



**JESSE BOORN, STEPHEN BOORN
TABOR CHADWICK, and JAMES WHELPLEY
1819**

The first wrongful conviction case in American history happened right here in Manchester, Vermont.

MURDER.
Printers of newspapers thro' out the United States, are desired to publish, that Stephen Boorn, of Manchester, in Vermont, is sentenced to be executed for the murder of Russel 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. Colvin is about five feet five inches high, light complexion, light coloured hair, blue eyes, about forty years of age.
Manchester, Vt, Nov. 25, 1819.

Brothers Jesse and Stephen Boorn were convicted in 1819 of murdering their brother-in-law Russell Colvin, who had disappeared in 1812 but whose body was never found. Fueled by a claim by the brothers' uncle Amos that the dead Colvin appeared at his bedside and told Amos that Jesse and Stephen murdered him, the brothers were convicted with circumstantial evidence including bones found on their property that were thought to be human and assumed to be those of Colvin (but later determined to be animal in origin); and reports from friends and neighbors seven years after the fact that they had observed quarreling among the brothers-in-

law. One brother was sentenced to death and the other to life in prison, having received a lessor sentence by claiming his brothert had committed the murder in the face of overwhelming public opinion against them.

An article in the New York Evening Post on November 26, 1819, described how divine intervention (Amos' dream) had brought Colvin's killers to justice. The news article was read aloud in the lobby of a New York hotel, where a Methodist preacher from New Jersey, Tabor Chadwick, heard it. Chadwick knew a man named Russell Colvin, who often spoke of Vermont and was working for the last several years as a farmhand in Dover, New Jersey.

Was this the same man, not dead but alive?

Chadwick sent two letters relating his theory that Russell was alive: one to the Post, the other to the Manchester, Vermont postmaster. Chadwick's letter to Manchester appears to have led to nothing, which is surprising since the postmaster who would have received the letter was in fact the junior trial counsel, Leonard Sergeant, who defended the Boorns.

The Post published Chadwick's letter on December 6, 1819. This letter was read by a native of Manchester now living in New York named James Whelpley. Whelpley immediately left for Dover, where he found a living, breathing, but uncooperative Colvin, who refused to return to Vermont.

Time being of the essence - Stephen's execution was scheduled for January 28, 1820 - Whelpley enlisted a young woman to entice Colvin to accompany her to New York City, who then immediately deserted him. Whelpley then told Colvin that, because British ships were offshore, they would have to take a circuitous route back to New Jersey; and Whelpley coaxed Colvin onto a stagecoach bound for Manchester, through Bennington.

When they arrived at Captain Black's Tavern in Manchester on December 22, 1819, Colvin and Whelpley were greeted by a curious crowd, alerted to their impending arrival by a telegram from Whelpley. The crowd included several of Colvin's former neighbors who recognized him, thereby establishing that rumors of his murder, as Mark Twain might have said, had been greatly exaggerated.

Through the actions of Tabor Chadwick and James Whelpley, the Boorn brothers were freed.

But Wait, There's More...

Credit to: <https://www.law.northwestern.edu/legalclinic/wrongfulconvictions/exonerations/vt/boorn-brothers.html>



Artist's Depiction of the murder of Russell Colvin
in Manchester in 1812

The Rest of the Story...

Russell Colvin was a peculiar man, considered feeble-minded by the people of Manchester.

He would frequently go on long walks that could last days or even months; but prior to 1812, he always returned to his wife Sally and their six children. After Russell's own father abandoned his family, the people in the town believed Russell would run the family farm into the ground. Back in those days, the town had an obligation to protect the rights of widows, **so they confiscated the farm**, leased it to tenants and used the rent to support Russell's mother. Stripped of his birthright, Russell was forced to move his family into his wife's parents' home. Sally and her brothers Jesse and Stephen were considered wild and reckless.

Sally was out of town on May 10, 1812 when Russell and their son Lewis were working with Stephen and Jesse. Stephen and Russell started fighting. Lewis claims Russell hit Stephen with a stick the size of a rider's whip. Stephen then knocked Russell to the ground with a tree limb. When he tried to stand up, Stephen hit him again. Lewis ran away in fear, and did not see what happened next.

More than ten months after Colvin disappeared, Sally gave birth to another child. Under Vermont law, a mother could "swear the child" and name the father, compelling him to provide support for the child; but not if she was considered married in the eyes of the law. Sally testified that her brothers told her she could "swear the child" because they knew Russell was dead. *But did she simply want to have him declared dead so she could collect child support from the true father?*

Lessons Learned from this Case are Taught Today

The Boorn case continues to be studied at law schools, as it uncovered many pitfalls known today to cause fraudulent confessions and wrongful convictions. In addition to:

- suspects with a reputation for being wild and reckless;
 - a witness to a fight but not a death; and
 - a motivated jilted wife;

there was also **“jailhouse snitch”** testimony and a **jury influenced by spectral evidence because they were all familiar with the story and people involved!**

When Jesse Boorn was first arrested he was put into a cell with a forger named Silas Merrill. Merrill alleged that Jesse confessed to the murder; and in return for this testimony, Merrill was released! “Snitch testimony” as it is called, is the leading cause of wrongful convictions in capital murder cases.

At the same time, while “spectral evidence” (such as what was used to convict “witches” at the Salem Witch Trials) by 1819 was no longer admissible in court, **Uncle Amos’ vision swayed public opinion** to the point that everyone believed it...so the brothers confessed in order to try to get a lesser sentence. Once the brothers realized that things were looking very bad for them, they tried to recant, but were not allowed.

After the brothers were freed, they sought compensation from the state for wrongful conviction but it was denied on the grounds that they had confessed.

Credit to: <https://www.law.northwestern.edu/legalclinic/wrongfulconvictions/exonerations/vt/boorn-brothers.html> and <https://www.law.northwestern.edu/legalclinic/wrongfulconvictions/exonerations/vt/boorn-brothers.html>