UNTangling THE TiVERTON Tragedy:
THE Social Meaning of THE Terrible Haystack
MURder of 1833
William G. McLoughlin

With the publication this spring of the tenth book about "the terrible haystack murder" which took place in Tiverton, Rhode Island, in December, 1832, it is time to take another look at this cause celebre. At first sight it seems a rather ordinary, though sordid, affair concerning the murder of an unmarried, pregnant woman. The verdict of the first coronor's inquest was that she had hanged herself. The incident took a new turn, however, when a note was found at the girl's boardinghouse, written and signed by her the day of her death, saying, "If I should be missing, enquire of the Rev. Mr. Avery of Bristol; he will know where I am." Why should she have left her boardinghouse in Fall River in good spirits only to hang herself on a haystack pole a mile away? When a second hearing revealed that she was pregnant and that she had told a Quaker doctor, Thomas Wilbur, that she had told a Quaker doctor, Thomas Wilbur, that the Rev. Ephraim K. Avery, pastor of the Methodist Church in Bristol, Rhode Island, was the father, the case took on sensational proportions:

In all the capital trials that have ever taken place in our country [says one account written in 1833], no one has ever occurred so intensely interesting . . . . none fraught with more important bearings and results, none more enveloped in the shades of mystery . . . .

Most of the books written about the case trace its importance to the claim that this was the first time in the history of the country that a clergyman was tried for murder. That he was married, had several children, and allegedly killed a poor girl whom he had made pregnant, simply added to the horror. It has since been proved that this was not the first time a clergyman had been tried for murder, but even if it were, this is not sufficient to account for the tremendous excitement the case aroused not only in Fall River, Boston and Providence but also in New York City and Philadelphia.

A second, and to the historian more significant, aspect of the case centers upon its socio-economic ramifications. Why did a mob of factory workers travel sixteen miles from Fall River to surround Avery's house on Wardwell Street in Bristol a few days after the murder, terrifying his wife and children and demanding his death? Why were they afraid that Avery would never come to trial? Why were mass meetings held in Fall River at which factory girls and millowners both contributed money to bring the murderer to justice after he fled the scene? Why did people who scarcely knew the murdered woman want to erect "a handsome marble monument over her remains, detailing the sad tragedy of her death"? Why did her "lowly grave" become a place of "pilgrimage of thousands from all the different sections of the country"? Why was a play about the murder produced in New York in 1833 which ran for months to packed audiences? Why did the Methodist bishop, clergy and laity of the New England conference raise $6000 to defend Avery, and why were they denounced for doing so? Why were seven books, innumerable pamphlets, broadsides, caricatures, songs and tracts written about the case in 1833-1834? The murder even entered the realm of popular culture and folklore. Anonymous poems were written and recited about it:

Young virgins all, a warning take,
Remember Avery's knot,
Enough to make your heart to ache,
Don't let it be forgot.

You mothers that have infants
To sympathize and mourn,
Such murder never was done here,
Or ever yet was known.

[and many more verses]

The following song was somehow to be sung to the tune of "The Star Spangled Banner":

Oh, list the sad tale of the poor factory maid,
How cheerful she went when the day's work was over,
In cloak and bonnet all simply array'd
To meet a dark fiend in the shape of a lover.

Perhaps it is understandable that the Rev. Ephraim K. Avery should have had scurrilous poems and caricatures printed about him and "hawked in the streets" of Newport during the trial; ministers are not supposed to get involved in such sordid affairs. Yet why was it so important that he was a Methodist? Why, at the trial, was the courtroom packed with "two diverse elements—the factory operatives from Fall River and the members of Avery's church in Bristol"? Why did the New England Methodist Conference after the trial conduct its own ecclesiastical hearing, declare Avery innocent and return him to his pulpit? Why did Methodists flock to hear him preach in Bristol after his acquittal? To the cultural historian there was much more involved in this celebrated case than a cruel murder.

To most people who followed the trial at the time, Avery was clearly guilty. The presiding judge said after the trial that there was no doubt in his mind of Avery's guilt. That belief has continued to this day even though three separate times Avery was exonerated (at the first inquest, at the second hearing, and after one of the longest trials in the state's history). In 1876, the year after the Rev. Henry Ward Beecher was tried for adultery in Brooklyn (and also declared innocent, though few believed it), a book appeared in Philadelphia with lurid illustrations of the Tiverton murder. It was published simultaneously in a German edition. Its title page summed up the public memory of the case:
The Terrible Hay-Stack Murder

LIFE AND TRIAL OF THE REV. EPHRAIM K. AVERY
for the murder of THE YOUNG AND BEAUTIFUL MISS SARAH M. CORNELL
A Factory Girl of Fall River, Mass., Whose affections he won and whose honor he betrayed. He afterwards strangled his poor victim and hung her body to a hay-stack in order to convey the idea that she had committed suicide.

The heated feelings of the public in 1833 required the attorneys to examine 120 persons called for jury duty before they could find 12 who said they were not prejudiced. People would not still be writing novels about the case if it were only an unsolved murder. Mary Cable wrote a fictional account of the case entitled Avery's Knot in 1981, and Raymond Paul has recently published The Tragedy at Tiverton: An Historical Novel of Murder (Viking, 1984). The case has twice been anthologized in books about famous murders, once in 1879 and once in 1927. Paul is one of the first to argue that Avery was innocent of the murder though not innocent of committing adultery with her.

