

PICKARD: I don't think of anything else, Mr. Wellington. Do you gentlemen have any questions?

JURYMAN: You said you were shadowing the Colfelts. Did you see anything around Peterborough that led you to have any suspicions of Mrs. Colfelt?

WLNGTN: No, I didn't see anything.

JURYMAN: In connection with the turkeys, did you ever hear Mr. Dean state that he thought possibly it was two-legged foxes that were stealing his turkeys?

WLNGTN: I didn't, because even today, I think, if you gentlemen visited the Dean place, you can see evidence of white turkey feathers around in most places for some little distance from the premises, especially in a southerly direction, for in that direction there's an old fox burrow there and feathers can be found even way down to the burrow.

JURYMAN: The road to Mr. Dean's turns off the Peterborough road?

WLNGTN: The back road to Peterborough.

JURYMAN: Going from Mr. Dean's to the Center you would go on the east side of the County Farm?

WLNGTN: You would go on the north side. If you have ever been out on what we call the Bond's Corner Road, you go out that road and then you leave the village here and take the road to go down by the old [camera] shop, and the the grist mill further down the road. Keep in that direction, out by the Albert Baldwin place.

JURYMAN: You took that visit of Mrs. Colfelt to the Dean place to be a friendly visit?

WLNGTN: I learned that she went into Mrs. White's office. I can't substantiate this, only from hearsay, but I think it probably could be proven by perhaps Mrs. Dan White of Peterborough.

PICKARD: Mrs. White is now in Washington.

WLNGTN: I think Mrs. White told her about Mr. Dean being killed and I think Mrs. Colfelt said, "I must go right over to see if there is anything I can do to help the poor old lady." So she wasn't long at Mrs. White's office, who was an insurance lady.

JURYMAN: Do you know whether there were three persons in the car with her?

WLNGTN: None except the driver that I know. I didn't see the car after it left Peterborough because I went the back road and they took the other road.

JURYMAN: I mean, coming from the Temple home?

WLNGTN: Oh, no.

JURYMAN: She was alone with the driver?

WLNGTN: Yes.

PICKARD: Anything further?

JURYMAN: Did you see her daughter that afternoon?

WLNGTN: I don't know. It's very well possible there were three in that car. The situation where we had our machine, we had to move very quickly because it was some little distance off on another road from the Colfelts. You see, this car went along there, and it's very well possible there were two in that car. They made a pretty quick break. I wouldn't say. I wouldn't commit myself there whether Mrs. Colfelt was alone or not.

PICKARD: What happened on Wednesday afternoon to destroy any traces that might have otherwise been left for us as we came across through the old back roads, or on any of the roads?

WLNGTN: Out in that section we had the heaviest thunderstorm of the season, I guess.

PICKARD: Sufficient to wash away the tracks?

WLNGTN: Probably washed away everything, did a great deal of damage. I know it pulled down a tree in the village there that had to be cut away.

PICKARD: That's all, Mr. Wellington.

WITNESS DISMISSED

SHERIFF LORD *recalled*

Direct Examination by Mr. Pickard

PICKARD: I brought you in as the first witness to identify certain articles but I don't think at that time I asked you what you actually did that day and succeeding days. Will you begin and tell what you did, beginning when you arrived on the scene, what results you obtained from what you did do?

LORD: Well, when I arrived in Jaffrey I waited until you and Dr. Dinsmore arrived, and then we had the body removed and examination made and Dr. Dinsmore took notes of the situation and condition, and we examined the place down around the barn and found the doorknob there, and in talking the matter over with you, it was suggested that Mr. Emerson go to Greenville, and the shower came up, and I came home after it stopped.

Mr. Emerson appeared here in Keene about eleven o'clock and we had a session with you until about one o'clock, and it was decided there ought to be everything done that could be done, and we thought it best to get some detective to help out in the matter.

We took the doorknob to see if we could get any fingerprints from that. The next morning I went to Boston, and I can't remember the man's name in the Police Department who is in charge of the fingerprint business, but I took the doorknob to him and he examined it and he found no fingerprints and couldn't get anything very definite.

I went to the Pinkerton Detective Agency and explained what the situation was here, and said that we wanted the best man he had to put on to the case. He informed me that the best man he had was occupied at that time and he couldn't get him, and that he would give us the next best man he had.

I came to Nashua on business of my own, and in talking with the people at the garage there, they had read this account and were asking about it, and the man that ran the garage informed me that he had Mr. Colfelt's car in the garage. And his opinion was that Mr. Colfelt came to his place the previous Sunday and left his car there for repairs and paid them to take him to Portsmouth. He was going to work in the shipyard there, he informed them, and the car hadn't been out of the garage up to that time.

I came back to Keene that night and reported to you, and the next morning I went to Nashua and interviewed the man that drove him to Portsmouth as to where he left him there. Then I went to Portsmouth to the Hotel Rockingham where Mr. Colfelt was stopping, interviewed both the day and the night clerk as to whether Mr. Colfelt had been there all of the time, and they were both very positive that he had been there.

Then I saw Mr. Spinney, the Sheriff of Rockingham County, and he agreed to find out at the shipyard if Colfelt had been working there all of the time, and agreed to see the chambermaid at the Hotel, but she was out — she wasn't there at the time I was there — as to whether his bed was occupied every night or not. I came back here Friday.

Saturday I went to Jaffrey with Mr. Pickard and was there all the afternoon. While the doctors were examining Mr. Dean, Mr. Pickard and myself went through the house to see if we could discover anything there that would give us any trace of the matter whatever.

PICKARD: Scott was with us that day, wasn't he?

LORD: He was. He was in the house at that time.

There were three of us there.

PICKARD: And did you find anything?

LORD: Found that calendar that was here, and I think that was the only thing that I took from there.

PICKARD: There was no bloody clothing, or instruments, or anything of that sort?

LORD: Nothing that gave any indication of having anything to do with the death whatever.

PICKARD: Find any threatening letter?

LORD: I didn't.

PICKARD: What part of the house did we search?

LORD: We searched every room, the attic, the cellar, and the shed. Went into all the various trunks, boxes, and everything else. The closets from top to bottom. And I was there one day afterwards but nothing appeared.

PICKARD: Now, in going over this case, with your knowledge of it, from what you have learned, and from what you have found out yourself, have you any opinion to express to this Grand Jury as to who was the person or persons who committed this murder?

LORD: I have no reason to think of anyone in particular. As far as any information I have been able to secure, I would expect the facts in the case would lead you to think of some persons as suspicious, but when you get to a certain point you stop right there. I can't see anything that would place this on any person on any information that I have at the present time.

PICKARD: Do you know of any way of getting any further information than what we have gotten?

LORD: I don't. Something may turn up, of course, in the future, but as far as possible we have followed up every clue that would give us any possibility of getting at anything.

PICKARD: Anybody wish to ask Mr. Lord any questions?

JURYMAN: Did the Sheriff at Portsmouth later report that Mr. Colfelt had stayed at the Hotel, that is, the chambermaid said he did?

LORD: I understand the Attorney General was there and saw Mr. Spinney and found out Mr. Colfelt was there and worked every day and his bed was occupied every night.

JURYMAN: Do you know how long he worked there after the murder?

LORD: Only from what he told me when he was here the other day. He worked two or three months, as I remember it.

JURYMAN: Do you know whether the Federal officers were able to connect Mr. Colfelt in any way with any Germans?

LORD: I don't know anything about the Federal officers. They came to the jail, saw the exhibits, but gave me no information, and while they were there they tried to rip off a patch of the blanket in there, which I objected to their doing. Those things, as I understand it, were put in my possession to be kept intact.

JURYMAN: Those foreigners there that were mentioned in the early part of the investigation, what has become of them? Have they been thoroughly looked up? The foreigners that were suggested?

PICKARD: You mean Frank Romano? Yes, I have some statements I propose to put in this afternoon from them.

JURYMAN: There hasn't anything been connected up with Mr. Frederick Dean in any way, shape, or manner, about any interest he might have there in the property, or in any way?

PICKARD: None whatever.

WITNESS DISMISSED

PICKARD: This statement I am about to read to you is a statement of Frank Romano taken about two weeks after the murder, by an officer of the Pinkerton Detective Agency from the New York office. We have also a statement here on Charles Linek, who was the other foreigner. A peculiar incident in connection with Frank Romano led us to look upon him with suspicion after a little time. Perhaps, after all, I ought to read his statement and then answer any questions you may wish to ask me after that time. His statement is as follows:

"Portchester, New York, Friday, August 30, 1918:

My name is Frank Romano, age 47, married, have a wife and four children, of which three are boys age 10, 22, and 24, respectively, and the girl is 18. They were in [Corvenear], Russia, when the war broke out, but I don't know where they now are as I haven't heard from them since, and I think may be dead by this time. My oldest sons were no doubt drafted in the army, in the army in Corvenear, and for that reason I didn't bring my family here, but I have lived in this country almost twenty years and most of the time lived and worked in and about Portchester.

"I am a Lithuanian and Russian subject and since I came to this country have made several trips across the ocean visiting my family, who were all right up to the time the war broke out. I used to send them money right along but haven't done so lately, not having received any replies to letters or heard whether they received what money I sent them, and I can't find out anything about them, whether they are dead or alive.

"I have worked for a number of wealthy people who have estates and homes in this section, and also in Pelham Manor for Mr. Steel of East Portchester on the shore. I worked for Mr. N[] F[] and etc., about two years. (Note by Pickard: This list of names and places has all been thoroughly looked into.)

"I also worked for Mr. [] at Pelham Manor for eight or nine months while his family was in France. I was watchman there and while I was engaged burglars broke into the house and I caught two of them. One got fifteen years and two months, and the other I think got about seven years. That was two years ago. I have references from all of the above, and the police of Pelham Manor can tell you about the burglars I caught.

"I worked for Mr. Lawrence Colfelt on three different occasions, the first time being about six or seven years ago. At that time he lived on the Sterling farm at Harrison, New York. I worked for him there for about two years, and after that I worked for him again at the Baldwin place about two and a half miles from the village of East Jaffrey, New Hampshire, for about four months, and this summer while I was

working at the [Blade & Young Works] here, he sent me a telegram to come and work for him again in East Jaffrey.

"I didn't answer it at once and he sent me another. I wrote him that I had a good job here and he would have to pay me more money than he had before, which he agreed to do, \$60 per month, and I went there. He was at that time living on the Dean place near East Jaffrey. I worked there for him about two months and ten days. The second time I worked for him he was at the Baldwin place.

"He and Mr. Dean seemed to be the best of friends, but when I went to work for him this last time he didn't think so well of Dean. He said that Dean seemed to be all right until he, Colfelt, moved into the house on the Dean place, and there he learned to know Mr. Dean better.

"About a month ago, I had worked for Mr. Colfelt this last time, he moved from the Dean place to the Sterling place at Greenville, N.H., about fifteen miles from East Jaffrey. It seems that Dean didn't want Colfelt on his place any longer. There was some trouble between them. I don't know just what it was all about, but Dean, who seemed to be a nice old man, told me that Colfelt wanted too many things over there, and Mr. Colfelt said he wanted to get away from the place as quickly as possible.

"One of the things Mr. Colfelt told me as the cause of this trouble with Mr. Dean was that the latter promised to let him have all the hay he needed for three horses and cows at \$6 a ton, and then sent him a bill for \$9 a ton. When the Colfelts moved from the Dean place to the Sterlings at Greenville, Colfelt took with them a rug for the floor of the runabout which he thought belonged to him, but afterwards learned it didn't and was ready to send it back when Mr. Dean asked for it. Mr. Colfelt had told me to take it back before that.

"I never saw Mrs. Dean, who was said to be crazy, but I heard her singing around the house. I was only in Dean's house twice. Mr. Dean never said anything to me about her and I never heard of them quarreling among themselves. Mr. Colfelt said that Mrs. Dean was crazy and that Mr. Dean ought to have her put away and that he was wasting all his money and not having anything done to the place. Mr. Colfelt liked the place and wanted to buy it, but Mr. Dean wouldn't let him have it. Mrs. Colfelt said that her husband would some day buy it from the bank, which it seemed had a mortgage on the property.

"The Colfelts were always nice enough to Mr. Dean but behind his back they said all kinds of things about him. Mr. Colfelt, which I went to work for them this last time, he made the same kind of remarks about Dean, as did his wife.

"Left the employ of the Colfelts pretty well on

account of Mrs. Colfelt's temper. When I went to work for them this last time Mr. Colfelt told me he didn't have a man or anyone, but Mr. Dean told me he had a man named Charlie working for him and that the latter came from somewhere in the mountains.

"The Colfelts used to go away for a week at a time and I was the only one working on the place and I didn't have anything to eat as there was no one to do the cooking. They would say they were going away for a few days and stay away a week. I don't know where they went, but I guess to Boston. I got tired of that way of living and I quit and I guess they didn't like to have me go. Toward the last they had a girl but she left the same day I quit."

PICKARD: Now this ends as something of a break:

Romano couldn't account for his whereabouts on Monday, Tuesday, and Wednesday, the 12th, 13th, and 14th of August, the very time Dean was murdered. That looked extremely suspicious, of course, when we found that out, and we have made as thorough an investigation as we could to find out where he was. His explanation follows. This was pretty well checked up by us and by the Federal authorities, and the Federal authorities agree with me that there is nothing to show that Romano was anywhere else than he says he was. I will go on with his statement. Going back a little:

"The week I didn't work (that's when he couldn't account for the three days) I held off because of the hot weather and I just thought I would take a rest for a while. I spent most of the time around town. Went to Silver Lake near White Plains twice for a swim and to see [] but he wasn't at home. He lives near the lake, toward the end of it. He worked for the ice company there. I think its name is Dudaman's, or something like that.

"I picked up a girl at the lake one night and slept there. I think that was on Tuesday and Thursday nights of the week I was off, but I'm not sure of that. You know, a man has to have a woman that way once in a while and I'm no different from other men. I don't know the name of the girl or where she lives or anything about her.

"I've been living at this house since. My friend, Steve Asluk, also lives at the [] Rooms with me. He was with me at White Plains one of the times when I was there, but didn't stay. He got into trouble on account of the draft letter. It seems he registered in White Plains and when he came here he didn't notify the White Plains Board. He had a card from there but they picked him up and had him in jail for a week. He had several dollars saved and didn't work for about two months. He said he would probably be called to the army and that there was no use working

meanwhile. He only started to work again a short time ago.

"When I quit the Colfelts this last time, Mr. Colfelt drove me to Fitchburg station. I think that was on the Thursday about 2 p.m., and when I got to Boston I had to wait about two and a half hours for the train and had to get off at Stamford to get the train for Portchester as the train I was on didn't stop between Stamford and New York, and when I landed at Stamford I learned there was no train for Portchester until 8:50 p.m. I then came here but didn't work for a week or so, and then started in at the Blade & Young Works again.

"I have not been to East Jaffrey or anywhere near there since I quit the Colfelts employ last month. (That would be in July 1918.) I have no idea as to why anyone would want to kill Mr. Dean, who seemed to be a very nice, quiet old man.

"While the Colfelts were still living on the Dean place some men came there in an automobile. Mr. Dean told me they were tree sprinklers and were going to sprinkle the white birch trees to clean the germs, I think. He said it was a big job and cost a lot of money, \$50 a day, or something like that. I asked him who was going to pay for it and he said the government was going to do it and it wasn't going to cost him anything. On one occasion only one man called, and the next time there were three. I only noticed one of them, who appeared to be about twenty-five years of age, five feet seven inches, good build, smooth shaven, and a very red nose. The others didn't get out of the car. The man I described didn't wear a coat or hat. So far as I know, the men didn't do any work but simply looked around and went away again.

"I have been working here at night, worked nights August 19th to help on that shift for two weeks from that date and then back on day work again. That's the way they work. For two weeks nights and two weeks days.

"The week I was off I made several trips to Rye Beach for a swim but can't remember just what days I was there, and neither can I give you the name of the girl with who I stayed in the woods at Silver Lake. I don't know her, I just picked her up and I know I was there two nights and I think it was Tuesday and Thursday of that week.

"After Colfelt's move from the Dean place to Sterling at Greenville I had no occasion to call at Dean's."

PICKARD: This statement from the same office taken a week later:

"I (the Pinkerton man) took the 11:03 train for Portchester, N.Y., arriving at 12:04 p.m. I called at the timekeeper's office, and meanwhile the subject

came in and I loaned him money as it was time for lunch. He returned to work at 4 p.m. and subsequently I met him as he was going out. He said he had found the last one of the two telegrams Mr. Colfelt had sent him prior to the last time he went to work for him, and returned to the house to get it. It's dated East Jaffrey, N.Y., (instead of N.H.) 7/19/18 and addressed to Frank Romano, 44 South Main Street, Portchester, and read: Received your letter. Will give you seventy dollars. Can you come at once. Am sick. Have no man. Answer East Jaffrey Center. Signed L. M. Colfelt.

"Romano explained that he changed the word sixty in the telegram to seventy so as to have it appear that he was to receive seventy instead of sixty dollars a month for his services. He said he received the first telegram from Mr. Colfelt about three or four days before the one quoted above, but doesn't know what became of it. It simply read that he had one cow and three horses and for him to answer at once whether he could come and work for him. It didn't state what wages he would receive.

"He wrote Mr. Colfelt advising him that he had a good, steady position and that it would be rather expensive for him, Colfelt, to engage him, and after this letter he received this second telegram. At that time he was working on the night shift in the boiler room of the Blade & Young Works, the address 44 South Main Street.

"He immediately wrote Mr. Colfelt he would leave Portchester on the 22nd but didn't know what time he would arrive at East Jaffrey. He went up to New England the night of the 21st but doesn't remember which month, whether April or May. He was sure that he arrived at East Jaffrey on the night of the 23rd and was met by Mr. Colfelt at the station, driving to Colfelt's home. He started to work following the 23rd. He worked about two months. He worked about six days over two months. Colfelt then drove him to the Fitchburg station where he checked his garb, but it didn't arrive in Portchester. Anyway, he didn't get it for a week or ten days after that when he located it at the station baggage room.

"Meanwhile, he didn't resume work for some time after returning from East Jaffrey and he couldn't understand why Mr. Colfelt should state in his telegram that he was sick and he wasn't and hadn't been so far as he, Romano, could learn. Also that Mr. Colfelt told him that he hadn't had a man in there, whereas Mr. Dean told him that Colfelt had a man named Charlie working for him during the winter. (That man will be later identified as Charles Linek of New York.)

"I was unable to question Romano any further at this time as I had had him for an hour talking to me

when he should have been at work, so I arranged to meet him at the timekeeper's office when he got through for the day at 4 p.m.

"I then called at the Western Union Telegraph office, 100 North Third Street, and learned that the manager, who lives in Rye, N.Y., was gone for the day, but someone there helped, which resulted in locating the original copy of the second telegram Romano received from Colfelt, which bore the date April 19, 1918. I enclose a copy.

"It will be noted that Romano stated that he was positive he left Portchester on the 22nd, which doesn't agree with the record on file in the timekeeper's office at the Blade & Young Works. His card shows he worked up to May 3rd. In order to straighten out this question, I made a call on Mr. Riley, the timekeeper at the Blade & Young Works, which showed Mr. Romano worked, and I found it just as he had given it to me on Friday, August 3rd, namely, that Romano quit on May 3, 1918 and it was in July, on July 19, 1918.

"I then got in communication with the bookkeeping department and learned that a man's name is sometimes carried on for a while after he has quit, on the index card. Mr. Riley said that Romano only worked one night in the last week of April, which would probably be Sunday night, April 21st. The bookkeeping department couldn't give an exact date without examining time cards.

"It's a fact that Romano didn't work up to May 3rd but quit after working one day in the last week of April, so that his statement about leaving Portchester on the morning of the 22nd and arriving in East Jaffrey the same night is probably correct, and as he has stated, he was certain he began work on the Colfelt place on the 23rd and continued for about two months and ten days.

"I called at police headquarters and saw Chief Donegan, who suggested I call later to see Detective [Daniel Curton] who stated he had known Romano for some time, that he seemed to be a quiet fellow of good habits and there had never been any complaint against him so far as the department is concerned. He worked on the estate of [] at Pelham. The latter is the place where he was instrumental in catching a burglar while acting as watchman."

PICKARD: (Here are a few other matters that don't concern this case. They are notes and I will drop down to something which does.)

"Romano further stated that he made several trips to White Plains since my last call on him, but has failed to find the girl with who he spent two nights in the woods. He said she was a Finnish girl but spoke quite good English.

"He had recommendations from the people he

had worked for. One from Mr. Wheeler, Superintendent of the hospital in Portchester, N.Y., one from the manager of the Harrison Farms, one from Mr. Colfelt dated Harrison, N.Y., May 26, 1913 showing that he had been in the latter's employ for two years. Another from Mr. Hammer.

"Romano would seem to be intelligent and he impressed me as a good-natured fellow who looks you straight in the face, and I noticed while I was rummaging through his things looking for papers, there were one or two nature books among his letters and papers.

"I ought to say that in this file somewhere there is some further discussion, and while we were unable to find the woman with who he spent the night, the Federal officers have gone into it very fully and so far as we can find, we cannot place him within two hundred miles of Jaffrey on any of these days. No person answering his description was seen around East Jaffrey where he is known fairly well. That result has been concurred with by the Federal officers, but I also investigated it."

PICKARD: Now here's the statement from Charles Linek which I wish to read also, dated September 2, 1918:

"My name is Charles Linek, 35, single, Bohemian, born near Gothenburg. Came to this country about six years ago. Worked for Mr. Colfelt on two different occasions. The first time when he lived on the Sterling place at Harrison, New York, and the last time when he moved on the Dean place near East Jaffrey, N.H.

"I worked for Mr. George Wilson, vice president of the [Noble] Life Insurance Company at New York, at his place in Harrison, from April 1917 to October 1917. Mr. Colfelt also had a place there for several years and he and his wife were there cleaning up when I was about to get through work on Wilson's place for the winter. Mr. Colfelt called on me and asked me if I would work for him at his place in New Hampshire, which I agreed to, when I got through for Wilson. On October 25th I helped the Colfelts clean up, after which I spent about a week with Stanley [Herbeth], a friend of mine, also a boilerman, at his home in New York City.

"I met Mr. and Mrs. Colfelt and went with them in their automobile to his mother's place in Pennsylvania to get three cows and a horse and take them to Colfelt's New Hampshire home. Mr. Colfelt thought he could get a car right away in which to ship them, but learned that he would have to wait a week for a car. So we returned to New York as there was no room for me to stop at his mother's house, and after remaining in New York for a week, for which Mr. Colfelt paid me, I returned to Pennsylvania and with the horse and three cows went right over there to

East Jaffrey, New Hampshire, in a freight car, and took care of the animals on the way. It must have been about the middle of November when I started to work for the Colfelts on the Dean place.

"I was only in the Dean's place twice. The first time I went there I think Mr. Dean was in the village, which is about two and a half miles from the house. I went there to get a churn and couldn't make Mrs. Dean understand what I wanted. She told me to sit down and she would play and sing for me. I tried to get away but she insisted that I listen to her playing and singing. She then put her hand to her head and said that she thought she was losing her mind, that she was sure she was going insane just like her mother.

"The next time I was in the house Mr. Dean was with me and his wife was also there and wanted to play and sing for me. She talked and acted like a child, but wasn't violent. I never heard of the Deans quarreling. Mr. Dean seemed to think a lot of her but seldom spoke of her.

"I worked for the Colfelts until February 6, 1918 but saw very little of Mrs. Dean and never saw her out. I never heard of any trouble between the Deans and the Colfelts.

"It was very cold all the time I worked up there. It started the winter when I got there and the snow was piled up. There was one snow storm after the other. Mr. Dean called at the Colfelts every day and he and the Colfelts seemed to be the best of friends. The Colfelts also visited the Deans' house. The two houses were some distance apart, and the barn was used by both, Mr. Dean feeding only one horse and one cow.

"Mr. Colfelt said to me one day that he would like to know just how much hay he was using as Mr. Dean was furnishing all feed in accord with some arrangement they had between them and there was no record kept of the amount consumed. So Mr. Colfelt determined to buy some hay on the outside to determine how much he could buy it for and how long it lasted. He said he wanted to do that for the benefit of both, as he didn't want to pay more than he ought to to Mr. Dean, and at the same time he wanted Mr. Dean to get all he was entitled to.

"Of course, Mr. Dean didn't like that but there was no feeling between them about it so far as I could see, and I never heard the Colfelts say anything detrimental about the Deans, only that Mrs. Colfelt said she didn't like to call at the Dean house as Mr. Dean might think she was saying things about his wife that she ought not to, and it was no wonder she was out of her mind as Mr. Dean never took her out.

"In talking with the Colfelts one day he told me that Mr. Dean was a well-educated man and that he ought to be at such circumstances at his age that he

could rest and take things easy. I asked Colfelt if Dean had any money and he said he didn't think he had.

"I used to pass the Deans' house in going to the village and sometimes saw Mrs. Dean at the window. I, of course, saw Mr. Dean every day at the barn and had long talks with him, generally about the stock and farm matters. I used to help Mr. Colfelt take care of the horses and cow, and assisted Mrs. Colfelt with the cooking, as I can do most everything.

"The house where the Colfelts lived in was built for warm weather and it was impossible to heat it in the winter as we didn't have any coal to burn, wood only. The house was so cold that when I brought the milk in, it froze before you could get to it. I wore two pair of gloves and couldn't keep warm, and my feet got frostbitten, so I had to quit on February eighth.

"Colfelt didn't like to see me go, but I couldn't stand it any longer. I went to New York and stopped at my friend, Herbeth's, house for one week. Meanwhile, I had seen Dr. Davis to take care of my feet, which I had done at the Manhattan Hospital in New York and I was there until April 20th, when I came out, and a few days later I called up Mrs. Mosler on the telephone and asked her if she would put me to work. She said for me to start in at once, which I did, and have been here ever since.

"I worked for the Moslers during the winter of 1916 and have a reference from Mr. Mosler (which was shown). I haven't been to East Jaffrey since I quit the Colfelts employ last February, and I didn't know Frank Romano.

"Mr. Dean always got up late. I seldom saw him before ten or eleven a.m., at which time he was at the barn to take care of his horse and cow, and he always

came to Colfelts for milk, and he was always on time, around nine or ten, when he milked the cow and fed the horse. I don't know why he was so late but I guess it was because he didn't feed them until late in the morning. I liked the old man and have no idea as to why anyone should want to kill him."

PICKARD: Now, I think, Mr. Foreman, that's all the evidence I will introduce. As it now looks, we can finish this matter very well tomorrow, assuming that some of the witnesses which I think are fairly short, don't turn out to be very long. But I think I can assure you gentlemen that all of the evidence we have to offer will be introduced long before tomorrow night.

Now, with reference to the discussion of this case. When the evidence is completed, I am going to submit certain questions for you to discuss. These will be questions I have had under the advice of Judge [Kivel] in exactly the same way as though they would be written to you for your deciding a jury case, but then there will be certain questions which you will have to discuss here and which you will have to decide.

The County Solicitor of New Hampshire and the others will not be allowed in the Grand Jury room during these discussions. It is a question which you gentlemen should decide, and if you wish my advice upon questions of law, of course, I will advise you to the best of my ability, but so far as assessing the truth of the evidence, I don't feel that I have any more right to do that when you arrive at your deliberations than I would if I were trying the case before you in the Jury Room. I would say it is something that you gentlemen will have to discuss for yourselves.

JURY RESTS UNTIL 9:30 A.M.



ORDER OF WITNESSES

Tuesday, April 22, 1919

9:30 A.M.

WILLIAM T. LEIGHTON, *Jaffrey undertaker*

EMERSON, *recalled*

ELIZABETH BRYANT, *Visiting Nurse*

LEIGHTON, *recalled*

RUSSELL HENCHMAN, *Jaffrey Postmaster*

MARTIN GARFIELD, *Jaffrey neighbor*

H. F. WHITEHEAD, *Jaffrey neighbor*

ALBANY PELLETIER, *Jaffrey neighbor*

PETER HOGAN, *Jaffrey Selectman*

DR. FRANK DINSMORE, *Physician*

STATEMENTS

ROBERT VALKENBURGH, *Federal agent*

CONCLUSION

WILLIAM T. LEIGHTON

Direct Examination by Mr. Pickard

PICKARD: What is your profession in East Jaffrey?

LEIGHTN: Funeral director and undertaker.

PICKARD: Did you know Mr. Dean?

LEIGHTN: I did.

PICKARD: Did he visit at your house or do business with you in any way?

LEIGHTN: He had business with me and I have visited him at his home.

PICKARD: And do you know Mr. and Mrs. Rich?

LEIGHTN: I do, yes.

PICKARD: Did you know the Colfelts?

LEIGHTN: Why, I've met them a few times. I don't know them personally. I know who they are by sight.

PICKARD: Were you ever at their house?

LEIGHTN: No.

PICKARD: When did you last see Mr. Dean alive?

LEIGHTN: Well, that I'm afraid I can't answer.

PICKARD: You didn't see him the day he was murdered?

LEIGHTN: Not to my remembrance.

PICKARD: When did you first know that anything had happened to Mr. Dean?

LEIGHTN: Well, somewhere between eight and nine o'clock in the morning.

PICKARD: Who gave you that information?

LEIGHTN: Mr. Rich.

PICKARD: How did he happen to give you the information?

LEIGHTN: Well, he came in my store there and wanted to know if I had been called up there and I told him no.

PICKARD: Go on and tell all about the conversation that took place.

LEIGHTN: Well, he came in there and he said, "Have you been called up to Mr. Dean's?" I said, "No, why?" "Oh," he said, "they're telling around that he is either dead or lost." He said he couldn't seem to make out much about it and he thought perhaps I would know. I said, "No, I haven't heard a thing about it."

By the way, when he first came in I looked at him and I saw he had a pretty bad looking eye on him, and I asked him how the other fellow looked, and he said, "I haven't seen him this morning." I said, "No joking, how did you do that? It looks pretty bad." "Well," he said, "I really can't tell you, Bill," and he said, "I was smoking and I went in behind my horse and some way or other he struck out with his foot and broke my pipe and caused my eye to be swollen like that." Then he wanted to know if I would take my car to go over to Mr. Dean's, and I refused him. I said I never have run after a job and I don't intend to, but if I was called I would go.

PICKARD: Had anything been said up to that time that would lead you to know whether Mr. Rich knew whether Mr. Dean was dead, or simply lost?

LEIGHTN: Why, all he could say was that she was telephoning around that Billy was lost, or dead, or something of that kind. I couldn't perhaps word it as he did.

PICKARD: Going back to his eye for a moment, won't you describe for the jurymen what kind of a looking

eye that was, telling about the discoloration and any marks on his face that you might have noticed?

LEIGHTN: Well, he had a very bad looking eye, no question about that. It was on the left eye, swollen way down around his cheek and ear and he had three small marks on his face. I would say there was one about in there, and one about there, and I think there was one here, a small place.

PICKARD: Did you notice one on the ear at all?

LEIGHTN: Nothing more than it looked as if it had been scratched, or something of that kind.

PICKARD: Would you know whether it had been scratched at the same time as the others? Could you tell that?

LEIGHTN: I would say it was all done at once.

PICKARD: Was his face bandaged? Did you ever see him when he had any bandages on his face?

LEIGHTN: No.

PICKARD: How long did these marks on his face last, would you say?

LEIGHTN: Well, they must have stayed there a week.

PICKARD: Did you see him every day for a week?

LEIGHTN: Why, off and on.

PICKARD: And every time you saw him did you notice those scratches on his face?

LEIGHTN: I don't think I paid very particular attention to them until after we had all met up there at the Dean farm.

PICKARD: When was that?

LEIGHTN: Well, that was the day when he was found. The same day. The 14th, was it?

PICKARD: You said you paid particular attention to them after that time?

LEIGHTN: Why, I noticed his eye right along, yes, every time I saw him.

