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# AN UNSOLVED MURDER

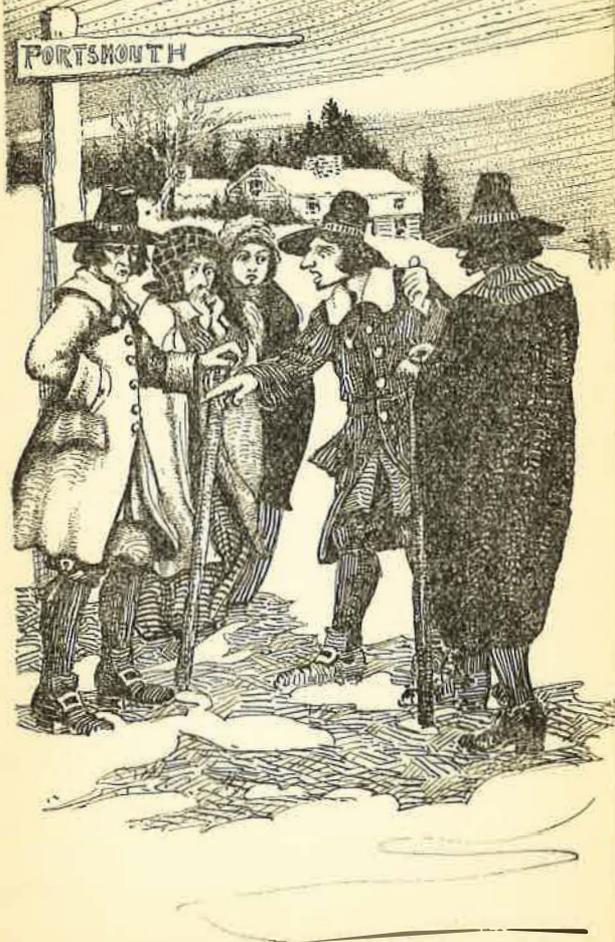


Presented by

**“The Old Stone Bank”**

Providence, R. I.

December 8, 1930



## An Unsolved Murder

WHO killed Rebecca Cornell on the afternoon of February 8, 1673, as she sat alone in her room in her home at Portsmouth? To this day, no one knows for certain, yet one man, her son, Thomas, was convicted (on evidence that now seems wholly spurious) and executed for the crime. In those days when a defendant could have no counsel to argue his case, not a few innocent men went to their death, the victims of trumped-up charges. Nowadays, a court would insist upon a minute autopsy upon the body and a rigorous investigation of all evidence before deciding the case and declaring a verdict. But let us examine the case in hand.

To begin with, the Cornells as a family were well-known in Portsmouth. Thomas Cornell, the father, had been admitted as a freeman in 1640, and was made a constable the following year. Then, in 1646, he received a grant of 100 acres within the settlement. To this estate his son Thomas succeeded.

Thomas the second, like his father, was a man of honor and consequence in the Colony. He was several times a deputy from Portsmouth to the General Assembly

in Newport, and was placed in many positions of public trust. And in February, 1673, we find him living quietly on his Portsmouth farm with his family, made up then of himself, his wife, two sons, his mother (a widow of 73), and two hired men. His mother occupied a first-floor room, which contained a fireplace and had both an inner and an outside door. Thomas had been married twice, having had four sons by his first wife. It was two of these sons who were at home at the time of the murder, but the wife mentioned was Sarah, his second wife.

To proceed; on February 8, 1673, Rebecca, the mother, was found dead on the floor of her room, her clothing burned and her body severely scorched by fire. Taking the first testimony of Thomas Cornell and one of his hired men, Henry Strait, a coroner's jury returned a verdict that she had come "to her untimely death by an unhappy accident of fire, as she sat in her room." However, a further examination of the body disclosed a wound on the upper part of her stomach, and the jury gave out as a revised verdict that she came to her death because of both the fire and the injury, but incriminated no one. As the case

stood, it was a mystery until rumors began to circulate concerning trouble in the past between Thomas and his mother. Magistrates took up the inquiry and prosecuted Cornell on the strength of it. He was arrested and bound over to the Superior Court, indicted on May 12th, tried and convicted on the same day, and sentenced to be hanged on May 23rd. Pending the execution of the sentence, he was kept chained and manacled and guarded by four men by day and eight by night. In addition, a warrant was issued for the seizure of his estate. There was no chance for him to escape, and he died on the gallows on the appointed day.

Thomas Cornell did not confess anything, but strangely enough, before his execution, his friends presented a petition in his behalf to the General Assembly requesting that he be buried beside his mother. Would a murderer naturally desire to be buried beside his victim? The petition complicated the mystery. The General Assembly did not grant it, but gave his friends permission to bury him on his own farm, provided they made his grave within ten feet of the common road where the Colony would be at liberty to set up a

monument on his grave. Otherwise he would have been buried near the gallows. As a further mark of leniency the Assembly released his estate after his death, naming the Town Council of Portsmouth as executor.