Despite all that has been written about this case, its real importance has yet to be adequately explained. The standard view has always been that Sarah Maria Cornell was a simple mill girl who made a fatal mistake and suffered for it, while Avery was a philandering minister who tried to hide his adultery and almost got caught. A lot more was involved. For example, Mary Cable's novel in 1981 provides a feminist twist to the story, and Raymond Paul gives Fannie Wright, the early feminist, a significant role in his version. There may have been some feminist overtones in 1833, but not on the terms that Cable and Paul employ them. Sarah Cornell was known as a "high-spirited," "roving," independent woman; at the time of her death she was 29 years old and had had a somewhat checkered career. Yet people then wanted to see her as a young, innocent, diligent factory girl who was more sinned against than sinning. She would have received little sympathy in 1833 had she been a follower of Fannie Wright, an exponent of women's rights. There is no evidence whatsoever that she had such ideas. Her letters show her to have been a pious, hard-working woman who was lonely and would eagerly have accepted marriage and housewifery had the right man come along. She simply was not a good judge of men or of her own feelings. As one contemporary woman wrote of her in 1833, "She was naturally of an affectionate and confiding disposition ... She loved her mother and her sister and her letters speak of anything but a depraved heart." She was a "poor, unfortunate girl" who "had the curse of beauty and she was not without admirers."

There was something else about Avery and Cornell which excited deep feelings. This is a peculiarly New England drama despite the widespread interest it aroused throughout the country. New England from its Puritan beginnings had a deserved reputation as "the land of steady habits"—a conservative, well-ordered, stable region of small towns and farms where everyone knew his place and his neighbor's business, where an established church existed in close relation to the state—the region of the austere Federalist Party of Washington, John Adams and John Quincy Adams. By 1830, however, the Federalist Party was all but dead, and into the vacuum swept a host of new parties—the Anti-Mason Party, the Workingman's Party, the Christian Party, the National Republican Party and ultimately, in 1834, the Whig Party. In this decade Andrew Jackson and "Jacksonian democracy" transformed the American political system, turning the top-down nature of the eighteenth century "government by the aristoi" (as Thomas Jefferson put it), in which voters deferred to their betters, into a raucous system of popular candidates elected in open conventions by voters who no longer were required to own property to vote.

In addition to experiencing a major political transformation at this time, New England was going through major religious, demographic and technological transformations as well. Most historians speak of all this as "modernization" or the rise of urban-industrialism. People were moving by the thousands to the West or into the cities to make the most of new opportunities. Steamboats, railroads and soon the telegraph were effecting a transportation and communications revolution. A religious awakening was sweeping through the nation undermining the old Calvinistic belief that God's predestined elect should rule in church and state and substituting an Arminian theology which gave every individual the moral responsibility for saving his or her own soul—a democratic, individualistic theology to match the new democratic politics and the new spirit of free enterprise.

It is safe now to assume that the terrible haystack murder reflected the anxieties and forebodings of the times. America was changing rapidly, and for some this was an exhilarating challenge. For many New Englanders it was unsettling, if not frightening. Home, family and local ties were weakening and so was the sense of community. As small-town agricultural life gave way to the anonymous factory life of the new mill towns, this murder seemed to portend the worst; deranged times would lead to deranged behavior. Avery and Cornell for a brief moment brought these fears into dramatic focus. Cornell had been a rural girl, but she left home to work in the factory; she had been a Congregationalist (the religion of the Puritans), but she was converted to Methodism. "Sally" Cornell seemed to have become the pawn of fate, but the Rev. Ephraim Avery embodied demonic disorder. When a minister of God, whose profession had always signified spiritual harmony, allowed himself to be caught up in such a scandal (whether he had killed the woman or not), the basic anchor of New England's moral order had torn loose.

Now none could doubt that the times were out of joint. Somehow the trial, the institutions of legal justice, must put them right. But could secular justice really restore the old New England order? Ralph Waldo
Sarah (Sally) Maria Cornell was born in 1802 in Rupert, Vermont. Her mother belonged to the prominent Leffingwell family of Norwich, Connecticut, but her father was a ne'er-do-well factory apprentice. Sally was the last of several children born in Vermont before her father deserted the family. Her mother returned to Norwich, where the children were parceled out to various members of the Leffingwell family because the mother could not take care of them all. At 16, Sally was apprenticed to a "tailoress" or mantua-maker, but she did not like the work. She was becoming a pretty, high-spirited, vivacious woman, and she wanted more out of life. When, in her desire to have some of the baubles of the world, she stole a few inexpensive items from a store while visiting relatives, "tailoress" or mantua-maker, but she did not like the work. She was becoming a pretty, high-spirited, vivacious woman, and she wanted more out of life. When, in her desire to have some of the baubles of the world, she stole a few inexpensive items from a store while visiting relatives, she was converted to the Methodist movement. Shewas converted to the Methodism movement. Shewas converted to the Methodism movement. Shewas converted to the Methodism movement.

Sally Cornell first attended such a meeting in Slattersville, Rhode Island, in 1819. She was lonely and depressed. The preaching, singing, shouting and enthusiasm swept her off her feet. She was converted to the new sect and forsook her Congregational heritage. It was a cause of further alienation from her family, but it offered Sally more than she had found in her prim, dour Calvinism. Wherever she worked she found lots of other millgirls who shared her enthusiasm for Methodist meetings. They were happy holidays from the dreary work of the mills. Sometimes in the summer Sally and her friends would take a boat from Boston to Cape Cod, to attend the Methodist meetings by the seaside—singing their cheerful, rollicking hymns on the boat as today's young people sing their popular songs to and from a "rock" concert. At the meetings, and "love feasts," everyone shouted, clapped and let loose with "hallelujahs" and "Praise the Lord" as the Spirit moved them. The older generation, who sometimes came to spy out these wild affairs, thoroughly disapproved of the whole business. This was not their idea of religion. The young people seemed to have lost their wits, jumping up and down, falling to the ground in fits, shrieking hysterically and babbling about having found Jesus and repent. Tears and moans followed religion, and Connecticut did not give up its established church system until 1819; Massachusetts continued it until 1833. Sally seems to have been a regular churchgoer, but she found Congregationalism boring. She was attracted to the new sect proselytizing so successfully in the New England milltowns. Methodists had been in America since the 1760s, but during the Revolution they supported the King, and for years they had suffered the taint of disloyalty to the cause of America. Now they were making a strong comeback. Since 1790 they had been holding their frenetic "camp meetings" all over New England, and thousands of young people, tired like Sally of the dull, old established church, had turned to them for excitement and new spiritual light. The Methodists said that Christ had not died only for the elect but for the common people as well; Methodist ministers were not educated at Harvard or Yale but were themselves common people, filled with the Spirit of the Lord, and speaking ardent in the ordinary language of the people. Their ministers traveled from town to town on horseback, and during the summer months they held huge meetings in pastures or clearings in the woods to which people flocked from miles around. These meetings often lasted for days. People brought tents and cooked their meals over open fires as the preaching went on from morning till night. Camp meetings were not only exciting spiritual events but fascinating social occasions. Because they were "religious meetings" they were one of the few places where young women might go unchaperoned, with a girlfriend or two to join in the joyous spiritual atmosphere. Handsome young preachers became like matinee idols to these young women and were followed from meeting to meeting.