PICKARD: When did you first notice the scratches?

LEIGHTN: When he came into my store that morning.

PICKARD: And just asking you again, did you notice them day to day as the time went along?

LEIGHTN: I don't think I paid particular attention to it.

PICKARD: You said you didn't go up with him the first time he came?

LEIGHTN: No.

PICKARD: Did you later go up?

LEIGHTN: Yes.

PICKARD: How did that happen?

LEIGHTN: Why, when he asked me to go up and I refused him, he thought there was something rather funny, and I said, "Why don't you step to my office and speak with Mrs. Dean and tell her you would like to speak to Mr. Dean." So he did. He called up and Mrs. Dean answered and she said she hadn't seen Billy since twelve o'clock that night, didn't know where he was, and wished he could be found.

He didn't have any further conversation at that

time, but I said, "If there is anything I can do, I'll be very glad to do it, outside of my profession." I said, "If you want to go up there I'll take my car and take you up." But nothing further was said until it was pretty close to half past eleven.

I went into the post office for my mail and I met George Wellington there. He and I were talking together and Mr. Rich came in. He said, "George and Bill," I believe he said, "they want some help up to the Dean farm to find Mr. Dean. Want to know if we would go up." And I said, "Yes, I will. I'll take my car and go up." I said, "If there's no objection, I guess I'll stop home and get a little lunch, and meantime if you want to round up a lot of searchers, I'll take them over as soon as I get through my dinner."

When I got through my dinner I called up Mr. Rich and asked him if he had got a lot for me. He said no, he didn't have anybody, but he would like to go, and Mrs. Rich and her sister, I don't recall her name now — Miss Hodgkins — and that's all there are to go. So I went over and took them up there.

PICKARD: What kind of a car have you?

LEIGHTN: A Hudson Super Six.

PICKARD: You left East Jaffrey for the Dean farm about what time?

LEIGHTN: Well, I would say quarter past or half past twelve.

PICKARD: And went directly to the Dean farm? Had the body been found when you arrived there?

LEIGHTN: It had just been found. A selectman, Mr. Coolidge, said they had just found him and pulled the body up enough to discover it was him, and then let it go back.

PICKARD: Now, are there any other facts with reference to the happenings of that afternoon that you think of that you want to tell? Anything that happened that I haven't asked you about? Any incident that happened, or any part of a conversation that you had with anybody, with Mr. Rich, or Mrs. Rich, or anybody, with reference to the case?

LEIGHTN: I didn't see anyone from that time Mr. Rich left my place until I went into the post office and was called by Mr. Wellington, and Mr. Rich came in. I didn't see Miss Hodgkins nor Mrs. Rich until I called at the house to take them over.

PICKARD: Did you see Mrs. Dean when you got to the farm? Did you have any talk with her?

LEIGHTN: Nothing more than hello to her, or something of that kind.

PICKARD: When Mr. Rich came down to see you, did he ask you to go up to the farm and get the job?

LEIGHTN: Well, he perhaps didn't word it that way. He asked me if I wouldn't take my car to go up there and find out if he was dead, or what was the matter, and I said, "No, I don't care to go. If I'm called I'll go."

PICKARD: Did you get the idea from that that he was asking you to go up to get the job, or go up and see what the trouble was?

LEIGHTN: More to find out what the trouble was, I think.

PICKARD: Did you notice anything strange or agitated in Mr. Rich's appearance that morning?

LEIGHTN: No, I don't think I did. I wasn't looking for it, and if there was anything, I skipped it by.

PICKARD: Have you seen the lights in that vicinity?

LEIGHTN: I haven't, no.

PICKARD: Now, is there anything further you can tell us about this case? We want you to give us every bit of information you have, if you have any.

LEIGHTN: Why, as soon as I got there they informed me that they had found the body, and I said, "We can't take it out of there until we get in touch with the coroner and get permission from him, or have him come and see about it." And there was Mr. Enos, I think he was acting then as Chief of Police, was trying to get Mr. Dinsmore and we couldn't seem to get him, so I told him I would try my luck, and I got him very soon and told him the circumstances as best I could, and he said, "I'll be right down."

PICKARD: Was anything said in your conversation with Dr. Dinsmore about a possible suicide? Anything in the talk you had there that afternoon with anybody was the theory of suicide hinted?

LEIGHTN: I don't think as bright a man as Mr. Dinsmore, seeing the condition that the body was in, would have ever thought there was any suicide.

PICKARD: No, but before that time?

LEIGHTN: I don't think so.

PICKARD: Go ahead with your story.

LEIGHTN: I told him that — I went back to my store and I got my kit and I told him I would stay to my store and he could meet me there and we would go over together. And were you one that came with me?

PICKARD: I think so.

LEIGHTN: We went over there and we immediately went to the cistern and commenced to work until we got hold of him and pulled him out. We laid him on the grass there and found the condition that he was in, and I started to take the ropes off of him one by one. We thought it wise not to untie the knots, and so I took my knife and cut them off one at a time.

PICKARD: Do you know who labelled the ropes as they were taken off?

LEIGHTN: I'm not positive about that, but I think Dr. Dinsmore did. Then there was a bag over his head and it was tied to his suspenders, and we cut those ropes and took the bag off from his head, and I found a light horse blanket wrapped around his head. I also found a halter. I won't say positive whether it was around twice, but I think it was just around once to leave the two ends, and it looked very plain to me as

though that rope had been pulled very tight by somebody.

PICKARD: What gave you that impression?

LEIGHTN: The marks on his neck. I took a stone out of the bag. I would say it weighed about twenty-five pounds. After that was off his head we found a wound on his head of three very distinct gashes. I then removed him in the house and I put him on my stretcher and was intending to do the work there, but Dr. Dinsmore thought it was a wise thing to take it to my rooms. So I took it there and kept it until about seven o'clock, I think. Would have got it before but there was a terrible storm, if you remember, and we didn't get to go. We came to my room, I think, somewhere about seven o'clock and commenced to work to see what we could find out. Dr. Dinsmore did the work and I assisted him, and as each thing was discovered it was recorded by, I won't say positive, but I think Mr. Childs, or else the man that was brought with him.

PICKARD: How many doctors were there there at that time?

LEIGHTN: I think there were three.

PICKARD: Dr. Dinsmore, Dr. Faulkner, and Dr. Childs?

LEIGHTN: Yes.

PICKARD: Dr. Childs didn't get there until late?

LEIGHTN: Yes, but who did you say the other one was?

PICKARD: Dr. Faulkner.

LEIGHTN: I think Dr. Faulkner was the one that recorded what was found.

PICKARD: Now, there's one thing I wish you would tell the jury. How was Mr. Dean dressed when he was taken out of the well?

LEIGHTN: He was dressed in a short pair of pants, if I remember correctly, and only had a shirt on. I think an undershirt.

PICKARD: Suspenders?

LEIGHTN: Yes.

PICKARD: What did he have on his feet?

LEIGHTN: A pair of shoes, I think.

PICKARD: And a pair of overshoes?

LEIGHTN: I don't think he had, no.

PICKARD: And for stockings?

LEIGHTN: Long stockings that came up above his knees. I think they were black.

PICKARD: Do you remember whether he had a tie?

LEIGHTN: I don't think so.

PICKARD: Did you officiate at the burial ceremonies?

LEIGHTN: I did.

PICKARD: And the burial was held what day?

LEIGHTN: I think it was the third day.

PICKARD: Were you present at the time when the body was taken up? At the time when Dr. Dinsmore, Dr. Childs, I think, and Mr. Kent and Mr. Rich and

others were present? Will you tell the jury what happened on that day?

LEIGHTN: Why, there was nothing very particular about it more than Mr. Kent placed a paper over his head and took the marks from the head of Mr. Dean. He got them in the paper to correspond with the gashes on his head.

PICKARD: Were you present when this paper was applied to Mr. Rich's face?

LEIGHTN: I was.

PICKARD: Were there any marks on Mr. Rich's face at that time?

LEIGHTN: Yes, there were.

PICKARD: How many?

LEIGHTN: I think you could find three.

PICKARD: Was anything said about the paper and the marks fitting?

LEIGHTN: Why, Mr. Kent said, he put it on to Mr. Rich's face, and he said, "Now, gentlemen, you see this paper and the marks fit Mr. Rich's face."

PICKARD: That was plain to be seen that they did fit?

LEIGHTN: Why, I didn't get really close, but I think they came very close.

PICKARD: Well, are you certain about that?

LEIGHTN: I wouldn't say that I was certain, no. I would say they fit very close though.

PICKARD: How far were you from this experiment when it was performed, how many feet?

LEIGHTN: Not over ten feet, if I was that, quite. Don't think I was more than seven.

PICKARD: Was the paper between you and Mr. Rich's face?

LEIGHTN: Yes.

PICKARD: How long was it held on his face?

LEIGHTN: Oh, perhaps a minute or a minute and a half.

PICKARD: How many marks were there on that paper?

LEIGHTN: Three.

PICKARD: Could you see, of your own knowledge, that those three marks on the paper corresponded with the marks on Rich's face?

LEIGHTN: As I say, I wouldn't say positively, but I think if it was close that I took it for granted that they did.

PICKARD: But you wouldn't say of your own knowledge that they did fit?

LEIGHTN: No, I wouldn't want to come right out and say so. I would say they fit very close.

PICKARD: Any questions?

JURYMAN: There were no other bruises apparent on Mr. Dean's body anywhere, were there, at that time?

LEIGHTN: I don't think so, only on the neck caused by the rope.

JURYMAN: No bruises that might be made by falling violently?

LEIGHTN: I didn't find any at all.

PICKARD: Perhaps you noticed that the ropes around his wrists were drawn tightly and caught in?

LEIGHTN: Yes.

PICKARD: And the same thing about his knees?

LEIGHTN: Yes.

PICKARD: That is, the marks in those places seemed to resemble the marks around his neck?

LEIGHTN: Yes.

PICKARD: Do you know what effect water has on a rope? That is, drawn around the body does water cause it to tighten or expand?

LEIGHTN: It does tighten when it's in water.

PICKARD: And all this rope around Mr. Dean's body had been in the water?

LEIGHTN: Yes.

JURYMAN: Would you say from the mark on his neck that it had been drawn up with a good deal of force?

LEIGHTN: Very much so.

JURYMAN: Would you judge it was done by one or more persons?

LEIGHTN: No one man could have done it. That was wrapped around once, like that, the same as you get hold of one end and I the other, and it was drawn up until he was choked to death.

PICKARD: As a matter of fact, wasn't it around his neck twice? Weren't there two indentations on the neck where you could put in both your fingers?

LEIGHTN: I wouldn't say it was more than once around, but I may be wrong.

PICKARD: The rope wasn't tight?

LEIGHTN: No.

JURYMAN: Do you think it would be drawn with force enough to fracture the skull?

LEIGHTN: It seemed to me it could be, yes. The rope on the head and whatever caused those gashes, to my opinion, wasn't sufficient to kill him. The scalp was removed and the skull was very clear and white and there wasn't a crack or injury to the skull whatever. And he wasn't drowned. There wasn't a drop of water in his lungs. The lungs showed a dark color, proof of suffocation.

JURYMAN: Did you say Mr. Rich came twice?

LEIGHTN: Once.

JURYMAN: At what hour?

LEIGHTN: Between eight and 8:30, and the next time I saw him was at half past eleven when he came to the post office and wanted I go up there and find him.

JURYMAN: Did you say the skull wasn't cracked at all?

LEIGHTN: No, sir. It was cut and the scalp pulled back and the skull was very clear and white. There was no injury whatever. It wasn't sufficient—it might possibly have stunned him—but not enough to cause death.

PICKARD: What was your impression of what caused the wounds and that crack on the head of the man?

That is, what kind of an instrument? That is, I mean of its being sharp or blunt?

LEIGHTN: Well, I would say a little of both. I don't think it was a real clean cut because the flesh was quite a little bruised. It might have been caused by coagulation of the blood to make it dark, but I think the blow was caused all at once.

JURYMAN: You think there was only one blow struck?

LEIGHTN: That's the way I look at it, yes.

JURYMAN: And what would lead you to that conclusion?

LEIGHTN: Well, because if there had been others, there would have been other marks.

JURYMAN: Well, there were three marks, weren't there?

LEIGHTN: Yes, but I think they were all caused by one blow.

JURYMAN: What do you think it was that caused that blow?

LEIGHTN: Well, it looks to me just as though it was with — maybe it was a rock with three teeth in it.

JURYMAN: And how much would the rock have to weigh in order to inflict the wounds upon the head of the man, if it was a rock that struck him?

LEIGHTN: Why, not injuring him any more than it did, I don't think it would require a very heavy one.

JURYMAN: Do you think an instrument weighing five and a half ounces could have caused the injury?

LEIGHTN: Yes, I think it could be struck a blow enough to do it.

JURYMAN: You have in mind probably the garden weeder or cultivator which has been described?

LEIGHTN: Yes.

JURYMAN: Have you ever seen that?

LEIGHTN: I haven't.

JURYMAN: Assuming that that instrument had five teeth, what do you think of it?

LEIGHTN: If it had five teeth the other two teeth would be so far down it wouldn't strike the head when the blow was struck.

JURYMAN: You think it was possible to strike that blow with a five-pronged instrument and have only three of the teeth strike and show marks?

LEIGHTN: Yes.

JURYMAN: Were you present at the time when the autopsy was performed by Dr. Magrath?

LEIGHTN: No, I wasn't assigned the job of disinterring him, and I was otherwise so busy I didn't stay. Dr. Magrath came to do it. I wasn't there.

JURYMAN: You don't know what he found or what his opinion was about those wounds?

LEIGHTN: Only the reports.

PICKARD: Any other questions?

JURYMAN: Did you ever know of Mr. Dean having many enemies?

LEIGHTN: Not a one. Not a one. He was a man that minded his own business and stayed at home, took care of his own affairs. He was a man that was liked by everybody that knew him.

PICKARD: In any of your talks with him did he express any conflicts that he had had with the Colfelts?

LEIGHTN: No. I might speak about the day of the service we were holding there in the church. I think it was Dr. Dinsmore who came to me and said they had overlooked one thing, they wanted Mr. Dean's stomach, would I take it back to my rooms, and I told them it was going to inconvenience me a great deal, and otherwise, for myself and those that were attending, and I thought the best way was to go to the vault and make it a burial service there and go off and leave it, then tend to it immediately and bury it immediately. I had lights and I removed the stomach as requested and immediately buried the body.

PICKARD: And in whose possession was the stomach left?

LEIGHTN: Dr. Childs.

PICKARD: Did you know Mr. Frederick Dean?

LEIGHTN: I didn't know him more than what I met him and had dealings with him after his brother was found.

PICKARD: Was he the one to make the arrangements with reference to the burial?

LEIGHTN: Yes.

PICKARD: What day did he get to East Jaffrey?

LEIGHTN: I think the next day after he was found.

PICKARD: Wednesday night?

LEIGHTN: I think so, yes.

PICKARD: Anything further you wish to say? You have been right on the ground there, and you must have something to say that I haven't asked you about.

LEIGHTN: Well, I might speak about those three marks that were found down there on the barn floor. We also found the three marks that corresponded with the paper on the stone by the side of the cistern.

PICKARD: Were there three marks on the stone?

LEIGHTN: There were.

PICKARD: And there were three marks on the barn?

LEIGHTN: On the piazza of the barn.

PICKARD: Can you say whether, in your opinion, all of those three marks could have been made in the same way that the wounds were made on Mr. Dean's head?

LEIGHTN: I would say they were.

PICKARD: And the marks on Mr. Rich's face?

LEIGHTN: Yes.

PICKARD: Did you ever see the cultivator that was actually found?

LEIGHTN: No.

PICKARD: So you don't know whether it can be made to make those three marks or not?

LEIGHTN: I know that the paper laid on the floor and

laid on the stone corresponded with the three marks that were taken off of Mr. Dean's head.

JURYMAN: Do you know how long after the body was found those marks were found on the floor and on the stone at the cistern? Was that the same day or some time afterwards?

LEIGHTN: The next day, I think. Mr. Kent found them and I think he found them before we disinterred Mr. Dean.

JURYMAN: Do you know whether or not those marks were found until after Mr. Kent's appearance in East Jaffrey?

LEIGHTN: They were found by Mr. Kent.

JURYMAN: And isn't it a fact that Mr. Kent didn't arrive in East Jaffrey until the second Friday following the murder?

LEIGHTN: I think so.

JURYMAN: So that it was at least ten days after the murder that they were found?

LEIGHTN: Yes. There's one thing more I might speak of. I have heard some people say Kent could have made those marks after he had seen Dean. Well, that I am very positive is wrong for Mr. Kent hadn't seen Mr. Dean until he was disinterred that day. He took the paper off and I saw them, and asked us to go over to the farm, and we went over there and he had no chance whatever to make those marks, beyond he had those marks in mind, and he laid the paper on them and they corresponded.

JURYMAN: Do you know whether there was any record made of the wounds on Mr. Dean's head at the time of the first examination by Dr. Dinsmore and yourself?

LEIGHTN: There was no paper or anything laid on his head.

JURYMAN: The length of the wounds, and the distance apart?

LEIGHTN: Yes, there was a correct record made, I think.

PICKARD: Dr. Dinsmore has them and they will be introduced. Anything further?

JURYMAN: You don't think that Mr. Kent had ever seen this record before he made that examination?

LEIGHTN: No, I don't.

JURYMAN: Have you any theory in your mind as to the motive for the crime?

LEIGHTN: Well, that, of course, I can't say more than I say the same thing a good many others do, that Mr. Dean knew too much about Mr. Colfelt's business. He was finding out too much. Of course, that's what I can't say anything about, but I feel as though there's something back of it there somewhere.

JURYMAN: Now, have you any facts of your own knowledge as bearing upon that matter, assuming that is the motive?

LEIGHTN: Not a one. I have heard the remark, of

course, and I can't say who said it, and I don't know as there is a bit of truth to it, that Mr. Dean made the remark if they could get into Mr. Colfelt's cellar they would be surprised what they would find.

JURYMAN: Did you hear him say that?

LEIGHTN: No, that's just hearsay.

JURYMAN: Do you know who he said it to?

LEIGHTN: No.

JURYMAN: Do you know who made that remark to you?

LEIGHTN: I don't. I don't remember.

JURYMAN: That would be very important if we could know the person who said it, but you can't give us any information as to who said it, or where it was said, or what Mr. Dean had in mind, or anything about it?

LEIGHTN: No, and I won't say anything but what I can back up.

JURYMAN: If you could give us the name of any person who said it, we might be able to trace it back.

LEIGHTN: Well, I haven't the slightest recollection of it at this time.

WITNESS DISMISSED

WALTER EMERSON

Direct Examination by Mr. Pickard

PICKARD: Have you in your possession anything that you found on the Dean farm that day?

EMERSON: Yes.

PICKARD: Won't you tell again, if you have already told — I don't know whether you told of it or not — how you happened to get that into your possession?

EMERSON: Mr. Foreman and gentlemen, this, as you recall, turned up as I pumped the cistern up near the house, and as we got down near the bottom, probably eighteen inches of water, that was bright at the time and showed plainly, and after removing the water, that was found in the well, and the man in the bottom passed that up to me. We opened it and laid it right there. That contained at that time plain cigarette papers and some tobacco in it. Most of the papers lay flat in the bottom, but one was rolled up. I took that box, made a little identification on it, and we took it away from the well.

In going into detail with this, I will say that after marking it, of course, so I could identify it, according to the usual custom, after it had gone out of my possession, before I came before you people, it remained in my desk for some time until Mr. DeKerlor asked me for that box in the presence of two witnesses. I gave it to him to photograph, and he kept it, as I recall, about three weeks.

I went to Jaffrey to recover that box at the direction of Mr. Lord because we thought we might need it. I didn't find him the first time but I did the second

time. He had it but was quite taken with it and asked to keep it a little longer. I went again and didn't find him. I gave my daughter a written order for him to deliver to her the box, and it was delivered to her, this identical box, and she kept it in her possession until I took it to East Jaffrey, and it has been in my possession and in my house continuously from the time it was delivered to the proper authorities.

Here the marks on it are the ones I made, and it is the identical box, as I have told you under oath.

PICKARD: What is that slip of paper you have there?

EMERSON: That was taken — we had intended to deliver this to the Federal authorities in Boston. This is the statement of two of the men who assisted me to pump the well. Charles A. Baldwin of Fitzwilliam, a man I have always known since he was born, known his father. And Frank Patterson, who drove the truck that brought the gasoline engine for me.

PICKARD: This affidavit reads as follows: It's on the letterhead of J. N. Parker, Fitzwilliam, N.H., March 11, 1918. "Then personally appeared Frank Patterson and Charles Baldwin, under oath before me, with the box attached to this affidavit as the same identical box which they removed from the bottom of the cistern at the Dean homestead in the town of Jaffrey, N.H. Francis R. Parker, Justice of the Peace."

JURYMAN: Was that box handed to you or thrown out on the grass?

EMERSON: That box was handed up to me from the cistern and I laid it there in the sun on the ground. I didn't leave the cistern at any time it was lying there. No other of my men were away from the pump or the cistern while it laid there.

PICKARD: You were saying something about marking that box for the purpose of identification? How did you make those marks?

EMERSON: In the first place, the initials on that box are a very plain thing, although not Mr. Dean's. The dents on the bottom are plain identification, and later I made some marks, which you will see over here on the lid. They were identical marks, the three marks in there. Those we put on the cover. And we identified it when I gave it to Mr. DeKerlor. Those men were witnesses to it, if you want them.

PICKARD: I call your attention to those three marks which have been testified were put there for the purpose of identification. The box will be right here on the table so you can see them. The initials on this box are H.W.D.

EMERSON: Yes. My understanding is that that was his father's initials. I'm not quite sure of that.

JURYMAN: You think this is the box that Mr. Dean used to carry, do you?

EMERSON: My reason for thinking so is Mr. Colfelt's identifying that as the box he had seen him roll cigarettes out of. Mr. Rich said it looked like the box he

had seen Mr. Dean use. Miss Ware was very sure that was the box. I don't recall others but there are two or three others I asked to find out whether that was or was not Mr. Dean's box very early in the investigation.

JURYMAN: Have you ever formed any opinion how did the box get in there? Did Mr. Dean wear clothing?

EMERSON: It could have slipped out of his pocket very easily. What I recall, Mrs. Dean's testimony was that Billy smoked a cigarette before going to the barn the last time. That would indicate that he had his cigarette equipment with him.

JURYMAN: Had Mr. Colfelt seen that box before or since the murder until he saw it the other day?

PICKARD: No, he hadn't.

EMERSON: If there is anything further that this jury do not understand about the cigarette box, I would be glad to give you any information I can with regard to it, and if I haven't got it in my own head, I will try to find a witness to make that clear to you.

PICKARD: Well, I will ask this question. Has that statement ever been used in connection with any other cigarette case, or tobacco box, whatever you call it, than this right here?

EMERSON: No, sir, not to my knowledge.

PICKARD: It has always been attached to that box, and in that box?

EMERSON: It was put in that box by Mr. Parker and I don't know as it has ever been out of that box, only as some one of us people have read it.

PICKARD: Now, do you gentlemen wish to examine this box further? If so, I will leave it here. Our rule is that we like to keep them in the possession of the Sheriff as much as possible so that if the case ever comes to trial he can say that the case hasn't been out of his possession, or something of that sort, but if any of you gentlemen wish to examine it, I will leave it right here where you can examine it at your leisure. It is now in Mr. Emerson's possession and subject to your call at any time you wish it. Now, what is this other box you have?

EMERSON: This box here, gentlemen, resembles the box and was lying on the ledge of the window seat in the Dean kitchen on the morning after the man was taken out of the well, that is, the 14th of August.

PICKARD: To your knowledge, has that box with its contents ever been under water?

EMERSON: It hadn't when I saw it there. The condition of the paper and the tobacco in it were perfectly dry. Absolutely.

PICKARD: Do you remember whether or not we found in Mr. Dean's house a box of cigarettes of exactly that same manufacture?

EMERSON: I don't recall a box, but I found some lying around there that were similar to that. I think they

were upstairs. I recall seeing them in the house. Mrs. Bryant, the witness coming, will be able to talk about that very clearly, I think.

WITNESS DISMISSED

MRS. ELIZABETH BRYANT

Direct Examination by Mr. Pickard

PICKARD: You live where?

BRYANT: East Jaffrey.

PICKARD: When were you called to the Dean house after Mr. Dean's disappearance?

BRYANT: Wednesday evening about six o'clock, by Miss Hiller, District Nurse.

PICKARD: How long did you stay there?

BRYANT: We stayed there until the next Tuesday. Tuesday, was it, or Monday, when they took her to Worcester? Tuesday.

PICKARD: Who stayed there?

BRYANT: Miss Hiller and myself went up every night. And then we had men folks staying with us the first night. The first night was Mr. Enos, Mr. Rice, and Mr. Lemire. The next night was Mr. Leighton, Ed Leighton, and Mr. Lindsey. Then the next night was Mr. Lindsey and Mr. Enos. And then Saturday Mr. Lemire and Mr. Enos. Sunday night Mr. Enos and Mr. Lemire, and Monday the same. And we went out every night, and back about ten or eleven in the forenoon.

PICKARD: Well, you talked with Mrs. Dean, of course, and looked after her during the time you were up there? Now, won't you tell the Jury anything that you have in mind that might bear upon this case, as to her actions, anything that she said, or anything that she did, at any time you were there?

BRYANT: Well, of course, Mrs. Dean's mind isn't all right. I wouldn't call her a crazy woman because she could remember things very well. If not, she always had them set down in a little book, and the story of Mr. Dean's disappearance she always told every time the same.

PICKARD: Now, won't you tell us just what she told you about that?

BRYANT: She would say, when I first went there — of course, she had known me although she didn't recognize me — but she said, "Billy has gone." I said, "Is that so?" She said, "Yes." She said, "He's gone into the water. Into that water over yonder."

Of course, she didn't go out that night with us. And then she said — the next moonlight night she went out with me — and I said again, "Where did you say Billy went?" And she said, "In the water over there." She said, "You can't see it from here." She said, "It's marked by some pine trees." And she said that night

he went to the barn at eleven o'clock to do his chores and told her he would return about twelve, and she said, "I stayed here waiting and waiting to see him coming because I could see him coming through the gap with the lantern, but," she said, "he didn't come, and at daylight I went to the barn and I couldn't find him," and she said, "I thought he had blown his lantern out, or the lantern had burned out, but when I picked it up I saw he had blown it out before he went because there was oil in it, and I went to the big house," she said, "and he wasn't there."

Then she never told me that she had notified anybody, and she always seemed to stick to that theory, and I came out very frankly one night and asked her why she thought Billy was in the water. "Because," she said, "he never would leave me like this if he wasn't where he couldn't come back." And she knew he couldn't have gone a great ways, she said, because he was in his shirt sleeves, and he had bad spells and, of course, when he fell down he got in there and he couldn't get out. But we had no trouble at all with Mrs. Dean.

PICKARD: Did you ever see her, during that week, or any other time, show any signs of violence or ill temper?

BRYANT: No, sir, not at all.

PICKARD: Have you anything to say about your opinion of her physical strength that you noticed during that week, or at any other time?

BRYANT: Well, I wouldn't call it, so far as I knew, I wouldn't call it that she was very strong. She seemed very totterish. She would walk through the house but she seemed very totterish to me, and not very strong.

PICKARD: Did she walk outdoors at any time you were there?

BRYANT: She went to mail a letter one morning to Mrs. Carson about the little dog she was taking care of that died, and she walked down to the mailbox that morning.

PICKARD: What about her habits of sleeping at night when you were there?

BRYANT: Well, the first night we had a sort of time. She didn't seem to think she could rest at all with anybody in the house, so we planned to go out on the porch, and she stayed up quite a while, and eventually Mr. Enos said, "You've got to go in and see that she lies down." Well, she did lie down a few minutes, and up again. I asked her if she wanted her light blown out, and she said, no, to keep the light burning all night. Then finally she went upstairs and lay down a very little while. She would be up and walking across the floor, and then go and lie down again. But after that, she would go upstairs every night.

PICKARD: Was it one of the nights you were there when she went out on the porch upstairs?

BRYANT: Yes, that was the first night. The first night I

was there she walked out on to the porch and back again.

PICKARD: Have you seen her lately?

BRYANT: I saw her here after she came back from Worcester. I had been laid up with rheumatism and she came down to see me.

PICKARD: And what do you say as to her condition then, comparing it with what it was when she went away?

BRYANT: Well, I couldn't say as there was any change so far as her talking was concerned. She didn't stay at the house more than five or ten minutes before she went back again, and I couldn't say as to her manner of talking that there was any change.

PICKARD: Do you know about the incident of her writing something on the calendar?

BRYANT: Well, we were there. This was Wednesday night, the first night, and she said she wanted to know what day it was. I said, "It's Wednesday." "Well," she said, "what's the number?" She said, "I can find out by looking at the paper." Miss Hiller said, "The 13th." She said, "Yes, Billy died the 13th. Now," she said, "I must set that down." I didn't see her set it down, but I saw the next morning where she had drawn a circle around the calendar and put down "Billy died."

PICKARD: Have you any doubt that was in her handwriting?

BRYANT: Not at all.

PICKARD: Did she tell you anything of the conversation, or what Mr. Dean said after he got home that night? Where he had been, or what he had done?

BRYANT: No, sir.

PICKARD: Now, I call your attention to these two boxes. Have you ever seen either of them before?

BRYANT: Yes, I've seen that one.

PICKARD: Where did you see that?

BRYANT: I saw that Thursday night out on her kitchen table. It was her dining room table but it was in the kitchen.

PICKARD: What did you do with it?

BRYANT: Well, Mr. Leighton and Mr. Lindsey and Miss Hiller were there, and I couldn't take my oath whichever of the men folks said that was a cigarette case that was found in the well and they had taken it out. "Well," I said, "that's funny. Mr. Dean made his own cigarettes." They said, "That's so." Well, they closed it up and Mr. Leighton went and he asked her if she had ever seen the cigarette case.

PICKARD: By her you mean Mrs. Dean?

BRYANT: Yes. And in the morning Mr. Leighton came to me, I would say quite early, I would say it was seven, might have been earlier, and wanted to know if I had asked her, and I said no, I had forgotten all about it, so I had Mr. Lindsey walk in with me and

ask her who left it there, and she said, "I don't know."

I said, "Was it anything that belonged to Billy?" She said, "No. You may have it if you wish." I said, "No, thank you," to her and I went out and handed it to Mr. Wellington, and they went directly to the village and came directly back and asked us to look around and see if we could find any more cigarette cases like that, and we asked them why. "Well," he said, "we have been in to the bank and asked Mr. Rich if he recognized that cigarette case and he said yes, and you will find five or six more just like that there because he had candy come in them." And we couldn't find any more cigarette cases. We didn't find any, but we did find upstairs some papers that he had bought.

PICKARD: Do you recall whether they were papers of that same type or not?

BRYANT: Yes.

PICKARD: What do you say about that's being in that same condition it was when it was picked up on the dining room table?

BRYANT: There was an extra cigarette in there.

PICKARD: There were evidently crushed cigarettes in there at the time?

BRYANT: Yes.

PICKARD: What about their being in the same condition as to their being wet or dry?

BRYANT: Well, that I couldn't say. The tobacco was strewn around in them, but they seemed to be filled up more than they are now. The tobacco appeared round but it didn't look to me as though they had been wet. I wouldn't know how it would look if it had been wet or dry.

PICKARD: There's no doubt that's the case, is there? It's the one you finally gave to Mr. George Wellington?

BRYANT: Yes.

PICKARD: Were you there the day Mrs. Dean was taken to the hospital?

BRYANT: Yes.

PICKARD: And do you mind telling us anything of interest that happened that day?