Another odd aspect of the case was the vote of the General Assembly after the execution to record all proceedings and testimonies involved in the case in the book of trials. This was not testimony given at the actual trial, but such information and affidavits as were procured at the inquest or later by the magistrates. Some of this testimony was peculiar, and we will go through it briefly.

On February 8th, the afternoon of the murder, Thomas Cornell spent two hours and a half with his mother in her room, engaging her in conversation, after which he came out into the adjoining room and began to wind a quill of yarn. Before this was half wound, he was summoned to supper with his family and the two hired men. After supper he sent his son Edward to ask his grandmother if she would have her milk boiled for supper. The boy went, discovered fire in the room on the floor, and came running back to get a candle and

to give the alarm. Henry Strait ran to the room followed by the boy with the candle and then by Thomas Cornell and his wife. The hired man saw the fire and raked it out with his hands, and then, in the faint light shed by the candle, saw a human body on the floor. Supposing it to be an Indian, drunk and burned, (a queer supposition) he shook it by the arm and spoke to it in Indian language. At that moment Thomas Cornell saw the body and exclaimed, "Oh Lord! it is my mother!"

The body was lying on its left side, with its back to the bed and face towards the window. Its clothes were part woolen and part cotton, but only the woolen part was burned. There was no evidence of fire about the bed, except that the curtains and valence were partially burned. And lastly, the outer door was fastened.

Thomas Cornell maintained that his mother's clothes had caught fire from a hot coal falling upon them from her pipe as she smoked in her chair, but no pipe or pieces appear to have been found on the floor. If that had happened, she should have been able to have extinguished the fire herself or at least called for help. And that hypothesis does not consider the evi-

dence of the fire about the curtains and valences. Who extinguished those, things so highly inflammable? Thomas Cornell would hardly have left the room with the fire going unwatched, thus imperiling his own house!

Now for the testimony of the hired men. One said that usually both children were with their grandmother in the evening but that they had not gone to her room on the evening of the murder. Further, the grandmother, when well, usually ate with the family, being sent for. Henry Strait testified that he had even asked Thomas Cornell why his mother was not at the table that evening and that the latter had replied it was because they were having salt mackerel which she could not eat. "But," said Strait, "she used to be called at other times when they had mackerel."

Further testimony was to the effect that Rebecca Cornell had had a claim against her son for overdue rent. Some said sharp words had passed between them, and others that she had been vaguely threatened by her son and forced to do menial services. At one time she had hinted at suicide and at another declared that in the spring she was going to live with her other son, Samuel,

but feared that she might be made away with before then. Finally, one witness who, accompanied by Sarah Cornell, had visited Thomas Cornell while he was in jail asserted that the wife and husband had conversed apart and that he had heard one say to the other, "If you will keep my secret, I will keep yours."

Such is the main bulk of the testimony. There is one more episode in the case, however, and it might well be mentioned. Four days after the murder the brother of Rebecca Cornell testified that the ghost of his sister had appeared at his bedside and spoken to him twice, calling attention to her burns and wound and implying that she had been murdered. Strange as it seems, according to the Cornell family genealogical records, this bit of flimsy testimony had the most to do with the indictment and sentencing of Thomas Cornell.

The case caused a great deal of feeling among the people of the Colony, as well it might, and its true solution remained a mystery. Two years later it was revived briefly in the indictment of Sarah Cornell, the widow, for either perpetrating the crime "or for being abetting or consenting thereto." It may not be wrong to as-

sume that her acquittal was in a large measure due to public sentiment. There had been time to do a whole lot of sane thinking since the hanging of Thomas Cornell, and people had reason to question the high-handed proceedings which rushed his execution. Whether Thomas Cornell was actually guilty or not we cannot say. The *Friend's Records* say that "Rebecca Cornell, widow, was killed strangely at Portsmouth in her own dwelling-house . . ." but they name no murderer. Even we, who are not lawyers, would question much of the evidence, while one prominent Newport lawyer, once asked about the case, said simply, "There was no evidence."

Sarah Cornell probably thought the same, for she named a daughter, born after her husband's death, "Innocent" undoubtedly as a living protest against his unjust execution, which was rather typical of the time.

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**T**HE PROVIDENCE INSTITUTION FOR SAVINGS, familiarly known as "The Old Stone Bank," is in its own right a historic institution of Rhode Island. Founded in 1819 as one of the first mutual savings banks in the country, it has since contributed vitally to the development and life of this community.

Proud of its own historical significance, "The Old Stone Bank" has adopted this method of educational advertising to bring to light much that is of value and significance in the colorful annals of Rhode Island and national history.

The sketches and vignettes of old-time Rhode Island and Rhode Islanders that are broadcast weekly and then printed in this form are selected from local historical records which are full of the picturesque, romantic, and adventurous. In the hope that these glimpses into the lives, customs, and environment of our progenitors may be both revealing and inspirational to young and old, this booklet is presented with the compliments of

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