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the shouts when the Spirit hit them. For years it was a common canard against the Methodists that their main fruit was "camp meeting babies." Who knew what went on in those tents in the woods, or out in the bushes under the summer stars?

The Rev. Ephraim K. Avery was the son of a revolutionary soldier who had fought under General John Sullivan in the Battle of Rhode Island. His family was poor. Ephraim was the only boy among seven children. He too became a wanderer and in Methodism found a church which was made for wanderers (Methodist ministers were never allowed to spend more than a year or two in any one church). Born in 1799, Avery grew up on a farm and in his youth tried several trades (including medicine and seafaring) before he was converted to Methodism and felt a call to preach his new faith. Part of the folklore growing up around the trial in 1833 held that prior to becoming a minister Avery had spent ten years as a pirate in the West Indies, where he had learned how to make the notorious "clove hitch" ("Avery's knot") which was found around Sally Cornell's neck at the haystack. It was also rumored that he had a cruel streak in him which drove his first wife to an early grave (but, in fact, he was married only once). Though he had no college or ministerial training, Avery was ordained in the early 1820s and by 1832 had established a reputation among New England Methodists as a spell-binding camp-meeting preacher. Sally Cornell heard him preach, and in Lowell, Massachusetts, their paths crossed more intimately. Sally worked and lived for a week in Avery's home to earn her room and board. It was said that Avery conceived a fondness for her then; rumor had it that his young son once reported, "Pa kissed Sarah Maria Cornell," to the consternation of Avery's wife. In any case, Mrs. Avery put Sarah out of the house. She had been a member of the Methodist church in Lowell before Avery came there, but soon after she left his home, he excommunicated her from the church. He said that she had been reported to him as a fornicator by the overseer of the mill where she worked and that she had contracted "a loathsome [venereal] disease."

Once expelled from the Methodist Church, Sally was deprived of her greatest joy in life. She had left Lowell and found work in Dover, New Hampshire. She joined the Methodist Church there, hoping no one would know of her expulsion in Lowell. But Avery found out about it and wrote to her minister. She was then forced out of the church in Dover. She moved again. But no matter where she went, the Methodist network caught up with her. She could not get back into their good graces even though she confessed and repented of all her sins and asked to be forgiven and re-admitted. The Methodists, aware of their unsavory reputation in New England, were doing their best to acquire respectability, and Sally Cornell was a liability to that effort. Avery was the key to her re-admission to the church, and she continually found ways to meet him and plead for his help to gain reinstatement. But he was unrelenting. Avery was described in 1833 as "a middle-aged man, tall and of very stout frame and a face that might have passed for good looking had not a certain iron look, a pair of very thick lips and a most unpleasant stare of the eyes" detracted from his features. Avery, like most ministers in that day, dressed always in black: he wore a broad-brimmed black hat, and when out of doors, put on spectacles with green glass. (They were known as "shades" then.)

In August, 1832, Cornell met Avery at a camp meeting in Thompson, Connecticut. There, she claimed later, Avery slept with her in the woods, and she had conceived. She told her sister and her brother-in-law in Connecticut about this. They urged her to confront Avery and demand $300 to pay for her "confinement" and the expenses of the child. She moved to Fall River in October, 1832, where Dr. Thomas Wilbur confirmed her pregnancy. Avery had only recently been assigned to the pastorate of the Methodist church in Bristol, Rhode Island, sixteen miles east of Fall River. She wrote some letters to Avery about her condition, and letters were found among her effects after her death which, though unsigned and in disguised handwriting, were said by experts to have been written by him. One of them arranged for a meeting in Tiverton on December 20, the day she was killed. Prior to that date, Avery met her in Fall River (or so she told Dr. Wilbur) and gave her a medicine called "Oil of Tansy." Avery said that if she took thirty drops of it, she would have a safe miscarriage. Dr. Wilbur was horrified. Thirty drops of that, he said, would kill her.

Despite a great many witnesses at the trial, no one ever discovered what really happened at 7 p.m. on December 20, 1833, at John Durfee's "stackyard" in Tiverton. Durfee's lonely farm was one-quarter of a mile south of the Massachusetts border, one mile from Cornell's boardinghouse in Fall River. She got off from work early on December 20, left the house in a cheerful mood and told her landlady, Mrs. Harriet Hathaway, at 5 p.m. that she was going to walk to Joseph Durfee's farm (did she say "Joseph" rather than "John" by mistake or to throw people off?). She said she expected to be back within a few hours.

