

**THE SOUTH SALINA STREET ARSON**

**THE BENNETT INSURANCE CASE**

**PART X**

**ADAM FRALICK'S CRIMINAL ARSON TRIAL**

**THE DEFENSE CASE**

Part Ten of the South Salina Street Arson Criminal Trial begins and ends with the case put on by the defense. As in part nine the newspaper only printed a summary of answers given by the witnesses and you therefore have to use a little imagination regarding the questions put to those on the stand.

The defense case starts with the opening arguments and it becomes clear the defense will attack the prosecutions main witnesses, the Vedder's along with the cause of the fire.

The defense tries to show that the prosecution is being nothing more than a puppet for the thirty plus insurance companies. Several witnesses are called in regard to the insurance coverage at the time of the fire.

Various statements made by Vedder in the past which seem to be inconsistent are introduced into evidence.

Considerable time is spent on the amount of goods being owned by the various parties to the loss at the time of the fire. Several police officers and night watchmen are called to the stand.

The defense attacks the cause of the fire and whether kerosene could have been used in setting the fire.

Adam Fralick takes the stand in his own defense and the direct examination is cover in some detail. No coverage has been found as of yet on any cross examination.

More details are learned from the defense case which appears to last about a week.

Part XI will cover the verdict and aftermath of the Fralick criminal trial.

Below is a photograph taken in 1869 of Bennett Brother's less than a year before the fire. This is the building where the fire was discovered in the basement. Above Bennett Brother's are apartments where boarders were asleep when the fire was discovered.



Photograph courtesy of Onondaga County Historical Association - Syracuse, New York

**AUBURN DAILY BULLETIN  
AUBURN, NEW YORK  
MAY 28, 1872**

**Court Record**

**Hon. James C. Smith, presiding, Jno. W. Taylor  
and Jno. Cuttendall, Esq., Justices for session  
Wm. B. Mills, Esq., Dist. Atty Cayuga County,  
W. P. Goodelle, Esq., Dist. Atty Onondaga County**

**Special Oyer and Terminer**

**Monday, May 27.**

The opening of the (defense) case to the jury was made by Mr. Worden. He proceeded to show that the jury were to use their common sense and judgment in weighing the testimony of the Vedders. Bennett was insured in thirty-three different insurance companies to the amount of \$117,500, and all the wealth of those companies is brought to bear against the defendant. We don't propose to call any accessories—anyone who will pronounce their own infamy. I do not propose to mitigate the fact of this awful crime, where hundreds of human beings were sleeping, whose lives might have been ushered unannealed and unanointed, in the presence of their God. Vedder has a mark on his forehead, he was trepanned when young.

An insane man, or an intemperate man, or a lascivious man, may answer questions logically; since that fire he has become insane. Vedder swore intelligently and intelligibly to the answer in defense to the insurance companies; it was read over to him, and the statement was made that it differed from his testimony in the other cases, and it was read over to him before the notary public.

We propose to call Stafford to show that the Vedder boys were not present when he saw Vedder come out of the store. Kerosene cannot be smelt in this way; the smell does not go up, that therefore it could not have been kerosene from the basement these people smelled. We believe at the time that this was an accidental fire, and believe so still; we charge the fire to no one; we give no proof who caused it, other than the people

have given, and that theory is the result of an insane delusion, or the confession of the man who did it.

We propose to explain each of the alleged confessions made to Nye, Vedder's boy, and others that I do not now recall; also to explain what he said to Nye about having \$40,000 worth of goods at Auburn. No pretense that the goods came up here by wagon-mens' backs—all came by railroad, and the book shows \$31,000 as the total stock, and after deducting the sales there could not have been over fifteen to twenty thousand at any time, and we shall make the same explanation as to the Oswego store.

If we don't satisfactorily account for the transactions, then send us to State Prison—be just. The question was stated by the court that it was a question of fact for the jury, whether the boarding house and the store were connected or were separate buildings. Of course it is an impossible thing to take the opening in full, and what we have give has been taken as landmarks of the defense as it proceeded.