BRYANT: Well, we left about ten or eleven o'clock in the morning. I got ready to go with her, and when they came after us — we were to leave at one — so when we were going along, Mr. Davis turned around and wanted to know what plans we had made. I said, "I don't know what you mean?" He said hadn't anyone informed us, or broached the subject to her, or anything? "Well," he said, "we'll let you work and if you don't get along, we'll butt in," he said.

And Miss Hiller spoke up and said, "Mrs. Bryant can do that for she will do it for her, where she won't do it for me." I said, "I don't know about that."

So when we came in she looked around and she said, "But you have come early today, haven't you? Why," she said, "you are all dressed up." I said, "We're going for an automobile ride, wouldn't you like to go with us?" "Yes. Oh, no," she said, "I can't because," she said, "when I come back down to rest, it will be the first of September. I will have an automobile ride then, and Billy never wanted me to go alone." "Well," I said, "you won't be alone." I said, "You are going with Miss Hiller and me."

Well, she didn't want to, and finally Mr. Dillon came and said, "You'll go with me, won't you?" She looked up at him and she said, "I know him but I can't call his name." He said, "Dillon." "Oh, yes," she said. He said, "I drove you to Boston one day." She said, "We had a lovely ride."

Well, I got her out but she still seemed to resist going into the car. She wanted to go back into the house, and finally the nurse and Dr. Childs were there and they gave her a hypo, and I got her coat, and she turned and she said, "That's my winter coat. I wear that in the winter." And she said, "You got that out of my trunk, didn't you?" I said, "You'll need it."

So after the nurse gave her the hypo she felt drowsy and she said, "I'm tired. I would like to lie down." I said, "Lie here in your hammock." So she lay down, and she said, "Wouldn't it be funny if I died?" I said, "Do you feel bad?" She said, "No, but wouldn't it be funny? What would you do if I did? You wouldn't have to come up again to see what I needed." She said, "You have been so good to me."

So she got kind of dopey-like, drowsy, and said she would like to go outdoors. So we took her out and got her to the car, and she perked up after a while, but still she kind of pulled back, and I called Mr. Dillon so we could get her in. So I got her in, and the car started along, and she said, "Isn't this lovely?"

And as we were going through the woods she looked around and she said, "They've got those woods all cut and it's all open here." And she said, "I haven't been to the village for two years." She seemed very calm until we got to West Rindge when we turned to go around the pond to Miss Ware's instead, and after that she kept saying, "I must go back." She said, "I want him to take me back because I shall be so tired." I said, "We're going back." "Well," she said, "It's a long way around. We're going around the circle." That didn't seem to satisfy her mind at all.

Miss Hiller was sitting beside her, trying to calm her, and finally I said, "Let me sit there. I will rest you." And she was very fond of music and I started humming, and she looked at me and she said, "Why, I didn't know you could sing." And I kind of looked at the nurse, and I said, "No, I didn't myself." But I

sang to her and hummed all the way to Worcester and she was perfectly calm.

Then, when we stopped, she said, "Have I got home?" And she said, "Oh, this isn't my home, is it?" I said, "Won't you get out and rest?" So she said, "I guess I will," and she got out and she turned to us and asked what time it was, and we said about three o'clock. "Oh," she said, "it's later than that. We've been a long time coming. Now," she said, "how long will it take us to go back?"

I said, "About an hour." "Well," she said, "after I rest a while I'll go back." And then we came out and left her because we didn't want to be there. She probably wouldn't have gone to her room had we been there.

PICKARD: She has since come back to East Jaffrey and stays at Mr. Enslin's?

BRYANT: Yes.

PICKARD: Now, is there anything further you can tell us about this matter? Maybe the jury men have some questions to ask you?

JURYMAN: Can you tell us what time you ladies reached the Dean residence after the murder?

BRYANT: No, sir, I couldn't. I work at the Tack Shop and didn't hear of it until I came back at three o'clock, and Miss Hiller happened to be calling to see if I could go and stay with her, and the thunder shower came up, and, of course, with a long rain, and we stayed there until six and they told us we wouldn't have any power, and that's how Miss Hiller got me, and the next day they didn't have any power and so she said, "I guess I'll have to have you again." So I continued to stay with her then until they had taken her to Worcester.

JURYMAN: Do you remember about seeing any bouquets of flowers around the Dean home that night when you got there?

BRYANT: There was no bouquet of flowers only just a very small, oh, I would say there couldn't have been more than six or seven pinks in a tumbler in the living room. The other bouquets were dried up.

JURYMAN: You didn't see any sweet peas?

BRYANT: No, sir. Only just those few sweet peas that were in the tumbler and those looked to me as though she had had them for a day or two.

JURYMAN: Were those sweet peas or pinks?

BRYANT: Sweet peas in the living room. Those were the only flowers I ever saw.

JURYMAN: Do you remember any talk being made about the lantern that Mr. Dean had the night before?

BRYANT: No, sir. Only as I told you, the lantern that she found at the barn, that was all.

JURYMAN: Did she ever seem to show any sorrow at all at her loss? In losing Mr. Dean?

BRYANT: Yes, she did. One night we did think per-

haps she was going to be violent, but she simply sat up and threw up her hands and said, "Oh," she said, "if he could only come back. If he could only come through that door." And I guess her mind isn't that set that she didn't realize — oh, she realized and yet she didn't realize. And she thought it would be so much nicer if he could only have been at home, she said, so we could have had a party. That's the way she had of expressing a funeral. She would say a party. PICKARD: She meant funeral? She just substituted the wrong word?

BRYANT: Yes, she meant a funeral. That's the way her talk would be. For instance, I don't know as this is anything to do, of course, with the case at all, but I'll tell it to you.

When I first went out there Mr. Enos, of course, was going to stay at the house with us, and the other two were going to stay at the other house. We tried to explain to her who he was, but she couldn't grasp it, but finally she turned and said, "Your man." And the nurse turned and said, "That's going some to have got a man out of this, but I didn't."

But when he came I said, "We'll see if she knows who you are." He went to the kitchen and she said, "Oh, you have come, have you? You were too late. Your woman came last night. Why didn't you come Sunday morning?" He left his raincoat and she said, "Whose is that?" I said, "My man left his raincoat, and I'll take it." She said, "Your man is dead." I said, "Yes."

You see, in her mind she knew my husband was dead, although we couldn't explain to her who this man was, and she said, "Your man," and I said, "Yes," but in her own way and time it came to her and she said, "Your man is dead." And I said, "Yes."

So that's the way her mind was. At times she wouldn't seem to know, although Miss Plummer came and she knew who she was but she couldn't call her by name, and she wanted I should write my name in her book, and also the nurse's. And I got a parcel from her while she was in Worcester, and also a letter, and in her letter she wanted I should come to Worcester as soon as I got the letter to bring her home.

I told the doctor there she was so much better because she had this man to pay she had got to get back. And when she came to visit me here after she did come back, she said, "Who has been over to my place," she said, "and piled my things all around?" I said, "I don't know. I've been sick, Mrs. Dean, and I don't know much about what is going on." But she evidently knew that they had been there and moved her things around.

PICKARD: Had Mrs. Dean been back up to the farm after she came back?

BRYANT: Must be she had been by that remark. I

think they did say they took her out and spent the day before the auction, or something of that sort.

I came right out one day and asked her what made her feel so sure Billy was in that pond over there. I said, "Do you suppose he got into the well up to the big house?" "Oh, no," she said. She said, "There's only so much water in that well." I said, "Do you think anybody had done anything to him?" She said, "Oh, no. No. Do you? Do you?" I said, "I don't know." She said, "Billy never had an enemy. Oh, no." She said, "Billy walked away and had his bad spell come over him." And she knew that he wasn't living because if he was he would come back to her. That's the only way that in my mind she could reason. He couldn't come back because he was in this pond, because it was such a mud hole.

JURYMAN: In connection with that, do you know that Mr. Dean did sometimes have poor spells?

BRYANT: I didn't, until she spoke of them, but after that I asked Mr. Coolidge and some of the people that knew them and they said, yes, he did have trouble with his feet and used to fall down. But before that I hadn't known that.

PICKARD: Any other questions?

JURYMAN: The night before Mr. Dean disappeared did you see him pass your house?

BRYANT: No, sir, I was down at the shop.

JURYMAN: Did any of your family see him?

BRYANT: My children saw him come in. They were outside playing when he came in.

JURYMAN: And they spoke about it to you?

BRYANT: Yes.

JURYMAN: Which way was he going?

BRYANT: Going to the village.

JURYMAN: They didn't see him return?

BRYANT: No.

JURYMAN: At any time while you were there did Mr. Rich's people call at the house while you were at Mr. Dean's house?

BRYANT: Well, the day of the funeral Mrs. Rich and her sister, Miss Hodgkins, came there for a suit of clothes, but the nurse and I were up to the other house because Miss Plummer was there talking with her and she was talking about Billy to her, and so we walked up there and she said, "You go back with Mr. Butler." So we went back and got her things ready and went out, and he drove up, and I said, "Well, are we going home with you?" He said, "That's right." And they stopped and came out of the side door and got into the car.

That's the only time that I ever saw them, although she told me when we came up there on Thursday night, she said, "I haven't got a cent of money." I said, "You haven't?" She said, "No." She said, "Mr. Rich was out today and told me I hadn't got a cent of money in the bank." "Well," I said, "that doesn't

make much difference. You'll have some." She said, "Oh, yes, when I sell all these things, of course. I can't take them to the village with me."

JURYMAN: Did you ever see, at any time you were there, anything that led you to think that she might have done the job?

BRYANT: No, sir.

JURYMAN: You don't think she would have been able to have done it?

BRYANT: No, sir, no woman's bodily strength would have been equal to do the job, to carry the body the distance it was carried.

JURYMAN: How far do you live from the Dean place?

BRYANT: They call it two miles from the village, but I live quite a little ways out of the village and I would say perhaps a mile and a half from the Dean farm.

JURYMAN: Was it in sight of your place?

BRYANT: Oh, I could see it on the hill, you know, but they would have to go by my place whenever they came to the village.

JURYMAN: Did you ever see the lights?

BRYANT: No, sir. The only light I ever saw, I don't know as it amounts to anything, I thought was just a reflection, was while I was up there staying. I couldn't say what light it was, but, of course, there were no beds in the house and we used to have to lie down on the floor, rather than sit up in the chairs all night, because we never went to sleep, any of us, and the men folks, lots of time, perhaps, would go to sleep.

But as I lay there I saw it, what seemed to be a reflection, and I thought, "Well, I guess it must be my eyes," and I rubbed my eyes and looked again and I saw it again, and I looked and saw what direction it was coming from, and at the same time Mr. Enos turned over in the hammock and I said, "Are you awake?" He said, "Yes." I said, "I saw a light," and he said, "You drank too strong coffee."

He said, "You watch and I'll watch, and we watched quite a while and they tried to make me think it was the stove. I said it wasn't the stove, the stove is way around on the other side of the kitchen. He was looking and he said, "I don't know as it does look like a reflection, but that time it was finished. That's all the lights I ever saw.

PICKARD: Any other questions? If not, I guess that's all.

WITNESS DISMISSED

MR. LEIGHTON *recalled*

Direct Examination by Mr. Pickard

PICKARD: We were speaking, Mr. Leighton, about the wounds on the head and whether or not they might, in your opinion, have been caused by the in-

strument which I hold in my hand, which is a five-pronged weeder. Will you examine that, if you haven't already done so, and say whether or not, in your opinion, those wounds might have been caused by that instrument?

LEIGHTN: I will try it on your head, Mr. Foreman. (Tries it) I would say the gashes could have been made by these three prongs.

PICKARD: It is your impression that the instrument is heavy enough so it could go down through the scalp, as it did, and come away and leave no marks or scratches upon the skull?

LEIGHTN: I would say a blow like that, it might be done.

PICKARD: Is the skull tough?

LEIGHTN: Very hard and tough.

JURYMAN: Was the cut on his face deep?

LEIGHTN: Clear through to the skull.

PICKARD: If, in fact, these were made by that instrument, would it be simply drawn in, in that way?

LEIGHTN: No, I would say a glancing blow. I would say possibly if your head should tip a little bit, like that, by taking it, like that, and following it right down, like that, it might have been made, because you notice that the middle gash was a good deal larger than the two outside ones. The middle gash was longer than the others, meaning that that long-pronged prong could have done that.

PICKARD: It is your impression that this implement could have made those three wounds in the head in the way you have described?

LEIGHTN: It possibly could have.

PICKARD: Would you say whether or not that would have left any scratches on the skull underneath?

LEIGHTN: I can't think it would, not if struck with a blow in the way I have spoken of.

PICKARD: But it went right down through to the bone?

LEIGHTN: Clear to the bone of the skull.

PICKARD: Did you find any scratches at all on the bone?

LEIGHTN: No, sir, none whatever.

PICKARD: Did you know that Dr. Magrath found a fracture of the skull coming from this wound up here on the head?

LEIGHTN: I didn't. Only hearsay.

PICKARD: Assuming that was found, a fracture was found beneath the three wounds, do you think that instrument can have done it?

LEIGHTN: I don't. No, sir.

PICKARD: In other words, it isn't heavy enough or powerful enough to fracture a man's skull?

LEIGHTN: I don't think so. It takes quite a blow.

JURYMAN: Would you have been able to find hairs on the ends of the prongs if that instrument had been used?

LEIGHTN: Yes, I would say there would have been, unless it had been wet or washed off or something of that kind.

JURYMAN: Were the wounds you described parallel, or were they somewhat irregular?

LEIGHTN: Parallel with one another, all in the same direction. I remember that night that Dr. Dinsmore and the rest of us were in my room there, I remember of speaking, perhaps some of you that were there would remember, that I spoke that Mr. Dean's head was very limber after what he had been through.

JURYMAN: By limber, you mean would move back and forth?

LEIGHTN: Very flexible. Would roll any direction you were a mind to put it.

JURYMAN: What would you infer from that? The neck was broken?

LEIGHTN: A tendency to being so, yes. And I heard Dr. Magrath found something of that kind.

JURYMAN: That might have been done by the pressure of that rope?

LEIGHTN: Why, yes, I think so. I think with two men pulling, one each way, a man's neck would stand a pretty hard show to stand up under the strain.

JURYMAN: What gave you the impression that two men were pulling on the rope?

LEIGHTN: Because the rope wasn't tied but left with two good long ends to work with. I saw the rope around there and it was for that purpose. It wasn't tied to choke him to death.

JURYMAN: Is there anything else other than that to lead you to infer there were two men pulling?

LEIGHTN: No, only that I don't feel one man could have pulled it alone. There's one thing more that I do want to say. While I was in the entry here Mr. Emerson showed me this instrument and I saw no possible way, to my way of looking at it, that this instrument could have caused any marks that were upon Mr. Rich's face.

JURYMAN: Now, won't you explain that to us?

LEIGHTN: What I mean by that is, it is impossible that a little, simple instrument could make the marks. The marks were so far separated on his face.

JURYMAN: I thought you said the marks on his face corresponded exactly to? . . .

LEIGHTN: From where I sat, I said, and I told you I would say it was true, but from where I sat the marks looked as if they corresponded, but from seeing this instrument I see no way whatever that those marks could have been made with this instrument.

JURYMAN: What do you say about the marks on the stone, as you recall that?

LEIGHTN: I would say those marks were very nearly perfect.

JURYMAN: Now, assuming that those marks were from this instrument, can you give us any reason why

the instrument should have been up there at any time?

LEIGHTN: I couldn't. That's a mystery to me.

JURYMAN: Assuming that the marks on the board down by the barn were, because it's easy to explain that, that is, it might possibly have been done in the struggle, but the stone where those marks are was up near the wall, a hundred and fifty feet from the barn?

LEIGHTN: Yes.

JURYMAN: And do you, at the present time, see any reason at all why this digger should be taken from the barn with such care, and taken up there to the wall, and then taken down by the stone wall and hidden?

LEIGHTN: I don't.

PICKARD: Any further questions? I guess that's all.

WITNESS DISMISSED

RUSSELL B. HENCHMAN

Direct Examination by Mr. Pickard

PICKARD: What position do you now hold in East Jaffrey?

HENCHMN: I am Postmaster there.

PICKARD: For how long?

HENCHMN: Why, I was appointed September 19th and took the place the middle of November.

PICKARD: Taking the place of who?

HENCHMN: George H. Duncan.

PICKARD: How well did you know Mr. Dean?

HENCHMN: Why, as a friendly neighbor for about twenty years.

PICKARD: How far do you live from him?

HENCHMN: About two miles and a half.

PICKARD: On the same road?

HENCHMN: No, on another road.

PICKARD: Had you ever visited him at his house?

HENCHMN: Many times, yes.

PICKARD: What about the relations between the two, Mr. and Mrs. Dean?

HENCHMN: Why, so far as my observation went, they always seemed to be real cordial.

PICKARD: Ever hear of any rumor of any trouble between them?

HENCHMN: No.

PICKARD: Do you know Mr. Rich?

HENCHMN: I do.

PICKARD: How long?

HENCHMN: Ever since I lived in Jaffrey, about twenty-eight years.

PICKARD: There's a lady whose name is Henchman who works in the bank. Is she a relation of yours?

HENCHMN: My sister.

PICKARD: How long has she worked there?

HENCHMN: I would say it must be ten or twelve years in the bank. I don't remember exactly.

PICKARD: When did you first know of the disappearance of Mr. Dean?

HENCHMN: Why, it was about one o'clock on Wednesday — I don't remember the date — in August. I heard it on the street.

PICKARD: Were you at home that afternoon?

HENCHMN: No, sir, I was down at East Jaffrey tending to my duties. I am superintendent of the Water Works.

PICKARD: Do you know whether anybody at your house got any information earlier than that by telephone or otherwise?

HENCHMN: No, I don't know what time they got the information. I don't remember.

PICKARD: Did Mrs. Dean telephone to you or your sister or anybody that afternoon?

HENCHMN: She telephoned to the house. I don't remember whether it was in the forenoon or the afternoon, but I wasn't there.

PICKARD: Who was there?

HENCHMN: My sister and my daughter.

PICKARD: And do you recall about what time that was that she telephoned?

HENCHMN: I don't remember exactly.

PICKARD: What did she say?

HENCHMN: She wanted me to go over and get the cow.

PICKARD: When was that message conveyed to you?

HENCHMN: After I got home at night.

PICKARD: When did you first go up there to Dean's?

HENCHMN: I went up there Wednesday night about half past eight, I think.

PICKARD: Did you see her when you arrived that night?

HENCHMN: I did.

PICKARD: What talk did you have with her?

HENCHMN: Not very much. She seemed to be kind of crazy that night.

PICKARD: Did you take the cow home with you?

HENCHMN: I didn't. It was too late and I didn't take it that night.

PICKARD: Who went up with you?

HENCHMN: I went alone.

PICKARD: When were you there the next day?

HENCHMN: I went over the next morning about ten o'clock.

PICKARD: What for?

HENCHMN: Made arrangements to remove the cow and the bull.

PICKARD: Did you?

HENCHMN: I didn't take them myself, but I got Mr. Will Cleaves of the Ware farm at West Rindge to come and take them.

PICKARD: Did you see the cow milked at any time?

HENCHMN: I milked her myself that forenoon about eleven o'clock.

PICKARD: How much milk did she give?

HENCHMN: I would think approximately four quarts.

PICKARD: What pail did you use?

HENCHMN: I found one at the house. They said use this milk pail. It was one of those enamel pails. I think it was blue outside and white in.

PICKARD: Do you know of your own knowledge how much the cow has given at a milking since that time?

HENCHMN: No, I don't.

PICKARD: Did you do anything around the barn, or around the house that day?

HENCHMN: Yes, I did something around the barn. I cleaned up the barn after we moved the bull out.

PICKARD: What day was that?

HENCHMN: That was Thursday.

PICKARD: What did you do toward cleaning it up?

HENCHMN: We simply moved some manure that was around the barn.

PICKARD: Did you sweep the barn floor yourself?

HENCHMN: I don't think I swept it but simply took the shovel to shovel up the droppings.

PICKARD: Where were the cow and the bull located with reference to the barn floor where the buggies are kept?

HENCHMN: The cow stable is on the north side of the barn, on the back side, and there's a narrow passage goes into the driveway where they kept their wagons.

PICKARD: How many feet from where the stalls were for the cattle to where the carriages were kept?

HENCHMN: Oh, it's approximately twelve to fifteen feet.

PICKARD: Did you do anything at the house about shutting off the water?

HENCHMN: Yes, I drew the water out of the tank.

PICKARD: What was that for?

HENCHMN: Simply to protect them, that's all.

PICKARD: Who told you to do that?

HENCHMN: Nobody.

PICKARD: How did you happen to know how to do it?

HENCHMN: I'm a plumber by profession and I've been over to Mr. Dean's quite a number of times.

PICKARD: To do that same thing?

HENCHMN: Yes. Why, not the same thing, but I was acquainted with his water system. I've been over to make repairs for him at different times.

PICKARD: Was that the house where the Colfelts lived, or the other house?

HENCHMN: The big house.

PICKARD: Did you do anything with the water system at the other house, or at the barn?

HENCHMN: No.

PICKARD: How is the water system at the barn connected with the water at the big house?

HENCHMN: It isn't directly connected. There's a spring on the top of the hill that runs down to the barn by gravity but it's never been very successful.

PICKARD: When did you see Mr. Rich after the murder? After the disappearance of Mr. Dean?

HENCHMN: I don't think I saw him until about Friday, the first time I ever saw him.

PICKARD: Did you notice anything about his face that was unusual?

HENCHMN: Yes, he had a black eye.

PICKARD: What else?

HENCHMN: Nothing else I noticed.

PICKARD: Have any scratches on his face?

HENCHMN: I didn't notice any scratches.

PICKARD: Did you at any time notice any scratches on his face?

HENCHMN: No.

PICKARD: How close were you to him?

HENCHMN: Why, through the serving window at the bank.

PICKARD: How long have you been superintendent of the Water Works there?

HENCHMN: I was superintendent two seasons.

PICKARD: Do you do your business at that bank?

HENCHMN: Yes.

PICKARD: Do you know anything about those clothes, or bandages, towels, whatever, that were found over near your place?

HENCHMN: No, sir. I didn't know they had found any.

PICKARD: Did Mr. Kent at any time call your attention to them, or anybody else?

HENCHMN: No, sir.

PICKARD: When was the first time you knew they were found?

HENCHMN: This is the first time.

PICKARD: At any time when you saw Mr. Rich did you notice he wore a bandage around his head to cover his eye?

HENCHMN: No, sir.

PICKARD: Did you know the Colfelts?

HENCHMN: Casually, yes. Mr. Colfelt.

PICKARD: Do you live in sight of the Dean place?

HENCHMN: No, there are some hills in between.

PICKARD: Do you know anything about those lights that came from the Dean place and other places?

HENCHMN: No, sir. I never saw any.

PICKARD: Ever look for any?

HENCHMN: No, sir, I didn't look for any.

PICKARD: You have heard it rumored there were lights?

HENCHMN: Yes, I have heard it rumored there were lights.

PICKARD: But you don't know anything about them?

HENCHMN: No.

PICKARD: Is your sister still working at the bank?

HENCHMN: She is.

PICKARD: Any questions?

JURYMAN: Is there a road, something of a crossroad,

that runs from your barn across to the Baldwin place?

HENCHMN: Yes. Comes at the foot of my road and goes out the back road and goes out into the big Baldwin barn.

PICKARD: You were there Thursday night and Friday. Did you notice anything about what wagons were on the barn floor at that time?

HENCHMN: No. I think — it seems to me as though Mr. Dean's little gig was back in sort of a little alcove he has on his barn floor. I think that's the only one there in the barn at that time.

WITNESS DISMISSED

MARTIN P. GARFIELD

Direct Examination by Mr. Pickard

PICKARD: Where do you live at?

GRFIELD: I live about two miles north of East Jaffrey on the Dublin Road.

PICKARD: Near Mr. Dean's place?

GRFIELD: Well, it's close, about a mile on a different road, but I can see his buildings plainly from my house, right across.

PICKARD: How long have you lived there?

GRFIELD: I've lived there most of the time for forty-three years.

PICKARD: Can you see the big house?

GRFIELD: Yes, I can see it plainly now. When the leaves are on sometimes you can't see it, or can't see it quite so plainly with the leaves on the trees.

PICKARD: Did you live there at the time the Colfelts were occupying the big house?

GRFIELD: Yes.

PICKARD: Now, will you tell the jury about any mysterious lights you may have seen coming from that place at any time?

GRFIELD: I can't say that I ever saw any lights coming from that place.

PICKARD: The place is in plain view from you when the leaves are off the trees?

GRFIELD: Yes. It might be on the other side of the house. I can't tell, but I saw lights at different places, but I didn't see any lights I could swear that came from there.

PICKARD: Did you see any that came from a place in that vicinity?

GRFIELD: No, I didn't see them within quite a distance off.

PICKARD: You knew that lights had been rumored as coming from there?

GRFIELD: I had heard so.

PICKARD: Did you at any time specially look to see whether you could see lights from there or not?

GRFIELD: I didn't, no. Yes, I did. I watched it some. I

saw lights from other places. I didn't see any that came from there.

PICKARD: From other places?

GRFIELD: Well, there was a hill up back of Dublin and over on the East Mountain I saw several times. First I thought it was heat lightning. I watched it carefully and I saw it fixed right over on the East Mountain. It would be flashes, and afterwards I saw, I would say it was sort of a balloon, and I thought it was a little bit northeast of Peterborough, up in the sky.

PICKARD: What size light did it appear to be? Did it look as large as one of those lamp bulbs if that was lighted up, or larger?

GRFIELD: Well, I couldn't say exactly, but I could see it move. It was quite a light.

JURYMEN: Like a very bright star?

GRFIELD: Yes, like a very big star, only it was like a balloon. You could see it twinkle and I saw it move. I watched it carefully.

PICKARD: What time of night was that?

GRFIELD: Half past nine or ten o'clock, I would say.

PICKARD: And did you at that time, or any other time when you saw lights, look at the Colfelt house to see if you could get any answering lights?

GRFIELD: No, I didn't.

PICKARD: But, as I understand it, you didn't see any flashes from the Colfelts?

GRFIELD: No, I didn't.

PICKARD: How well did you know Mr. Dean?

GRFIELD: Well, I had known him more or less for twenty-five or twenty-seven years.

PICKARD: Had you experienced any trouble with foxes?

GRFIELD: Yes, foxes kept catching my dogs and ducks at times.

PICKARD: Did you ever hear Mr. Dean complain about losing turkeys or poultry?

GRFIELD: Yes. He told me — I know he used to take them out, let them out, and watch them. He told me there was a place below his barn, they would go down there, and he thought there was a fox den there and the foxes used to catch his turkeys, quite a lot of them.

PICKARD: Did he ever tell you about any two-legged foxes catching them?

GRFIELD: No, he never did.

PICKARD: Did you ever hear Mr. Dean express any fear of anybody?

GRFIELD: No, I don't think I ever did.

PICKARD: Or find any fault with the Colfelts there on the place?

GRFIELD: Well, he might have said some little things, yes.

PICKARD: Tell me what he said?

GRFIELD: Well, he was fussing about how he didn't

have room enough for his things there, and he said Mr. Colfelt had the barn full, and Mr. Dean used to keep his turkeys upstairs in some of the stalls, and used to keep horses, and he kept his turkeys in there, and after Mr. Colfelt came he had to move them out in the cellar off the basement, and I went up there and sprayed all the stalls and the barn for him. Mr. Colfelt and Mr. Dean together got me.

PICKARD: Was it anything serious between those men?

GRFIELD: I don't think so, no. I've heard Mr. Colfelt talk to someone about him. May have been to me because he was out with his turkeys and his wife.

PICKARD: But did you ever hear him threatening Mr. Dean?

GRFIELD: No, I never did.

PICKARD: When did you first know of this murder?

GRFIELD: Well, it was about eight o'clock in the morning of the 14th of August.

PICKARD: Tell how you happened to hear of it?

GRFIELD: Well, I had been out in the morning doing some work and I came in and I hadn't eaten my breakfast when the rest of them had eaten their breakfast, and the children gone away, and I sat down to the table and commenced to eat my breakfast, and my wife called me and said that Mrs. Dean just telephoned and she said that Mr. Dean went to the barn last night at eleven o'clock and he didn't come back, and that she went out in the morning and called to him and she couldn't find or hear anything of him, and she thought he must have died out there.

PICKARD: That was what time?

GRFIELD: That was about eight o'clock in the morning.

PICKARD: Did you call up Mrs. Dean?

GRFIELD: No, I didn't call her up. I hitched up my horse as quick as I could and went up there.

PICKARD: What time did you get there?

GRFIELD: I would judge I got there at twenty minutes past eight.

PICKARD: Tell what you saw, and what you said, and what was said by Mrs. Dean or anybody else when you got there?

GRFIELD: Well, when I got there, me, and my boy went with me, he was thirteen years old, and when I got up there there was a man by the name of Smith and a little boy of about seven years old, Ingraham's little boy, and they stepped right out. And this Smith and the little Ingraham boy stayed there talking with her, and she saw me, and she said, "Oh, Mr. Garfield," she said, "this is terrible."

And she told me Mr. Dean came home from the village last night about half past nine, and he stopped to the house, and he got something that she had prepared, and he brought something home from the village with him to feed his little turkeys that were up

there in the barn, and after he had fed them he came back down to the house, and he had a little bite of supper, just a little, and then he took his milk pail and started — it was about eleven o'clock — and he started for the barn, and she described his dress, said he had on a pair of pants and just his jersey, it was very hot out, and took his lantern and his milk pail and went up there, and that was the last she ever saw of him. And she went up there in the morning and found his lantern. She didn't say anything about the milk pail, but said she brought his lantern down.

Well, I started off up there, and the other fellow had been there, he was haying for Mr. Ingraham, and the little boy, and got there a little before I did. I went to the barn to look all around, and after the barn the cellar, and looked everywhere, and the boys went up in the hay, and then we started and went around all the fields. It's quite a distance down and Mr. Dean, she said, had been feeling bad, his heart troubled him some, and his head, and she didn't know but that he might have fallen down the cellar stairs, or perhaps wandered off where he didn't intend to go, and I hunted there until — I guess I hunted there an hour and a half — and meanwhile I went into the big house to look all around there, and then I thought — I knew Mrs. Dean's mind wasn't all right, and I knew Mr. Dean's habits were such that he didn't get up until eleven o'clock or so, hardly ever, unless something unusual came up, and so I went down to the house and I asked her if she had any objection to my looking around the house.

I didn't know but Mr. Dean might have been in bed and she might have got some idea in her head that he wasn't around there. I went into the house and looked the house all over carefully, went upstairs, looked in his room. She told me before that his bed wasn't made. And I looked the house over carefully, and came out to look into the well right there near the house. I thought possibly he might have stepped off the piazza there and made a misstep and might have plunged into the well head first.

It isn't a covered well, it's a well with a little wall around it, but right in front of it, perhaps a foot and a half high, and it was just a step or two from the piazza, perhaps as far as from here to that chair, and I thought possibly he might have gone there to the well for something and might possibly have pitched over in. And then I went up and we hunted some more, and came back by the house, down toward the mail box. I thought possibly he might have gone by the house.

And when I came back she was in the driveway and she said, "Mr. Garfield, I wish you would come in a minute. I want to see you." I stepped in and she said, "Mr. Garfield, I think that Mr. Dean is dead." She said, "It's pretty nearly twelve hours since he went

away," and she said, "I want to give you those little turkeys." She said, "I can't take care of them." But, I said, perhaps we'll find Mr. Dean, to wait a while and see. I asked her what she fed them on. She said she cooked something. I said if she would cook something and bring it to the barn, I would feed her turkeys.

Then I went up to the barn and I sat down to rest me a few minutes on that little porch there where the door opens out of the barn, and I happened to be looking down on the ground in front of me and I saw a little blob of blood right on the ground, and there was a little hay there and some of the hay was in the blood. And that little Ingraham boy, the boy who was seven years old, he saw it about the same time as I did, and he sat down and picked up a spear of that grass and held it up and he said, "What do you call that?"