Ephraim Avery had left his home in Bristol early that Thursday morning for a walking trip. He said he was going to visit the site of his father's revolutionary battle on Aquidneck Island and to investigate a coal mine near there. At 9:00 that night he tried to get the captain of the Bristol ferry (there was then no bridge connecting Aquidneck to Bristol) to take him back to Bristol, but the captain said it was too blustery. Avery had to stay overnight at the captain's house and got back early the next morning. Despite the best efforts of the defense lawyer, the Hon. Jeremiah Mason of Boston, no witnesses were ever found who saw Avery strolling around Aquidneck Island on December 20. However, several witnesses for the prosecution offered evidence that he had crossed over Stone Bridge to Tiverton and was seen in the vicinity of Durfee's farm near sundown. Still, it was all too circumstantial. There was a shadow of a doubt. Persons who said they had heard a woman screaming near Durfee's farm on December 20 could not accurately fix the time between 6:45 and 8:45 p.m. The murderer may have been a passerby or someone hired by the man who made the appointment with her.

When John Durfee found Sally's body hanging from one of his haystack posts at 9:00 a.m. on December 21, he
assumed that she had committed suicide. This was also the
finding of the coroner's jury held that day in Tiverton. She
was buried the next day on Durfee's farm amidst a
gathering of her mill friends. The Methodist minister in
Fall River, where Sally attended church, the Rev. I.M. Bidwell, declined to participate, so a local Congregational
minister said the prayers. The next day, when Sally's
belongings were inspected, the note and letters were found
which implicated Avery.

The people of the small village of Fall River (then under 5000 inhabitants, and containing only six textile
mills, though it had seven different churches) held a mass
meeting on December 24. Those present elected a
Committee of Prosecution, pledged funds to pay for its
expenses, and later that day many of these people (inspired
by whiskey, according to the Methodists) went 16 miles to
Bristol and surrounded Avery's house. They shouted
"murderer" and demanded that he give himself up.

As a result of the new evidence, two magistrates in
Bristol began a second hearing on December 25 (New
Englanders at that time did not celebrate the "Popish"
holiday called "Christmas"). Attorney William B. Staples
of Providence represented the District Attorney's office;
Joseph M. Blake represented Avery. Avery and many
witnesses gave testimony over the next ten days, and on
January 6 the two magistrates declared that there was
insufficient evidence to charge Avery with the murder.

The people of Fall River were shocked and outraged.
One rumor said that the two magistrates who conducted
the inquest were Freemasons and that Avery was a
Freemason; this revived the old saying that "No Mason
has ever been hanged in the United States" (an indication
of how pervasive and powerful this secret organization
was). Another rumor said that at least one of the
magistrates was a recent convert to Methodism, and he had
persuaded his colleague to let Avery off to protect the
reputation of that church. Neither rumor was true, but
they indicated the urge to find some secret cabal or
subversive element at work behind the case. This was no
ordinary murder. It had malevolent social overtones;
everyone seemed certain of that.

Avery again found strangers around his house glaring
into his windows; he received threatening letters. Two
days later he left Bristol and disappeared. The day after
he left, the sheriff of Newport County came to his home with
a warrant for his arrest. Avery said later that his attorney
had told him his life was in danger and that he should lie
low for a while. But usually it is guilty men who flee from
the law. Avery fled to the home of a friend in Rindge, New
Hampshire. Here he was tracked down on January 23 by
Colonel Harvey Harnden, whom the people of Fall River
had chosen to head their Vigilance Committee. The
townsmen raised the money to cover Harnden's
expenses. Soon after Avery disappeared, efforts had been
made to persuade the legislature of Rhode Island to pass a
measure declaring him a fugitive from justice and asking
the governor to issue an all-points bulletin for his seizure.

Harnden said he found Avery "pale and trembling behind
the door of a chamber evidently fitted up for his concealment." He had cut his hair and started to grow a
beard. However, he agreed to return to Bristol with

Harnden. Harnden, who wrote a pamphlet about his
difficulties in finding Avery, noted with dismay and
disgust that as they passed through Boston on the way
back to Newport, many Methodist laymen and clergy
came to see the accused murderer, to pay their respects and
to express their faith in him.

Avery was now placed in jail in Newport, and on
March 6 a grand jury indicted him for murder:

Ephraim K. Avery, Clerk, not having the fear of God before his
eyes, but being moved and instigated by the Devil, upon the body
of one Sarah M. Cornell, did make an assault, and a certain cord
about the neck of the said Sarah, did put and fasten . . . . did kill
and murder.

The trial began before the Supreme Judicial Court of
the state on May 6, in Newport. It lasted 27 days. The
prosecution called 68 witnesses; the defense called 128,
many of them Methodist ministers and church members
who attested not only to Avery's piety and respectability
but also contradicted almost every scrap of evidence
linking Avery to Cornell from August to December, 1832.
Ministers even testified that Avery never saw or talked to
Cornell at the Thompson camp meeting.

The most sensational aspect of the case concerned the
amount of evidence adduced to blacken the moral
character of Sally Cornell. The defense attorneys, said one
contemporary writer, did their best "to turn public
attention from the murder . . . to the person murdered," to
"prove the deceased a perfect fiend," to destroy her
character in order to save Avery's. The date at which the
foetus was conceived was hotly debated by six medical
experts (the body had been exhumed for an autopsy on
January 28). The autopsy revealed a female foetus 8 inches
long which, said some experts, must have been conceived
long before August. (Many "decent people" were shocked
though this referred to his expelling her from his church
and not to her pregnancy.

After deliberating for sixteen hours, the jury found
Avery "not guilty" on June 2, 1833. The public remained
unsatisfied. As one commentator said in the Providence
Republican Herald:

Never was a criminal trial instituted and carried through in this
country in which so much chicanery was practised . . . nor an
accused man acquitted with such a chain of circumstances against
him . . . . Perjury base and foul has been committed under the
sanction of religious garb to protect a wretch from punishment.

The brunt of the anger and frustration was vented against
the Methodist Church. Following the secular trial, the
New England Methodist Conference conducted its own
ecclesiastical investigation. To no one's surprise, this trial
oclared Avery to be wholly innocent, the victim of false and calumnious charges. Avery was congratulated by the Methodist bishop of New England and restored to "the sacred desk" in Bristol. What grated upon the respectable Congregationalists was that following the trial Avery's church was filled with people who flocked to hear him preach. He was a celebrity. Since when did New England honor villains?