Samuel Stafford recalled—My heat is from Jefferson Street to Water, and in the rear of the blocks on each side. (the witness describes the situation of Tasker's saloon.) I saw Fralick in his store several times Sunday evening; I did not go in and ask him to go and get some oysters; I went with him from in front of Whitlock's to Tasker's and got some oysters to eat; it was near one o'clock when I went with him; I saw the time by the "illuminated clock", remained at Tasker's long enough to eat a plate of raw oysters; Ennis was with us; I went with Fralick, and went south on west side till we came to Jefferson Street ; turned then; went past Bennett's store, and am positive I saw Mr. Vedder turn to lock the store, and Fralick told him he need not lock it; we went in and got a drink, when I came back out I smelt smoke (described this the same as he did the other day); when I said "I smelled smoke" there were none of the Vedders near.

Cross-examination—The last time I passed that door was about half-past eleven; I think the curtain was up; it would take me half an hour to go my beat; it was about half-past twelve the last time I saw Fralick in his store before I met him; I saw Vedder and his three boys; can't swear that I ever saw Isaac Vedder before that night; I went with Fralick sometimes once and sometimes twice a week.

Re-Direct Examination—That has been of common occurrence ever since Fralick came to town; Fralick told me that Bennett was frightened and not the "old man", (meaning Vedder.)

M. W. Hanchett sworn—Am an insurance agent; there is a general custom among merchants in Syracuse to procure short insurance in the fall, to cover large and unusual stock of goods, heavier usually in the fall for winter sales; short insurances are not taken for any particular time, that is, not fixed; these policies for three or four months come with that insurance.

On Cross-Examination—This insurance is only procured on heavier stocks not covered by the regular insurance.

The court here adjourned to half-past eight a.m., tomorrow.

### **Tuesday May 28, 1872**

Dennis Linch—Reside in Syracuse. Knew Andrew J. Linch. He died week before last. Knew Francis P Vedder. Was present at the office of Andrew J. Linch, and heard a conversation there between Mr. Mallery, and F. P. Vedder.—There was a conversation there about the suits brought by the insurance Co.s, to recover back moneys paid him—Vedder—and which they alleged he had obtained fraudulently. Mr. Vedder expressed then an intention to defend those suits. Vedder then said that he did not know anything about the fire until three weeks after the fire, and then Fralick told him.

Cross Examination—The subject of the conversation at that time, was the evidence Vedder had sworn to on a particular suit. Mallery claimed he had testified one way, Vedder another. Vedder claimed he did not know that what was being done was preparations for the fire until three weeks after, when Fralick told him. Nothing was said about the way it was done—Fralick told him how it was done three weeks afterward. First told it to my brother. I was then writing for my brother. He was a lawyer.

Dennis B. Keeler—Am a lawyer in the city of Syracuse. Occupied a room adjoining Linch's. Heard the conversation spoken of. It was addressed to Mr. Mallery. I heard Mallery tell Vedder that he (Vedder) had sworn in the trial with the insurance Co.'s that

he did not know anything about the fire until three weeks after the fire, and then Fralick told him. Was employed by Mr. Vedder to prepare answers to defend the suits brought by some of the insurance companies. The answer was read over correctly twice to Vedder, before he signed it. It was sworn to before Mr. Butterfield, a notary.

Cross Examination—Was in an adjoining room. Do not remember of hearing anything about candles being used at the time of the fire, Vedder did say that he did not know anything about the fire until three weeks after the fire, and then Fralick told him. I drew this amended this amended answer in this case but it never was served. I spoke to Mr. Davis about this answer. Also Mr. Linch. Ruger came to my office and wanted to make a copy. I let him do it. He was Fralick's lawyer. Don't know when I first prepared a copy of the answer. Gave the answer to Mr. Brown.

Fred H. Sanford—Am in the insurance business. Was called into Mr. Keeler's office one time when an answer was read to Mr. Vedder. Vedder said it was alright and that no blame could fall on Keeler.

Cross examination—This was the first and only occasion that I was ever called in a lawyer's office to hear the pleading read to their clients.

Cornelius W. Smith testified as follows: Was a lawyer in the summer of 1870 in the firm of Smith, Markham & Smith. Here an affidavit was shown witness, which witness said was read to Vedder and sworn to by him.

The deposition of Andrew J. Linch, deceased, was offered in evidence and objected to on the ground that the defendant was not knowing to the commissioner. Objection sustained.

Joseph A. Griffus—Am a builder residing in Syracuse. Knew the doors in the Bennett Store. They were double doors. The height of the key hole from the bottom of the door, was 22 inches.