And I was pretty well satisfied then that something had happened to Mr. Dean, and I said, "Well," — I didn't want to alarm a little boy, and my little boy was there, he was thirteen years old — and I said, "I guess Mr. Dean killed a chicken or something." I looked around there a little and I saw blood on the stoop there and I thought I saw some spots on the door, but I didn't say anything to them about it, didn't want to scare them.

I told the boys I guessed that I would go up to the house. I'd waited for Wellington long enough — we called the selectmen — so the little fellows and I went in and I called Mr. Coolidge. I just told him that Mr. Dean went to the barn last night at eleven o'clock and he hadn't come back and couldn't be found.

So he told me that he would be up there pretty soon. Meanwhile I was hunting around carefully. Well, they came there and I made up my mind then that he wasn't far off. So Mr. Hogan and I went around one way, a little ways down the hill, and the rest of them went some other way, and I told Mr. Hogan meanwhile I thought we had better look in some of the wells, I didn't think he was a great ways off. And he thought it would be a good plan, too.

So when we came up around, we came around one end of the barn and Mr. Coolidge came around the other, and he said, "I tell you what it is. We've got to have a lot of men and look this farm all over." I told him, I said, "I don't think you will have to go a great ways. I know Mr. Dean couldn't walk a great ways because his legs troubled him. He couldn't go up or down or over to the hill because it troubled him a good deal to walk."

So we went to the well a little ways south of the barn, and there was a pole there twenty feet long, and I think I took it and went up there to the water cistern and checked it down in there, hooked the bag

that had the stone in it the first thing, and I made up my mind he was there, and I pried away in the cistern until I pried the body up, what I supposed was the body, and I was tired and thirsty and I stepped down cellar in order to get a drink of water, and Coolidge took the pole, and then Enos came along, the acting Police Chief, and he told Enos, he said, "I guess he's here all right."

Well, then, the next action was to find out. I had noticed while I was hunting there was a thing they used for ice, has a handle five feet long and a hook, and a board on the end of it, and I told Smith, I said, "Where did we see that this forenoon?" And he said, "Down in the barn." He went down to get it and we were just going to pull Mr. Dean up, and just about that time the fellow that works for Stratton, they call him Mutt Priest, and Charlie Stratton came along.

And we were just going to pull him up, and just then Mrs. Dean came up the road with her basket on her arm. She had forgotten about the turkeys. And we were just going to go down in, and I told the boys, "You wait until she gets out of the way." And I told Mutt, I said, "You better go down to the barn and get her out of sight, and feed the turkeys."

And Charlie Stratton got down into the cistern and stood on some of the bricks, and Enos and I held on to him, and first we pulled up the feet and the legs, and we saw then that they were tied with a rope, wrapped around his legs between his knees, and his ankles tied very tight.

And then we let him down and I said, "We better look at the other end." Then he got hold and pulled him, and pulled him up, and we saw his hands tied behind his back, and we saw the bag and the stone in it, and we saw his head was covered up with a short sack over his head, and someone spoke about taking him out, and I told them he better stay there until the coroner got there.

And pretty quick, I think that the next man that came along was Mr. Rich. He came up there and sat around the bank and was talking and he mentioned, I thought he said Mr. Dean complained to him a good deal about the turkeys and foxes catching his turkeys, and he thought Mr. Dean was a good deal more nervous and made a good deal more fuss about it than anybody naturally would. Commenced to talk that way as though he thought it was suicide.

I asked him why he thought a man would tie himself up that way and get into that cistern, and he didn't know possibly but what a man might. "Well," I said, "it seems to me a man with his hands tied behind him and his legs tied together, and a bag all around and a rock, he must be a pretty smart man to get in there and put that cover on in good shape so nobody could see it." That's what struck me.

Then as he stood there, he probably wasn't as far

as from here to that chair, and as he faced me I noticed he had a mighty black eye. I said, "Well, Mr. Rich, you got a mighty good crack in the eye some way." "Well," he said, "I got it in a very simple way." He didn't tell me how. Then he spoke again and he said Mr. Dean was down to his place at half past ten. Said he didn't see much of him as he was holding a hot water cloth up to his eye.

About that time Mr. Rich, well, he told me then at the time he spoke about his being in the cistern that he might have committed suicide. I said, "If you have any doubts about it, if you think a man could do it tied up that way, we'll pull him up to the top of the water and let you see." He said, "I don't care to see him." Mr. Rich then said something about the night before, or something, and he or somebody else went down to the barn.

And just then I saw Mrs. Rich and her sister, Miss Hodgkins, come along up the road and I didn't know as they knew about it, and I stepped over and told them. Coolidge was down there, I suppose, telephoning for the coroner, and I just mentioned to her we had found him in the well, and she said she knew it. And she went down toward the barn.

I noticed that I saw Miss Hodgkins shake hands with Mrs. Dean. And then I didn't stay around there. I hadn't eaten my breakfast and it was pretty hot and I had been working all the forenoon, and walking around, and it was pretty hard work for me to do that.

So I went home, and there was a pretty big thunder shower that afternoon, and after the thunder shower I was eating supper and I said to my little boy — I knew he was kind of frightened — I said, "Roger, did you notice any blood there on the ground and on that porch?" He said, "Yes, I did." And he said, "I noticed more on the inside of the doorknob on the inside of the barn and I noticed good, big fingerprints on it." I hadn't seen that and I tried to telephone Mr. Coolidge but the lightning put my telephone out of commission, and the next morning I started down there early to see Mr. Coolidge, but he had gone to Concord.

So that's all I know about it. I didn't go up there in the afternoon, but I think about Friday I was up in the field there and Wellington came up there and he asked me certain questions and I answered them. And I saw by the way he asked the questions that his lead was that Mrs. Dean did it. I told him I didn't think Mrs. Dean did it, and then Sunday Mr. Emerson and Scott came around to see me and I noticed that when they talked, every once in a while the conversation led around that Mrs. Dean did it, and I knew she didn't do it, and I told them so in pretty plain language, too. I didn't know who did it, I never told them who I thought did it, but I knew she didn't do it.

PICKARD: You were pretty well acquainted with Mr. Dean and his family?

GRFIELD: Yes, I was well acquainted.

PICKARD: You never heard of their having any trouble?

GRFIELD: No, sir. Nice people, both of them. Thought everything of each other.

PICKARD: There's one thing I meant to ask you, but you told your story so well I didn't want to break in. When you saw Mr. Rich and noticed his black eye, what else did you notice on his face?

GRFIELD: I noticed he had a pretty bad crack down here, and there was quite a bruise there, and seemed to be a place down here, a little bit on the right ear there. Seemed to be a kind of little bruise right there, and on the ear here there was quite a scratch.

PICKARD: Did he tell you at that time how his black eye got there?

GRFIELD: No, he didn't tell me.

PICKARD: When you were there that day and noticed this blood on the doorstep and on the grass, did you notice any on the doorknob?

GRFIELD: I didn't notice it on the doorknob. It was on the inside of the door.

PICKARD: Did you notice any scratches on the step where you sat down?

GRFIELD: I noticed the scratches, some scratches I saw where I sat down. I didn't know what it was.

PICKARD: Do you remember what board those were on?

GRFIELD: I couldn't say. I just sat there looking, and I remember thinking it was kind of funny. I just saw those two or three marks there, like as though something had scratched, like that.

PICKARD: And did you notice any marks anywhere else except those?

GRFIELD: Oh, no. I didn't notice any.

PICKARD: Do you know Mr. Colfelt's habits of driving around late at night?

GRFIELD: I knew he was driving around nights a good deal.

PICKARD: How?

GRFIELD: I used to hear the automobile go by, and it woke me up. Sometimes I wouldn't be up, and sometimes I would. I remember hearing an automobile and thought it was kind of funny. I know one night I sat out under the trees, it was a pretty hot night, this was some time about the first of May, I guess this time was, and I know in the spring he was driving around, and I noticed as he came up the drive I could see the lights shine on his house.

PICKARD: You saw the lights shine on his house? What lights?

GRFIELD: The lights from his automobile. He was coming up the drive, which he would come up there

toward the house, and I saw the light shine up onto the house and over the house.

PICKARD: Could you see that from a mile away?

GRFIELD: Yes, you could see it plainly.

PICKARD: The lights were sufficiently powerful to light up the large house, simply a lamp light on the automobile?

GRFIELD: I could see them from my place in East Jaffrey. You can see them in the road coming sometimes.

JURYMAN: Did you notice that morning when you went out anything in regard to the roads? There could have been automobiles or teams or anything over the road the night before. Did you pay any attention to the roads whatever?

GRFIELD: I didn't pay any attention to it. I was in a hurry that something might have happened to Mr. Dean, didn't know but he fell down stairs or something, and I thought if he was in trouble I needed to help him out.

JURYMAN: Didn't notice where an automobile had turned around, or anything unusual whatever?

GRFIELD: No, sir, I didn't, only the man that was with me said there was a big car turned out of the road down to the place where there used to be a lane come up to the barn. Said there was a big car turned out at the side of the road. A car down from East Jaffrey way. But I didn't see anything.

JURYMAN: And that storm that afternoon did away with all traces of automobiles?

GRFIELD: Yes.

JURYMAN: You stated that you knew Mrs. Dean didn't do it. How did you come to that conclusion?

GRFIELD: If you had seen the man when he was taken up, you would have known that no one man or any one woman did it, or two women.

JURYMAN: You seemed to gather the impression that Mr. Wellington and someone else you mentioned was working on that idea she did it?

GRFIELD: Yes, they appeared to be. Kept asking me questions. Asked me if Mrs. Dean ever said anything about him being in deep water, or a place where the bottom was smaller than the top. Quite a lot of such questions. Kept bringing those questions in. They would ask me other questions but I knew what they were leading up to all the time, and I positively knew, and I know, that no woman could ever have done any such thing as that.

PICKARD: Did they ask you about Mr. Colfelt, or about Mr. Rich, or anything of that sort?

GRFIELD: I don't think they did. I saw Mrs. Colfelt more or less when I worked there and put in the water drain under the barn, put in the one that was there and led up from there. I saw quite a little of Mrs. Colfelt. She used frequently to come down there. She was very kind, used to give me a cup of

coffee. It was December I was called in there and there was quite a snow storm. I was there for more than a week.

PICKARD: Ever any trouble between the Deans and the Colfelts when you were working on the place?

GRFIELD: No, I never heard of any trouble. I knew they were kind of fussing about each other some, but nothing only Mr. Colfelt didn't have room enough for things he wanted there.

PICKARD: It wasn't a very big barn, was it?

GRFIELD: No, it wasn't a very big barn, and, of course, he had to clean it when Mr. Colfelt came. He had his automobile one end of the barn, and I know he had his carriages, harness and saddle and other things, and when Mr. Dean or anybody else around there — he left his turkeys running around there — but he put them down cellar after Mr. Colfelt came there.

Mr. Dean told me when I was there that Mr. Colfelt was coming there the first of May, and I thought he appeared to be quite pleased. Then one night Mr. Colfelt went to the village. It wasn't very good traveling and he got stuck down about a half a mile from the house, down on a flat piece of road, and he got me to go to help him get out, and going home I noticed that I hadn't seen so much of Mrs. Dean as I used to. I just saw her standing in the door, and I asked him, I said I knew her mind was weak and failing her and I asked him about Mrs. Dean, and he said just she was a beautiful woman, and he said no man should bring such a beautiful woman, fond of society and such things, up into a place like this. That's the most I ever heard him say.

JURYMAN: You spoke of seeing the automobile light shining on the house there coming up the grade. Was the grade steep enough so the lights would shoot over the house?

GRFIELD: No, they wouldn't shoot over the house, but it would light up a little and I could see it kind of light up. I remember of times — this was along in May, this was along the first of May, I guess — I could see he could run his car in good shape. I knew he was running around quite a lot the fall before.

I went up there the fall before when he brought his horses and cows on. He came there about a year before, and I went up to mow the grass around the house and afterwards mowed all the grass — there was quite a field, three or four acres, and his house wasn't far from the middle of it — and I helped him mow. That I could do. And Mr. Colfelt helped too. They wanted to get cleaned up around there and they couldn't get anybody to do anything, so I went up there to help mow.

JURYMAN: From your own knowledge of the Deans, can you think of anything that would be a motive for the killing of Mr. Dean?

GRFIELD: Of course, I don't know, but I imagine he knew something that somebody else was afraid he would tell about. That's what I kind of feel why he was hurt.

JURYMAN: Do you think it at all strange for a man of Mr. Colfelt's habits, that he should be driving around in the night?

GRFIELD: I don't know. It might and it might not. There was a good deal of boarding going around in this county about that time and you couldn't always tell who was who, I would say.

PICKARD: Now, to pursue a matter you just spoke of a little further, you said from what you had seen or heard that Mr. Dean had something that somebody else was afraid of. Now, what had you seen that would lead you to that conclusion?

GRFIELD: I couldn't say I had ever seen anything, only as I had thought there was something sort of mysterious going on.

PICKARD: Just what do you mean by that?

GRFIELD: Well, as the wife told me once, she said that they were there, she said, to make a call — it was along in the fall — she said they were over there, they had a daughter going to school down in Cambridge and they wanted to be near her at the time. I thought it was rather strange. They could be kind of funny, and I thought several times he appeared to be very nervous at times. I went up there and he was very nervous when I went up to spray out his horse stalls, very nervous indeed, and pretty cranky. And when I got up there he was swearing a blue streak, something about his automobile, and I thought he made a good deal more fuss about it than there was any need of.

PICKARD: Anything else?

GRFIELD: I don't know as I know anything. I couldn't say that I ever saw any lights up there.

PICKARD: Ever hear any mysterious noises, or anything like that, up there?

GRFIELD: No, I never did.

PICKARD: And is that all you saw that would lead you to believe that Mr. Dean knew something that somebody was afraid he would tell?

GRFIELD: Well, I had had a hint that there was somebody watching Mr. Colfelt before that.

PICKARD: But did you see anybody watching him?

GRFIELD: I didn't see anybody, but as near as I could find out, there was a fellow there working that was kind of looking after him a little. I saw him, he was around here two or three years ago, he was down at the Baldwin place, and the first time I ever saw him he came to my house hunting after a couple of dogs. That's the first time I ever saw him. I just barely saw him then, to speak to him. I met him once afterwards in the road and he spoke to me.

PICKARD: Did you ever go into his cellar at his big house?

GRFIELD: Yes.

PICKARD: Anything in there?

GRFIELD: I saw quite a large box in there.

PICKARD: What kind of a box?

GRFIELD: I would judge it was as long as that, and perhaps as high as that. I remember particularly the reason I noticed it. I was selling milk and vegetables and such, and we hated to ask him his name. I did ask him and he spoke his name once, so I noticed on the box how his name was spelled so that when I made out my bill I could get it right. His name was on it, just kind of printed on.

PICKARD: Was there anything else in the cellar that attracted your attention?

GRFIELD: I didn't notice anything. I wasn't looking for anything at all. I just went in there to get a drink of water and I saw it afterwards when I cleaned up the horse stalls, and I cleaned up some old rubbish he put into the cellar, and I noticed that box then.

PICKARD: How would that compare in size with a Victrola box?

GRFIELD: Well, I don't hardly know. It seems to me it was larger. I don't know how large a Victrola might be.

PICKARD: Well, I mean a large-sized Victrola. You've seen them at various places, haven't you?

GRFIELD: Stand about so high?

PICKARD: Yes.

GRFIELD: I don't think you could have gotten one of those in there. I didn't pay particular notice to the box. I saw the name on it, and that was what I was looking for.

PICKARD: And is that all that you saw and noticed?

GRFIELD: Why, I had noticed when I went up there in the barn that fall, I noticed one of those hand weeders in there and I took it out. It was in an old keg with some old worn shoes. It sat to one side there, and I took it and laid it up on the ladder as you go into the loft, right near this door that you open out on to the porch.

PICKARD: Would you recognize it now, do you think?

GRFIELD: I don't know as I would, but I know it was a hand weeder.

PICKARD: Open that paper and look at that and see if it was something similar to that.

GRFIELD: I wouldn't swear that was it. I took it and laid it up to get it out of the way when I cleaned up. I was up there near the first week in May to get a couple of loads of manure, Mr. Dean gave me the manure, and when I was going up I lost my fork and I went into the barn to get a fork.

Nobody was up. Neither Mr. Colfelt or Mr. Dean was up. It was before seven o'clock in the morning, and I noticed that weeder was right there where I

had laid it. Mr. Dean might have used it afterwards. I couldn't say. But he told me, along some time in July I talked with him, and he wanted I should mow some grass around some trees about the first of July, I think they were going to spray off gypsy moths, and he told me he didn't get anything planted at all. I couldn't say that was the one that was there. It seemed similar to that.

PICKARD: Were there any tools in there?

GRFIELD: I couldn't say there was anything. There was a curry comb and brush tucked in on that ladder where this one was.

PICKARD: Where did he keep all his forks and things like that?

GRFIELD: There was a fork up there behind the horses, and there was a shovel or two down on the barn cellar, so when it was dry he had a pretty good place in the barn cellar where he used to keep irons and feed, and he kept a horse down there in the box stall, and tools, a good many of them were down there. And at the woodshed at the house, I saw one that morning. Might have been an old one up to the barn. I don't know.

PICKARD: That was in the forenoon you were up there?

GRFIELD: Yes, I left there about half past twelve.

PICKARD: Anything further from Mr. Garfield? Well, that's all.

WITNESS DISMISSED

H. F. WHITEHEAD

Direct Examination by Mr. Pickard

PICKARD: How long a while did you know Mr. Dean?

WHTHEAD: Why, he had been there a good many years. I had been over to his place two or three different times. I knew him personally. Got well acquainted with him, that is, to talk with.

PICKARD: Now, what, if anything, do you know with reference to the lights that have been seen around Jaffrey?

WHTHEAD: Why, a year ago last March, about the third week in March, I had been to the moving pictures and as I was going home I happened to glance over that way, which you can see very distinctly from one spot in the road there, and I noticed those lights. They were in the Deans' new house, that is, where Mr. Colfelt lived.

PICKARD: What side of the house were they in?

WHTHEAD: All around.

PICKARD: Won't you describe those lights that you saw?

WHTHEAD: Why, the first that I noticed I thought there was somebody walking back and forth in front of a light and I stopped and I made up my mind it was

a large searchlight, and it was pointing a little south-east, I would think, towards the Wachusett Mt., from where the house was located, and I noticed that it was a kind of a code, but instead of the slide going up and down, it was shooting crosswise, so many slides back and forth, and then a pause.

I stood there possibly fifteen minutes and watched it. I never said anything about it to anybody outside at the time, but I made the remark to my wife when I got in the house, of what I had seen, and it wasn't but a short time afterwards before I found that other people had seen the same thing, not that one night alone, but other nights.

PICKARD: What time of night was that?

WHTHEAD: This was about half past ten.

PICKARD: And how long did that continue?

WHTHEAD: Well, I couldn't say because I stood there and I don't know how long they had been going when I came along, or how long they continued after I went home. I stood there, I would say, fifteen minutes.

PICKARD: Where were you when you saw it?

WHTHEAD: I was on the Main Street leading to Jaffrey Center. Where Dr. Sweeney's residence is there. I was just beside his house.

PICKARD: And did you notice whether anybody else was out that night or not?

WHTHEAD: I think that the Doctor and his wife, both of them, noticed it that same night, but I wouldn't be positive of that fact.

PICKARD: Anybody moving along that street could see the lights flash?

WHTHEAD: Yes. That's the only point there where the buildings show up to any degree at all.

PICKARD: Well, now, did you see any answering flashes from anywhere?

WHTHEAD: No, sir, I couldn't. In the direction that light was playing in, you couldn't see any answering in that direction.

PICKARD: How far do you suppose that light could be seen?

WHTHEAD: It could be seen fifteen or twenty miles.

PICKARD: And that means a pretty powerful light?

WHTHEAD: It was a pretty powerful light. It looked to me as though it was a large automobile light.

PICKARD: An electric light?

WHTHEAD: It was bright enough for an electric light, yes.

PICKARD: Came from the windows of the house? Upper or lower?

WHTHEAD: It came from the first floor.

PICKARD: Do you know whether Mr. Colfelt or anybody who lived in that house ever had an electric flash light or not?

WHTHEAD: I didn't know it at the time, but I have heard since that they have.

PICKARD: Where did you get that knowledge?

WHTHEAD: Oh, from different ones who had been over there after they moved away.

PICKARD: Have you found anybody who has seen the electric light or flash light?

WHTHEAD: I understand they have it in their possession at the present time. I'm not positive.

PICKARD: Who have?

WHTHEAD: The Federal authorities.

PICKARD: Do you know where they got it?

WHTHEAD: Out of the automobile.

PICKARD: Have you ever been there to the house to see whether the house is wired in any way?

WHTHEAD: No, sir.

PICKARD: Do they have electric lights there at that house?

WHTHEAD: No, sir.

PICKARD: So if it is an electric flash light it must have been run by electricity manufactured there or stored there?

WHTHEAD: Storage battery, yes.

PICKARD: Had you ever heard anyone say they had seen a storage battery there?

WHTHEAD: No, sir.

PICKARD: Did you ever hear anyone say they had seen this electric light?

WHTHEAD: Not there, no.

PICKARD: Did you ever hear anyone say they had seen it anywhere? I mean the flash light itself, not the rays, but the light?

WHTHEAD: I understand they got possession of the whole of it.

PICKARD: And by them, I suppose you mean Messrs. Valkenburgh and Weiss?

WHTHEAD: Yes.

PICKARD: Now, is there anything else you can tell us about this light? Did you ever see it again?

WHTHEAD: The only thing I can say is that I understand in the other part of the house, that would be on the opposite side, there is a window that the glass is all stained from the effects of this light through this glass where they would throw this light on Temple Mt.

PICKARD: Now, did not you say it was on the other side of the house?

WHTHEAD: Yes, I would say it was on the south side.

PICKARD: And that the effect of the light would be to stain the glass on that side where you saw the light?

WHTHEAD: It was in the door. It was a big double door where they had it set.

PICKARD: They didn't throw it through the glass that night?

WHTHEAD: No.

PICKARD: Could you distinguish, at that distance, whether it was in the doorway or not?

WHTHEAD: Well, that's the only way you could distinguish was that the doorway was in the center of the

house and this light was about in the center of the building.

PICKARD: Are there any windows along on the same floor?

WHTHEAD: I think there are two on each side, if I remember right.

PICKARD: Can you tell us definitely whether this light was flashed from the door or out through those windows?

WHTHEAD: I couldn't make a statement positive about that fact.

PICKARD: How far were you from the lights when you saw them?

WHTHEAD: I would judge from about two miles.

PICKARD: What kind of a night was it?

WHTHEAD: It wasn't a clear night, and it wasn't a stormy night. A regular spring night. The last of March. The same as we have along the last of March.

PICKARD: Could you see the house at all?

WHTHEAD: I could see the outline of it.

PICKARD: From that distance, two miles and a half?

WHTHEAD: Yes.

PICKARD: Let me see if I get it clear. Do you want us to understand it was through the doorway or through the windows that the light was flashing?

WHTHEAD: Through the door.

PICKARD: You are positive of that? And positive it was from the first floor?

WHTHEAD: Yes.

PICKARD: You said it was intermittent flashes. Just what do you mean by that?

WHTHEAD: There would be so many pauses, and then the slide would go across, the same as a signal code.

PICKARD: Would the light be flashed off, or as though a screen came in front of it?

WHTHEAD: The way it looked to me, there would be a screen that would slide by and shut this light off.

PICKARD: Have you any idea what that slide was, whether it was a door closing?

WHTHEAD: It didn't look to me like a door. It looked more like a slide.

PICKARD: Now, did you ever see it at another time?

WHTHEAD: I never happened to notice it at another time.

PICKARD: Is that all you know about the situation?

WHTHEAD: Yes.

PICKARD: Any questions?

JURYMAN: The Colfelts were under suspicion, to your knowledge, before that time?

WHTHEAD: No, sir. Not to my knowledge.

JURYMAN: This was the first intimation you had of anything of the kind?

WHTHEAD: Yes.

JURYMAN: You didn't report this to the authorities?

WHTHEAD: No, sir.

JURYMAN: And you could tell whether the light was in the center of that house, or whether on the first story or the upper story?

WHTHEAD: Yes. Where I live, in about two minutes' walk I can go out there and see that house. In the morning I see it every time I look over there. There's nothing to hide it. It's a good, clear view.

WITNESS DISMISSED

JURY RESTS UNTIL 2:00 P.M.

ALBANY PELLETIER

Direct Examination by Mr. Pickard

PICKARD: How long have you lived in East Jaffrey?

PELLETR: Twenty-five years come the sixth of next May.

PICKARD: Do you know Mr. Rich?

PELLETR: Yes.

PICKARD: Do you know Mr. Ed Baldwin?

PELLETR: Yes.

PICKARD: Do you know Rich's horse?

PELLETR: Yes.

PICKARD: What kind of a horse is it?

PELLETR: I would call him kind of brown. I don't know. I would call him a chestnut horse, white face and white legs.

PICKARD: What is your business? What do you do?

PELLETR: I do everything. All kinds of work that I am called for.

PICKARD: Did you ever work at Bean & Symonds Mill?

PELLETR: Yes, I was watchman there last year.

PICKARD: Were you watchman there on the 13th of August, the day Mr. Dean was killed?

PELLETR: Yes.

PICKARD: What time do you go to work there?

PELLETR: Six o'clock at night until seven o'clock the next morning.

PICKARD: Were you on duty there the night of August 13th last?

PELLETR: Yes.

PICKARD: Did you see Mr. Rich's horse that night?

PELLETR: Yes.

PICKARD: Where?

PELLETR: Right down there by the sawdust chute.

PICKARD: What doing?

PELLETR: He was doing nothing. He was tied up there to the post and Mr. Baldwin was filling up some bags with sawdust. Ed Baldwin was.

PICKARD: How many bags?

PELLETR: Well, as near as I can judge, he had between five to six bags.

PICKARD: And those bags were put in the buggy, were they, all of them?

PELLETR: Yes. Of course, I didn't mark what he had on the front of the seat, but he had one on the back and they were just so with his seat. There were three bags. I would judge he had between two to three on the front.

PICKARD: What time was this you saw him?

PELLETR: Nine o'clock at night I saw him.

PICKARD: How do you fix that time?

PELLETR: Well, I had to. I had to keep on time.

PICKARD: Was it dark or light?

PELLETR: Light.

PICKARD: Any electric light around there?

PELLETR: Well, we didn't have any in the shop. I had some in my battery room. Didn't have any out. It was light enough so I could see him plain.

PICKARD: You don't mean quite it was daylight?

PELLETR: Not so much as day, but enough so you could know anybody that was coming around.

PICKARD: Did you speak to him?

PELLETR: Yes. He said, "Hello, Pelkey." I said, "Hello, Ed Baldwin." And we always fooled together.

PICKARD: How did you happen to notice it was nine o'clock?

PELLETR: Because I had to know to start such a time, I had to get to my post. I carry my clock with me all the time, and I had to go every hour, and I always had the time from the clock I was carrying, you see.

PICKARD: How do you know it wasn't eight o'clock or ten o'clock?

PELLETR: Well, I suppose I could tell. Don't you suppose a man could tell?

PICKARD: Just how do you fix the time? You say it was nine o'clock. I am wondering just exactly how you happen to fix the time. Are you sure it wasn't eight o'clock?

PELLETR: I couldn't fix that clock. Nobody, only the superintendent, could fix the clock. He winds it every morning. Nobody else can touch the clock, only, you see, once in twenty-four hours, and when I went around to see Mr. Baldwin the clock was showing me nine o'clock.

PICKARD: Is that the clock that is fixed there at the post, or the clock you carry with you?

PELLETR: The clock I carry with me, hung with a key, fastened to the post.

PICKARD: And you have to set that clock at that time every night, do you?

PELLETR: Yes, once every night.

PICKARD: At nine o'clock?

PELLETR: Yes. I go around every hour. I go once every hour with that clock. As I go around every hour, you know, I went at nine and I would go again at ten o'clock, as you know.

PICKARD: Well, I may be stupid but I don't quite understand this clock. Now, for instance, you go at six o'clock.

PELLETR: Start in the first time at six.

PICKARD: And then you were at this same place again at seven o'clock?

PELLETR: Yes.

PICKARD: And again at eight o'clock?

PELLETR: Yes.

PICKARD: And again at nine o'clock?

PELLETR: Yes.

PICKARD: And again at ten?

PELLETR: Yes.

PICKARD: There is only one key and that key is right there at that post?

PELLETR: There are seven different keys and I had to go to seven different places on the hour.

PICKARD: But this key that was there is the one you used every hour?

PELLETR: Every hour.

PICKARD: Was Mr. Baldwin there at any other time after sawdust that you ever saw?

PELLETR: Yes, he had been before.

PICKARD: And has he been there since?

PELLETR: I don't know. I left a week afterwards.

PICKARD: Or whether he was ever there before with this same horse?

PELLETR: The same rig, when I was there.

PICKARD: What do you say about its being a low-spirited or high-spirited horse that Mr. Rich has?

PELLETR: Well, fair.

PICKARD: Did you ever see it kick?

PELLETR: No, sir.

PICKARD: Did you talk with Mr. Baldwin that night?

PELLETR: Yes.

PICKARD: Now, had you just as soon tell us about what you said, if anything?

PELLETR: I said he said hello to me, and I said hello to him, that's all there was.

PICKARD: Did he work there at the factory at any time?

PELLETR: Yes.

PICKARD: Working there at that time?

PELLETR: Yes, he worked that day.

PICKARD: I guess that's all, unless you gentlemen wish to ask some questions?

WITNESS DISMISSED

PETER E. HOGAN

Direct Examination by Mr. Pickard

PICKARD: You are one of the selectmen of the town of East Jaffrey?

HOGAN: Yes.

PICKARD: And were you a selectman last year?

HOGAN: Yes.

PICKARD: Now, when was it called to your attention that anything was wrong over at the Dean farm?

HOGAN: About as near as I can remember, I didn't look to see what time it was, but it was right around ten o'clock.

PICKARD: What date?

HOGAN: August 13th. That would be on Wednesday.

PICKARD: That would be the 14th?

HOGAN: The 14th, yes, that's right. Mr. Coolidge came to my place and he said that he just had a telephone from Matt Garfield and he was over to Mr. Dean's place and said that Mrs. Dean called him in the morning and said that Mr. Dean went out to do his chores and milk his cow the night before at eleven o'clock and hadn't been seen since.

So Mr. Garfield and one of his boys went over there and there was a fellow by the name of Arthur Smith, I think it was, he was over there at the time we went, and they had looked the place over pretty well, all around, and couldn't see anything of him, and so he telephoned to Mr. Coolidge for help to come over there, told him what he was there for, and so Mr. Coolidge came to my place.

I was at work there, doing some wood washing and I had my old overalls on and I said, "While you are gone upstreet I'll get ready to go back with you." So he went upstreet and got Mr. Enos, the police, and he came back and we got in the car and we went over there.

When we got over there we stopped at the bungalow, the first building we came to, to see Mr. Garfield, or whoever was there, and Mrs. Dean came out onto the porch there and Mr. Coolidge got out of his car to go over to see who was there, to inquire for Garfield, and he asked her if Matt Garfield was around. She said, "Mr. Garfield?" He said, "Yes." Well, she didn't seem to know what he meant by that, or something. She called him by name and then she said, "Mr. Dean went out to do his chores last night at eleven o'clock and he hasn't been seen since." And she said, "I'm afraid something has happened to him and I don't know but he may be dead. His heart has been bad sometimes and his feet bothered him, and he might have got down somewhere."