That summer a series of 18 letters was printed in the public papers under the pseudonym "Aristides," devoted wholly to attacking the Methodist church. Aristides (Jacob Frieze) accused the Methodists of absolutely outrageous behavior not only in rounding up witnesses to defend Avery and traduce Cornell (with scandal-mongering hearsay) but in preventing Methodist witnesses from giving evidence that might have told against Avery. According to "Aristides," the Methodists also suborned witnesses, tampered with evidence and tried to "muzzle the press." He ended the series with an open letter to the New England Methodist Conference saying that it had dealt its denomination a worse blow than if Avery had been found guilty.

My complaint against you is that in defiance of public opinion, public feeling, public morals and the dignity and purity of the Christian religion, you will countenance him as a preacher of the gospel.

These anti-Methodist letters were then published as a book. The eagerness with which the public seized upon "a Methodist plot" against Cornell and a conspiracy to subvert justice indicates how deeply-felt the need was to find a conscious subversion at work.

A trial which becomes a national cause celebre has psycho-social overtones which need to be taken seriously by the cultural historian. Impugning the integrity of the whole Methodist denomination is far-fetched, but the historian has to ask why that particular way of explaining the case seemed to make sense to so many people at that time. And why did Avery's defenders see wanton mill girls as the explanation for his "persecution"?

Today many people are offended that some spectators at the trial of Klaus Von Bulow for the alleged attempt to murder his wife, waited in the streets after each day's testimony to cheer for the defendant, while hawkers sold T-shirts with slogans professing his innocence. Does that mean that the jury was wrong to convict him or that something else is going on quite apart from the trial? It is somewhat easier to see what was socially and politically at stake in the Sacco and Vanzetti Case, the Leopold Loeb murder, the Scottsboro boys' trial, or John Gordon's trial for the murder of the wealthy Yankee mill owner, Amasa Sprague, in Rhode Island in 1844-45 (the execution of the Irish immigrant Gordon on circumstantial evidence is still popularly believed to have been responsible for the Rhode Island law cinding the death penalty).

It seems fair to say that a case which becomes a cause celebre is one which somehow touches upon a vital aspect of the nation's conscience or social values. Sometimes the issue is whether a rich man can escape his just deserts. Sometimes it is whether a poor man, an alien, a radical, can obtain justice. Not only is our legal system on trial in such cases but so is the whole question of order and justice in America. In cases like that of Sacco and Vanzetti or the Scottsboro Boys the issues are so apparent that it is easy to comprehend the furor they arouse. In the case of the State of Rhode Island against Ephraim Avery it is not so easy. In fact the gruesome details of the murder seem sufficient to explain the interest. Yet the aftermath of that trial indicates that more was at stake than meets the eye.

Some who have written about the case have implied that Sally Cornell should be viewed as a symbol of the first phase in the long struggle for equality of women. Cornell was an independent woman and became a cause celebre, they argue, because she dared to flout the prevailing image of womanhood. Avery's acquittal represents the prevailing sexist prejudice of American culture. It was so easy to blacken Cornell's character that no jury could convict a minister of seducing her, even had there been more substantial evidence. As one tract noted at the time, a male at the trial, after hearing some of the stories about Cornell's sexual freedom, snorted in contempt, "I don't think such a drab worth having a trial about."

The Methodists allowed more freedom to women to exhort and pray in public than other denominations; popular folklore held that Sally Cornell had been an eloquent and successful exhorter at camp meetings—the Aimee Simple McPherson of her day. This too could be held against her. It is not surprising then that the two most recent books on the case have emphasized the feminist aspect of its notoriety. But it seems to me that this misreads the issue. In 1833 no one made heroes out of feminists. And Sally Cornell was clearly seen as the hero, or at least a much-maligned and innocent victim. Much of the anger projected against the Methodists came because they tried to undermine the faith the public had in this innocent mill girl. The Methodist witnesses did not portray her as a feminist free spirit but as a wanton hussy; she fell into older stereotypes, not a new one.

Yet everyone at the time recognized clearly that the deep passions underlying the widespread public concern over this trial gave it a meaning beyond that of ordinary murder. Both the prosecuting attorneys and the defense attorneys went out of their way to caution the jury not to let social prejudice warp their judgment. They were instructed to rise above the excited passions surging around them in the courtroom: "I need not remind you gentlemen," said counselor Dutee J. Pearce for the prosecution, "of the importance of this trial ... to the state in which you live. It is my duty to add, that it is a case of unusual excitement, a case that has produced more excitement in this state than any charge of crime ever submitted to the conscience of twelve men." Pearce saw three particular aspects of the case which had aroused public excitement. First, "The prisoner is a Minister of the Gospel belonging to a denomination of Christians," the Methodists, who had grown with great rapidity in New England and the nation and who held views and followed practices at variance with those of local custom and tradition. "And there may be another source of excitement," Pearce went on, "on the part of those who are not so religiously disposed" and who felt that the power of
the clergy in the nation was reaching dangerous proportions for a country which was established on the separation of church and state (a matter of special interest to those from Roger Williams' state). Clearly there was a strong current of anti-clericalism abroad in 1833. The religious leaders of the Nation (including the Methodists) had been for years trying to insist that the United States was "a Christian Nation" and that laws must be passed to enforce Christian practices: the Sabbath must be observed (no mail should be delivered on that day; no stagecoaches or railroads should travel on that day; no public entertainment could take place on that day); there must be laws against theater-going, drinking liquor, playing cards or billiards, dueling and a whole host of other un-Christian actions. Some evangelical ministers had called for "a Christian party in politics." Somehow, counselor Pearce believed (and many Methodists believed) the public was making Avery a scapegoat for all of the anti-clerical feeling over the effort to put the churches into politics. Arthur Schlesinger Jr., in the Age of Jackson notes that Jackson became a national hero to those with anti-clerical political circles precisely because he was not a member of any church and insisted upon the strict separation of church and state. Pearce went on to point out a third factor generating public concern, the occupation of the deceased:

She was, gentlemen, in the parlance of the day, a "Factory girl," but she was one of that class of women and children of which we have 7000 usefully and honorably employed in the 150 Cotton Mills in this State; a class indispensable to the industry of the country and whose rights therefore, the interest of the community require should be protected and their wrongs avenged.