The defendant here ran short of witnesses and asked the court to take a recess until after the train from Syracuse. The court refused to allow the court to stop on such an excuse.

George W. Burke—Reside in Oswego. Am in the jewelry business. In the fall of 1869 was in the employ of Bennett, in charge of carpet department. Used to go to store at seven o'clock, and remain until 8 in the evening. Am 29 years old. Was acquainted with the value of carpets. At the time, of the fire there was a large stock of carpets on hand at the time for the season; should think the value would be \$25,000. Remember of a carpet being ordered by Adam Fralick for a room in the Pike Block. I put it down under the instructions of Fralick. Used frequently to go down in the basement. Saw broken boxes there piled up in one corner. There was a paper bin there in the North basement. Do not know of the paper being removed previous to the fire. There was one kerosene lamp in the north basement; it was lighted during the day. I received my instructions from Mr. Bennett in relation to fixing prices. The carpets were not sold for less than cost. We had a one price system. No carpets came in the store without going into the general stock. Know of a bill of carpets sold Vedder shortly before Christmas.

Fralick selected the goods. Should say there was \$4,000 worth of goods. Think half of the goods selected were put back. They were the best ones. Saw them afterward in Oswego.

Cross-examination—Was sick about two or three days. Bennett paid me \$10 per week. Munday received \$1,000 per year. I claim to be the superior. Munday tried to beat me out of my position. I left the store about 12 o'clock on Saturday before the fire. Went there about the usual time in the morning. Did not see any boxes standing in front of Vedder's store. Never knew of any carpets being shipped to Nye, at Auburn. No considerable number of carpets could have been removed from the store and I not have known it. The Vedder store never kept carpets. It was about 7 o'clock Friday evening that Fralick came in and selected the \$4,000 worth of carpets.

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AUBURN, NEW YORK  
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and Jno. Cuttendall, Esq., Justices for session  
Wm. B. Mills, Esq., Dist. Atty Cayuga County,  
W. P. Goodelle, Esq., Dist. Atty Onondaga County**

**Special Oyer and Terminer**

**Monday, May 27.**

John W. Russell—Am a merchant in Lysander, Onondaga Co. Previous to removing there, was in the employ of Bennett Bros. Was chiefly in the department of linens. While I was there, G. W. Burt, had charge of the carpet department. I occasionally went to that department to sell goods. Was out and in on an average of once a day. My department was complete in every respect when I left. I should think the stock in my department would be \$10,000. Were through the departments daily. They were apparently full and well stocked. There was one price. No other instructions were ever given us. Saw nothing of the bill of carpets sold Fralick on the Friday before the fire.

Cross Examination—There were 25 Damask table cloths in my department, 25 or 30 pieces of table linen, from 30 to 40 yards in a piece, worth 38 cents per yard, 30 or 40 doz. napkins at from 1 to 15 dollars per doz. Witness went through the balance of the goods in his department, giving the quantity and price per yard. Left the store about 1 ½ o'clock on the Saturday before the fire. Got to the fire about half after one o'clock.

Luke D. Sealey—Am captain of the night police in Syracuse. The night of the fire, was on the street at the time of the alarm. Went to the fire, and stationed police at different places. Officers were stationed at the doors, to see that no goods were taken out. Kept the doors closed three-quarters of an hour, before they were opened. Sent for Bennett.



Saw him when he arrived. He attempted to enter the store, and I told him it was impossible on account. He seemed perfectly wild.

Cross-Examination—Did not see Briggs there.

Joseph Griffin, Recalled—After the fire, I had charge of the building, and found under the rubbish many pieces of matting and carpets, also found silks, poplins, hosiery, jewelry, and other goods.

Cross-Examination—These fifteen loads were all goods; were taken away on Mr. Bennett's market wagon. Should judge that I saw 200 pieces of oil-cloth.

John Ennis—Am a policeman. Was on Salina street the night of the fire. Heard someone cry fire, and went right down to the fire. Went around to the rear, and tried to get in. Officer Reily went in the basement door. Saw Mr. Fralick about one o'clock with Mr. Stafford. Went down to Tasker's and took a lunch with them.

Saw Mr. Fralick at the fire. He commenced to move goods after a while.

