

The Boorn Affair

A Strange Story of Circumstantial Evidence

[From the Boston Commercial Bulletin]

On the morning of the 26th of November, 1819, I read in the Rutland (Vt.) Herald the following notice.

“MURDER!”

“Printers of newspapers throughout the United States are desired to publish that Stephen Boorn, of Manchester, in Vermont, is sentenced to be executed for the murder of Russell Colvin, who has been absent about seven years. Any person who can give information of said Colvin may save the life of the innocent, by making immediate communication. Calvin is about five feet five inches high, light complexioned, light hair, blue eyes, and about forty years old. Manchester, Vt., November 26, 1819.”

This communication was copied very generally by newspapers, and created a great deal of interest. Before describing events that followed, let us go back to the year of 1812 and to the little town of Manchester, Vermont.

Barney Boorn, an old man, had two sons, Stephen and Jesse, and a daughter Sarah, wife of Russell Colvin, a half-crazed, half-witted day laborer. They were a bad lot; poor ignorant, and in doubtful repute for honesty. Two miserable hovels served them for shelter, and a few acres of pine barrens constituted all their possessions. They raised a few potatoes and garden vegetables, and eked out a scanty livelihood, by day's work for the neighboring farmers.

In May 1812, Colvin was at home. In June he was missing. At first this occasioned no remark. He was always a tramp, absent from home for weeks together. But this time he did not come back. As weeks grew into months, inquiries began to be made among the neighbors about the missing man. There are no tongues for gossip like those which wag in a Yankee village. One spoke to another. Excitement grew. Wonder, like a contagious disease affected every-body.

It was known that there had long existed between the old man and boys a grudge against Colvin; it was in proof that the last time the missing man was seen, he was at work with the Boorns clearing stones from a field, and that a dispute was going on; and Lewis Colvin, a boy, son of Russell, had stated that his father had struck his uncle Stephen, and that the other returned the blow, and that then he, the boy, becoming frightened ran away. Again, a Mr. Baldwin had heard Stephen Boorn, in answer to the inquiry as to where Colvin was, say, “He's gone to hell, I hope.”

“Is he dead, Stephen?” pursued Mr. Baldwin.

“I tell you again,” replied the man, “that Colvin has gone where potatoes won't freeze.”

For seven years the wonder grew. Colvin's ghost haunted every house in Bennington county. There was no known proof that the Boorns were guilty, and yet everyone believed it. A button and jack-knife were found, which Mrs. C believed to have belonged to Russell; dreams, thrice repeated, were had by old women and kitchen girls — and ten thousand stories were in circulation.

Five years after Colvin was missed, Stephen Boorn removed to Denmark, N.Y., while Jesse remained at home. After the former had left, some bones were accidentally found in the decayed trunk of a tree near his house, and, though all surgeons said to the contrary, it was universally believed that they were part of a human skeleton. Of course, then, they must be Colvin's bones. Jesse was arrested, Stephen was brought back from Denmark, and both were held for examination. Although all the testimony when sifted was found to be worthless, yet the two brothers were remanded back to Jail, and Jesse was worked upon to make him turn State's evidence. The Jailer tormented him with suggestions, which his wife followed up with womanly adroitness. Neighbors helped. Beset with preaching and prayers, tracts and sermons, religious conversation and pious directions — told that there was no doubt in any one's mind but that Stephen committed the murder — urged to make a clean breast of it and thus save both body and soul, what wonder that the man confessed, or was alleged to have confessed, that Stephen Boorn did murder Russell Colvin?

On September 3, 1819, the grand jury found a bill of indictment against Stephen and Jesse Boorn for the murder of Russell Colvin. William Farnsworth testified that Stephen confessed that he did it, and that Jesse helped him; that they hid the body in the bushes; then buried it, and then scraped the few remains and hid them in a stump. Upon this unsupported evidence the jury returned a verdict of guilty against both prisoners, and they were sentenced to be hung on January 28, 1820.

And now the men came to their senses. They asserted their innocence. They said that they had confessed as their last hope. Some compassion began to be felt for them. They might, after all, be innocent. A petition for their pardon was presented to the Legislature. But it availed only to obtain commutation of Jesse's sentence to imprisonment for life. No more, Stephen was to be hanged.

Let the reader now turn to another chapter of this strange history.