If Pearce is correct on this point, what might in later years have appeared to have been a question of class consciousness (the poor working girl against the upperclass clergymen) was not at stake here. Virtually everyone in New England, from the millowners to the mothers of factory girls and children, had a stake in the success of the textile industry. New England's prosperity and the nation's future depended upon this new industrial venture. Consequently it was a matter of some public concern that factory girls should feel safe and secure in factory towns. Cornell, in this respect, was a noble figure of honest industry, and Avery an example of the scabrous cads who took advantage of them. (No matter that Cornell was 29 going on 30 and had had a somewhat unusual and checkered career.)

The defense attorney, too, tried to warn the jury against succumbing to what he smilingly called "the Fall River fever" which demanded Avery's death. The defense, however, reversed the imagery and the stereotypes. For them the Methodist church was a pillar of Christian piety, Avery a model of pulpit dignity and Cornell nothing but a deranged and lewd baggage. Richard R. Randolph, assisting Mason, opened the defense by saying to the jury:

I have heard witnesses asked [by the prosecution] whether they are Methodists, and you may be told that our witnesses, because they are Methodists, and come to testify for a Methodist minister, are not to be believed . . . We charge no sect [not even the Congregationalists] with the persecution of Avery. We say it is an infatuation of the public mind[to be anti—Methodist] . . . and we beseech you to guard against being influenced by this strange delusion [that they are a dangerous cult] . . .

As for the poor factory girl, Randolph went on, the defense would show that

She was tried for fornication and expelled from the church . . . she was afflicted with an odious disease . . . this miserable woman made repeated threats of suicide . . . her conduct was so strange, she was believed to be deranged; and we will trace her for fourteen years in her lewdness . . . there is no accounting for her conduct by any rules of actions ordinarily applied to human beings.

For those who sided with Cornell, the defense attorneys were guilty of traducing not only her but all working girls. However, they had no qualms about portraying Avery as a wifebeater and a man who savagely abused his horses.

A case could be made for the claim that sexism played a significant part in the trial. The defense had to show that just because she was a female did not mean she was entitled to those tender sympathies which relegated "the fair sex" to a pedestal in the nineteenth century. The defense lawyers did not portray her as a feminist, but as a woman who had betrayed her sex and thus betrayed all mill girls:

But a woman, by as much as in a virtuous state she is more pure and refined than man, when profligate sinks into a corresponding degree of degradation and reaches the lowest depth of human depravity. That the deceased was [originally] a woman of cultivation and endowments superior to the ordinary range cannot be denied; still less can it be doubted that she was utterly abandoned, unprincipled, profligate.

Here we come to one of the major focal points of this case and what it symbolized. All writers of women's history have argued that it was in the first third of the nineteenth century that women were relegated to that particular "sphere of domesticity" which was supposed to define their respectability and status. They were to be "the guardians of hearth and home." They were to be the moral teachers of the young, man's "haven from heartless world," and the pillars of piety in the church. But beyond these spheres, they were never to venture. A woman, after age 25, could have only one true career, that of wife, mother and home-maker. True, some "oldmaids" might teach or sew or even write pious articles for ladies' magazines, but even they were unsexed, as the dried and withered stereotype of the "spinster" connotes it ill. Yet at the very time when this new rule was being fashioned for women (particularly those who married well and went to the city where they no longer had to bear the heavy burdens of farm life), thousands upon thousands of women and children were being asked to enter the cotton mills to make the nation's machinery run with the lowest possible wages. This constituted a major social dilemma. Millowners needed women workers; Yankee girls were eager to leave the unpaid work on their father's farms for
the steady wages of the factory. Most of them expected to get married and use their factory earnings as a kind of dowry, to set up their own homes. Yet it was unsettling and worrisome to think of these thousands of women, living away from home, rooming in boarding-houses, somehow free from parental care and supervision. What would become of them? And as the women of the republic went, so went the future of America. It was bothersome because the factory towns allowed a certain anonymity; there was no closely-knit community to keep tabs on everyone. Some women, like Sarah Cornell, seemed to have enjoyed this freedom (though it was forced upon her) and to have found her own social life through the new Methodist church with its exciting activities and warm spiritual sisterhood.

The troublesome thing about progress in this very forward looking era was that it was a two-edged sword. It promised prosperity, cheaper mass-produced goods, a higher standard of living for all but it required uprooting the old, stable ways of small-town rural life. It cut the roots of the past and offered glittering but uncertain hopes for the future. Factory towns did not lack religion, and mill girls were encouraged (sometimes required) by their employers to go to church every Sunday. But the religious awakening had led to a tremendous proliferation of new churches and sects. When a town of 5000 persons, like Fall River, had seven different churches (some of them far from the orthodoxy of the past), what order could they provide? What standards would they uphold? Look at the new Mormon religion, founded in 1827 and preaching all sorts of heresies. Some new religionists in the 1830s, like John Humphrey Noyes (founder of the Oneida Community) even favored free love.

Factory life raised another dangerous spectre. The creation of a permanent lower class, an urban proletariat, as in Europe. Americans like to believe that they had a classless society, but the Workingman's Party, organized in 1832, argued that an industrial order which forced women and children to work six days a week, left no time for the schooling needed to enable them to better their condition of life. The party had a point, but were factory women to join political parties and enter the rough and tumble of electioneering and lobbying to protect their rights? Sarah Cornell had shown no interest in politics, but the fact that the district attorney of Rhode Island took note of the 7000 factory girls who made the state prosperous indicated that they represented a new social and economic force for which there was no precedent. Some day women might get the vote. Fanny Wright was already arguing that they needed and deserved it. What then would become of the cult of domesticity?

