

**REPORT OF THE TRIAL OF ABRAHAM
PRESCOTT, FOR THE MURDER OF MRS.
SALLY COCHRAN, OF PEMBROKE,
JUNE 23, 1833. EXECUTED AT
HOPKINTON, JAN. 6, 1836**

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Report of the trial of Abraham Prescott, for the murder of Mrs. Sally Cochran, of Pembroke, June 23, 1833. Executed at Hopkinton, Jan. 6, 1836 by Abraham Prescott

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ABRAHAM PRESCOTT

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NUMBER ONE.

MURDER TRIALS AND EXECUTIONS
IN NEW HAMPSHIRE.

REPORT OF THE TRIAL

OF

ABRAHAM PRESCOTT,

FOR THE MURDER OF

MRS. SALLY COCHRAN, OF PEMBROKE,

JUNE 23, 1833.

EXECUTED AT HOPKINTON, JANUARY 6, 1836.

MANCHESTER, N. H.:
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1869.

PREFACE.

As increased legal, as well as general, attention is given in the present day to cases of homicide, whether classed under the head of murder or manslaughter, there is a special demand for sketches of the lives of noted criminals, and for reports of trials; especially of those who have been convicted, and have expiated their crimes upon the scaffold.

To meet the demand,—to gratify the public taste, and in a measure contribute to a compilation of the criminal history of New Hampshire,—we produce in consecutive numbers, and in convenient form, the trials of the most noted criminals in our State, with brief reports of gallows scenes.

In the first number we present the case of Prescott, which within the last few years has been the subject of much comment with jurists and medical experts. It is generally conceded that no conviction or execution of the unfortunate man would have taken place at a later date, when the subject of insanity had become more generally understood. Mr. Bartlett always spoke of it as a case of judicial murder.

The case was presented to the court and jury by Gen. Peaslee and Mr. Bartlett, with great learning and ability, and it was greatly due to their instrumentality that the New Hampshire Asylum for the Insane was afterwards established.

THE PEMBROKE TRAGEDY.

NARRATIVE OF THE MURDER.

Within the memory of many people not yet very aged, there lived in the family of Chauncey Cochran, of Pembroke, a young man eighteen years of age, by the name of Abraham Prescott, who had been well treated by Mr. and Mrs. Cochran, and had appeared to be satisfied with his condition. He was not possessed of superior mental endowments,—indeed he was below the average standard of intellect,—but being of an obedient disposition he had the fullest confidence of the family.

About the first of January, 1833, a singular occurrence took place: This young man got up in the night, made a fire, and with an ax struck Mr. and Mrs. Cochran on the head, as they were sleeping in the adjacent room. He then notified a person in the house of what he had done, and stated that he was unconscious of the act until he saw Mr. Cochran, covered with blood, attempting to rise. This was attributed to somnambulism at the time, and a statement to that effect was published in the Concord papers.

On the 23d day of June, of the same year, on a Sunday morning, Mrs. Cochran went out into the field near the house, with young Prescott, to pick strawberries, Mr. Cochran remaining in the house, reading. After an hour had passed, strange noises were heard at the barn. Mr. Cochran went out and found Prescott acting very strangely, and on being questioned regarding Mrs. Cochran, replied that he had struck her, and he thought had killed her. Mr. Cochran compelled him to go to the spot, where the woman was found, dragged into a clump of bushes, and just yielding her last breath.

Prescott was immediately arrested, and on the following day was examined before the Justice of the Peace, and was ordered

to stand committed to jail until the September term of the Court of Common Pleas for the county of Merrimack.

THE INDICTMENT AND TRIAL.

At this term of court the Grand Jury returned an indictment against the respondent, who was arraigned, and pleaded *not guilty*. Hon. Ichabod Bartlett, of Portsmouth, and Charles H. Peaslee, Esq., of Concord, were assigned as Counsel for the prisoner, and the case was continued to the next term of court. It was continued a second time until the September term of the Superior Court in 1834. The court was held by Chief-Justice William M. Richardson, Associate-Justice Joel Parker, with the Common-Pleas Justices Benjamin Wadleigh and Aaron Whittemore. Fifty-three names were called before a jury could be empanelled to try the respondent. The Attorney-General, George Sullivan, Esq., and County Solicitor, John Whipple, Esq., appeared for the State.

