

**PART VII**  
**THE SOUTH SALINA STREET ARSON**  
**THE BENNETT INSURANCE CASE**  
**SYRACUSE, NEW YORK**

Part seven begins June 1, 1871 with a short article on the grand jury meeting in Syracuse.

On August 1 the Republican Advocate, Batavia, NY reported on the referee's decision regarding the civil trial. The end of the civil trial cleared the way for a final decision on whether to move forward on criminal charges against Bennett, Briggs and Fralick.

In January 1872 a hearing was held on a change of venue for the arson charges and was reported in the Syracuse Daily Standard.

The civil trail set the stage for another couple of years of legal maneuvering, bankruptcy hearings and broken lives for many of the participants and their families.

**Daily Palladium**  
**Wednesday June 1, 1871**

It is understood that the grand jury at Syracuse Monday did not find a bill of indictment against Francis P. Vedder. He was before the jury several hours and was one of the most important witnesses against Bennett, Fralick and Briggs who were indicted.

The Bennett insurance case is progressing in Utica. Bennett will be examined in this case. F. M. Fitch swore that he had charge of the Oswego store, and that the amount of sales was \$33,130 from October 1869 to August 9, 1870; and that he shipped back to Syracuse \$15,000 to \$20,000 worth of goods.

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**REPUBLICAN ADVOCATE**  
**BATAVIA, GREENE COUNTY, NY**  
**THURSDAY MORNING**  
**AUGUST 1, 1871**

**Important Insurance Decision** – A suit of a great deal of importance has been on trial in the Supreme Court, commenced by the creditors of a bankrupt in Syracuse named Bennett, who carried on the mercantile business on a very large scale and was burned out in 1869, the fire originated in the store of Bennett. The whole amount of insurance was \$117,000 and after the fire Bennett assigned to his creditors in New York the policies in different companies. There were thirty-two other suits instituted in the matter, and the case just decided with the others referred to Judges William J. Bacon, Alexander S. Johnson and S. T. Holmes of Utica.

The referees reported as follows:  
To the Justices of the Supreme Court: -

We the under signed referees, duly appointed by the order of this Court, to hear and determine the issues in this action, report that we have heard the proofs and allegations of the respective parties, and find the following as matters of fact, via:-

1. That the policy of insurance in the complaint mentioned was duly issued by the defendant to the firm Bennett Brother, in manner and form, and for the amount, upon the property, and containing the conditions and terms stated and set forth in the complaint.
2. That a portion of the property so insured was destroyed by fire on the morning of the 27<sup>th</sup> day of December, 1869.
3. That after such destruction by fire, and before the commencement of this section, all and every claim of the said assured parties for an alleged loss arising upon said contract of insurance was duly assigned by the said Bennett Brothers to the plaintiff in this action and that he held and owned the same at the time of the commencement of the action.
4. That the fire in the pleadings mentioned, by which the destruction of the insured property above mentioned occurred, was caused by the fraudulent set, procurement, connivance and consent of Samuel F. Bennett, one of the assured parties in the said policy.

As a conclusion of law, we find that the defendant is entitled to judgment in this action against the plaintiff, with costs of the action, and we do order judgment to be entered accordingly.

William J. Bacon }  
Alex S. Johnson } Referees  
S. T. Holmes }

The same decision was made in all the cases.

**SYRACUSE NEW YORK DAILY STANDARD  
MONDAY, JANUARY 22, 1872**

**THE BENNETT ARSON CASE !**

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**THE VENUE CHANGED TO CAYUGA COUNTY !**

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**Sundry Terrible Charges Against the Reporters—Onondaga County  
Not a Safe Place to Try the Alleged Criminals !**

Last Saturday afternoon a motion was made by the council for Messrs. Bennett, Briggs and Fralick, before his Honor Justice Doolittle, and the Justices of Sessions, to change their place of trial, in the above named cases. Messrs. Kennedy & Sedgwick, W. C. Ruger and Mr. D. C. Pomeroy, the last of Rome, appeared for the prisoners; F. A. Lyman and Frank Hiscock, appeared for the People. The ground of the motion was that the prisoners could not have a fair trial in the county of Onondaga; that if they could have another trial in another county, they believed they could show themselves innocent of the crimes with which they stood charged.