And then we went up towards what we call the big house, and as we got pretty well up there we met Garfield and Smith and his boy, and he told us how he had looked over all the buildings there, in the big house from cellar to attic, and in the barn from cellar to ridgepole, and all around down in the bungalow, and we asked him if he was in the cellar in the bungalow, and he said no. So they went down into the cellar of the bungalow and couldn't see anything there, and came up, and he said, "I have looked into the wells and the water cistern up there but I couldn't see anything in them."

So then, that would make six of us there, and we started to look around the bungalow, down in below

down there, and then we started kind of browsing right up there by the big house, and those trees and bushes that were there. What I thought was that he had got down but couldn't get up, something had happened to him.

So I thought we would look all around those walls and bushes and trees and farmland there, and we looked around there quite a while, and then we got separated all out and we wandered up to the barn there, and it was a very hot day and I was pretty warm and I sat under a tree there and I watched for the other ones to go around.

So Garfield's boy happened to be the first one that came, so I thought in my mind while I was sitting there, I guess it would be a good plan to look into those wells before I hunted around any more. So I asked the boy where this water cistern was his father spoke of, and he said, "That's up near the big house." So I said, "Let's go up and see it."

So we got started up there, and Mr. Coolidge came around the corner of the barn and he hollered to me and I turned around and I asked him if he saw any trace of anything and he said, "No, not a thing." I said I had started to go over to look this water cistern over, and he said, "I think we better look in there, and then if we don't see anything there, go down to the house and while there get a pole that will reach the bottom of the well and feel around."

So he said, "That's what I've been thinking." So we went up there and he and I had the cover taken off the cistern there when Police Enos and Garfield and Smith came around the big house there. So I asked Garfield if he had a pole to reach the bottom of this cistern. I knew he had worked there and would know about things. So he said yes, and he said, "I'll get you one." And he got one and put it down in this water cistern there, and felt around, and he said, "I feel something in there."

Coolidge was standing beside him and I was on the opposite side, and Coolidge took the pole and he said, "There's something there," and he said, "I wouldn't wonder if it was him." So I asked Garfield if he had one of those ice hooks, six or eight feet long such as they have, and he said, "Yes, there's one down in the barn." So he went down and brought that up, and he reached down and he couldn't reach down far enough, and by that time Charlie Stratton and Mutt Priest happened to be there, and he said, "Give me the pole. I can reach farther than you can." And he reached down and couldn't get it. And there was a pipe sticking up there, about three feet from the top. PICKARD: On the side toward the house, isn't it?

HOGAN: It's on the opposite side, I think. It's where the water seemed to go out. This pipe, I would say, was six inches in diameter. Charlie put his foot down on it, to get him down in there he put his foot onto

that, and reached down in, and he kind of slipped. And I caught him by the arms and I said, "Now you can reach down as far as you are a mind to. You won't go in unless I go with you." So he reached down in, and drew him right up, and he laid across the cistern like that.

He drew him up enough so we could see he was bound with ropes across his knees and his hands tied behind him and there was a bag tied around his head and fastened to his waist.

PICKARD: How much water was there in the cistern?

HOGAN: Well, as I remember, there was about six feet, five and a half to six feet of water. I guess this cistern is big enough, as probably you know, so that after you got down below the brick work, it spreads right out six or seven feet across.

PICKARD: Wide enough so he could lie on the bottom without having crumpled up at all?

HOGAN: Oh, yes. That's why he didn't draw him up just like that. So then we said, "That looks as if it might be him by his clothing." We couldn't see his face. So the one thing to do was to throw him back again, and then Mr. Coolidge — before we drew him up Mrs. Dean came up towards the barn so he went down towards her to take her towards the barn and not have her come by that way. So he went down there, and Mr. Enos, knowing we had found what we thought was him, he went to Mr. Coolidge and went down to the bungalow to telephone for the County officials, and we stayed there at the cistern.

So they went straight down to telephone, and called up, and Mr. Coolidge said he thought he would call up the bank first and have Mrs. Rich come up to look after Mrs. Dean as they were intimate friends, and then he would call up Keene. So he called up, and before he got an answer from the bank he said that Mr. Rich and his wife and her sister, Miss Hodgkins, drove up in the yard with Will Leighton in Will Leighton's car.

Then he called up the County offices there to get you, and came back up to the water cistern again. And while he was up there, before he got back, Mr. Rich happened to come along with some others. Mr. Garfield was down a ways and he was talking with him as he came along, and Mr. Garfield said, "I guess we have found him here in the cistern." Mr. Rich said, "I guess it's a case of suicide, isn't it?" Garfield said, "I don't think so. How could a man go to work and tie himself up the way he is, and a bag over his head and a stone in it, and the cover over the cistern."

PICKARD: Did you hear this talk between Rich and Garfield?

HOGAN: Yes, I heard this much of it. I heard that Garfield said, "If you think it's a case of suicide," he said, "I would like to know how a man could tie

himself up and get a bag over his head and a stone in the bag."

JURYMAN: Did he know there was a stone in the bag at that time?

HOGAN: I don't know as he knew there was a stone in the bag at that time, but he did afterwards, of course.

JURYMAN: He didn't say at that time "a stone in the bag"?

HOGAN: He might not have said "a stone in the bag," but tied up as he was and down in there and the cover of the cistern over him, he didn't see how any man could do anything of that kind. Then Garfield said, "If you would like to see him we could have him drawn up again, and he said, "No, I don't care to see him."

PICKARD: Let's see, when Rich made this statement about suicide, what did he know of the condition of Mr. Dean as to being tied up or anything like that, do you know?

HOGAN: I don't know. Mr. Garfield, he said, "I don't see," he said, "how any man could tie himself up the way he is tied, and a bag over his head."

PICKARD: But going back a little from that, what was the first statement Garfield made to Rich when he met him down there?

HOGAN: Well, the first statement I couldn't say just what the first was, but I heard Garfield say, "If it's a case of suicide," he said, "I don't see how a man could tie himself up and have a bag over his head and get in there and cover the cistern over."

PICKARD: But what I am wondering at, how much did Rich know as to Mr. Dean's condition, as to whether he was tied up or not, when he made this remark about suicide?

HOGAN: I don't know.

PICKARD: That is, you don't know whether Garfield had previously told Rich he was tied up or not?

HOGAN: I couldn't say. That's just what I heard. Then Mr. Garfield asked him if he would like to see him, and he said no. And there was quite a few around there at the time and some of them got started down towards the barn, and some of them had gone.

So when they got started down there, I was walking down, and Mr. Rich spoke about how he was at his place late the night before, and I asked Mr. Rich how he appeared, if he appeared any different from what he generally did before. He said no. He said, "I don't know much about it. I was treating my eye when he came in and he was in talking with the women folks more. I didn't talk with him much," and he said, "because I was bathing my eye."

And he walked down to the barn there and I was looking around the barn and this wagon was there that Mr. Dean used the night before, and Mr. Rich spoke about there being a blanket in the wagon when he drove up to his place the night before, and he

either told him — I won't say which way it was — either, "It's a pretty hot night, you better put the blanket on to keep your horse from cooling off," or something of that sort. So Mr. Rich said something about putting a blanket on the horse, anyway, but he didn't say much more about it while I was there.

PICKARD: Did you notice anything strange with Rich's face that day?

HOGAN: Yes, I saw he had quite a black eye.

PICKARD: And what else?

HOGAN: Well, I didn't notice very much. That's about all I saw of him that day at all. Pretty soon I got back up to the cistern again, and it was after half past twelve, or perhaps towards one o'clock at that time, and Mr. Coolidge said to me, he said, "I think that we ought to get our dinner some way," and he said, "so that when the County people get down here we'll be here." And George Wellington happened to be there and he said, "I'll stay until you fellows get back and both of you can go."

Mr. Coolidge had his auto there, and Mr. Rich was there when we started, and when we came back he wasn't there. As I remember, he wasn't there any part of the day after that. But when you people got down there, of course, I helped to get him out of the cistern there, and then I could see how he was all tied up, and the knots, I think we were going to untie them and Mr. Boynton said, "You better cut the ropes to keep the knots for witness." So that was done, as I remember it. Then this bag was taken off his head and we found there was a stone in there, and this rope was around his neck.

PICKARD: Do you remember whether it was once or twice around?

HOGAN: As I remember, it seems to me it was around twice.

PICKARD: Tied or not?

HOGAN: I don't think it was tied, unless it was tied just once. I couldn't swear to it one way or the other, but it appears to me it went around once and just once tied. But that's as I remember it.

PICKARD: All the selectmen, of who you are one, have had a very thorough investigation of the circumstances made with reference to the crime, haven't you?

HOGAN: Well, yes.

PICKARD: Now, assuming for a moment that Mr. Colfelt did it, his name has been mentioned in connection with it, what motive, if any, do you think he had?

HOGAN: Well, of course, I don't know so much, only what I have heard about that. What I have heard is that Mr. Colfelt and Mr. Dean didn't seem to get along very good at the last part of it. I heard he gave him twenty-four hours to get off the place, and as I have heard, why he gave such a short notice, he said

he was too good an American to have such a man as him on his premises.

PICKARD: That statement came from Mrs. Morison, didn't it?

HOGAN: I didn't hear her say it, but I heard Miss Ware say it, and she got it from Mrs. Morison.

PICKARD: Now, do you know anybody else who can put his or her finger upon any definite information relating to a quarrel between Dean and Colfelt except Mrs. Morison?

HOGAN: No, I don't know as I do.

PICKARD: And have your investigations brought out anything that would throw any more light on Mr. Colfelt's relations with Mr. Dean, other than what Mrs. Morison said, that you know?

HOGAN: Well, I don't know. Let me see. Of course, we heard, too, that he had a threatening letter sent to him.

PICKARD: Did you understand that was from Mr. Colfelt?

HOGAN: I don't know who it was from.

PICKARD: And Miss Ware was the person who furnished that information, wasn't she?

HOGAN: I think she was. I think he told her, Mr. Dean himself.

PICKARD: But do you know anything that would connect that letter up with Colfelt?

HOGAN: No, I don't.

PICKARD: Or with anybody else?

HOGAN: I couldn't say anything about that because I never saw the writing or anything about it.

PICKARD: Now, passing by the threatening letter and the information of Mrs. Morison, which has been given here about giving him short notice to leave, what other things are there that throw light upon any trouble between Mr. Colfelt and Mr. Dean?

HOGAN: Well, I think the only thing is that this Mrs. Morison was there the same Tuesday that he was murdered that night, so I have heard, and had a talk there and he told her, showing the different points, telling her about the lights, and she was interested in it. He had two different places there, as she said, where he had to look out, and one place he could see quite plainly to a certain point, and at another place quite plainly, and he told her that at twelve o'clock that night — or in the first place told her that he had seen those lights a number of times at both points — and he said that he would like to have a talk with the Federal officers.

He asked her when she would be going to Boston again and she said, "I'm going tomorrow morning." He said, "I would like to have you go and tell them to have a man sent up here as soon as they can with regard to those lights," and what he had been seeing. And she asked him why he hadn't sent before, and he said he didn't have everything right, to know what he

wanted to, before he called them up here, and while he didn't have everything just as he would like it, he knew he was right in a position to talk and knew everything about it that he wanted to before he saw them.

PICKARD: Now, that was the 13th of August, the day Mr. Dean met his death?

HOGAN: Yes, as I understand it.

PICKARD: And that was two months and eight days after Colfelt had left the place, wasn't it?

HOGAN: I couldn't tell you the date he left the place.

PICKARD: Assuming he left it the fourth or fifth of June, that would have made two months and eight days after he left the place. Now, did you understand from anything he told Mrs. Morison that Colfelt had been back on that place at any time since he left it?

HOGAN: I didn't hear as he said it to her, I heard only this, what he said. I think she asked him if he couldn't tell her, and he told her it was something too hard to tell any woman. It was a man's job, in other words. And he said, "Twelve o'clock." And after he said, "I'll come out and look at those lights and I'll call you on the telephone." She never got the telephone.

PICKARD: Of course, that's the information that came through Mrs. Morison?

HOGAN: Yes.

PICKARD: He didn't say anything like that to you, Mr. Dean didn't?

HOGAN: No, because I had no talk with him on the subject.

PICKARD: Do you know anybody else, except Mrs. Morison, that he ever talked with in that way?

HOGAN: Well, I don't know whether he talked with Miss Ware in that way or not, I couldn't say.

PICKARD: Miss Ware never told you he had mentioned anything of that sort to her, did she?

HOGAN: Well, I don't think she did. I heard her telling this, and whether she knew anything about it that went in with it, I couldn't say, but she was telling how Mrs. Morison was there that Tuesday.

PICKARD: Now, leaving out what Mrs. Morison gave and which she reported to the Federal officers, or Miss Ware about the threatening letter, what other things are there that Mr. Dean has said or done that would lead to the supposition that Colfelt was pro-German and that Mr. Dean knew of it?

HOGAN: Well, I couldn't say. Of course, I never talked with Mr. Dean on anything of those lights myself.

PICKARD: Do you remember when the Federal officers came to East Jaffrey, about a year ago now?

HOGAN: Yes.

PICKARD: And did they make reports to you from time to time as to the investigations they were making?

HOGAN: Well, not altogether. They would say a little

something about it, but we didn't know what was going on.

PICKARD: You knew they were looking to see if they would find any explanation of the lights?

HOGAN: Yes, and if they could find out anything with regard to the other murder part of it, they would take that up, too.

PICKARD: I am referring now to a year ago now, before the murder.

HOGAN: Before the murder?

PICKARD: Yes. Did you understand the Federal officers over there, according to Boston, had been there before the murder to investigate the lights?

HOGAN: I didn't know anything about it at the time, but I've heard there have been some up there, but I never heard about it until this came up.

PICKARD: Do you know anything about the lights yourself?

HOGAN: Not very much. I saw them once or twice, but that's all. My house isn't where I can see the lights. There's a little low hill of dirt around there so that I can't see only as I go outside, and I went up to Mr. Boynton's place one night as he told me he used to see them, and I was up perhaps two or three different nights. One night out of the three I saw them.

PICKARD: Is that the only night when you ever saw them?

HOGAN: I think it is.

PICKARD: When was that?

HOGAN: Well, that was along in the fall, along in September.

PICKARD: Last September?

HOGAN: I think so. I couldn't tell you just when it was, but it was somewhere along when it was getting cool weather. The nights were cool. Might have been the last part of September.

PICKARD: What direction were they from?

HOGAN: They were at what they call on the Temple range.

PICKARD: Did you ever see any lights, or anything that looked like lights, up around the Dean place?

HOGAN: No, I couldn't see the Dean place from my place.

PICKARD: Now, were you at the cemetery at the time when the body was exhumed and the imprint made upon a piece of paper of the wounds?

HOGAN: No, I wasn't there that time.

PICKARD: Assuming for the moment that Mr. Rich had some connection with it, as has been alleged, what, in your opinion, would be Mr. Rich's motive in the case?

HOGAN: Well, I don't know, I'm sure. Of course, it seemed as if Mr. Rich and Mr. Colfelt were quite friendly, and I don't know much about it, but it always looked to me as if this murder was committed to cover up a transaction, for some reason or other. It

looked to me it wasn't for any robbery, it wasn't for anything of that kind at all in the least. I couldn't say anything it was done for, unless it was to close his mouth for some reason or other.

PICKARD: Assuming for a moment that is so, and that Mr. Rich had some connection with it, what connection do you figure that he had with it, or what was his motive, if he had any motive at all? Do you think Mr. Rich, and you needn't hesitate to answer this because it's a secret of the Grand Jury Room, of course, do you think Mr. Rich had any knowledge of any pro-German activities that would lead him to commit a crime of this sort in order to get rid of Mr. Dean?

HOGAN: Well, I don't know hardly how that would be.

PICKARD: Let me put the question this way. Is there any evidence that you can bring before the Grand Jury showing Mr. Rich's connection with pro-German activities?

HOGAN: Well, there isn't anything I know of sure, of course. There's just this one thing. Mr. Rich and Mr. Colfelt were good friends, and on the other hand, Mr. Dean and Mr. Rich were. Now whether there was any of this German propaganda going along there, and Mr. Rich happened to be kind of in this a little, in a way that was all right at that time probably, and then the war came along and he couldn't come out very easily but still was in it some, and Mr. Dean was on to him.

PICKARD: Well, what evidence have you that that is true, assuming that it is true. Now, what evidence can you give me to place before the Grand Jury that that is true? What facts?

HOGAN: I don't know as there is any evidence I can give, only what a man would sort of figure out in his own mind. They were good friends, supposed to be, on both sides. Now, if Mr. Rich was in the wrong there and didn't see a way to come out clean enough himself before this war break would come, he would naturally help the fellow that would help let him off, if that meant close the other fellow's mouth, and that would show them both a good way to come out.

PICKARD: Assuming that inference is one you have arrived at, you must have some facts to reach it, but now, what facts have you to bring to us here that Mr. Rich and Mr. Colfelt were actually pro-German and that they wished to get rid of Mr. Dean if he knew?

HOGAN: Well, I couldn't say that there are. That's just giving it to you as I look at it. I don't say that they were, either of them.

Of course, when I was up to the house there the following day, up to the Dean bungalow on Thursday, that would be, I was up there in the morning. Of course, there were about five or six days we were there all the time, one or the other of us, a couple sometimes, so this morning Boynton and I drove up together and we were up there near the big house, as

they call it, and Miss Ware came up and said that Mrs. Dean was down there looking over all the letters, there's a desk there full of letters, and she said she wanted to put one into the stove which was of some value, some kind of money or something in it, and she said she was afraid that she might put in something there, some papers that were of value, and wanted to know if we couldn't get someone to go down there and look after her and see that she wouldn't put in any that would be of any value.

So Mr. Boynton was there and he said to me, "You are acquainted with Mrs. Dean more than I am," and he said, "you go down and kind of look after it." So I went down there and was right there in the back room near the corner where the desk was, and it was packed full of letters, and she was there, taking some out and looking some over, and then she would go to burn up some of them, and they were thinking perhaps this threatening letter might possibly be among them and she might get that.

So I went down there and I saw what she was doing, and there was a large pasteboard box there that would hold, I guess a bushel, and she said, "I want to get rid of all this old stuff. There are letters here seven or eight years old and it's no good to me now," she said, "and I want to burn them up to get rid of them."

"Well," I said, "put them right into this pasteboard box, Mrs. Dean." And I said, "I have a place for burning up this old rubbish and I'll carry them down when I go down to the village and burn them all up for you and save you the bother." She said, "That will be fine." So I helped her to get those letters out. I let her look them over all she wanted, and put them into this box, and I guess I was there perhaps an hour and a half or two hours.

And while I was there Miss Hodgkins was in the room pretty much all the time. She was dusting over here and over there, and would go out in the kitchen and come right in, and kept around in there all the time.

So when I got the letters all into the box and everything back the way that she wanted, it was near the door there, and at that time Mr. Boynton happened to drive around with his team, and what we kind of wanted to do was to get all those letters together and put them in a safe place so we would have them to look over and take care of them afterwards. So I took them up to the big house and put them up there. And Miss Ware was up there, and we looked over some of them to see if we would run across this threatening letter they were looking for. So the letters were all taken care of, and afterwards handed over to Mr. Davis, the guardian.

PICKARD: You never found the threatening letter, did you?

HOGAN: No, we didn't find it. So when I came in the afternoon there were a lot of people up around there, and this man who writes for the Post was there.

PICKARD: Mr. Baldwin?

HOGAN: I couldn't tell you what his name was. The man that writes for the Post. He happened to be there and he wanted to get a picture of Mr. Dean and I had been up there and I said, "There are some pictures up to the house." Looking over those letters we found pictures of him taken, one on his horse, in the horse rig, one taken alone, and by his horse. So I said, "I think I could go down and get one of those for you." He said, "I'll return it. All I want is to get a picture of Mr. Dean, and then I'll return it again."

So I went down and there happened to be two or three in there, in that room of Mrs. Dean, might have been three or four, I couldn't see just how many were in there. I didn't like to go in there before Mrs. Dean and get one of those pictures, thinking maybe she might not like it, so I went in the other way, into the kitchen.

Miss Hodgkins was just coming out of the kitchen and so I told her what I wanted, that this man wanted to get a picture of Mr. Dean and then afterwards he would return it, and I said that if Mrs. Dean walked out here with you I could get on in there because I knew just where they were. She said, "No. I wouldn't listen to him for a minute," she said. "Mr. Dean, if he was alive, he wouldn't have, and I know Mrs. Dean wouldn't," and she said, "I wouldn't listen to it for a minute. I wouldn't think of putting it into the paper." "Well," I said, "all right." So I went out and went back.

PICKARD: You understood that Mr. Baldwin wanted a newspaper story?

HOGAN: He wanted a picture to put in the newspaper with whatever he was going to write, I suppose. So I went back and I told Mr. Boynton and this Mr. Baldwin, if that's his name, that she wouldn't let me have it, wouldn't think of it. Then Charles Deschenes was there and he said, "My folks have a picture of Mr. Dean that he gave them one day, and you can take that if you want to. So I presume that's the way they got his picture. It was in the paper and I suppose they got it in that way."

PICKARD: Now, do you know of any arrests being made around East Jaffrey at any time while you have been selectman, with reference to this lights investigation, pro-German investigation? Ever any arrests been made?

HOGAN: For that reason?

PICKARD: Yes.

HOGAN: I don't know of any. Of course, I don't know anything about what the Federal authorities have been doing. They know about that and I don't. They

were on the job and I wasn't on that particular looking-up thing because that was their business and they knew how to do it and they were doing it. They can tell you about that.

PICKARD: Mr. Valkenburgh and Mr. Weiss were the two men who were there this last winter?

HOGAN: Yes. Of course, at one time, I didn't see them, but there were four or five of them there at one time. I think I saw three or four.

PICKARD: Now, is there anything further that you know of with reference to this matter?

HOGAN: Well, now, I don't know as there is anything more I know, anything more than perhaps some things I heard that probably you got from others. Of course, there is a little misunderstanding or something about the cigarette boxes.

PICKARD: Well, tell us what that is.

HOGAN: They told me when I came in here of the two boxes found in the cistern.

PICKARD: Do you want to see it?

HOGAN: Well, yes, I would like to see it.

JURYMAN: Did you ever hear Mr. Dean say at any time anything about getting a threatening letter?

HOGAN: Not myself, no. I hadn't seen Mr. Dean, that is, seen him driving up but not to talk with, for some little time.

JURYMAN: That seemed to be secondary?

HOGAN: Yes. I never got it from him.

PICKARD: Were you at the cistern that day when the cistern was pumped out and the cigarette box found?

HOGAN: No, at the time I was down to the bungalow. I wasn't up there when it was pumped out. I was up there when they were pumping it out but I left to get something they wanted, and I went down to the bungalow for it, and I went down and they pumped it all out and cleaned it out and they started away from there before I came back again.

PICKARD: Did you ever see either of the boxes, you yourself, ever see them?

HOGAN: No, I don't think I ever did, no.

PICKARD: Did you see the one Mr. Kent had?

HOGAN: I don't think I saw any of those cigarette boxes, or the one they were telling about they found in the well, some of them were telling. I saw that with somebody. It was a flat box, something about the size of that.

PICKARD: Now, in explanation I will personally state that there is evidence in the case that this is the box which was found in the cistern, that this was the box which Mrs. Bryant saw on the table and gave to Wellington.

HOGAN: This one?

PICKARD: This one. And that this was the one that was found in the cistern when it was pumped out.

HOGAN: Well, now, by what Mr. Boynton was telling me of it afterwards, one was taken out of the cistern

— of course, a little while after this had been there was some story going around about these cigarette boxes.

PICKARD: Well, what was that story?

HOGAN: I asked Mr. Boynton what box it was, some said a snuff box and some said a cigarette case. He said it wasn't a snuff box, it was a cigarette case, the box that was found in the cistern.

PICKARD: Did anybody say it besides Mr. Boynton?

HOGAN: I couldn't tell you.

PICKARD: What is Mr. Boynton's theory about that box?

HOGAN: He said he was there when it was thrown up out of the cistern and laid on the ground there somewhere twenty minutes or a little more.

PICKARD: Who finally took it?

HOGAN: I asked him who took it and he said he thought it was Mr. Walter Emerson, the Deputy Sheriff, and he said it isn't what they claim, a snuff box, it's a cigarette box. He said a snuff box is something thick, like that, and this wasn't.

PICKARD: Do I understand that the theory of Mr. Boynton and yourself is that one of these boxes went into Emerson's possession and another box was planted in place of it?

HOGAN: He said, "If that is the box," he said, "it must have been, it isn't the box that came out of the cistern."

PICKARD: In other words, Boynton accuses Emerson of destroying the box that came out of the cistern and substituting this in place of it, is that the case?

HOGAN: I don't know, but I'll tell you what Boynton said at the time. Not lately he didn't say that, but he said at the time, "This cigarette box had been around a great deal, it has been handed to this one and that one."

PICKARD: Can you name any person to who that cigarette box had been handed, except to your own detective Kent?

HOGAN: Some said George Wellington had it.

PICKARD: Which one?

HOGAN: I can't tell you. I didn't see it.

PICKARD: There is no denial of the fact he has had that cigarette case. Now, did you understand from your own records over that that he had this one or that one?

HOGAN: I can't say. Some said he had the box that came out of the well.

PICKARD: Did you hear him say so?

HOGAN: I don't think I did.

PICKARD: Can you bring forward any person who has heard Wellington say that he ever had in his possession the box that came out of the well?

HOGAN: Well, I couldn't say whether Mr. Emerson said Wellington had it. It almost seems as though he did. I won't swear to it, but it seems he did.

PICKARD: That he had the box that came out of the well?

HOGAN: That he had it, or had seen it, or something. It almost seems to me that Mr. Emerson said that he had it at one time. I have never seen it to know, only that Mr. Boynton said it wasn't a snuff box but a regular cigarette case that came out of the cistern.

PICKARD: Will you look inside of the box and see if you can tell by the condition which has been under water?

HOGAN: Well, this one looks as if it had been somewhere that the other one hadn't been.

PICKARD: Now, I don't want to confuse you, but hasn't all this evidence that you have with reference to these cigarette boxes, or snuff boxes, whatever they are called, isn't it just merely rumor and hearsay?

HOGAN: Yes, that's all it is, yes. I never saw them, as I told you to start with, only I hadn't seen the boxes and I thought I would like to see them.

PICKARD: Well, here they are. Now, leaving these cases, unless you have some other remarks to make about them. If you have any facts with reference to them, that there has been a plan of some sort, I think it ought to be revealed to the Grand Jury.

HOGAN: I don't know anything about it, only there is so much talk about those boxes and I had never seen them that I wanted to get a look at them, and thought this was a good place to do it.

PICKARD: Had you ever seen this cultivator?

HOGAN: Not that I know of, no, sir.

PICKARD: So you don't know anything about where that came from?

HOGAN: No, this is the first time I've ever seen it. I don't remember of seeing it anywhere.

PICKARD: Have any of the gentlemen any questions to ask of Mr. Hogan?

JURYMAN: I would like to go into that threatening letter a little more. Was there any evidence that he ever did have a threatening letter? Have you got any evidence that he ever had a threatening letter?

HOGAN: Well, the only thing we have heard of is that he told this to Miss Ware.

JURYMAN: And did Miss Ware tell in her testimony about that?

PICKARD: Yes. As I said, gentlemen, I think that the judge will allow the stenographer, if you desire to refer to any of this evidence during your deliberations, and if at any time any point comes up that you have forgotten during examination of any of these witnesses, just make note of it, and the stenographer will endeavor to find the testimony bearing upon that point and it will be read to you.

JURYMAN: I understood you to say that Mrs. Dean had burned several letters before you got there?

HOGAN: No. Miss Ware said she came on her when

burning a letter that had some money in it, or something of that sort, as I remember, and she was afraid she would be burning letters of value, or they might have some of those old things they had for keepsakes or something, or there might be some papers in there of value, and she was afraid she might possibly burn them up, and that she better have somebody look after it.

JURYMAN: You didn't understand she did burn any letters or papers of any kind?

HOGAN: I couldn't say sure, but it almost seems to me that she did burn one, or something like that. Either that, or she almost got it in there and she stopped her. And that's the reason she came up and wanted to see if we couldn't have somebody down there to look out for it. But I couldn't say she did burn any papers, but she was going to, but she didn't burn any while I was there.

PICKARD: Nothing in any of the letters you examined that gave any light on this subject whatever?

HOGAN: No, the letters I picked up I would know at a glance, and the lot of them were stamped on the outside, the date of the post office mail, and I didn't look into that letter at all.

PICKARD: There was no letter found in any way bearing on the murder, or any cause for the murder?

HOGAN: No, not that I know of, but I didn't look over the greater part of them. Didn't begin to. They were all handed over to Mr. Davis, the guardian, and he has them now, I suppose. I didn't see anything. What I was looking for was this threatening letter. I looked at a lot, you know, of the other letters and I looked to see the post office mark on them and then I wouldn't look any farther at the letters. I didn't see anything in any of the letters that would bear on the case in any way whatever. The only letter I was looking for was this particular threatening letter, and that would be a later date. As I understood it, it wasn't long before that that he got it.

PICKARD: Did you understand from what Miss Ware said that this letter went through the post office at all?

HOGAN: I don't know. She didn't say as to that.

PICKARD: Assuming it didn't go through the post office, there wouldn't be any stamp on it at all, would there?

HOGAN: I don't know, but she didn't say anything about whether it came through the post office or not, but I would think it would be most apt to, wouldn't it, to get there to him by mail?

PICKARD: Well, didn't Miss Ware suggest that it was her belief that it was dropped into his post office box? I mean, his rural mailbox there at the corner?

HOGAN: I don't know. I didn't hear her say, as I remember.

PICKARD: That is, he has a post office mailbox on the

Old Jaffrey Road at the end of his place there?

HOGAN: Yes, but if I saw any letter that had a post mark on them I would be apt to look at that first. I didn't hear her make any such remark of that kind, though, of course, that could be done easily.

JURYMAN: Did you ever have a public flag-raising in your town, do you remember?

HOGAN: Let me see. I think we did. Must have, yes.

JURYMAN: Did you ever hear Mr. Rich, or get it secondhanded, that he made some loans at the time that weren't proper?

HOGAN: I don't remember that I did.

JURYMAN: Never heard such a story?

HOGAN: No, I don't remember hearing the man say anything, and I don't remember that I did anybody else.

WITNESS DISMISSED

FRANK M. DINSMORE

Direct Examination by Mr. Pickard

PICKARD: By profession you are what?

DNSMORE: A physician, practicing in Keene.

PICKARD: For how long?

DNSMORE: Why, I've been practicing here since 1895.

PICKARD: What position did you hold in the County on the 14th of August last?

DNSMORE: I was Medical Examiner and Medical Referee at that time.

PICKARD: And as such Medical Referee was your attention called to a case in East Jaffrey sometime about noon on the 14th of August?

DNSMORE: Why, I think if I remember right, you telephoned me and said there had been a body found in a cistern at East Jaffrey.

PICKARD: What did you do in consequence of that?

DNSMORE: I went over to East Jaffrey with you and Mr. [Bennett].

PICKARD: Getting there about what time?

DNSMORE: I think about two o'clock or a little after.

PICKARD: And had the body been removed from the well at that time?

DNSMORE: The body hadn't been removed from the well when we got there.

PICKARD: Now, unless you gentlemen require it, we won't go into the details of the removal of the body because that has been gone into so many times, how long did you stay at East Jaffrey that day?

DNSMORE: Why, I think we left there about, I would say around seven o'clock.

PICKARD: And before that time did you make any examination of the body?

DNSMORE: Yes.

PICKARD: With who?

DNSMORE: With Dr. Faulkner and Dr. Childs.

PICKARD: What experience has Dr. Faulkner had?

DNSMORE: Well, he has had considerable experience. He was Medical Referee for five years, had a big experience in his practice.

PICKARD: Now, will you tell, Doctor, the gentlemen here what wounds you found and all about them, and what notes you took of the facts you discovered at that time which might help in the investigation of this case?