The Solicitor opened the case to the jury, and proceed to call the witnesses in behalf of the government.

CHARNOCK COCHRAN (husband of the deceased), called and sworn. The death of my wife took place on Sunday, the 28th of June, 1833. About nine or ten o'clock in the forenoon of that day the prisoner came into the room where I was reading, and observed to me that Mrs. Cochran wanted to go out and pick some strawberries; asked if I would go with her. Told him I was engaged in reading Avery's trial, which I had borrowed, and could not go. He then said he would go with her into my brother James Cochran's pasture, where the strawberries were plenty. This pasture lies westerly of my house, about twenty rods from the road, with a field between that and the road; four or five houses (mine among the rest) within about thirty rods, and in full view of this pasture. I continued reading, perhaps an hour and a half, when, on my mother's enquiring what made the noise she heard, I went to the door and heard a noise in the barn, where I immediately went, and found the prisoner sitting in the door of the shed at the further end of the barn, at the head of the lane leading down to the pasture. I asked him what he was about; he said he had *struck Sally* (Mrs. C.) *with a stake, and had killed her*. I asked him where she was; he said she was in the Brook field (the name of the pasture where she was found.) I ordered him to run and show me where she was. He was loth to go, but finally started, and on the way stated that he had the tooth-ache, sat down by a stump, fell asleep, and that was the last he knew until he found he had killed Sally. He then asked me if I would hang him. I told him I believed the devil had got full possession of him. When he got to the place where her bonnet lay, he

stopped and pointed in the direction where her body was concealed in the bushes. When I reached her, she was just alive. I ordered him to run for help; he refused; I sprang at him; he then ran on before me, and I halloed till I alarmed the neighbors. The scene of the murder was down under a hill; a spot nearly surrounded by trees and bushes; no house in sight in any direction. The place is quite low, about one hundred and fifty feet lower than where the prisoner proposed to go. The body of the deceased was dragged about two rods from the place where she was killed, and concealed behind some bushes; a person must go within eight or ten feet before he would discover where she lay. The prisoner must have been perfectly aware of the situation of this place, as he worked with me eight or ten days previous, in making fence, and was sent the very day before across this field after bark. There were few or no strawberries in this field, but they were more plenty in the field where prisoner prepared to go than anywhere else in the neighborhood.

Cross-examined. My brother's pasture in some places comes within two or three rods of the spot of the murder. There were no strawberries near; there may have been five or six years before. People did not go there for strawberries, though it was about the height of strawberry time; no remembrance of my wife's having been strawberrying but once that season. Prescott first suggested to me the going after strawberries; I never stated otherwise. I did not notice the basket or strawberries on the spot of the murder.

Question.—Did the prisoner ever before make an assault upon you or your wife?

Answer.—On the night of the 6th of January, 1833, prisoner got up, built a fire, and afterwards struck myself and wife on the head with an ax. The account was given us by prisoner himself. I and my wife were senseless for some hours. I was wounded on the temple and Mrs. Cochran on the cheek. Prisoner said he was unconscious of hurting us, and supposed he must have done it when asleep; first he knew of it, he saw me on my hands and knees, on the bed, bleeding; then called my mother and raised the neighbors.

[The following account of this transaction was published in the "New Hampshire Patriot" of January 14, 1833:—

PENBROKE, January 9, 1813.

Messrs. Hill & Barton.—I was requested by Mr. Chauncey Cochran, of Pembroke, to give the facts relative to an unhappy and almost unheard-of occurrence of somnambulism, that took place in said Cochran's family on Sunday night last, that the public may not be led to form erroneous opinions respecting the transaction, and request you to publish the same.

A young man who has lived in the house of said Cochran for several years last past, retired to bed at an early hour, for the purpose of rising early the next morning. He came out of his chamber between ten and eleven o'clock, took a candle, went into

the clock room, came back into the room where Mr. and Mrs. Cochran slept at the time the clock struck eleven. He then obtained a buffalo skin from some part of the house, and lay down before the fire. Some time before twelve he got up, went into the wood-shed, took an ax, came into the room which he left, went to the bed where Mr. and Mrs. Cochran slept (they being in a sound sleep,) and gave each of them a severe blow or blows on the side of the head, which left them entirely senseless. He then returned to the entry, left the ax, and on returning into the room he awoke. Seeing Mr. Cochran trying to raise himself, and making loud groans, he took the candle, went to the bed, and found said Cochran and wife literally covered with blood. He then went into an adjoining room, where said Cochran's mother slept, and informed her that he did not know but he had killed Chauncey and his wife. As soon as Mrs. Cochran could get out of bed, she went into the room and found them in the condition before mentioned. The neighbors were immediately called in, and the subscriber, who has afforded all the medical aid in his power, can now state that said Cochran and wife have so far recovered that hopes are entertained of a speedy recovery.