Cross Examination—Saw Fralick with Stafford, on the west side of Salina street. They came up and spoke to me. Went down to the fire and met Stafford running up towards the church to ring the bell. Have no recollection of seeing Fralick when I first got there. Don't know Briggs.

Theodore L. Allen—Reside in Hoboken, N.Y. Am a correspondent in a drug house. Was in the employ of Bennett Bros. in the fall of 1864 as floor walker. Was acquainted with the value of the stock of goods. It is my judgment that we had at the time \$250,000 worth of goods.

Cross Examination—The cross examination was merely as to the quantities of goods and prices of each particular kind for the purpose of finding on what the basis the witness had made his estimate of the value of \$250,000.

Patrick Judge—Am a merchant in the city of Syracuse. Was in the employ of Mr. Bennett up to Oct. 1869, as a floor walker. Mr. Allen succeeded me. Was acquainted with the stock and value up to the time of leaving. Went in business for myself on leaving Bennett's. Bought some goods of them. Was in Bennett's on the Wednesday previous to the fire. I estimated the value of the goods from \$225 to \$240,000.

Cross-Examination—Consumed an hour or more in giving a description of the stock of goods.

Daniel W. Hall—Reside at Moravia. Left Syracuse in July 1869; previous to that I was in the employ of Bennett Bros., in the wholesale trade. Briggs was at the head of that department. I was a traveling agent. After leaving Bennett's went into business for myself at Geneva. Used to buy my goods of Bennett's. Was there within two months of the fire. Their stock seemed to be usually full. Cannot tell the value of the stock.

DeWitt C. Markham—Know F. P. Vedder. Did in 1869. Am a lawyer. Had a conversation with him in reference to the Insurance case. I drew an affidavit for him. It was drawn in accordance with his statement to me. It was read to him before he verified it and concurred in it.

Peter Tholens—Testified that he was a sign and window painter. Put up some window shades on the windows and doors at Vedder's store; they were put up in the usual way and lapped an inch and a half. A person could not look through when the curtains were down.

Edwin S. Butterfield—Reside in the city of Syracuse. Am an Attorney at Law. Here an affidavit was shown witness which was acknowledged by Vedder before him.

Philip Eskie—Was chief of the fire department in Syracuse at the time of the fire. It was some fifteen or twenty minutes after I got on the ground before the fire broke out in the Crouse House.

Lizzie Malony—Lived at the Crouse House at the time of the fire. Went out about 8 o'clock the night of the fire. Observed that there was smoke in the house. This was about 7 ½ o'clock. Did not get in until after twelve o'clock. The smoke was about the same. I spoke to Mr. Robins about it. We searched for the cause but could not find it. Did not smell kerosene.

Delia O'Hara—Worked at the Crouse House at the time of the fire. First noticed smoke about 8 o'clock. Could not find where it came from.

Thomas Robinson—Reside in the town of DeWitt. Worked for Bennett Bros., previous to the fire. I was the porter. Had made it a practice to sleep in the store until I brought my family up to Syracuse. Quit sleeping in the store about three months before the fire. Had slept at home. Lived nearly fifteen or twenty minute walk from the store. Was at the store on Saturday before the fire. Handled some goods. I saw some carpets on

Thursday or Friday before the fire. They were going to Vedder and Fralick. The goods that were going to Vedder were sometimes packed and sometimes I carried them loose. Was not there on Sunday at all. There was a paper bin in the basement, it was full of waste paper. The whole side of the basement was full of empty dry goods boxes. I broke up the kindling wood. Should think two wagon loads. The north basement was lighted by a lamp, as there was no gas in that room. Court adjourned to 8 ½ tomorrow morning.

Tuesday, May 28

Richard Cloyde—Reside in Syracuse for 30 years. Am in the upholstery business. Remember the night of the fire. Saw Fralick at the Globe Hotel about 10 o'clock. He was sitting in the bar room talking. Was there when I went out. Went over to the Syracuse House. Saw Mr. Briggs there. Mr. Fralick might have been at the Globe Hotel one half hour. Know Vedder. Had a conversation with him at O'Conner's Saloon. He solicited me to see Mr. Bennett and see if he (Bennett) would give him \$10,000, providing he would leave the country. Vedder was crying at the time. Vedder said he had a great mind to take poison. Did not see him drink at that time. He appeared to be very much excited. He told me a week after that he had a great mind to go and kill Fralick. Used to frequently to go in Bennett's carpet room to purchase goods. Think I examined enough to judge of the value of the stock. Went to bed about 12 o'clock on the night of the fire. Lodged at the Globe Hotel.