DNSMORE: There were two wounds on the head. One of them was two inches from the left eye and went two inches from the left eye, and so the wound was one and three eighths inches long, extending toward the right. In a general way, it was in the forehead area. Then three and a half inches from the base of the nose — three and a half inches from the base of the nose — it went here in this region, a wound two inches long, extending down toward the left.

PICKARD: And these wound edges were sharply defined?

DNSMORE: They had much bruising. That's the description of the wounds.

PICKARD: How deep were they?

DNSMORE: They were scalp wounds. They had no injuries to the skull. External injuries to the skull down through the scalp, the soft tissues.

PICKARD: What examination of the skull, that is, the bones of the skull, did you make to determine whether there were any scratches or any cuts on the skull?

DNSMORE: Why, the scalp was — an incision made here, across from ear to ear, and a part of the scalp, the back of the scalp, laid back so that we could see. We had a good view of the skull. There were no scratches on the skull, no external evidence of any injury to the skull.

PICKARD: What, in your opinion, kind of an instrument or weapon would cause injuries such as you have described?

DNSMORE: Well, those wounds were not clean cut wounds. That is, I mean by a clean cut wound such a wound as you get with a sharp knife or sharp instrument. Some bruises, but not very much bruising.

PICKARD: Well, now, there's a weeder. Assuming that that weighs five ounces and a half — I think that was the weight — would you tell us whether or not the wounds which you saw on the skull might have been caused by that instrument, used in any way, in your opinion? Just look at it carefully.

DNSMORE: Why, I think it was possible that the wounds might have been caused with that.

PICKARD: And how would it have been used, if they had been caused by it? What part of it would have made the wounds?

DNSMORE: Well, I would think those teeth must, in some way, have quite a blow, and I would think it

possible they might have been made with that instrument. I couldn't say that they were.

PICKARD: Assuming that they were, how many blows would have been struck, can you tell?

DNSMORE: I don't think I know how far apart those prongs are. I would think it would take two blows certainly, I would think.

JURYMAN: Right in connection with that, Doctor, were those marks on the skull parallel or not?

DNSMORE: No, they were not parallel. They were not parallel. This cut here near the forehead went to the right. The other one on the side of the head went to the left. Not parallel.

JURYMAN: You said you thought it must have taken two blows with an instrument like that?

DNSMORE: Yes.

JURYMAN: Couldn't have been done with one blow?

DNSMORE: No, I can't conceive how it could possibly have been done with one blow.

PICKARD: Well, what was the condition of the hair on Mr. Dean's head? Did you notice that?

DNSMORE: He had very little hair. He was bald.

PICKARD: And did you notice whether the hairs had been cut by a sharp instrument or not?

DNSMORE: I think not.

PICKARD: And if a sharp instrument had been used, such as a knife edge, or an axe edge, what would you have found as to the hair?

DNSMORE: I think you would get some wounds that were not bruises, the edges not bruised at all, probably some of the hairs cut.

PICKARD: Underneath those wounds were there any scratches on the membrane that is on top of the skull, if there is a membrane on top of it?

DNSMORE: Well, yes, there is a thick membrane covering the outside of the skull.

PICKARD: Any scratches on that of any kind?

DNSMORE: No.

PICKARD: Might those blows have been caused by a policeman's billy?

DNSMORE: I think they could.

PICKARD: What do you call a scalp in such a case as that? Was it a cracked scalp or a cut?

DNSMORE: Why, you mean the wounds you get from a policeman's billy?

PICKARD: Yes.

DNSMORE: You would call that a lacerated wound.

PICKARD: What kind of wounds do you call these are?

DNSMORE: I call them lacerated wounds.

PICKARD: Would you say whether or not any club, take a pitchfork handle, could that have caused those wounds?

DNSMORE: I would think it might be possible.

PICKARD: Now, did you make any examination of the lungs?

DNSMORE: Why, the lungs were not full of water. There was no water in the lungs. They were not filled up with blood, as you get in cases of drowning, and the conclusion was that death wasn't due to drowning, that the man was dead probably when thrown into the cistern.

PICKARD: How did he die?

DNSMORE: The conclusion was that this place on the head stunned him, and then that he was strangled, or choked, to death from this cord which was tied around his throat.

PICKARD: Was that tied tightly?

DNSMORE: Well, it was tied very tightly. There were marks around his neck where the cord was drawn tight.

PICKARD: Were those wounds on his head sufficient to cause death?

DNSMORE: The wounds on the head were not sufficient to cause death.

PICKARD: Would they cause unconsciousness?

DNSMORE: Possibly.

PICKARD: Did you notice any bruises on any other part of the body?

DNSMORE: There were none.

PICKARD: Where did that autopsy take place?

DNSMORE: In Mr. Leighton's undertaking rooms at East Jaffrey.

PICKARD: Any questions?

JURYMAN: I don't know but that it has been brought out, but I'll ask the question. Was there any money or valuables of any kind found in Mr. Dean's clothes?

DNSMORE: Absolutely nothing found in his pockets except one or two sheets of folded toilet paper in one hip pocket. Absolutely nothing in his pockets, absolutely nothing.

JURYMAN: No matches?

DNSMORE: No matches, no tobacco, no nothing, absolutely.

JURYMAN: What did he have on for clothes, do you remember?

DNSMORE: I think I have some notes about that.

PICKARD: When were those notes made, Doctor?

DNSMORE: These were made at the time his body was taken out of the cistern there, or about that time. He was dressed in a dark striped T-shirt, short pants, black long stockings, one-buckle arctics on his feet, undershirt and drawers. Also had on pants, short pants, held up by suspenders, and with a belt around the abdomen also. Had a belt around his waist, necktie with a stick pin, tan-colored low shoes, and one-buckle arctics over the low shoes.

JURYMAN: Doctor, were those wounds on the head severe enough to cause very much flow of blood?

DNSMORE: Yes, I would think you would get quite a hemorrhage from that. I would think so.

JURYMAN: Would you think they were enough to crack the skull?

DNSMORE: It didn't seem so from the examination I made.

JURYMAN: You didn't find the skull cracked?

DNSMORE: That was discussed at the time of the autopsy with Mr. Pickard, whether it was necessary to open the skull or not, and it seemed to be the conclusion that it wasn't necessary and the skull wasn't opened.

JURYMAN: You didn't find any crack in the skull?

DNSMORE: No, I didn't.

JURYMAN: Do you remember if the rope around his neck was only wound around, or if it was tied?

DNSMORE: It was tied, I am quite certain. I am very certain that rope around his neck — there were two turns of the rope around his neck there, two turns of this rope around his neck, which was a tied rope, twisted and tied, as I remember it.

PICKARD: Was there any knot in the rope or did the ends hang simply loosely down his back, one on each side of his shoulders. If you have any notes about that, I wish you would read them.

DNSMORE: I don't seem to have any notes as to whether — my notes say "twice around the neck with this halter rope" — but my recollection of that is that that was tied around his neck. I have a description here of the knots on his hands and feet — "they were securely tied."

PICKARD: Something was said about the flow of blood from his head. Was there anything over his head to check the flow, or stop it, so that no traces would be left?

DNSMORE: Well, there was thrown loosely around his face a thin horse blanket, such as they use for horses in the summertime, and then over that was a burlap bag, which, I suppose if there had been considerable bleeding in that, that the body was in the water long enough so that a good deal of the blood remained in that. The body was in the cistern there some hours before it was discovered, before it was taken out, some hours before it was discovered, I presume, so it must have been in the cistern presumably twelve to fourteen hours.

JURYMAN: Were there any bones discovered broken?

DNSMORE: I said that I found no evidence of any fracture of the skull.

JURYMAN: And only two wounds, as I understand you?

DNSMORE: Yes.

JURYMAN: Was Mr. Leighton present when the body was undergoing this examination?

DNSMORE: Yes. Well, he was there. I don't think he was there all of the time, but certainly most of the time he was there. I think perhaps he would go away

once in a while for a little while, but for the most part he was there. Dr. Faulkner was there from Keene to the end, and I think we started a little before Dr. Childs came in, and he stayed until we finished, as I remember, with Dr. Faulkner.

WITNESS DISMISSED

JURY RESTS

STATEMENTS PRESENTED BY MR. EMERSON

PICKARD: Have you some statements here that were taken before a Justice of the Peace, Mr. Emerson?

EMERSON: I have a statement from a Mr. Will Lindsey, a police officer of Jaffrey. This statement was taken by request of Mr. Boynton and Mr. Hogan.

PICKARD: What other statements have you?

EMERSON: Another, a statement of Mr. and Mrs. Arthur M. Hatch. This has to do with the lights, and was signed before the Justice of the Peace.

PICKARD: And the other one?

EMERSON: Of Dr., of Mrs. Dr. Sweeney. Mr. Valkenburgh said her statement should be taken and offered to you in this way. She made that statement after being sworn.

PICKARD: Something has been said here about one Silas Christian, a barber in East Jaffrey. Have you made an attempt to summons him?

EMERSON: I don't know. I was intending to summon him last night. Mr. Valkenburgh discussed it with me, and he was one of the witnesses, and he said he saw him in Fitchburg last night as they came through.

PICKARD: And Mrs. White of Peterborough?

EMERSON: Attempted to summons her on the first trip around, and then she was in Washington and I wasn't able to get her address in order to get her in time. It was of minor importance as to the facts, as I recall it.

PICKARD: I wish to read into the record at this time a statement which Mr. Emerson has submitted to you as the statement of Walter Lindsey, East Jaffrey, New Hampshire:

"On July 13th I met Mr. Dean in front of the post office. He noticed my police badge and asked if I was still on the force and I told him yes. Then he said, 'I have lived on the farm for twenty-eight years and I have never been molested in any way, shape or manner, but if I wanted police protection, where would I telephone to?' I said, 'Either the station, Duncan's, or Fred Stratton's livery stable.'

Signed: Walter A. Lindsey
Sworn to before Will E. Emerson
Justice of the Peace"

The date of this is July 13th. The year isn't here, but I know it was 1918.

Statement of Mrs. Dr. Sweeney, Eva F. Sweeney:

"One night during the month of March 1918 Dr. Sweeney called my attention to a big light at the Dean house where the Colfelts were then living. We both watched the light for some time, flashes going toward Temple would glow out at intervals. This was between half past ten or eleven o'clock and lasted for half an hour, I would say.

Signed Eva F. Sweeney
Sworn to before Will E. Emerson
Justice of the Peace"

Another statement from Mrs. Arthur M. Hatch written in September or October 1918:

"One night as I looked from my window I saw what looked like rockets sent up in Temple Mt. They appeared two or three at a time at short intervals for several moments. Four nights later I looked from the same window and saw a very bright light, larger than a star, and could plainly see it move upward. It being a very bright moonlight night, I could see the outline of the mountain and the light from over the notch. I watched it for one hour. It kept moving upward and occasionally to one side until it was some distance above the mountain. I left the room for a few moments and when I returned it had gone. When I first saw the light I called to my neighbor and she got up and saw it but didn't stay to watch it.

Mrs. Arthur M. Hatch
Sworn before Will E. Emerson
Justice of the Peace
at East Jaffrey"

ROBERT VALKENBURGH

Direct Examination by Mr. Pickard

PICKARD: Your business is what?

VLKBRG: Special Agent for the United States Department of Justice, Bureau of Investigation.

PICKARD: Connected with any particular headquarters?

VLKBRG: Boston, Massachusetts.

PICKARD: And who are the superintendents in charge there?

VLKBRG: Division Superintendent is George E. Keller, and the Assistant is Norman L. Gifford.

PICKARD: How long have you been connected with the U. S. Department of Justice?

VLKBRG: About eighteen months.

PICKARD: And as such investigator and special agent have you at any time been working in connection with one Mr. Colfelt?

VLKBRG: No.

PICKARD: Have you at any time made any investigation in connection with the circumstances surrounding the Dean murder at East Jaffrey?

VLKBRG: I have.

PICKARD: Now, when was your personal attention first called to that case?

VLKBRG: On the 11th day of September 1918, by Mr. Gifford, the Assistant Division Superintendent.

PICKARD: Previous to that time do you know whether any investigation had been made with reference to alleged German activities in East Jaffrey and the neighborhood?

VLKBRG: I do. By the Concord office. Army Intelligence and Navy Intelligence.

PICKARD: And by the Concord office you mean Concord, New Hampshire?

VLKBRG: Yes.

PICKARD: Of which Mr. Levensaller is a Special Agent. Do you know the names of the agents who made that investigation last spring, a year ago now?

VLKBRG: Special Agent [Retton] and Special Agent Reaves.

PICKARD: What was the nature of the complaints or information that called them there?

VLKBRG: I don't know. That's a record of the office that can be found very easily.

PICKARD: And do you know whether or not any information was at that time discovered connecting lights and other activities of that nature with Mr. Colfelt?

VLKBRG: I believe that record is in the Army Intelligence.

PICKARD: Have you any knowledge, in a general way, what the facts were that they discovered? Not to go into detail, but to give us a general idea?

VLKBRG: I was informed, not officially, but through some of the agents of the Army Intelligence, that he had been covered through Rochester, New York, where they had been trailing him and he flashed lights towards West Point, and then went and left the State of New York and came to the State of New Hampshire.

They checked him here on his activities and I believe it was very shortly after he had moved to the Dean farm when two agents of Army Intelligence came to Mr. Dean and asked him about Colfelt and his activities on the farm, and at that time Mr. Dean said he is a hundred percent American.

PICKARD: Can you tell anything about the approximate date when that conversation took place?

VLKBRG: No, I don't know. Sometime in 1917.

PICKARD: Now, no arrest was made at that time of Mr. Colfelt?

VLKBRG: Previous to the murder, no.

PICKARD: What, if any, communications had come to Mr. Gifford, or to the office, that led him to call your attention to it?

VLKBRG: On August 14th he was notified by a Mrs. Morison from Peterborough.

PICKARD: Mrs. Horace Morison?

VLKBRG: I couldn't swear what the first name is. She related the story, said she went to East Jaffrey to solicit Red Cross aid. Stopping at the Dean farm she asked Mr. William K. Dean if he would be willing to donate anything to the Red Cross and he told her he didn't have any money to give but would give her some token that she could turn into money for the Red Cross.

He asked her when she was going to Boston and she answered that she didn't know just when she would go, but if he wanted her to go to Boston that she would go the very next day. He said it was unbearable, that he couldn't stand it any longer, and it ought to be turned over to the Department of Justice.

Mrs. Morison asked him what it was, and he said it was a man's job and he didn't want to bother a lady about it, but if she would go to Boston to send the best man they had there to come on the scene, he would tell him something that would open the Department's eyes.

She then asked him if there was anything in this threatening letter he had received, and he said, "I won't bother you with that." That was about 1:30 or 1:40 p.m. on August 13th.

He also told her, by putting stones in two places, that is, the stones, he would watch certain lights coming from Peterborough being flashed from the Temple Mt. towards Mt. Monadnock, and if he would see those lights that night, he would call her up by telephone and communicate with her. I believe she stated that she waited that night for the telephone call but didn't receive it.

She left the next morning for Boston, I believe on the early train, on August 14th. She was sitting in Assistant Division Superintendent Gifford's office at eleven o'clock on August 14th, relating this story of Mr. Dean wanting a man to go there. Mr. Gifford took her statement and referred her to Mr. Levensaller, the Special Agent in charge at Concord, for action.

Mrs. Morison was leaving the next day, August 15th, for Peterborough, when she happened to see the Boston Post with the article about Dean being murdered and found in the cistern. It happened to be unlucky that our office hadn't received the Boston Post that morning, as we usually do. We had every other paper. And it was Mr. Gifford's surprise when he was notified by telephone that the man she had reported the day before had been murdered and tied up in a cistern on his own farm.

PICKARD: Do you know whether any investigator or agent arrived on the scene from Concord within a day or two?

VLKBRG: I believe there was an agent. Mr. Reaves.

PICKARD: He came on Thursday, the 15th?

VLKBRG: I think that's the date.

PICKARD: And stayed how long?

VLKBRG: Stayed three days, I think. Being engaged on other cases at the time, I didn't have any time to study the case at that time. When it came around on September 10th or 11th, I don't know exactly the date, another communication came to the office from East Jaffrey, or West Rindge by Miss Ware, asking that some action be taken on it, that it looked as if nothing had been done from the Concord office.

I was taken off the case I was then on and sent on the scene to find out, if possible, the motive, or anything about the murder of Dean. I went to East Jaffrey by way of Concord and looked through the file of the Concord office, and one statement appeared in the file in the Concord office on the interview of Agent Reaves with Charles L. Rich, Cashier of the Monadnock National Bank.

In that interview Reaves asked him how he received his black eye, and Rich's statement of that was that he entered his barn at dusk, the horse was feeding, he had put new sawdust on the floor of the barn, the horse didn't hear him, he touched the horse's flank with his hand, the horse kicked out and kicked the bottom of the broom he had in his hand and jabbed the broom handle into his eye, blackening his face. That's the statement he had over at Concord, and that's the only thing I knew about the black eye at that time.

PICKARD: May I ask who took that statement from Rich?

VLKBRG: Special Agent Reaves of the Concord office of the Department of Justice. As you gentlemen know, our Department has different ways of investigating, and we take all kinds of chances when we do investigate. I was four or five days in the town of East Jaffrey before anybody knew that an agent from the Department of Justice was there.

I arrived at East Jaffrey at night. The next day I was hanging around Hamill's Garage and the station, and whenever a crowd gathered there I heard somebody remark about the Dean murder. I didn't make myself conspicuous because I didn't want anybody to recognize who I was, but I would always hear this one — "Wasn't it a damn shame that she would do a thing like that?" And somebody or other would say, "Who?" "Why, Mrs. Dean. Would you think she would commit a murder of that kind?"

Well, I kept hearing this, and at last I approached Robert Hamill, the garage man. I afterwards found out this was the man I was talking with. And I said, "Who is this man always bringing out this murder story and always saying it's a damn shame Mrs. Dean did it." And he said, "That's Henchman, Superintendent of the Water Works." I jotted that down in my memory until I got away and put it in my notebook.

When I interviewed that man, Superintendent of the Water Works, I asked him if he ever saw me before. He said he didn't think he ever saw me. I took my glasses and hat off and said, "Take a good look at me. Did you ever see me before?" He said, "I think I did." I said, "Did you ever see me around the station, or Hamill's Garage?" And he said, "I think so." "But still you deny and say you didn't spread the rumor in East Jaffrey that Mrs. Dean was the murderer?" He said it was a damn lie, and I trapped him there and then.

I had no more talk with him until he became Postmaster of East Jaffrey, a United States official, and sworn to uphold the Constitution of the United States, the same oath I took. Then I went to him to give him a digging for two hours and a half. Why he made that statement at East Jaffrey station and at the garage? And why, while Superintendent of the Water Works, did he loaf on his job in the Main Street of East Jaffrey, letting the man who was working with him break his back to take big boulders out of the ground? And why did he go to the Dean farm on the morning of August 14th when nobody sent for him and sweep the barn floor?

And he answered, the reason he did that was to sweep the cow dirt from the barn. I said, "Who asked you to go there to do that?" "No one." I said, "Was it essential, in your position as Superintendent of the Water Works, to go to the Dean farm when a murder had been committed and sweep the barn floor?" I got no answer.

I said, "Who ordered you to go to the house where Colfelt lived, where possibly the murderers of this deed had gone in and washed their hands and possibly left some trace of blood in the kitchen or somewhere, who ordered you to draw the water off those pipes and out of the tank?" And he said, "Because of the plumbing. They might freeze."

I said, "Was there any chance of water freezing on the 14th day of August?" He was speechless. I asked him if he thought any twelve level-headed men before a Grand Jury would swallow that kind of stuff? He still remained speechless.

I asked him, as a United States official, if he could answer one who was also a United States official, here to investigate a murder, and the lights of German espionage. He said, "If they think I have done it, I will have to swing for it. Will you kindly leave through the side door and not go through the front of the post office." I said, "I'll do that favor for you, Mr. Henchman. I'll leave through the side door."

I'll leave to you gentlemen of the jury his attitude and his answers to questions put before him by an investigator of the United States government.

PICKARD: Now, just one or two questions there. Just explain, if you will, whether you regard Henchman,

the Postmaster and former Superintendent, as implicated in the crime himself, or whether he had some knowledge of it which he didn't wish to reveal? What is your inference?

VLKBRG: That he was a personal friend of C. L. Rich, that the very position he has was under the jurisdiction of C. L. Rich, that possibly C. L. Rich has told him something, and as I couldn't find out if anybody asked him to go to the barn or to the big house, that he went there to cover up something that might be found.

PICKARD: In this interview with him did he tell you that he had been down there the night before to take home the cow, and that he was there that day to take home the cow and the bull, and he later did dispose of it? Did he say anything about that?

VLKBRG: The night before that time would have been August 13th, the night the man disappeared.

PICKARD: What day was it you had this talk with him?

VLKBRG: About the later part of September, I think.

PICKARD: Let me see, what day did you understand it was from him that he went down there to sweep up the barn and draw the water off?

VLKBRG: On the 15th day of August.

PICKARD: Now, my question is, did he say that he was there the night of the previous day, that is Wednesday, to take home the cow, or that he went down on Thursday, the 15th?

VLKBRG: He didn't say anything about taking home the cow to me. He wouldn't talk, as Superintendent of the Water Works. He didn't think at that time I had any authority to interview him. But knowing that he was shortly to be appointed Postmaster, I bided my time when I knew he would have to talk.

PICKARD: Do you think that he secured his appointment as Postmaster through Mr. Rich's influence, or otherwise?

VLKBRG: That I don't know.

PICKARD: Mr. Rich is a Republican, isn't he?

VLKBRG: Yes.

PICKARD: And the present administration, and the last administration in Jaffrey, was Democratic? George Duncan?

VLKBRG: I don't know George Duncan's politics. That doesn't hold in the Postal Service. Any man on the list of Democrats or Republicans might get the appointment under this administration or any administration.

PICKARD: Have you been able to trace out any other connection between Mr. Rich's influence and his appointment as Postmaster? That's what I'm trying to bring out.

VLKBRG: No, that I didn't bring in my testimony.

PICKARD: Now, what information have you, whether of your own knowledge or substantiated by pretty strong hearsay, relating to those lights and their con-

nection with Mr. Colfelt as brought out by your investigation there through the fall of 1918?

VLKBRG: After I had been on this case about three days, I visited the farm to get in close touch with what was going on up there in the line of espionage.

PICKARD: Would you explain what you mean by espionage? Whether there was a law passed by the recent session of Congress which told what were treasonable acts, and other things, and you were there to investigate any acts that might have to do with that law.

VLKBRG: With that law.

PICKARD: Yes. Now, go ahead.

VLKBRG: Of course, knowing the story that Mrs. Morison brought to our office, I was looking for a motive why Mr. Dean was murdered. I came to the big house and observed it from the outside first. I noticed on the windows of the pantry or kitchen that there was an iridescent coloring on them through which I couldn't look in the daytime, but after I found that the cellar door was open and I went through the house, you could look out and there was nothing to stop you from looking out, but you couldn't look in.

I went to the selectmen of the town of East Jaffrey and asked them if I could have the privilege of taking a light of glass out of that house to take to Boston on this day. "Certainly. If it would help the case, take them all out." I said, no, one was enough.

I took this glass to Boston and had the State chemist of Massachusetts analyze it. After about four or five days, with all the different treatment he gave the glass, he at last found the solution of how this coloring came on there. It was a solution of some kind of chemical, I have forgotten the name of it, and glycerine. In other words, like you see the glass on an automobile. In case of rain, instead of spreading it out, it would keep it together. This iridescence was not over the whole pane, but just around the center.

I also took some of the mosquito screening of the screen door at the front of the house along with me to have analyzed. After testing this wire, the chemist informed me that that came in contact with a very strong heat, thereby making it so brittle you would see it, as you touched it, it would be powder.

To demonstrate it, I took another piece off the window where the elements would strike it at times of the year, no covering on it whatever. On the other hand, with the door, it was underneath the porch and the elements couldn't strike it. You could break this other wire on the window, you could crush it, and when you would open your hand you would see there was wire there, the outline of this screen was in your hand. In the screen door, when you closed them and opened it you would have snuff or powder. He said the wire, meaning the chemist, that wire having a

tremendous heat put onto it would get in that condition.

Some time after Special Agent Weiss and myself interviewed Harry Whitehead of East Jaffrey and Mrs. Dr. Sweeney, who informed us that coming from the moving pictures one Saturday night in March 1918, the sun had just about started to set. There was lots of dimness in the air, and they were surprised to see flashes coming from the Dean big house on the Dean farm then occupied by Lawrence Colfelt, not in a code system, but in straight flashes lasting between fifteen to thirty seconds between the flashes, and they also saw the flashes coming through the door where this screen was on, which in my way of thinking corroborates the chemist what those two things were on the window, and how the door came in that position.

Mrs. Dr. Sweeney also said that her husband was there, but was sorry that he was overseas at the time and couldn't testify. I was at East Jaffrey, and didn't know if I could see Dr. Sweeney but was informed he had gone to New York. I got a statement from her.

PICKARD: We have Mrs. Sweeney's statement, also the statement of Mrs. Hatch. Also of Mr. Whitehead. Now, bearing right upon that, it is your theory, as I understand it, that this light which they saw flash from this house caused this intense heat and that was what caused this destruction of the wire netting from the door or from the window?

VLKBRG: That's the way the State chemist puts it.

PICKARD: Was there ever any theory that those screens from the windows and from the door might be used as a receiving system for wireless messages?

VLKBRG: That wouldn't be probable. Might be possible, but not probable.

PICKARD: If that was so, they would have to have it insulated so the messages wouldn't run off into the house and into the ground?

VLKBRG: Yes.

PICKARD: Now, going back to the heat, if it were applied, what kind of a light would be necessary to produce such an intense heat as this?

VLKBRG: Well, most any kind of a light that threw out a ray in close contact with the screen would produce that because if you know the piazza I have in mind on the front there, the overhanging of the piazza is quite a distance.

PICKARD: Well, take an electric light such as you find in a powerfully lighted automobile, would that be sufficient, if laid up close to this wire netting, to cause that heat and the subsequent breaking to pieces of the netting?

VLKBRG: I couldn't state, not being a chemist.

PICKARD: Well, has there been any theory advanced as to what kind of a light this was that must have caused that, if it was caused in that way?

VLKBRG: No, there is no theory on that.

PICKARD: You don't know whether it is an electric or gas light, or what it was?

VLKBRG: If Frank Humiston, now overseas, was here he could answer that question as he saw it, and also saw what possibly was the cause of the excitement of Mr. Dean if he saw Colfelt when a wireless apparatus was being pulled out of the chimney of the big house, or a receiving apparatus for wireless lines.

PICKARD: When did he go overseas?

VLKBRG: I think he went with the first draft. Possibly Mr. Fay can tell you.

PICKARD: That was sometime in the fall of 1917. And after that time Mr. Colfelt remained on this place until June 1918? Now, did you understand that this removal of the wireless apparatus took place before Frank Humiston left?

VLKBRG: That I couldn't say. The family wasn't sure of the date, but they said if he was here he could give the exact date as he was working for Colfelt at the time.

PICKARD: It must have taken place before he left, of course, or he wouldn't have known anything about it. Now, did he inform Mr. Dean of that fact?

VLKBRG: No, I don't think so, but I think Mr. Dean fell upon it himself, the way the Humiston family related it to me.

PICKARD: Mr. Dean never mentioned the wireless to anybody that you know of?

VLKBRG: Not that I know of.

PICKARD: Well, if Mr. Dean knew of that, he must have known before Colfelt left the place. That was on or about the fifth of June 1918. Now, have you found any evidence that he had spoken to anyone about that matter? I mean about the wireless, up until the talk that he had with Mrs. Morison?

VLKBRG: No, I haven't.

PICKARD: And he didn't mention it to her, did he? The matter of the wireless?

VLKBRG: No, he didn't.

PICKARD: Then just what facts have you with reference to the wireless that have come out, other than what Frank Humiston might say?

VLKBRG: None at all.

PICKARD: Now, going back a moment to the lights. Assuming that that was an electric light, how, in your opinion, was the electricity generated?

VLKBRG: Possibly through a storage battery.

PICKARD: Do you know whether he had any such or not?

VLKBRG: Only from the evidence that I have dug up of the tremendous big box that was moved by Robert Hamill from the cellar of that house, and he was afraid to tip it over because it was a Victrola.

PICKARD: And that's the box which made the marks

on the piazza of the front porch of the Temple house?

VLKBRG: Yes.

PICKARD: Assuming that was the storage battery, of course, it must have been recharged from time to time?

VLKBRG: Possibly.

PICKARD: Now, have you any theory as to how that would be recharged?

VLKBRG: I have none.

PICKARD: You haven't as yet found any place in East Jaffrey or elsewhere where he had it recharged?

VLKBRG: I haven't. Not within twenty miles. That doesn't follow that he didn't. I have addressed letters from Mr. Lawrence Colfelt forty-five miles away from East Jaffrey and Greenville.

PICKARD: But up to the present time, you haven't found any place where he did?

VLKBRG: No.

PICKARD: Now, have you in your possession, or have you had at any time, any part of the apparatus, such as the flash light or the wires or any part of the wireless system, coming from this big house on the hill?

VLKBRG: I haven't.

PICKARD: Or from the Sterling place, if that's what it's called, in Greenville?

VLKBRG: I don't know the name of this farm he was on. In the statement of Charles Bean of East Jaffrey, he was called to go there to cut a puppy's tail and nobody was on the farm but Frank Humiston, and they walked into the sitting room and there was a box on the floor of the sitting room very close to this screen door that I referred to. I will relate as near as possible the words of Mr. Bean:

"And being nosy, I opened the cover of the box and was surprised to see apparatus in that box that looked very like a flash light or wireless with a keyboard. I closed the cover and left the place, afraid that Colfelt might come in before I got out of the house."

PICKARD: That was near the screen door?

VLKBRG: In the sitting room, yes.

PICKARD: Were there any lights of glass on that door over which this screen was?

VLKBRG: A solid wooden door.

PICKARD: So, if that were used to send the flashes through, the door was thrown open?

VLKBRG: The wooden door could be thrown open with the screen door closed.

PICKARD: But the door itself must have been open for any rays of light to go through there?

VLKBRG: Yes.

PICKARD: Has any key been shown or found as to what sort of code he might have been using at that time?

VLKBRG: There was an apparatus captured in Paris used by the Germans that were the same as the lines on a photographer's machine where they could set up thirty-second, thirty-five-second, forty-second flashes, and it automatically would close, and every flash meant a name.

Instead of using Morse code which naturally enough any American would try to check up, they instituted a new code of their own. If the flash was five seconds, it meant so and so; ten seconds meant so and so; and it was very easy to flash on the light every fifteen to twenty seconds, and automatically the shutter would close the light.

PICKARD: And they might also be taken by the pressure of a bulb, such as photographers use?

VLKBRG: Yes, that works the shutter.

PICKARD: Has anything of that sort been discovered around the Colfelt place that you know of, any apparatus of that sort?

VLKBRG: Not that I know of.

PICKARD: When the agents were there from Mr. Levensaller's office a year ago, did they go through the house to any extent to see about this wireless apparatus that you know of?

VLKBRG: I certainly can't say. As I stated before, I was on a different case and didn't follow it at that time.

PICKARD: Now, here's another thing that occurs to me. If Mr. Dean was killed by reason of the knowledge that he had, and the knowledge that was going to be communicated to your department, that must have been communicated to somebody else so that they would have knowledge of it?

VLKBRG: Possibly.

PICKARD: Now, have you any facts about that, as to who it might have been communicated through?

VLKBRG: Only following the movements of Mr. Dean on that date.

PICKARD: What was that?

VLKBRG: That after Mrs. Morison had left him to go on her way, being Tuesday, the stores would be open until nine o'clock, and Mr. Dean went to the village to do his shopping. In my investigation, in company with Agent Weiss, we traced him into the village at very shortly to eight o'clock on the night of August 13th. He was in Goodnow's Store about, I believe, between 8:30 and 8:45.