One of the best ways to understand the hidden fears at stake in the Avery-Cornell case is to look at the book written in 1833 by Catherine Read Williams (though published anonymously). It was entitled *Fall River* and purports to be a local history of the town. But nine-tenths of its pages are devoted to the haystack murder. One chapter contains the plaintive letters which Cornell wrote to her family, 1819-1832, as she went from city to city working in the mills, while an appendix provides an extended account of the scandalous activities at Methodist camp meetings. Although Williams was clearly on the side of Cornell, and considered the trial a gross miscarriage of justice, she nevertheless used the affair as the basis for a cautionary tale about the impending social problems of factory life. Williams could not help blaming the victim, though she was exceedingly romantic about Cornell's ill-fated death and included a long poem she (Williams) had written at the scene of her forlorn grave at sunset.

This volume, Williams said, "may prove useful as a salutary and timely warning to young women in the same situation"—i.e., millgirls. Cornell's sad fate would perhaps curb "that baneful disposition to rove, to keep moving from place to place, which has been the ruin of so many." Williams was far from disapproving of Cornell's having become a factory girl (though she disproved of child labor). She insisted that the textile business was a boon to New England and the nation. "The privilege of working in manufactories ... is a great one" for young women. It enabled them to find good, honest work at which they could earn wages to help their widowed mothers or poor siblings. "Great injury and injustice," she felt, "has been done to that class of young women whose lot in life has compelled them to labor in a manufactory." Only backward-looking reactionaries opposed progress, and only the nasty minded or unthinking claimed that "vice was not regarded among them [female operatives]" in the factories and that "there was little regard to morals among' factory girls. It was a foul lie that a daughter who goes to work in a factory is "going to certain ruin" and no one must take that lesson from Cornell's ill-fated death. In fact, the morality among mill girls was very high; they treasured their chaste reputations as young marriagable women and sought to protect them. Williams had known of factory girls who "despise, shun and hunt out" any of their number who were loose and immoral ("unless they hid in a Methodist church" pretending piety).53

Williams would not entertain the thought that Cornell was immoral. Her problem was that she "did not realize the danger of changing neighborhoods so often." Had she simply lived with or near her family and worked in a mill close to home, she would never have got into any trouble. But by continually moving from town to town, she had made it impossible to establish any roots, any permanent friends, any neighbors who knew her well, who knew her family, who would stand up for her against malicious gossip. Sarah Cornell had been a victim of the mobility and anonymity of city life. She had falsely thought that she could establish a sense of community in the faceless and irresponsible Methodist church. She had also waited too long to get married: "How different her fate would have been could she have settled in life and tied to the duties of wife and mother."44 Still, Sally had tried to be kind, honest, pious, hard-working. She was "ill-fated"; she had "the curse of beauty"; she fell into the hands of the unscrupulous Avery. It was a sad mistake. "Fate" had not dealt kindly with her. Williams really could not blame the new social order; so she blamed Avery, the Methodists, a certain naivete in Sarah Cornell, and Providence.

Whether Catherine Williams was a Congregational-
Traditional, stable community life was giving way in 1833 in New England. A new way of life was on the horizon, not from "spiritual dissipation" as a man from the religious respectability of the era feared, but rather from the excitement in religion. The "religion of this ill-fated girl ... was a religion of feelings and frames" instead of dignity and order. "No doubt it was sincere, yet it was of that unstable kind" which required and encouraged "frequent attendance on those excited [camp] meetings where highly wrought feeling and sometimes hysterical affection is often mistaken for devotion." Women, like Cornell, often become depressed and lonely and when that happened, they sought the stimulus, the heightened enthusiasm of religious fanaticism. Methodism, it seemed, was the alcoholism of the factory girl. "We hope that as the light of science breaks upon their minds, bigotry, superstition and fanaticism will vanish." But until such young girls were better educated, they should stay close to the tried and true traditions of the established denominations.

It will be seen, too, after perusing the history of this unfortunate girl, whether a course of spiritual dissipation is favorable to the growth of religion in the soul: whether a continual round of going to meetings night and day is in reality recommending the cause, or likely to preserve the characters, of young women .... This appearance of superior devotedness, this over zeal, fails in no instance to draw all eyes upon her .... They wander from meeting to meeting alone.

Moreover, Methodism, by placing so much emphasis upon sensational pulpit oratory, encouraged an "idolatrous regard for ministers ... which at the present day is a scandal." Naive young women had adopted "the absurd custom of crowding around some handsome preacher on every occasion, in order to share his smiles." Methodism preyed upon the poor rather than uplifting them. "Preachers who cannot be supported without drawing upon the charity of poor factory girls" ought to find another calling. "Does religion thrive most in noise and tumult," Williams asked; can a woman not suffer as much from "spiritual dissipation" as a man from alcoholic dissipation? Williams clearly was no anti-modernizer, but the beliefs and values which went with it. Traditional, stable community life was giving way in 1833 to the innovative, risk-taking, mobile, individualistic life of the modern era. The trial represented this only indirectly but nonetheless profoundly. It certainly did nothing to solve the dilemmas it raised.

Several years after the trial the Durfee's, tired of the factory girls who visited Cornell's grave to lay flowers on it, dug up her coffin and reburied her in an unmarked grave. Today there is no trace of it, but the crisis her death symbolized continues to live with each new book about the Tiverton tragedy. It might better be called an American tragedy. In 1833 New England left its agricultural way and turned the corner and entered the industrial era. Sarah Cornell was its first recognizable victim just as Sister Carrie, two generations later, became its first heroine.