Cross Examination—First saw Vedder at O'Conner's about two weeks after the trial. He was feeling very bad and crying. He did cry. Met him the streets after, and he spoke of killing Fralick.

The conversation I had with him was previous to the 2d trial. Fralick did not board at the Globe Hotel at the time I saw him. I boarded at the Globe. Had no particular business at the Syracuse House. Saw Briggs there; then went back to the Globe Hotel. Did not see Fralick there when I got back.

Joseph A. Cook—Reside in Auburn. Manufacture Kerosene oil. Have had fires at different times, perhaps 20; it always burns with a blaze, and very quickly. The smoke will always smell. Should not think burning kerosene would scent through two floors, unless there was passage for it to get through. Should say if a fire was set in the basement with kerosene, it would break out immediately; should say it would break out and show itself at once.

Cross Examination—In all explosions I have seen, it has been from the gas. It would all depend upon the way it was confined.

John K. Pallock—Am in business in New York. Am accustomed to give large credits to country merchants. Frequently go to their stores to see the state of the stock to see how far we can trust them. Visited Bennett's store for that purpose about 10 days before the fire. Bennett did not know that I was making an examination. Went through all the departments. Was there 4 ½ days. I did it for the purpose of ascertaining whether it would be safe to trust him. My valuation was about \$240,000.

Cross Examination—Our house had an account with Bennett Bros. I was there about 10 days before the fire. Think I understood that an inventory had been made the spring before. Was there about 4 ½ days the first time. I was there three hours, talked with Bennett 1 hour, looked over the stock 2 hours. The 2d day was there 2 hours, looking over the stock. Do not think anyone suspected what I was doing. Here the witness went through with a description of the goods in the departments.

Morris D. Robbins—Reside in Syracuse; at the time of the fire lived at the Crouse House. It was my business to see to things, keep them upright, should think there was from 15 to 18 kerosene lamps on the upper floor. The servant girls all used lamps. I had two lamps, one to run around with without a chimney. There were three lamps in the hall where I slept; they were large lamps and were lighted as soon as it became dark. The dining room was lighted with lamps; there was three to five of them. Used kerosene lamps in the kitchen. They used lamps in the hall below. Remember the night of the fire. Was in my room at the time of the alarm. Noticed there was smoke in the house about 4 or 5 o'clock.

Had noticed the same thing before quite often. Went down about eleven o'clock to shut and fasten the door. Went out in front of Bennett's store. The window shades were up as usual so that I could see the lamp inside. Miss Merrill seemed to have considerable interest in the house. She was also a clerk in Bennett's. My room was on the south side of the building. The cry of fire woke me up. There was no smoke in my room at the time, but there was some in the hall. I first went in Mr. Bates's room. The room was full of smoke. I then went down stairs. The smoke seemed about the same.

Mary McCormick—Reside in Syracuse. Was at the Crouse House at the time of the fire. Was one of the cooks. Lodged on the 2d floor. Know Mrs. Merrill, she had charge of the books, and was overseer, also clerk in Bennett's store. Do not know of any company on Christmas, but victuals were carried up to her room. Bennett's family were there to dinner on Thanksgiving.

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AUBURN, NEW YORK  
MAY 30, 1872**

**Court Record**

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**Special Oyer and Terminer**

**WEDNESDAY, May 29.**

Richard Cloyde—I had conversation with Vedder in O'Connor's saloon; Vedder requested me to see Mr. Bennett, and if he would give him \$10,000 he would leave the country; he was crying at the time, feeling very bad; he said he had a great mind to take poison and kill himself; saw him drink; couldn't tell how many times; he appeared to be under great excitement; he acted strangely; have no recollection of his threatening to shoot Fralick there; about a week after this he told me he had a great mind to go down and kill Fralick; this was after the trial at Syracuse; he appeared to have been drinking.

Cross Examination—The first time I saw Vedder was at O'Connor's saloon; two or three weeks after the trial of the insurance cases; Vedder cried; wept freely; Vedder drank; I didn't drink; I wasn't under the influence of liquor; I am not now; I met him on the streets soon after that; just previous to his being sent to Utica when he spoke of shooting; I saw him previous to his having been sworn a second time.