He was then to enter Duncan's Drug Store between 8:45 to nine o'clock to buy a battery for his flashlight. Mr. Duncan told him he was all out of them but he might get it in Myer's Store beside the bandstand. He was seen talking in front of Duncan's Store with Miss Hodgkins, the sister of Mrs. Rich, and to Mrs. Plummer shortly before nine o'clock. Whatever the conversation was between Mr. Dean, Miss Hodgkins, and Mrs. Plummer, I don't know. It

doesn't seem that anybody knows what the conversation was.

PICKARD: Did you talk with Miss Georgia Lynch, a school teacher over there?

VLKBRG: I haven't. I talked to her sister, Priscilla Lynch. I have at least seven or eight people in East Jaffrey who saw Dean driving away from Duncan's Store, or walking away, I meant to say.

PICKARD: He didn't have his horse down there, did he?

VLKBRG: The horse was in the Goodnow's shed. He came to Goodnow's shed to get into his wagon and drive towards his home around nine o'clock alone.

PICKARD: Now, let me just ask you this question. As I understand it, that would lead up to the fact — do you claim with this that Dean did, or did not, go to Rich's?

VLKBRG: He didn't go to Rich's.

PICKARD: He wasn't at Rich's house that night?

VLKBRG: According to the evidence I received, he could not have been there.

PICKARD: Now, going back to the question I asked a few moments ago, if Mr. Colfelt personally, or by his agents, had anything to do with the killing of Mr. Dean and it was brought about through the information which they were afraid was to be revealed by reason of Mrs. Morison's trip to Boston, there must have been some way in which that knowledge got to Colfelt. Now, can you give us any information as to how this talk between Mrs. Morison and Mr. Dean got to Mr. Colfelt? Have you any information on that?

VLKBRG: The only information that I can give the gentlemen of the jury is this. He talked with Mrs. Morison, and investigating the case further, the next party he talked to was Miss Hodgkins, sister of Mrs. Rich, and to Mrs. Plummer. I also have strong evidence that he never went to Rich's house, that that story must have been, in turn, related to Mr. and Mrs. Rich when Miss Hodgkins came home.

PICKARD: That is, that Mr. Dean, at the post office steps or near there, told this same thing to Miss Hodgkins which he told to Mrs. Morison?

VLKBRG: Possibly.

PICKARD: That, in turn, was related to Mr. or Mrs. Rich, and then it was communicated from Mr. Rich to Mr. Colfelt, or some of Colfelt's agents. Is that the idea?

VLKBRG: That's the theory. And what the theory is based on is that there might have been communication, or that there was communication, between C. L. Rich and the lights in East Jaffrey, as the testimony of five or six people who have seen flashes coming from Rich's garret window, in answer to flashes from Temple Mt.

PICKARD: When?

VLKBRG: Directly after the murder of Dean. As everybody in East Jaffrey says, we didn't suspect anything like that until our attention was called to the lights, and then we watched and soon saw what we saw.

PICKARD: Have you any person who saw any lights flash from Rich's house that night, which lights might be the communication to Colfelt, who was admittedly at Portsmouth on that night?

VLKBRG: I haven't.

PICKARD: Has there been any telephone communication found, or telegram from Rich to Colfelt, that your office has discovered, or that anybody has discovered?

VLKBRG: Not that I know of.

PICKARD: I haven't been able to discover any surely, and I didn't know whether your office had or not?

VLKBRG: No.

PICKARD: Well, now, assuming that Mr. Rich had a hand in this matter in some way, what is your theory of his motive? That he was himself pro-German and interested in covering up this information? Or just what was it?

VLKBRG: I couldn't say what his motive would be.

PICKARD: There has been some talk that Rich was financially embarrassed, that his accounts were short. Do you know anything about that?

VLKBRG: I don't.

PICKARD: As a matter of fact, Federal bank authorities have examined the situation, haven't they?

VLKBRG: I believe they have.

PICKARD: And so far as you know, they haven't made any report of any shortage?

VLKBRG: Not to our office.

PICKARD: Now, what do you say as to the whereabouts of Mr. Colfelt that night? Have you any information that he was anywhere else than at Portsmouth?

VLKBRG: He might have been most any place that night because there is nobody in Portsmouth has given us any thought that he was there.

PICKARD: Have you any evidence that he was anywhere else than at Portsmouth?

VLKBRG: I haven't.

PICKARD: It is said, I will give this, it is something related to me the very day of the murder, that Colfelt's car was seen in East Jaffrey Tuesday night of the day of the Dean murder. Now, have you checked up to see where his car was at that time?

VLKBRG: It was in Nashua.

PICKARD: It was impossible for his car, at least, to have been?

VLKBRG: Impossible for that car to be there.

PICKARD: Have you found any place where he secured another car?

VLKBRG: Well, I'll answer that in a way. He sent his

telegrams and his mail, he never sent any telegrams or any mail when he left East Jaffrey, and his wife addressed him forty-five miles outside of Greenville. He might have secured a car the same way. A man of his income can do most anything of that kind.

PICKARD: Yes, that's true. Have you seen Colfelt since the murder? Has he been under investigation in any way?

VLKBRG: Not by myself.

PICKARD: I wonder if your office has found anything since the murder to connect him up with it, or with German spy activities?

VLKBRG: We have received communication from Washington which our Washington office is checking up at the present time, I believe, that Colfelt is the illegitimate child of Bernstoff.

PICKARD: Who is Bernstoff?

VLKBRG: The representative of the Germans in Washington.

PICKARD: And Bernstoff is now in Germany?

VLKBRG: In Berlin, yes.

PICKARD: Do you know, in relation to that, where Colfelt was born? Whether he was born in Washington or not?

VLKBRG: I really couldn't say until we get the report from Washington.

PICKARD: And if he was the son of Bernstoff and the woman with who he had relations, and was born in Washington, then his mother, of course, must have been there and Bernstoff must have been there at the same time?

VLKBRG: Yes.

PICKARD: Colfelt is about how old?

VLKBRG: I would say about thirty odd years of age.

PICKARD: Around forty, isn't he?

VLKBRG: I don't think he's forty.

PICKARD: Has your office checked up in any way to discover whether Von Bernstoff was in Washington, or in the United States, thirty or forty years ago? Do you know about that?

VLKBRG: I don't.

PICKARD: Now, something was said at some time, I think perhaps by you to me, or by your office, relating to certain postal cards which might have been used as communications in some way. Did you know anything about that?

VLKBRG: The interview of Mrs. B. L. Robinson of East Jaffrey stated that she was very friendly with Natalye Colfelt, and also told me that it was Rich who was the first one to introduce Colfelt to Dean, as Dean didn't know him when he was on the Baldwin estate, and through Rich they became acquainted. Said that Natalye Colfelt had a habit of photographing groups of teddy bears, dogs, babies, and a clock. She would see the photograph with the teddy bear and child, a little doll, a dog, and a clock at 11:10, then she would see another group where the child would be first, the dog next, the clock five minutes of twelve, and then the teddy bear. She told Mrs. Robinson that she was sending these postcards that she was photographing to her friends in the State of New York and into Maine.

The government has found out it is a code, an astronomy code of the stars in the heaven, the clock being used as to the time of sending signals between the Little Dipper and the Big Dipper, using lights as the objective of the flash that was going to come.

PICKARD: Have you personally seen any of these postal cards?

VLKBRG: I have.

PICKARD: And was the clock plainly pictured on the front?

VLKBRG: It was. A plain alarm clock that you would buy in the store for seventy-nine cents.

PICKARD: What part of the picture did the clock occupy?

VLKBRG: This picture that I saw was taken on a mantelpiece, and the teddy bears and dogs and the child and clock arranged on the mantelpiece.

PICKARD: And were there any figures on that postal card? Any figures that you noticed?

VLKBRG: I can't recall.

PICKARD: Now, are there any other methods of communication that she had of that nature?

VLKBRG: I don't know. I also have received information that Colfelt was found in the mountains at all hours of the night. And that when Robert Hamill happened to see his horse at Mr. Stratton's, who does the shoeing in East Jaffrey, he wanted to know why the horse was shod with rubber shoes. Colfelt stuttered some answer, and after that the horses were never shod in East Jaffrey.

PICKARD: Did you understand from Mr. Hamill that he had ever shod the horse with rubber shoes?

VLKBRG: No.

PICKARD: Or that the horse was shod anywhere with rubber shoes after they came on from New York State?

VLKBRG: That I don't know. I believe the question was, "Why is your horse rubber shod?" And he stuttered some answer.

PICKARD: Where are the Colfelts at the present time?

VLKBRG: 21 West 50th Street, New York City.

PICKARD: Have you made any investigation as to his mother? I mean, with reference to her finances and other things of that sort, and her loyalty toward the United States?

VLKBRG: I have not.

PICKARD: Are there any other lights around East Jaffrey that you can tell us about which have a con-

nection with this matter, other than those that were seen from the Colfelt place?

VLKBRG: There were lights seen coming from the Temple range. Also lights coming from Monadnock. Agent Weiss and myself, with three scouts or soldiers from Camp Devens, scoured the bushes of Monadnock on three or four nights trying to locate some lights in the Temple range.

I have a powerful flash that buttons on to your coat. We got kind of tired of standing around and not seeing any that we knew was light coming from there, and I thought I would test out who was on the Temple range, and I used the Morse code which I am familiar with, and I just sent a conglomeration of letters, like B X Y X M, always using two letters and then ending it up with F S.

I didn't send another conglomeration of letters ending up with F S, and if they made the first part they would know I was signing the signal with two letters. A blue flash came from the Temple Mt. just on the left of Pack Monadnock. I was blinded for a full five seconds. I couldn't see on account of wearing glasses.

One of the soldiers who we had planted across the road flashed his pack lantern as a signal that there was something doing, and we all rushed down to where he was, and they were just starting a light in the hollow at the Red Cross Trail, I think they call it, on Monadnock Mt., and in about fifteen seconds there was a flash answering back Monadnock from the base of Monadnock.

Not being familiar with the trail, the soldiers didn't want to break their neck. By the time they got there, there was nobody there, but there was proof of a few marks, and tracks of a rig that had been pulled through the shrubbery. So whatever they were flashing with was on some kind of carriage they pulled themselves.

I also received information from people that lived in the Halfway House that foreigners would be coming up in machines and ask if they could go any further than here, and they said, no, they would have to go on the other trail. They then had baskets it would take two men to carry and offered the excuse it was their lunch and that they were going up on top of Mt. Monadnock blueberry picking. In October, gentlemen! Blueberry picking in October!

PICKARD: Are there any blueberries on top of Monadnock at any time?

VLKBRG: There are lots of them, but not in October. The people, not being acquainted with what might be in those baskets, let them go! One party was going up at the upper end of the Red Cross Trail, a man and two women, and when they got pretty near the top of Mt. Monadnock they were stopped by four foreigners, and in a very German accent they were asked

what they wanted, and they said they were only going up to look to see what was on the mountain and see the lookout. And one of these men said, "I am a Secret Service officer from the United States. Get out of here or I will lock you up!"

They took it for granted they were Secret Service officers and they left the trail. I asked them why they didn't report this to the authorities. They took it for granted that he was a Secret Service officer even if he had spoken like a German.

Naturally, if the man didn't have the moral courage to knock them down or pass them and go up and see what was going on up there, they would get away with it. But I don't think there is anybody in the Grand Jury room that would have taken it for granted they were Federal officers protecting that trail if any of you gentlemen wanted to go up there at that time.

PICKARD: About when was that? Was that before or after the Dean murder?

VLKBRG: That was after I came on the scene. You want to remember, gentlemen of the jury, the Armistice hadn't been signed at that time.

PICKARD: Have there been any lights seen at the Dean house, the big house, I mean, since Mr. Dean was killed?

VLKBRG: I believe some people have made that statement. I have not seen them.

PICKARD: Do you know whether or not any have been seen there within two weeks?

VLKBRG: That I don't know. On the light proposition, I want to make a statement. It is actual fact that those lights were there. I seen them myself, and my partner has seen them. About twenty soldiers in command of Camp Devens have seen them.

I was covering the mountains for three weeks and investigating the murder end of it. Up until about supertime, or directly after dusk, I would cover the mountains without lights in the automobile until four in the morning. I have covered every inch of every mountain of the Temple range, so much so that I almost came very near not being on earth. I came down the reservation at an angle of sixty degrees without any light, and an emergency truck had been standing by here, trying to follow balloons sent up by someone just this side of Peterborough. I am not at liberty to make a statement who the party might be because I don't know, but the balloons went up just the same. I seen them.

PICKARD: Had any particular houses been pointed out from which those lights might have flashed, or the balloons sent up at any time, occupied by foreigners, Finns, or anybody else?

VLKBRG: I don't think so.

PICKARD: At any time has there been any search warrant issued from your office, to your knowledge,

to go into the Colfelt house, or any of the other houses from which those lights might have come, and if so, what discoveries were made?

VLKBRG: There was no search warrant issued as there wasn't anything done by my partner and myself without the knowledge of the selectmen of East Jaffrey, so I thought they would take responsibility for going into any building under their jurisdiction.

I also made that same request of the Chief of Police of Greenville, if he would like to assist the United States government by going into any of these houses, provided I didn't break in. In every house I covered in my search on this case I didn't have to break in as the door was open, except the house occupied by the Colfelts in Temple. I received a key from Mr. Ash, the caretaker, who was with me at the time.

And while on that point, I think it's a good time to relate that in sight of the cistern on the Dean farm there was a hairpin found which, in some of the statements, was charged to Mrs. Dean as being a hairpin belonging to her, a tortoise shell.

After I received the key from Mr. Ash, who was the caretaker of the house Mr. Colfelt lived in at Temple, I asked him what was in a certain room that was locked. He said some belongings of Mrs. Colfelt that she hadn't taken back. I asked him if he wouldn't open that door for me so I could see what was in the room. He said, "Well, I'm willing."

In the closet in that room was two or three bundles and four or five boxes belonging to Mrs. Colfelt. Mr. Weiss and myself opened up a big bed sheet and there were a lot of clothes in this bed sheet, and we went all through them to see if we could find anything that would bring any light upon the subject, and I found a hairpin, a tortoise shell hairpin, in this box. I think it will match up with the one found at the cistern where Mr. Dean's body was found. It might be a little cleaner, but I think it matches up with the same one.

Sticking to that same subject, while I interviewed Mrs. Dean at Worcester in the sanitarium, unbeknown to Mrs. Dean, I took this hairpin from her head.

PICKARD: Gentlemen, this is the hairpin found at the cistern, and this hairpin found in the bedclothes in Mrs. Colfelt's room. That one is the hairpin found on the bed in the upstairs bedroom, and the other one is just the same.

VLKBRG: Doesn't this correspond with the one found at the cistern? Doubtless, they're just exactly the same. I think the Sheriff has the other one, but the other one is just the same as this. I think the hairpin might be very vital evidence. I hadn't been in the house in Temple, so while I was talking with Mrs. Dean, in a secret way while talking with her, I put my

hand around her back and extracted this hairpin as some evidence of what she had in her hair in Worcester. And it doesn't match up with the other pin at all.

While I was at this Worcester Sanitarium I asked the doctor in charge if I could interview Mrs. Dean. I think I arrived there about half past eight at night. He said it was a bad time for any interview. I told him that the United States government didn't make their own time but that they looked for the place where they wanted to make an investigation and got there whenever they could get there, and that any rules or regulations of the hospital didn't figure with the United States government, especially when there was a murder committed, and possibly of a violent nature. And then, after a while, he said, "I guess I better let you interview Mrs. Dean." I told him it was up to him if I interviewed her or not.

When I got into this room I was introduced to Mrs. Dean, and that's the first time I had ever seen the lady. She had then been four weeks confined in the Worcester Sanitarium with three square meals a day and medical attention.

I asked the nurse if she would ask Mrs. Dean to bring me a chair. The nurse said that she didn't think that was a proper thing. I said, "Let me do the thinking. You do what I tell you. Ask her to bring me a chair." She then asked Mrs. Dean to bring a chair to me on the opposite side of the room, which was not quite the width of this room, called a parlor chair that I would think weighed about fifteen pounds, and it took Mrs. Dean close to about four minutes to bring that chair to me because she had to put it down five times.

I came to the conclusion right there and then that when a lady is confined to a hospital with medical treatment and three square meals a day for four weeks that she ought to be stronger at that time than she was five weeks before, and I made up my mind that she couldn't have carried that body from the barn to the cistern, or dragged it to the cistern.

PICKARD: Did your office have the report from mine? I don't know whether I had received this at the time when I let you take my papers or not, from Charles E. Thompson, in which this statement is. I will read only the last paragraph:

"The morning examination lasted more than one hour and the afternoon examination, after the journey down, lasted only three hours, and from these examinations, I am of the opinion that Mrs. Dean is suffering from a progressive deteriorating mental disease which has already lasted for several years and which will undoubtedly continue.

"While it is conceivably possible for one in the stage of the disease in which I find her to commit a crime, I am of the opinion that in this case Mrs. Dean showed no sign whatever to lead me to think she had

any part in, or knowledge of, the crime. I further feel she doesn't possess the physical strength necessary to commit a crime as this one was apparently committed."

Her confinement to a suitable hospital was recommended. You came to the same conclusion the doctor came to, that she didn't have the physical strength.

VLKBRG: I have. I thought Dr. Chase told me when I was leaving the hospital, in answer to my question if he had any idea she would have done that, he said it might be possible, but saying she did, she would have wanted help with the body. She wouldn't have been able to fix that body the way it was described in the newspapers of the Boston Post, which he read.

PICKARD: In your opinion — you have had lots of experience in this and similar cases — could one strong man have done that job, or would it require more than one?

VLKBRG: After the autopsy of Dr. Magrath, it must have been more than one person. I am not a doctor, but I was there at the autopsy. They couldn't strike a man in the face and at the same time squeeze his Adam's apple with the same blow, and the crack on the head would have been sufficient, and the squeeze on the Adam's apple would have been sufficient. So it must have been two distinct persons, if not three.

PICKARD: Dr. Magrath, who has testified here, of course, you are saying just what he said here.

VLKBRG: No, I didn't know. I only take it for granted what I saw in the vault when the body was cut open.

PICKARD: Is there anything further you can state bearing upon those lights as connected with the crime? I want to say that we have gone pretty thoroughly into that from other witnesses, but if you have anything further that will assist us in arriving at a correct solution of this puzzling case, we want you to go ahead and tell us.

VLKBRG: I haven't anything definite on the lights at the present time. I would like to say something of my interview with Mr. Rich in Boston. Mr. Ruby, an attorney at Boston, came to our office and said that he was attorney for C. L. Rich, and a personal friend of his for years, that he had married the daughter of the president of the Monadnock National Bank and knew Rich for a good many years, and if there was any shadow of a doubt that Mr. Rich was implicated in this case, he wanted to know it. Mr. Gifford asked him if he would ask Mr. Rich to come to Boston, as we hadn't intended to interview Mr. Rich unless he was put under oath, but if he would come with Mr. Rich to Boston and he would sit in the room while Mr. Rich was being interviewed, we would interview him without being put under oath, and Mr. Ruby said he would make that arrangement.

He notified us Mr. Rich would appear there at half

past six one evening. At from about 6:45 to 1:30 a.m. I interrogated Mr. Rich. I don't want to bore the jury as to what went on, but I just want to bring out facts bearing upon certain assertions made by Mr. Rich about different people in East Jaffrey.

I asked Mr. Rich if he had made a statement to the agent in our department that a horse had kicked him. He said, yes. "How did this horse kick you?" I will state that I was leading him on at that time. He said, "I went into the barn, slapped the horse on the flank, the horse didn't see me coming, it was dark, and he kicked back one of his hooves, caught me under the left nipple, broke my pipe and bruised my eye."

I said, "Is that the statement you made to Agent Reaves of Concord?" He said, "Yes." I then related the statement of the broom upset, and he said it wasn't so. I then related the statement of Silas Christian, the barber, who shaved him the next morning after the affair, in which he stated that he was walking in the barn with a plank in his hand, that the horse kicked the bottom of the plank and drove the edge of it into his face.

I then related the statement of Miss Hodgkins, who told me when I interviewed her in New York — this party is his sister-in-law — that he was going into the barn with a pan of pea pods and the horse kicked the pan into his face and bruised his face. I then related the story of his wife, who said that he walked into the barn to feed the horse and that the head was turned around fast by the horse and hit him in the face and bruised his face. And he denied all these statements and said the statement of the horse kicking back and bruising him under the nipple and at the same time breaking his pipe, bruising his face.

I asked him if he had any medical attention at that time and he said, no. I then said, "Was your horse shod?" And he said, yes. "And it kicked you under the left nipple and you didn't need any medical attention?" He said, "Yes, I didn't need any medical attention." I will leave it for the Grand Jury to judge.

I then asked him what time he returned from the bank and he said about 6:30 p.m. "Was your face in good condition at that time?" "Yes." "Did you leave the confines of your property at any time after you came from the bank?" "No."

Remember, gentlemen, his lawyer was sitting right there listening to every question that was put to him. I waited, and then repeated my question, "Did you leave the confines of your property at any time after you came from the bank?" "No." I again asked him the question and he got kind of angry and said, "Emphatically, no!"

When I asked him how it was that people saw him between half past nine and ten o'clock coming and going from his house to the village, he said it was a damnable lie. I also asked him about being seen in an

automobile at ten minutes of eleven, and he said that was a lie. Carmille Bruneau, who lives in East Jaffrey, saw Mr. Rich as he was coming from a band concert in Jaffrey Center between nine and half past nine, talking to a man in an automobile in front of Duncan's Drug Store on the night of August 13th. Croteau and his wife, living in East Jaffrey, coming from the band concert in Jaffrey Center, also seen him in the village of East Jaffrey.

These same two people near the Deans' saw Mr. Dean driving home alone that night, yet Miss Hodgkins claims she was driving with Mr. Dean to the house. I asked him what time Mr. Dean came to his house that night, and if I can remember the time exactly — you will appreciate the fact, gentlemen, I am telling you this all out of my head and I have no notes in front of me — about 8:40 to 8:45 Dean came to his house.

I asked him when he was kicked by the horse. "About twenty minutes before Dean came there." I've got the time wrong. 9:45 that Mr. Dean came in. About twenty minutes before eight o'clock, I think he said. About twenty minutes of eight he was bruised by the horse.

I said, "What were you doing when Dean came there?" "I was bathing my face in the kitchen." "Didn't Mr. Dean come into your house?" "He was on the porch with the two ladies and they were talking about the afterlife."

I then asked him what time he was kicked, and he said before eight o'clock. At nine o'clock a man by the name of Pelletier, who was the watchman in Bean & Symonds, as he was going his rounds he saw Ed Baldwin, who at all times uses Rich's horse and vehicle, drawing some shavings from the Bean & Symonds yard, three or four or possibly five bags, as he was making his rounds at nine o'clock. He started off towards the village with those bags of sawdust, and granting he made the delivery of those bags in very quick time, possibly he had the horse in the stable at 9:30.

If the horse was out drawing shavings or sawdust at nine o'clock and not in the barn until 9:30, how could the horse kick Rich before eight o'clock, as Ed Baldwin said that he spoke to Rich when he was taking the horse out, and he was in the best of health when he took the horse out to draw the shavings or to get a bag of sawdust.

PICKARD: Had you seen Mr. Baldwin so as to get the time when he took the horse out?

VLKBRG: I had received their statements before that and he said he was there, had put the horse back at about 8:45. I also have the statement that his wife didn't know that he had borrowed Rich's horse and rig that night as she made the statement in the village, "Isn't it too bad that Ed wasn't up that night,

above all other nights." She now verifies her husband's statement that he brought the horse back before nine o'clock. I am only relating as I got these facts from the different people in the town.

PICKARD: Remember, I have those witnesses—not all you have mentioned, some that haven't been here—but Mr. Pelletier was here and Mr. Baldwin was here.

Now, is there any further thing that you know, of your own actual knowledge, with reference to those lights, or connecting Mr. Colfelt up? This occurred to me as you were going along. Perhaps one way of getting at the murderer here is by process of elimination. That is, perhaps four or five persons who might be named, who might have done this.

Assuming, for instance, that Frank Romano was one, Mr. Rich another, Colfelt another, Mrs. Dean for a fourth. Now, Mrs. Dean has been eliminated. She didn't do it. Now, what do you say about Frank Romano?

VLKBRG: I interviewed Frank Romano at Purchase, New York, for about three hours and a half. I tried him on every phase possible that I knew in my eleven years of service as an investigator, and I have never broken him down in any way, shape, or manner. He always stuck to the one story.

I even tried to get his goat, as the saying goes, and see if I could get anything out of him. I didn't succeed in any way, shape, or manner to even change his attitude until I brought out the statement that Colfelt had said, or Mrs. Colfelt had said, that he said, "Don't mind that old crab. He is a dirty son of a — and his friends will find him hanging in the barn some morning."

That got Romano's goat and he said, "Damn him. That's what he told me." I said, "Are you willing to get on the stand and swear to this?" He said, "Yes. Whenever you are ready, send for me and I will make that statement under oath that Colfelt made that remark to me." That's the first time that he ever changed a hair on his head.

PICKARD: Did your office come to the conclusion that Romano was actually on the scene but that he didn't know anything about it? The best impression you can give.

VLKBRG: My impression was that he didn't know anything about it.

PICKARD: I think we talked that over and I agreed to that.

VLKBRG: Yes. The Pinkerton Agency came to the same conclusion.

PICKARD: Now, is there any question which the gentlemen wish to ask Mr. Valkenburgh?

JURYMAN: Was there any other point upon which Mr. Rich's story didn't agree when you were questioning him in Boston, other than the story with regard to why he got injured?

VLKBRG: After he had left Boston there was a rumor came out in East Jaffrey that the United States government had exonerated him of any blame in this case. Our office isn't there to put any blame, and we are working in conjunction with the state authorities for a Grand Jury investigation, to let the Grand Jury find who is the cause. So we had no idea of making any statement testifying or holding anybody blameless or not. This rumor came out in East Jaffrey.

I had occasion to go to East Jaffrey on another lead and I went to the bank and asked him for that statement, that letter he received from our department. He tried to sidestep me, and I said, "You may just as well give it to me now because you don't want me hanging around this bank. I know my back is more attractive to you than my face. Show me the letter." And at last he said, "I will," and he showed me a letter sent him by [Permain and Briggs] — their office is on Milk Street, Boston, who had gone into the hands of the receiver, and were personal friends, and I believe natives of New Hampshire.

JURYMAN: But going on a step further. The receiver of Permain and Briggs is Mr. Ruby, the attorney of Mr. Rich?

VLKBRG: Yes, that's right. They wrote him a letter after six hours of the grill in our office and he wasn't arrested, didn't look as if there was anything on him, and then spread the story that our office had exonerated him, that we had sent him a letter to that effect. He has made three or four other false stories that, offhand, I can't think of, that may come to me in the next few minutes.

JURYMAN: The desire of your office has been to get all the facts in the case and let the blame fall where it will?

VLKBRG: That's the idea. As I made the statement before in speaking for my office and for Washington, we have no axe to grind. It is in our routine of work to go on a case of this kind.

PICKARD: Is there anything further that you wish to ask, gentlemen?

JURYMAN: Who was it — you said there were several people, or a dozen perhaps — who saw Mr. Dean go towards home in the neighborhood of nine o'clock alone?

VLKBRG: The Chouinards, three of their children, Mrs. Chamberlain, Mrs. Burgoyne, Carmille Bruneau, Croteau and his wife. Mrs. Burgoyne was sitting on the platform of Goodnow's Store and she seen Dean passing and he had then gone beyond the drive which goes into Rich's house, and he was alone. Mrs. Chamberlain is a lady about eighty-five years of age, and she was very much insistent upon seeing him going in there but says, "I knew nothing about the murder, the only thing I know that Dean passed by

our way going home alone." This was given to me unsolicited.

JURYMAN: Their house is between Goodnow's Store and the turn to go to Rich's house?

VLKBRG: Yes, Goodnow's Store and the turn to go to Rich's house.

JURYMAN: Did she tell you what time that was?

VLKBRG: I asked her if it was dark, and she said, "No, how could it be, or I wouldn't have seen him."

JURYMAN: Did she say that was before she had eaten supper?

VLKBRG: No, she didn't.

PICKARD: I have a statement in my hand of it in which she said, "On the evening of Tuesday, before sundown, I hadn't eaten my supper and believe the time to have been between five and six, I saw Mr. Dean pass by my house. He was driving alone in his horse and carriage. I thought he had a bag of feed in the back of his wagon. I didn't notice after he passed." That's the statement that I got from her.

VLKBRG: Well, I was only three minutes in the house, and that's all she said to me. I would like to make a statement to the jury about the rig leaving the barn of Rich's house, which was supposed to be done at 10:40 at night.

PICKARD: That information came through Hutchinson and his wife, and through Bean?

VLKBRG: Yes.

PICKARD: Those three witnesses have all been here to testify.

VLKBRG: Well, I wish to bring out a certain point, if I may?

PICKARD: Go ahead.

VLKBRG: I asked Mr. Hutchinson where he was the night of August 13th and he said he was about to go to sleep on his porch, and his wife was taking a bath.

JURYMAN: What is the sentiment of the jury? Shall we sit right here and finish this up? It's now half past five.

JURYMAN: I move that we sit.

JURYMAN: How long will it take? (This to the witness.)

VLKBRG: I will have you out of here before six o'clock.

I asked Mr. Hutchinson if he seen the rig going down and he said he did. I asked him what time that was and he said about 10:40. I said, "Did you see anybody in the rig?" And he said, "Yes, the man was smoking a cigar." "Did you know who it was?" He said, "I didn't recognize who it was." I said, "Was the canopy up?" He said, "Yes." "Did you see his face?" "Yes." "How could you see his face when the canopy was up?" "The moon was high, right over the barn, shining right under the canopy."

I said, "Did the man have a mustache?" He said, "No, he didn't. I'm positive it wasn't Rich." "Are you

quite sure it wasn't Rich?" "Yes. I seen his face plainly. The moon was high." I then asked him what coat the man had on, and he said, "You couldn't see the coat." He couldn't see his coat, he couldn't see his trousers, but he could see his face with the canopy up. Dean's rig had no canopy.

In the interview of Mr. Rich in Boston, I asked him when Dean left, according to his statement at 10:40, if the moon was high. He said, "The moon had gone down. That's the reason I had to give him the lantern to find his way."

I want to bring out the testimony, gentlemen, of Mr. Hutchinson and Mr. Rich on the same statement. I asked him how it was he was so sure it was 10:40 and that it wasn't Rich. He said Rich met him the next morning and said, "Did you see Dean leave my place at 10:40 last night?"

At that time I had no idea of anybody being responsible for the crime. I am not in a place to have any opinion whatever personally, but an investigator, going around and finding certain stories that — if you will allow me to make a statement — don't gee up with close neighbors. In my way of looking I have been permitted to see certain things and I have doubts about the truthfulness of Mr. Hutchinson's story about the moon.

PICKARD: It's an admitted fact, isn't it, that the moon that night set about 10:30? We had Mr. Wadsworth here to testify to that and show us the record.

VLKBRG: About 10:30 or 10:40. That's why I want to bring out the fact that if the moon was up at 10:40, why did Mr. Rich give Mr. Dean a lantern, if the moon was up on one story, and why did Mr. Hutchinson, who couldn't recognize what the coat was on the man on his back with the canopy up, when he can see his face? If you can see the face under the canopy, you can certainly see the coat and can recognize a man with a mustache who didn't have a mustache like Rich.