Notes

1 Some of the more important volumes about this case include: Richard Hildreth, Report of the Trial of the Rev. Ephraim K. Avery (Boston, 1833); Benjamin F. Hallet, The Trial of the Rev. Mr. Avery: A Full Report (Boston, 1833); Catherine Read Williams, Fall River. An Authentic Narrative (Providence, 1833); "Aristides," Structures on the Case of Ephraim K. Avery (Providence, 1833); T. Merritt, J.A. Merrill, W. Fisk, A Vindication of the Result of the Trial of the Rev. Ephraim K. Avery (Boston, 1834); [Anonymous], The Trial at Large of the Rev. Ephraim K. Avery for the Wilful Murder of Sarah Maria Cornell (New York, 1833); Harvey Hammond, Narrative of the Apprehension in Rhode, N.H. of the Rev. Ephraim K. Avery (Providence, 1933); William R. Staples, A Correct Report of the Examination of the Rev. Ephraim K. Avery (Providence, n.d.); [Anonymous], The Terrible Haystack Murder (Philadelphia, 1877); Mary Cable, Avery's Knot (New York, 1981); Raymond Paul The Tiverton Tragedy (New York, 1984). The last two are written in novel form but stay pretty close to the facts.

The case has been included in two anthologies: E.L. Pearson, "The Tiverton Tragedy of the Strange Case of Miss Cornell and Rev. Mr. Avery," in Murder at Smutty Nose (New York, 1907), and "The Trial of Rev. Ephraim K. Avery" in Celebrated Murders by "A Member of the Massachusetts Bar" (Chicago, 1879). Many of these volumes appeared in several editions. There were of course copious accounts of the murder and trial in contemporary newspapers.

2 T. Merritt et al., Vindication, p. 24.

5 New York and Philadelphia newspapers covered the trial in detail. In New York City a theater company produced a melodrama on the subject which played to packed audiences throughout the winter of 1835-1836. T. Merritt, et al., A Vindication, p. 31. A book on the trial in English and in German was published in Philadelphia in 1877.

6 Williams, Fall River, pp. 72-73.
7 Idem.
9 Williams, Fall River, p. 149.
10 Cable, Avery's Knot, p. 65.
11 [Anonymous], Terrible Haystack Murder, p. 49.
13 [Anonymous], Terrible Haystack Murder, title page.

Pearson concludes in his treatment of the case that the jury was right.
to find Avery innocent, but he seems to have taken the testimony of the defense's witnesses as conclusive; Murder at Smuttynoos, pp. 209-255.

11Williams, Fall River, pp. 86-87.
12Williams, Fall River, p. 76.
13Williams, Fall River, pp. 80, 82.
14Williams, Fall River, p. 133.
15Williams, Fall River, p. 76.
16Williams, Fall River, p. 101.
17See also Cable, Avery's Knot, p. 127.
18Williams, Fall River, p. 92.
20See idem.
21Williams, Fall River, p. 169.
22Williams, Fall River, p. 35.
23Williams, Fall River, p. 17. 78. 88.
25Williams, Fall River, pp. 78, 88.
28Cable, Avery's Knot, p. 31.
29Fall River had only two cotton mills, one woollen mill and three calico mills in 1833. In 1800 Fall River had less than 1300 inhabitants; by 1833 it had 5000. Williams noted in 1833, "for the most part crime has been unknown here." Williams, Fall River, pp. 8-10.
31The Methodists tended to blame the prejudice against Avery upon Anti-Masons as well as upon "free religionists," "Universalists" and "infidels." See T. Merritt, et al., A Vindication, pp. 24-27. The anti-masonic fervor was very strong throughout the United States at this time, particularly among Evangelical Christians. See Whitney Cross, The Burned-Over District (New York, 1950).
33Hallett, The Trial, p. 61.
34Aristsides, Structures, p. 92.
35An index card in the Rhode Island Historical Society Library indicates that "Aristsides" was a man named "Jacob Frieze." but I have found no other information about him. The Methodists accused "Aristsides" of being a Universalist.
38Williams, Fall River, p. 62.
39The novels by Mary Cable and Raymond Paul.
40Hallett, The Trial, p. 17.
41See Arthur M. Schlesinger, Jr., The Age of Jackson (Boston, 1945), pp. 350-360.
43Cornell's most ardent defender, Catherine Read Williams, said at the time that Cornell was the victim of "old factory stories" leveled by gossipy factory girls against those who were thought to be immoral, which indicates that there was some apprehension that "bad" girls could give the mills a bad name. Williams, Fall River, p. 60. Williams, however, staunchly defended the moral character of the mill girls as a whole, as he defended Cornell herself.
44Williams, Fall River, p. 70.
45Hallett, The Trial, p. 96.
47Williams, Fall River, p. 3. In a significant metaphor, Williams referred to Cornell as "a moving planet"; Williams, like conservatives of the eighteenth century, preferred to think of the universe as a place where planets stayed in their courses—a static universe. Unfortunately, Williams wrote, Sarah Cornell seemed to have adopted for her motto the text that "here we have no continuing city." But was it possible in the new industrial age to sustain the old fixities and continuities? Williams, Fall River, p. 47.
48"In a country like ours, where domestic industry and sobriety are of such importance, wandering, idle, habits among females are absolutely ruinous," p. 169.
49Williams, Fall River, pp. 195-197.
50Williams, Fall River, p. 87.
51Williams, Fall River, p. 88.
52Williams, Fall River, p. 169.
53Williams, Fall River, p. 5.
54Williams, Fall River, pp. 4-5.
55Williams expressed her disdain for the enlightened and backward outlook of those in "the Romish Church." They were even less wholesome than the Methodists. When the Irish replaced the Yankee mill girls in the New England factories after 1845, she doubtless washed her hands of the whole problem. The Yankees and the immigrants lived in separate worlds. Williams, Fall River, p. 169.

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