Mr. Cook Sworn—Am manufacturer of kerosene; kerosene burns rapidly; when burning it carries the smell of kerosene; if people on the street should smell kerosene smoke, they would notice a smell different from wood burning; kerosene burns in a blaze; if candles were lighted, placed on a pile of cotton saturated with kerosene, and a pile of kindling wood, boxes and waste paper, the fire would take when the candles burned down to the kerosene; kerosene won't explode till you get it heated enough to fill your room from gas.

Cross Examination—(The counsel for the people put a hypothetical case, stating the condition of the cellar, as described by Vedder in regard to the candles, kerosene &c.) To which the witness answered affirmatively.

Re-direct—The counsel put a hypothetical, according to the theory of the defense, which was answered in the affirmative.

Re-Cross—The light gas from kerosene rises before it is burning, and the heavier falls.

Adam Fralick sworn—Was arrested April 24, 1871, on Monday evening; knew nothing of the origin of this fire or how it happened; I never to my knowledge bought goods of Bennett at sixty percent, bought goods from Bennett's Sunday night; \$500 to \$600 bought on that afternoon; never down in Bennett's store fixing cotton or kerosene; never said to young Vedder the night of the fire "knew that they would go"; never said anything of the kind they swore to about the goods upstairs; nor to Harvey; after Vedder settled had a talk; I compromised first at \$20,000 and Vedder threw off \$4,000; I told him he had not got pay for goods upstairs; said goods were brought down by boys on Sunday; something said about no excuse for settling; I called Vedder boys' attention to the books as being stove [store] books; the boys said the books had been found; I told them that Vedder had had them burned so long, I thought they might as well burn them, and I told them to do as they pleased; I did not suspect any fire; made no preparations for the fire; shipments were made in course of trade for purposes of trade; I never said it was "the most important night of their lives"; did not say "that was the outlet in case of fire"; have no recollection of saying what Mundy heard in the carpet room; am 45 years of age; nothing brought on Saturday; no one in store in evening; got goods on Sunday evening; on Sunday evening up to 9 was in store; at 9 or 9:30 goods were delivered and brought in; at 9:30 I looked over goods; got ready for packing; gave the money to book-keeper; selected silks; afterwards I went to Globe and Tasker's, then went back and the boys were not quite through; gave directions to the young men; went out at 12:30; started for Tasker's, met Stafford near Globe; after going to Tasker's went back to store.

[The walk back the same as told by Stafford.] Vedder and 3 boys coming out; goods all packed; Stafford and I went in the store; came out; [the cigar story told]; I told Stafford to run and ring the bell; I remained there; I smelled smoke in the store and Vedder said it came from papers burned; passed through our store to rear of Bennett's; there was a party behind there; I did not leave the front until people began to gather; I saw dense mass of smoke when I got out; I did not suspect fire when I spoke to Vedder of smoke; I came to Syracuse in June, 1867; firm of Adam Fralick & Co.; I put in \$9,000; Rogers put in no capital and went out in two months; then ran alone to April 1868, and Ashley came in; he failed on capital and went out in July, 1868; I was embarrassed in September; I had taken an account of stock; it was \$28,000; my debts were \$18,000;

I had real estate; sold for \$4,500; the stock then amounted to \$36,000; I told him I must make transfer; Vedder claimed to be very sick; I cut down the \$36,000 to \$13,000, then deducted the sale, amounting to \$3,000 and sold for \$9,000 and took fifty per cent; went into business together; told them it was a suspension; dealt largely after that; bought large stocks low; in February 1869, the inventory was \$51,000; in August took another; that was \$69,000 had stock in Auburn of \$3,000; we had to start branch stores to get over; the books are incorrect; Vedder took the bills of goods and they were not entered; bought of Bennett in all about \$20,000; may be more; learned it from Vedder; purchased at jobbing prices; bought carpets on commission; bought \$2,200 worth of carpets and sent to Oswego.