Another thing that was peculiar about my investigation, I haven't to this day seen the buggy, or the rig, that Mr. Dean drove in. When I arrived upon the scene it had been taken out of there by the instructions of the administrator of the estate, and I have at least ninety-eight witnesses to give you, Mr. Pickard, two-thirds of them said that that rig was rubber-tired, even to the Costello girls when I asked them if they saw Mr. Dean drive by, and they said, "Many times." And I said, "What kind of a rig was he in?" And they answered me, "In that little colored rubber-tired rig." I have never seen the wagon. I don't know what tires it had on it.

PICKARD: Well, assuming that the tires are now steel, your inference, then, is that the tires, sometime between that date and this, have been changed?

VLKBRG: Possibly. That was a motive.

PICKARD: Do you know that wagon, that carriage, belonged to Mrs. Robinson?

VLKBRG: So I believe.

PICKARD: And that Mr. Stratton, at our request, took it away, that he kept it in his livery stable for some time, and finally sold it, and he claimed it had always been steel-tired?

VLKBRG: Then his testimony to me when I came into East Jaffrey, and the testimony he gave me no later than two months ago, or possibly two months and a half, that if he was put under oath at the present time he couldn't swear whether it was rubber or steel-tired, and he had it in his place, and that's the testimony of Fred Stratton.

PICKARD: You didn't see the carriage yourself?

VLKBRG: I didn't.

PICKARD: At any time when he had it there?

VLKBRG: I didn't. I would like to bring before the Grand Jury a little testimony I got from Arthur Smith, who is the man on the scene the morning the body was found. The night before the man disappeared, which would make it August 13th, Mr. Dean said to him, "Bring some help in the morning. I've got boxes in the bungalow that I want to move to the barn." He said, "If Ingraham isn't working I'll bring them," and Mr. Dean said, "I'm not able to lift anything and I don't think you can lift the boxes alone. I think you better bring help."

The next morning when he arrived upon the scene to finish the haying, he met Mrs. Dean, waving her arms to him, and the thing that came to his mind was about those boxes, and she said Billy had gone out that night and she hadn't seen him since, if he would go in the barn possibly he might be dead in the barn, that she had looked on the ground floor in the basement and she couldn't get up in the hay loft. And he went up in the hay trying to find him, and didn't find him.

I asked Mr. Smith if he was there when the body was taken out of the cistern and he said, yes, he was. While I was talking to him I made two diagrams on this card, and I said, "After the bag and the stone and the rest of the things were taken off, was the body searched?" He said, "Yes, it was." "What was found on the body?" He said, "A cigarette box." I then showed him the diagrams and said, "Was the box like this, or was it a box like that, that was found?" He said, "A box like this." I believe it was a snuff box. I haven't seen it. I don't know whether it is here at the present time.

PICKARD: The one with the initials on it, you mean?

VLKBRG: Yes.

PICKARD: Yes, it's here.

VLKBRG: I said, "Where was this found?" He said, "It was taken from the pocket of his pants." I said, "It wasn't take out of the cistern?" He said, "It was

taken out of Dean's pants." A box like that, if I have the diagram right, I seen in the County Jail labeled, "found in the cistern."

When the cistern was pumped out at the instructions of Sheriff Emerson, when the pump wouldn't work any longer, they used a pail to bail the bottom, and there was something shining in the bottom of this cistern and it was thrown up on the grass. There are three persons who saw that article which they describe as a cigarette case made of German silver that didn't open the length way but opened across like any cigarette box with two compartments, one on each side, fastened with a spring clasp. On one side there were four so-called cigarette papers, and the tobacco was out of it.

PICKARD: Would you like to see these cigarette cases?

VLKBRG: Yes, I would like to see them, and then try to find out where that cigarette case had gone to, and I haven't to this day. I went to the Keene Jail, first going to the County and asking permission of Sheriff Lord if I could go in there to photograph that cigarette case, and he said I could.

I took it out and put it on the mudguard of Oscar Dillon's car, who had taken me to the County, and as I was photographing this box, front and side view and open, he asked me what I was photographing that box for.

PICKARD: Who? Mr. Lord?

VLKBRG: Oscar Dillon. I said this was the cigarette box that was found in the cistern after the water had been pumped out, and he answered, "Like hell." And he told me what the cigarette case looked like that was in that cistern, which corresponded with the cigarette case, the description of the cigarette case of Selectman Boynton, which also corresponded with the cigarette case that Charlie Stratton, now dead, told me, as he was on the scene and was the man that pulled Dean out with the ice hook, and was there the next day.

This is the cigarette case that I photographed in the Keene Jail as coming out of the cistern. It was then labeled, "found in cistern." Since then I believe it was a mistake.

PICKARD: Yes, I think that was explained to you.

VLKBRG: Yes, that it wasn't.

PICKARD: That's been, I think, thoroughly explained, how that happened to come about.

VLKBRG: This is the first time I have seen this box since I have been on this case. I will give you Arthur Smith's testimony. The inside of this box consisted of loose pieces of paper, tobacco, and matches, as he seen it upon the day it was taken out of the pants, in the righthand hip pocket of Dean. No ready-made cigarettes, but papers, tobacco, and loose matches.

I again drew his attention to a box of this kind, it

was a full box, and I said, "I know what you are talking about. I have one at home, a cigarette box you put in your vest." He said, "No, it was a thick heavy box." I am not here to state anything except what I have found those three people saying. There was a cigarette box in that cistern when the water was pumped out, and I have not yet seen that cigarette box.

PICKARD: Assuming that this was the box taken from his pants at the time, assuming what you say that Arthur Smith said is true, who else is there besides Arthur Smith who saw any box of any sort taken from Mr. Dean's clothing?

VLKBRG: The way he put it to me was that everybody that was there on the scene had seen it.

PICKARD: Later did everybody see it?

VLKBRG: That I don't know.

PICKARD: Have you found anybody else except Mr. Smith who claims to have seen any box taken out of Mr. Dean's clothing?

VLKBRG: I'm not quite sure. I haven't got the file here on that. Leighton, the undertaker, says there was something taken out.

PICKARD: Did anybody tell you the only thing found on Mr. Dean was simply a few folded sheets of toilet paper, I think in his shirt pocket? I have forgotten about that, whether the shirt pocket or the trousers pocket. Do you know anything about that?

VLKBRG: No, I don't. I have the mate to this one in the Boston office, and Mr. Rich has the receipt. He claimed he had the other one.

PICKARD: Did Mr. Rich claim he had given it to Mr. Dean, or Mr. Dean had given him?

VLKBRG: Mr. Rich claimed that twenty-five years ago Mr. Dean had given him a cigarette case. I interviewed a party in Manchester who had been employed in the Rich family at the time and remembers the incident of Mr. Dean presenting Mr. Rich with a cigarette case.

PICKARD: It came full of candy cigarettes?

VLKBRG: It didn't. I have made a diagram of a cigarette case like that as near as I can remember, and there was nothing on the top. It was a plain cigarette case of German silver. I could identify this cigarette case if I seen it. I showed her the other one that Mr. Rich had allowed us to have, and she said, "No, nothing like that. I'm talking about a cigarette case."

PICKARD: She had seen it when?

VLKBRG: When it was presented by Mr. Dean to Mr. Rich.

PICKARD: Twenty-five years ago?

VLKBRG: Yes, when she was working for the Riches.

PICKARD: Any further questions?

JURYMAN: Regarding the statement concerning Mr. Colfelt, is it a fact that he is the illegitimate son of Von Bernstoff?

VLKBRG: According to the testimony of the doctor in Washington, as well as I can remember, the story is fact. The first wife was a little bit off-color and he divorced her, and Colfelt is the child from that woman, from Bernstoff. And Sidney Colfelt, the other son, is a son through a second marriage.

JURYMAN: You have verified it so there is no question about it?

VLKBRG: Washington is now verifying it at the present time. The main office is looking it up.

PICKARD: Have you any evidence as to whether or not, as I said before, Bernstoff was in this country at that time?

VLKBRG: I believe that the office is checking that up. This is information by Miss Ware to our department.

PICKARD: Do you know Mrs. Colfelt, the present Lawrence M. Colfelt's mother, or alleged mother? Have you ever looked her up to see who she is?

VLKBRG: I haven't.

PICKARD: Do you know whether or not Lawrence has any income from her?

VLKBRG: Through his grandfather, I believe.

PICKARD: And that is through this present woman? It comes through her?

VLKBRG: Yes. I believe the rumor is that his mother is dead, but this woman that he calls mother is the mother of Sidney Colfelt. Natalie Colfelt is not his daughter.

JURYMAN: Do you know anything about the present Mrs. Colfelt, Lawrence Colfelt's wife?

VLKBRG: She was the wife of a man by the name of Roberts, proprietor of the 51st Street Apartment Hotel in New York City, divorced by him, and then married Colfelt. Natalie Colfelt is the daughter of Roberts.

Whenever Mrs. Colfelt came to New York she would communicate with Roberts, who is in charge in the 51st Street Apartment Hotel, and he would make arrangements to see that she was taken care of. A lady in the hotel was very much surprised how loving Roberts would receive the wife of another man, his former wife. They also told me that when anybody came to that Hotel and inquired for Colfelt that they would give a description of the party that was asking to see him or her over the telephone. If it didn't jibe with anybody they knew, word was sent they were out, as in my case. I trailed them from Portsmouth to the 51st Street Apartment Hotel, and from there to 21 West 50th Street.

PICKARD: Did you ever have any consultation or conversation with any of the Colfelts?

VLKBRG: I tried for three days and nights to get in conversation with Mr. Colfelt at the 51st Street Apartment Hotel. The chances are he was watching from the window. This I will say, that for three days and three nights, up to half past two in the morning,

Colfelt did not leave his apartment because I covered it at half past two in the morning and was back in the morning at six o'clock to cover it. I covered them three days and three nights, watching, so I could get an interview from him, and neither he nor his wife made a statement.

They were in the house at that time, didn't know I was there when I rang his bell every fifteen minutes for at least six hours every day, called up in the speaking tube and got no answer, and the doors all locked up, and no way of opening the door to her apartment. I didn't want to ring another apartment to get in as I don't do that. If I can't get in the right way, I'll stay out.

JURYMAN: How long ago was that?

VLKBRG: That was in the month of December. Why was he hiding that way? Why did he leave Portsmouth when I gave it out in Jaffrey I was going there to give him the third degree? I will leave that for the jury to say.

I had sent out broadcast in the town of East Jaffrey that I was going to Portsmouth the following day to give Colfelt the third degree. I was waiting for four more men from the Boston office so I could give him a good fourth degree, including Mr. Gifford. We went to Portsmouth. When we arrived there he had flown the night before.

PICKARD: What was your idea to give out that statement?

VLKBRG: To prove the connection of the town of East Jaffrey with the Colfelts.

PICKARD: And did you prove it?

VLKBRG: I did.

PICKARD: How?

VLKBRG: That he disappeared.

PICKARD: Did you say that there was actually any connection, any telephone connection, or otherwise, or anything of that sort?

VLKBRG: The telephone company is covered with people that are very friendly to the Riches. Ed Baldwin's daughter is one of the operators. I don't think she would say anything that would harm her father or any of her father's friends.

PICKARD: There is a record at Washington, isn't there, of the toll calls between East Jaffrey and other places?

VLKBRG: Supposed to be.

PICKARD: You didn't find any record?

VLKBRG: For example, for the benefit of the jury, a code message went through from Winchendon, from Winchendon to Greenville, to Colfelt, in code, which this girl in Greenville positively had taken oath to there was a code message. I demanded to see the record of the telegrams in Winchendon that went through, and I was told by the company to go to the Western Union office in Boston. Some people think

because the telegraph office is under the jurisdiction of the government, the government has got anything to say. Far be it from that. They have just as much to say now as they did fifteen years ago.

PICKARD: Have something to say only in case of raising rates, isn't it?

VLKBRG: Not on anything in telegrams. I made this demand and I received the telegrams from the Western Union office. Everything but the code message that went through. I then found out that certain authorities of the Western Union are very friendly with Colfelt and so they wouldn't hand out the code message, in my way of thinking.

PICKARD: He was being employed, then, by the government, by German intelligence?

VLKBRG: It looks that way.

PICKARD: Has there ever been anything of that sort connected up with any of those you now suspect?

VLKBRG: I am still looking for that code message. I haven't received it. I received about sixty-five messages. I questioned her, naturally, about the date and the time the code message came through that this girl had reported to us, but it wasn't in that bunch.

PICKARD: Was the nature of this telegram such as to be hard to follow?

VLKBRG: There was no sense to the telegram at all. There is no sense to any code message to anybody that doesn't know it. I wish I had one with me. Some of them were like, "Be sure and call me up." And that would be all of the telegram. Or something about, "the chimes are those on the gas stove." And, "Don't forget to bring the gas stove," which anybody would look at the telegram and think it was a telegram sent for the object of communication to some household worker.

PICKARD: Have you a record of any number of telegrams of that nature?

VLKBRG: I have all those telegrams except the one in code. About forty or fifty telegrams, sent to him, telegrams he sent.

PICKARD: From various places?

VLKBRG: From Greenville, from Temple, and from East Jaffrey.

PICKARD: I would like to ask you, did you state what you thought Mr. Rich's motive was for his part in the affair?

VLKBRG: I really couldn't say what his motive was. My idea is that he knows more than he is willing to tell. If Mr. Ruby would be asked I think he would say the same thing because he made that statement, "There is more in this case than I thought there was," after Rich had left the office, and he made the statement that there ought to be a Grand Jury investigation, but wouldn't let himself be quoted as saying that it would clear Rich.

JURYMAN: The Department made no arrests with regard to this case, so far as you know?

VLKBRG: The Department doesn't make arrests, sir. They are investigators.

JURYMAN: The man behind you would order arrests if they found sufficient cause for investigation?

VLKBRG: I haven't had an investigation as yet, haven't been put before a Federal Grand Jury. I don't know what the attitude of the Department is in that respect.

PICKARD: Your own information is turned right in to a certain department and that is sent to the proper authorities or somebody?

VLKBRG: My information is sent direct by me to my department at Washington, through the Boston office.

JURYMAN: As I understand, you are still working on the case of Colfelt?

VLKBRG: We are still working on it, yes. And that reminds me of something. There is also a rumor in East Jaffrey that the Department has fallen flat on this case and have thrown up their hands in disgust and you will never see the Federal agents in East Jaffrey again. That was four months ago.

JURYMAN: You have heard that same report on the County authorities, haven't you?

VLKBRG: I haven't heard that remark about the County authorities. I did hear a remark by one of the people I interviewed, that they were going to stop interviewing. I took that with a grain of salt. It was as true as the one they told about us.

PICKARD: Any further questions, gentlemen?

VLKBRG: I will state before the Grand Jury that the government hasn't stopped on investigating the case. We'll keep right on — makes no difference what the findings of this Grand Jury is — we'll keep right on with our end of it.

PICKARD: Of course, your investigation of the murder is incidental, I mean the murder itself is incidental to your investigation of acts of treason coming under the espionage law?

VLKBRG: It dovetails right into that. You can't separate them. If you investigate one, you fall into the other. If you investigate the lights in East Jaffrey, you will fall over the murder. If you make an investigation of the murder, you will fall over the lights. It is a positive fact, in my way of thinking. The man was removed because he knew too much about German activities in and around East Jaffrey, and every line that we follow leads that way.

The reason I am not saying anything about any blood marks or anything about the weeder, or anything like that — I didn't see this weeder until January 2, 1918 when it was handed to me by Charles Bean, the day they were here and took the body up

and performed the autopsy. I turned it over to Dr. Magrath for investigation, and that's the last time I seen it.

I will say this, that when we sprang the weeder on Rich under kind of a third degree move, he turned gray around the gills and couldn't look at the face of Dean as photographed in the coffin. When I handed it to him I asked him if this was Dean, his longtime friend. He looked at it and said yes, and held it for fifteen minutes, because I wouldn't take it from him, face down, and acted very nervous.

PICKARD: I think that's all, Mr. Valkenburgh.

WITNESS DISMISSED

CONCLUSION

PICKARD: There is just one short statement here I wish to read, and then I am simply going to tell you gentlemen something relating to your own understanding of what your duties are in the case, and submit it to you.

This is a statement of Mrs. Dean. I had hoped Mrs. Dean could be brought here, but her physical condition is such that it seemed best, by agreement of everybody, that she should not be brought. This is a signed statement by her, taken by Mr. Scott, who spent a great deal of time with her from time to time, and you will notice from her certain strange statements, rather strange to have used, but they were put down exactly as she gave them:

"On Tuesday, August 13, my husband went down to Jaffrey to Mr. Rich's place at 7:30 p.m. He went to Mr. Dillon's to order all his provisions. He went to Goodnow's and brought home my medicine. He gets that from Goodnow's. My medicine is lemons. He also brought home bread, butter, and crackers. He said that he was going to see Mr. Rich's sister that night. He told me when he got home that he had seen the Riches at their house.

"My husband loves ladies. He likes ladies very much. He got home, coming there at 9:30 p.m., took his stuff from the wagon and put it in the kitchen. He gave a bouquet of flowers to me to put in water. Then he drove over to the barn, put up his horse, then came back and took off his good clothes and put on his old clothes and he came down and had something to eat, bread and butter and milk, and then smoked a cigarette, and then got his pails, a strainer pail for milking and the pail for the feed for the cow boy. (That must be the bull calf.)

"I saw him go away with the lantern toward the barn. When he went to the barn he had on a pair of

kneelength pants, a white shirt, collar and tie, but he kept his hat on. He said he had been feeling bad that day. He had pains in his knees and in his feet.

"He went to the barn at 11 p.m. and said he would be back at 12 midnight and said, 'Now you will be ready with some food.' So I fixed some soup for him and had it all nice and ready for him, and I lay down and waited for him to come back. I looked to see him coming but he didn't come. I kept awake and waited and he didn't come, but at five o'clock a.m. I went out to the barn. I went in and found the lantern. It was standing inside as though he had it right there. It wasn't lighted but there was plenty of oil in it as I shook it to see, and it was half full, and I also found the feed pail which he took over with milk for the boy cow. Also, another pail, a blue and white pail which he had taken out to the barn, but I couldn't find the strainer pail anywhere.

"I brought the lantern and blue pail back to the house. I went up around the house which was occupied by Mr. Colfelt, and called, 'Billy, Billy!' I thought he might have gone in there and fallen asleep. I looked in all the wells and holes about the yard. I then came to the house and looked all around to see if he was upstairs.

"Then I had my breakfast. I had crackers and medicine. I mixed it with water and sugar. Two men came in to get the hay and I told them about Billy being gone and they said they would go to look for him. I then called up Mr. Rich by the telephone but he said he didn't know where he was. I told him my husband was lost last night and that I felt he had died.

"I then called up Mrs. Garfield and told her that Mr. Dean is gone and I am afraid he had died and I thought he might have gone there.

"Billy didn't get any letters from any girls. Billy had some money with him. He received \$40 per month from Mr. Colfelt and Mr. Colfelt didn't pay him for the last month. The Colfelts were very nice people. They lived here for ten months and left six weeks ago. Billy didn't have any trouble with them. They had an auto which they kept in the barn, one cow and three horses. Mrs. Colfelt came to see me frequently. She was very nice. She was also up to see me on Thursday. She thought Billy was dead because I told her I had seen him with some very bad spells.

"I think Billy is dead because he wouldn't be mean to me. He was always very nice and he knew if he stayed away he would worry me. I never expect to see him again. I think he is dead but I can't say where he is. He never went away before. This is the first time."

JURYMAN: What date was that statement, Mr. Pickard?

PICKARD: Sunday, August 18th.

JURYMEN: That's after she went to the sanitarium?

PICKARD: No, she went the following Sunday.

JURYMEN: Did she receive any assistance in making out that affidavit?

PICKARD: No. Mr. Scott asked her the questions and wrote down her statements, and then read them over to her and asked her if they were correct.

Now, gentlemen, that concludes the evidence that is to be introduced in the case. If time allowed, I might say a few words but it would simply be a repetition for I would say what has been said before, and I don't think I could add anything whatever to your store of knowledge.

Now, this case, in the way it has been introduced, it has been my purpose to put everything here, let the facts fall just exactly where they will, and when you come to your deliberations in this case you will endeavor to approach all the facts, each fact as bearing upon every other related fact, the appearance of the witnesses as they came before you, any motive they had in the case, in order to weigh their testimony.

All these things, of course, are things you will discuss if they at all bear upon this case. You understand that if an indictment is found against anybody, he isn't being tried. It is simply an indictment. In order to find an indictment, as I understand the law, you must be convinced beyond a reasonable doubt, by the evidence which has been introduced before you, that this person, or these persons, that this one has committed the crime which has been charged.

In most cases I have introduced only the evidence from the state. In this particular case, by reason of my talk with the Attorney General, with the Federal authorities, and with the selectmen, we have thought it best to introduce everything. We have brought forward the Colfelts. We have brought forward the Riches. It was my purpose to bring forward Mrs. Dean. I have brought forward any that I have been able to bring forward that had any bearing whatever on the case. If I knew of any witness who knew anything to throw any light, that witness would be brought forward. I have gone over it very carefully, either personally or with some member of the Sheriff's department or otherwise, and let all these names which have been brought in here, and the evidence may be simply an accumulation this way or the other. That is, it doesn't add anything either way.

Now, when you come to your deliberations I think the first question you ought to come to is this, and I am going to leave this paper with you, Mr. Foreman.

Upon consideration of the evidence introduced in a case before a Grand Jury, does the Grand Jury find that an indictment against any person or persons can be found for the homicide of William K. Dean on the

Dean farm on the night of August 13, 1918? That's the first question that you will come to.

1. Upon the evidence, can you find an indictment against any person? If you should answer that question "no," that ends your deliberations. If you should answer that question "yes," then you would deliberate further and determine from the evidence here introduced what person should be indicted for the murder of William K. Dean.

Assuming, as I say, if you decide that no person can be indicted, you needn't consider this question I am about to read. If you find that some person should be indicted, you will answer this question.

2. If any indictment can be found against any person, or persons, upon all the evidence introduced before the Grand Jury, against what person or persons can that indictment be found?

There are your two questions.

When the jury has completed its deliberations, you will notify me and reveal to me what the result is. Nobody will be here during the deliberation of this Grand Jury, except to produce evidence. If in any case you should call upon the stenographer for written evidence, you will be very careful not to discuss the case in any way in her presence. She will leave the room as soon as she has read the evidence to you.

If I should be brought in to answer any questions pertaining to the law, I wish it to be understood that I must not take part in any of the deliberations whatever. Now, that is the sum and substance of the matter.

JURYMEN: I would like to ask one question, if I may.

In the event of our bringing in an indictment against, well, we'll say Rich, for instance, in that case the man would be arrested under our indictment and tried?

PICKARD: Yes.

JURYMEN: Any person we indicted would be subject to arrest and trial?

PICKARD: Yes, absolutely.

JURYMEN: If we shouldn't find an indictment, this would continue until the next term of the court?

PICKARD: If you shouldn't find any indictment at this term, that doesn't prevent some future Grand Jury from going into this thing all over again. For instance, assuming that at the present time there is no evidence to indict anybody, and that between now and next October the County Solicitor or the Federal authorities or anybody later found new evidence, the matter would again be brought before that Grand Jury.

JURYMEN: My point was this. Actually, at the present time, there is no finality to our statement or decision at this time? The authorities would continue just the same, and in the meantime the Federal authorities are doing all they can to find evidence, so

whether we do or whether we don't hasn't any particular bearing upon the case?

PICKARD: No. It would simply tell us what the status of the case is at present. Suppose, for instance, you should decide and find there is no evidence upon which anybody can be indicted, and that tomorrow John Smith was to come forward with a confession that he did it. John Smith would be immediately arrested and held for the action of a Grand Jury at the next term of court.

There is nothing final about the action of any Grand Jury. It is simply an investigation that takes place upon the state of facts at that time. Every effort will be made by the Federal authorities, and by the County authorities, and by every law-abiding citizen, to trace down this thing.

JURYMAN: Let me ask this other final question. The last witness has sort of thrown a key wrench into the case, to my reasoning. May I ask if there is any purpose in bringing him in last?

PICKARD: No. Simply because he happened to be here.

JURYMAN: I was thinking that had this evidence been introduced first, in the light of the other things that have come along, it would possibly look somewhat different to us.

PICKARD: Well, there was no purpose in it except simply that he happened to be here at this time. He has been here on previous days, but also other witnesses from farther away were here, and he said he would be available at any time, and so he happened to be brought forward at this time.

JURYMAN: One thing is in my mind in connection with the detective, which is new to me, and in our deliberations I want to get some little idea what limitations to consider.

PICKARD: I was going to say, this man is a professional detective. We have another man here who — but it is the policy, naturally, for a detective to go about the thing in a way, a different way than the hard evidence that is accumulated as the District Attorney did, for instance.

For instance, our first idea of the thing was, here was a man who had a theory, and everything, or even a reference, had to be brought in to prove his theory. Now, here's another man, who is a detective, a professional, and are we to be misled by him on the case or not?

Now, the only way in which you can approach that is to keep in your mind just the facts. Now, in one way perhaps the Attorney General and I, with the consent of those with who we have consulted, have begun this case a little differently than a hard case. We have put in here a lot of hearsay evidence. Now, hearsay evidence which isn't supported by facts

wouldn't be allowed to go before a trial court.

Now, that being so, the only evidence which you have a right to take into consideration here and base your official verdict upon is that evidence which is supported by facts.

JURYMAN: Let me ask this question, then. If we would consider that Colfelt is the illegitimate son of Bernstoff, that is hearsay evidence?

PICKARD: Yes.

JURYMAN: And that wouldn't weigh, shouldn't weigh, in any consideration, or couldn't be substantiated if such a thing can come up?

PICKARD: The condition of that evidence is exactly as Mr. Valkenburgh said, that at the present time it is merely a report.

JURYMAN: Now, regarding those numerous telegrams, those weren't hearsay evidence. Those are facts. He has the data for those things?

PICKARD: Yes.

JURYMAN: And we should consider a thing of that nature? I don't know whether it is necessary to discuss the information in any way or not. Now this testimony on Colfelt with reference to his whereabouts and his family, and their good intentions in entertaining this family of Bishop Potter, that kind of thing, which has been brought into the case to show their family relations and family, and how good and patriotic they were, that sort of thing. And then, over against this comes this thing you consider as evidence, and those forty or fifty telegrams, code telegrams, you consider that as evidence?

PICKARD: Oh, yes. The fact that those telegrams were sent and received is a matter to be considered in this case.

JURYMAN: We are to believe his statement as a fact in this respect?

PICKARD: Yes, for whatever the fact is worth has a bearing upon the case. I might say this. The thing we are here to investigate here now is the murder of William K. Dean, and all those things which you will consider must in some way bear upon that. They must bear upon the motive for his killing, or the person who killed him, or something of that sort, and, of course, they have been introduced here only for the purpose of showing who the person is, if he can be ascertained, who killed Mr. Dean, and all those facts center about that one thing which you are here to investigate.

JURYMAN: The matter of German propaganda is merely a side show to the main show of Mr. Dean's death, only in the bearing in some way it might have on the Dean murder, but in no way connected with our deliberations, when bringing in the verdict against anyone for German propaganda only so far as it might have a bearing upon the murder of Mr.

Dean? For German propaganda only so far as it might have a bearing upon the murder of Mr. Dean?

PICKARD: Yes. This may make it plain. This is a Grand Jury. There is no law upon the State books you are called upon to investigate bearing upon German activities. The thing you are called upon here is simply having to do with the murder of William K. Dean. Now, assume one or more of the men would be called upon to sit on a Federal Grand Jury to investigate espionage and German activities. Then your investigation would be the fact whether anybody intimate with the case had committed treason.

There are two questions, and the main question here is, who killed Mr. Dean. The secondary question is, what was the motive. As bearing upon that motive, you may take into consideration those matters we have been discussing.

JURYMAN: The only thing, then, if we shouldn't bring in a verdict upon the evidence that the government or the Federal authorities had, they would?

PICKARD: Well, the only evidence I have of that kind is what you heard from Valkenburgh, so they have not already done so.

JURYMAN: Is there anyone with the knowledge of the Federal government beside Mr. Valkenburgh? He was aware of the evidence picked up on their own account, but what other agents, etc., picked up he was probably unaware of?

PICKARD: Mr. Valkenburgh has been on this case at East Jaffrey either alone or with county officers ever since last fall, and I think he knows everything that happened around East Jaffrey since that time. Whatever investigations have been made at Washington or New York, he knows only what he has told you. Does that make it clear? I want to answer all the questions you may ask with reference to him, or with reference to the present time.

JURYMAN: If we, from the evidence, feel that any person who seemed implicated by being in any of this in any way, we couldn't bring any indictment, I think?

PICKARD: Well, you couldn't bring in an indictment that Tom Jones, for instance, had killed William K. Dean if some time later he happened to hear some folks talking who actually had done the murder and he became cognizant of it in that way. But you could, if you are certain of it, bring in a verdict against Tom Jones for being an accessory after the fact, or something of that sort. But you can't convict a person of murder simply because at some later time he may happen to know about it, or something of that sort.

JURYMAN: Now, bringing up the matter of the circumstantial evidence, I presume much we have been listening to here, upon circumstantial evidence a Petit Jury would never convict a man? Would a court convict a man on circumstantial evidence?

PICKARD: Well, circumstantial evidence is sometimes sound. I mean by that, that a great many crimes are committed and the only kind of evidence you have is circumstantial evidence. For instance, suppose that I go into a house and I am seen to leave the house. Some time later a person is murdered in that house, and in some way so as to shed a lot of blood. And then certain blood stains are found upon my clothing. Now, nobody saw me kill the person. They simply saw me go into the house, they find a person murdered, and then find blood stains. That's all circumstantial evidence, and it's perfectly good evidence. Absolutely good.

Don't make the mistake, gentlemen, of thinking that circumstantial evidence is no good. It is all right if it is strong enough in itself, but there are all degrees of circumstantial evidence, just exactly the same as there are all degrees of direct evidence.

For instance, some person will say, "I just saw an automobile pass that street." Well, now, if this gentleman said so, you might believe him absolutely. For instance, if I or some other person who had some motive in saying so, said so, you wouldn't believe him at all. So you see, there are all degrees of evidence, whether direct or circumstantial.

JURYMAN: My point was leading up to this idea, that here are two men here to who the evidence is pointed more or less. Now, the idea is if we don't catch him, they will. So my point, we might say, we'll let it go up. Let it be tried. We don't want to bring up his case unless there is real strong evidence.

PICKARD: No, I think the charge for you is, you are instrumental, that you are bound by your oath here as though you were sitting on a Petit Jury, that if there is evidence before you which would absolutely convince you that somebody is guilty of this murder, then you ought to return an indictment. If there isn't such evidence, then you ought not to.

In the same way, if you were sitting on a Petit Jury, the charge would be, in order to convict this man of murder, you must have evidence which will convince you beyond a reasonable doubt. Here, you must have evidence which convinces you beyond a reasonable doubt, from the evidence you have heard, that Tom Jones, or John Smith, or whoever, committed the murder. Is that plain?

JURYMAN: Yes, that's plain, but on the other hand, just one more thing. Does this mean Colfelt, for instance, supposing he is a German spy, there is no one in this room would want to see, if there was any chance by playing the thing up to a Petit Jury to find him out, I think naturally a man would want to do it, you know. I mean to find the man out, not only in connection with Dean himself, but as being perhaps what Mr. Valkenburgh claims him to be.

PICKARD: In answer to that, I shall have to tell you this, and this only. That you can't, as I understand it, go beyond the deliberations of this room. That is, if you have evidence that convinces you that Mr. Colfelt murdered Mr. Dean, then you must return an indictment against him. If you haven't that evidence, then I think I should have to tell you it is your duty not to return an indictment against him.

The same thing is true of Mrs. Dean. The same thing is true of everybody.

GRAND JURY TAKES RECESS UNTIL 7:30 P.M.

This ends the Court Reporter's notes.

The verdict returned by the Grand Jury:

MURDER BY PERSON OR PERSONS
UNKNOWN.