Yours respectfully,

SAMUEL SARGENT.]

Question by the Court.—Had the prisoner been in the habit of getting up in his sleep?

Answer.—This is the only time I ever knew of.

Quest.—Did he make any attempt to escape?

Ans.—No; he remained about home, as usual.

Question by Prisoner's Counsel.—What did you say to him when you conversed on the subject? Did he appear to regret the occurrence?

Ans.—He appeared to be very sorry; I believed it. I told him he ought to be very thankful that he did not kill us. He made no answer; would look down, and was not inclined to talk about it. There had been no misunderstanding between prisoner and myself or wife; he had resided three years in the family; his deportment was very good; he was obedient and kind; have known him to get water instead of my wife, after she had started for it. The prisoner was eighteen years old the same month of the accident. I always thought he was bad tempered; sometimes abused the cattle; never quarreled with any of the family; always treated the children affectionately, and never refused to perform labor; we never put anything hard upon him after he had done his day's work; I always stated he was good and capable; never complained till recently of his bad temper; don't know that I requested others to refrain from speaking to him of the winter transaction; never censured him for it; gave him no money to appease him. My wife never requested me to go strawberrying; I never said she did; did not hear him ask her to go; I gave him no leave to go. Whining noise heard by mother; it stopped when I approached; I spoke to him and he answered me; I do not know where he went while I was alarming neighbors. I

never heard Mrs. Cochran complain of any rudeness to herself in the prisoner. I had been absent several times two or three days each; a short time before the murder I was absent and left only Mrs. Cochran, two small children, and a girl ten or twelve years old, with the prisoner; don't know that prisoner ever accompanied wife in the evening; have known him to accompany her home from her father's. Had been below four or five weeks previous to winter occurrence; nothing said at that time of killing hogs; wife generally washed early Monday mornings; prisoner not generally required to make fire; when she washed he often got up; never knew anything in his conduct to induce me to suspect the winter affair to be an attempt at murder; know of no motive for his conduct.

In answer to further inquiries of the Attorney-General, witness said: There could not have been any strawberries at or near the spot where deceased was killed. The prisoner sometimes had beat my cattle unmercifully; I had reproved him often for that, and on such occasions he never made much reply; generally looked down and cross; had latterly grown rather more severe in his treatment of the cattle. The doctor informed me if the blows of the 6th of January had been on the back part of my head they would have been mortal; don't recollect whether prisoner was present.

JOHN L. FOWLER, coroner, sworn. In the morning of the 23d of June, 1833, Mr. Robinson informed me of the murder. I immediately went to the place, which I reached between ten and eleven o'clock; found Mrs. Cochran dead. I then asked for the prisoner; ran to the house and inquired for him; found him in James Cochran's pasture, where I arrested him. I asked him what he had been doing. He told me he had killed Mrs. Cochran. I asked him how he had killed her. He said, with a stake. I asked him why, and if he had any cause, or if there had been any uneasiness between them. He said no; he didn't know why he killed her. I have since had conversation with the prisoner. On Thursday after he was arraigned, last September, I went to the prison to see him, and told him he had better confess the whole truth. At first he declined making any disclosure, but finally said he would before Major Stinson, warden of the prison, and myself, if Thompson, the deputy warden, would remove M'Daniel, another prisoner who was present. This was done, when the prisoner stated that he and the deceased went into James Cochran's pasture together; from thence down into the Brook field; that when about to return homeward, he made her a proposal, which she indignantly repelled, called him a nasty, dirty rascal, and said she would tell Chauncey (her husband) of him, and he should be punished; prisoner then sat down by the stump; considered his situation; thought he must go to gaol for his offence, and had as lief die as go there; saw a stake near him, caught it up and killed her. She was picking strawberries at a little distance, and probably was not aware of his approach; she made no ado; the blows were fatal. The prisoner said he had as