In April, 1813, there lived in Dover, Monmouth county, N.J., a Mr. James Polhamus. During that month a way farer, begging food, stopped at his door. Being handy, good-natured, quiet and obedient, homeless, and weak of intellect too, he was allowed to stay. He said his name was Russell Colvin, and that he came from Manchester, Vt.

Not far from Dover lies the little town of Shrewsbury, then a quiet hamlet, now invaded by the cottages and villas of Long Beach pleasure-seekers. Here lived Taber Chadwick, brother-in-law to Mr. Polhamus, and intimate with the family. Accidentally reading the New York Evening Post, he met, not with the notices of the Rutland Herald, but with an account of the trial of the Boorns. Convinced that the Russell Colvin, alleged to have been murdered, was the very man

then living with Mr. Polhumus, he wrote a letter to the Evening Post which was published December 9, 1819.

Upon the arrival of this paper at Manchester it excited but little attention. The letter was believed to be a forgery or a fraud. Had not the best people in the town long believed the Boorns to be guilty? Had not one perhaps both of them confessed it? The bones of the murdered man, a button of his coat, his jack-knife — had they not all been found? Had not an upright judge made solemn charge that the evidence was conclusive and an intelligent jury found them guilty, and the Legislature sanctioned the findings? There was no doubt of their guilt — none whatsoever; and therefore no benefit of the doubt had been given by the jury, Chief Justice or Court of Appeals.

Mr. Chadwick's letter was, nevertheless, taken to Stephen's cell and read aloud. The news was so overwhelming that nature could scarcely survive the shock. The poor fellow dropped in a fainting fit to the floor, and had to be recovered by dashes of cold water.

Intelligence came next day from a Mr. Whelpley, formerly a resident of Manchester, that he himself had been to New Jersey and seen Russell Colvin. The members of the jury which had convicted the Boorns however, hesitated to accept anything short of the man's presence, and Judge Chase, who had sentenced them, pointed to Stephen Boorn's confession.

The third day came another letter. "I have Russell Colvin with me," wrote Mr. Whelpley. "I personally know Russell Colvin," swore John Kempton, "he now stands before me." It is the same Russell Colvin who married Ann Boorn, of Manchester, Vt.," made affidavit Mrs. Jones of Brooklyn. But it would not answer. Pride of opinion is stubborn. Doubt of opinion dies hard. Manchester intelligence, not to say piety was on trial, and it behooved all good residents to hold out against conviction to the last.

However, Colvin, or Colvin's double, was no [on] his way. As he passed through Poughkeepsie the streets were thronged to see him. The news everywhere proceeded him. His story was printed in every newspaper and told at every fireside. At Hudson cannon[s] were fired; in Albany he was showed to the crowd from a platform; and all along the road to Troy bands of music were playing and banners flaunting and cheers were given as Colvin passed by. Some men became famous from having been murdered. Russell Colvin was famous because he was alive.

Toward evening of Friday, December 22, 1819, a double sleigh was driven furiously down the main street of Manchester to the tavern door. It contained Whepley, Kempton, Chadwick and the bewildered Russell Colvin. Immediately a crowd of men, women and children gathered around, and as the sleigh unloaded its occupants and they took their places on the piazza, exhibiting the last man to view, "That's Russell Colvin, sure enough! There's no doubt about it!" came from the lips of scores of the gazers. He embraced his two children, asked after the Boorns, and started for the jail.

The prison doors were unbolted and the news was told to Stephen Boorn.

"Colvin has come, Stephen," said the Rev. Lemnel Haynes.

“Has he?” asked the prisoner, “Where is he.”

“Here I am, Stephen,” said his brother-in-law, “What’s them on your legs?”

“Shackles!” replied Boorn.

“What for?”

“Because they said I murdered you.”

“You never hurt me in your life,” replied Colvin.

The sequel is soon told. Stephen Boorn was released from prison, as was Jesse also. Russell Colvin returned to New Jersey. But the judge who suffered an innocent man to be convicted of murder by the admission [admission] of extra-judicial confessions — the members of the jury who deliberated but one hour before agreeing upon a verdict of guilty upon evidence that should not hang a dog — the deacon and church members who urged confession and the ninety-seven members of the Legislature, sitting as a Court of Appeals, who refused re-hearing of evidence — what became of them?

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