Have no control of Bennett's books or papers, nor invoice; it was our universal custom to do work on Sunday; goods were taken in at night; goods came on canal boat delivered at 12 o'clock at night in the summer of 1869; Bennett desired to deliver during the day; I did not want the public to know we had goods of Bennett, and that was the reason they were taken in at night; the mark was not changed so as to take especial care to have goods come back; Sunday and Sunday night there were six boxes packed; Bennett furnished us boxes; run out of his store Saturday morning; I saw two of the boxes in the store, one was 3 ½ feet long, 2 ½ inches square; some six trunks besides goods in boxes; were goods to be sold at auction; low priced goods; got goods from shelves; some black alpacas; took from \$300 to \$600 from upstairs; I saw them bring down these goods.

They were low-priced goods, threads, knit goods, low priced flannels, some toweling; we kept a large lot of Paisleys and so of silks, got by lots when cheap; we got staple goods of Bennett; got because we wanted; one piece cotton flannel, six plaid shawls, wraps, silk and woolen; got no silks, no poplins, some hosiery, some corsets, silks were put in a pile on Saturday from our stock, also the shawls; I always had a room at Pike block; Vedder hired it; he and I had a key; Bennett had none; never saw him there; no relations between us except as common merchants; I never suspected anything; I never sent for the sugar or the bit or nothing of the kind; took no apple jack; never know of Sam's being weak-kneed; never twisted cotton; did not see Briggs on Sunday night; did not send out the Vedder boys; saw Bennett in his store that night; Stafford misstated what I said; I said the old man was very nervous because he saw us deliver goods; Tommy Robinson delivered; Bennett was there, standing in the door of his own store; Stafford saw him; I asked Nye if he knew anything about the books; said he knew nothing; I said I heard a rumor; he said time would tell; never gave directors to bill goods; auction goods we generally piled away; we sent one trunk of silks and shawls to Oswego. \$1,500 one to Auburn, \$1,000 to \$1,100, a month after the fire; the goods were at No. 92 until adjusters looked them over; I agreed to the insurance at \$20,000;

the money went to pay our debts; we were very much involved; no money was paid for my benefit to the month of March; no transaction about taking up \$30,000.

Told Vedder I wanted to know how we stood; I drew up an inventory in January 1870; repurchased the store back; never heard of the notes that were paid Bennett, by giving my notes; Briggs bought \$2,700 worth of goods of him, after the fire, and we told Bennett, would let him have Briggs' note, to pay for the commission goods; Vedder told me, that Bennett said, that he would not take Briggs' note for a dollar; that was at the time this agreement was made; that is in evidence that was taken from me by Deputy Sheriff Meldram; this was simply a contract of purchase; Vedder had drawn out \$3,000 more than he put in; he was entitled to receive \$5,000; we did business right along; never knew I was a "Psychologist".

### **AUBURN, MAY 30, 1872**

Mrs. Samuel F. Bennett was next called as a witness. Am the wife of Samuel F. Bennett. Reside on Genesee St., about a mile from the store. Was at home the night of the fire. Mr. Bennett came home about 11 or 11 ½ o'clock. He next went away at the alarm of fire. He was in bed at the time and asleep. Someone came for him and told him the store was on fire.

Lusetta Merrill—Was at the Crouse House at the time of the fire. Was working for Bennett Bros. The first four weeks I made cloaks; after that had charge of the department up to the time of the fire. Was in the store the last on Christmas. The stock was full. Should judge the stock in the department would amount to from \$20,000 to \$25,000. Was first alarmed by a knocking at a door above, at the time of the fire. I arose and put on a black water-proof dress; did not have on any plaid dress. Saved one or two dresses, and my watch and chain. My loss was about \$1,500. Insured for \$500.

Cross Examination—Affected the insurance in May previous to the fire. Had but one insurance. Mr. Coles was insured. He took it at the time I did. I effected it for him. I know where Maggie Darloy is, New York, 27<sup>th</sup> street. Lives in a tenement house. Saw her 2 months ago. The bank account was kept in Mr. Coles' name. I drew some of the checks, Mr. Coles drew some of them. I had room No. 10. I boarded at the Empire. Mr. Bennett called on me; came after his family; was in New York last year.

Was not sworn in the insurance suits. Did not see Mr. Bennett before the suit was finished.



Chas. Chadwick—Reside in Syracuse. Am in the wholesale dry goods business. Had a room in the Pike Block. Sold goods by sample. Sold to F. P. Vedder. I commenced to sell him goods in January 1869, sold him between \$16,000 and \$17,000 worth in 1869.

Prisoner rests,  
Case closed.