Upon the motion, the affidavits of Samuel F. Bennett, Edward Briggs, Adam Fralick, G. N. Kennedy, D. C. Greenfield, of Van Buren; Edward Bentley, Syracuse; William W. Wright and W. Baker of Cicero; Artemus Baum, of Clay; Abner Chapman, Nathaniel D. Allen, of Manlius; Wm. W. Rainy and John E. White, John M. Jaycox, Christian Cook, Charles Leonard, R. G. Wynkoop, W. B. Ostrander, S. P. Pierce, F. C. Dillaye, Isaac Barker, S. F. Sogar, C. B. Gay, Augustus R. Timby, Wm. G. Tracy, of Syracuse, were taken.

The object of the affidavits of those gentlemen was to show what was claimed to be the public feeling in the country against the accused; that there had been found a

**COMBINATION AGAINST THEM,**

And such a public sentiment, that they could not have a fair and impartial trial in this county. Mr. Kennedy's affidavit alleged he had been among the people of the county and found their minds were such, and that the papers of this city had published unfair and partial statements, that a fair trial could not be had.

Mr. Sedgwick's affidavit had particular reference to alleged unfair statements of the newspaper reporters. He also read extracts from the STANDARD, Journal and Courier, on the civil trials, against the insurance companies, and made severe comments upon the local reporters of these papers, charging them with being paid to publish unfair reports of

that trial to create public sentiment, and the idea of the guilt of the defendants in these cases. He said the insurance companies had

#### PAID THESE REPORTERS

To go to Utica and report the case unfairly, with a view to fan the story of their guilt, thus the public sentiment had been poisoned with money.

Mr. F. A. Lyman, in opposition to the motion, read his own affidavit, showing that in the other cases of great importance, and in which the public were greatly interested, so far as his experience had gone, no difficulty had been experienced in getting fair and impartial juries. He cited the case of Hugh Mallon, tried in Oneida County, and several cases of great local interest in this county. Among a population of 104,000 in the county, daily and weekly, and that it

#### COULD NOT FAIRLY BE CLAIMED

That all the men of the county could be prejudiced by the newspaper reports of the Bennett trial.

Mr. Lyman also read from the authorities to show under what circumstances a change of trial had been made, with the view to show that this case did not come under the rule.

Mr. Hiscock followed on the same side, and made the main argument against the motion.

#### NO ATTEMPT TO CREATE PREJUDICE

He claimed that there had not been any attempt made to create prejudice or public sentiment against the defendants.

#### BENNETT'S CREATION

But on the other hand Bennett had, by issuing circulars, otherwise endeavored to create public sentiment against the insurance companies. He said there was

#### NOT A PROMINENT MERCHANT

In this city that could be found, who was a witness in the Bennett trial, or who had taken action against these defendants. These trials were not to be changed for idle causes.

Mr. H. read the affidavit of D. J. Halsted, Esq., showing that the sentiment, up to the time of the disclosures of Vedder, in the civil trial. He also read the affidavit of William James, touching the affidavit of William W. Rainey, showing that Rainey stated to him, James, that he, Rainey, believed it was a "damned trick of Bennett to get rid of paying his debts!"

Mr. H. argued that the newspaper excitement was only a two day excitement, got up for the purpose of selling the papers; that Mr. Sedgwick's charges against the reporters were utterly unsupported by any facts. Why does he not specify this person! "No individual has been named."

CAN'T GO TO HERKIMER COUNTY.

Mr. Sedwick replied, but his argument was mostly a repetition of what he said in his opening, except his comments on the power of the press. He closed by asking the court to change place of trial to Herkimer County. He claimed that it should not go to Cayuga county, because of the poor hotels, and Court House, in Auburn.

Judge Doolittle here remarked, that the same could be said of the Court House in Herkimer county. "that if any Court House ought to be indicted that should."

After consultation of the members of the court, His Honor, Justice Doolittle, announced that the court ordered that the place of trial be changed to Cayuga county.

The question was then raised as to whether the present bail held the defendants to appear at the Oyer and Terminer in Cayuga county.

The court thought that new bail should be given, and that it would be necessary to have the prisoners in court for that purpose.

The order therefore was not made final, but reserved to be carried out hereafter by Judge Morgan, when the prisoners could be brought into court, the present bail to be held in the meantime.

The court adjourned to the 22d inst., at 10 A.M.