

THE CASE OF BATHSHEBA SPOONER.

BY SAMUEL SWETT GREEN.

[Mr. Green has furnished for publication the following report, somewhat amplified, of his remarks made at the annual meeting.—COMMITTEE OF PUBLICATION.]

MR. President, may I add a few remarks to the sentences in the report of the Librarian respecting Mrs. Spooner?

I am very distantly related to that unfortunate woman and having considered somewhat carefully the circumstances of her life, wish to say a few words in defence of her memory.

As all the members of this society know, Mrs. Bathsheba Spooner came to her untimely end in the town of Worcester. Her remains are in a grave in the north-eastern portion of that place; the exact spot where they are buried is known, I presume, to only a few of the descendants of the first Dr. John Green of Worcester, who married Mary Ruggles, a sister of Mrs. Spooner. It is enough to say that they rest in an unmarked grave within the bounds of the estate formerly owned by the husband of her sister Mary and occupied by him and his family. The land is still in the possession of some of Dr. Green's posterity.

Mrs. Spooner was charged, as you well know, Mr. President, with being "accessory before the fact" to the murder of her husband. The ground of the defence set up for her by the first Levi Lincoln, her counsel, was that she was insane. I do not propose taking time to enumerate the facts recited by Mr. Lincoln in support of his plea, for as good an account of those, and of the testimony, and

other circumstances of the trial, as, so far as I know, is now in existence has already been printed in the description given by our associate, Mr. Peleg W. Chandler, in the second volume of his *American Criminal Trials*.¹

From that book may also be obtained such information as the compiler and author was able to collect from sources available to him regarding the murder, trial and execution, with comments by him concerning the circumstances attendant upon them.

I will only say here that an examination of the testimony given at the trial as recorded in the work under consideration, defective as is the report therein contained, makes the plea of the counsel appear very plausible and, in my opinion, compels the conviction that Mrs. Spooner would be acquitted on the ground urged by him were her trial to occur to-day. Her actions both before and after the murder, as narrated in the minutes of the trial, are best accounted for on the supposition of insanity. They appear to have been those of a mad woman. Many cool-headed contemporaries of Mrs. Spooner believed that she was beside herself when she committed the act for which she was tried.

Thus, according to the testimony of my aunt, Mrs. Dr. Benjamin F. Heywood, who stands one generation nearer to the sister of Mrs. Spooner than I do, her counsel, Mr. Lincoln, declared again and again during the years of his life which succeeded the trial that he not only *contended* that she was crazy but that he *believed* her to be so. He used to instance eccentricities noticeable in her conduct at times before the murder when she came from Brookfield to Worcester.

¹ "The testimony of the witnesses," writes Chandler, "is derived from the notes of Judge Foster. It is not well reported, some portions being very obscure, but I have thought it best to make only slight alterations." Vol. II., p. 13, note.

In writing about Mr. Lincoln's argument, Chandler says "A brief and imperfect abstract of his address to the jury is all that can now be collected." Vol. II., p. 26.

Hon. Nathaniel Paine, the grandfather of our efficient Treasurer, a gentleman who soon after the time of which I am speaking was appointed Judge of Probate in Worcester County, an office which he held for thirty-five years, sat through the whole of the proceedings of the trial, as I learn from Mrs. Heywood, and expressed it as his firm conviction that Mrs. Spooner should have been acquitted on the evidence presented as to her sanity.

The testimony of tradition, as I gather it from some members of my family, is that Mrs. Spooner was not only out of her mind just before the murder but that her acts for a long time had been those of a markedly eccentric person.¹

Our venerable associate, Rev. Dr. Lucius R. Paige, who it may be remarked is one of the persons from whom Chandler acquired information regarding Mrs. Spooner, is, as you know, the historian of the town of Hardwick, in which place General Ruggles, the father of that unfortunate woman, was for many years the most prominent resident. Dr. Paige has examined carefully all the sources of information regarding General Ruggles and Mrs. Spooner, and has formed an intimate acquaintance with the facts in the lives of many of their ancestors and descendants, and has announced as the result of his thorough researches, in his admirable history of Hardwick, emphatically, that in his opinion Mrs. Spooner was insane. I will not repeat his arguments here for they are printed in his history. I will only mention one piece of testimony which he brings forward in showing that Mrs. Spooner was insane, namely: that her daughter, Bathsheba, who died in Cambridge about thirty years ago, had been hopelessly crazy for many years before her death.

¹ Our associate, Mr. Robert Noxon Toppan of Cambridge, Massachusetts, who is a member of the Ruggles family, writes me that he remembers that his grandmother (the wife of Dr. Robert Noxon and the daughter of Captain Lazarus Ruggles of New Milford, Connecticut), often told him when young about General Ruggles and Mrs. Spooner, and that she always spoke of the latter as crazy.

I wish to add another similar piece of evidence. My grandmother, the wife of the second Dr. John Green and the daughter-in-law of the first Dr. John Green and his wife (the sister of Mrs. Spooner before mentioned), stated to her daughter, Mrs. Heywood, as I learn from that lady, that her mother-in-law, Mary (Ruggles) Green, was made temporarily insane by the troubles which preceded and accompanied the trial and execution of her sister. A brother of Mrs. Heywood, the third Dr. John Green, for many years a councillor in this Society, also told her that he had been similarly informed.

Mrs. Spooner's father, Judge Timothy Ruggles (or as he is generally termed Brigadier-General Ruggles), was one of the most distinguished citizens of the Province of Massachusetts Bay. He adhered, you will remember, to the cause of the King, instead of taking the popular side, during the Revolution and the years of discussion which preceded it. The people in Worcester and its neighborhood were incensed with him for adopting that position, and although he was a true friend of his country and honest in his political opinions, at the time of the trial of Mrs. Spooner he had come to be "regarded," writes Chandler truly, "as the worst of traitors, and his name was held in the utmost abhorrence."¹ Mrs. Spooner was very fond of her father and probably sympathized with him in his political views.

In consideration of these facts it has generally been thought that the intensity of the hostile feeling which existed in the community towards her father on account of the political principles which he held and acted on (opinions shared, it is presumed by herself), prevented that impartiality of judgment of the case of Mrs. Spooner, which would have been accorded it by the undisturbed judgment of men in a calm and unprejudiced state of mind. With the state of feeling prevalent among the citizens of Massachusetts Bay in 1778 it must have been difficult for the com-

¹Chandler, Vol. II., p. 7.

munity, the jury and the executive officers of the State to have viewed the charge against Mrs. Spooner with unbiased minds. To cite only a single instance, it seems probable that the action of the council of the State of Massachusetts Bay in refusing to grant a reprieve to Mrs. Spooner until the time had come for the birth of a quick child which she claimed to carry in her womb, was influenced by the excitement existing in the community regarding prominent Tories.

Mrs. Spooner petitioned for a reprieve. Two men-midwives, and a jury of twelve matrons were selected to examine her. They reported that in their opinion she was not quick with child. Thereupon she petitioned the council, again averring that she was "absolutely certain of being in a pregnant state and above four months advanced in it; and that the infant she bore was lawfully begotten."¹ The council refused to grant the petition. Then a strong effort was made to induce them to change their minds. Rev. Mr. Maccarty, the attending clergyman, sought a reprieve with great earnestness, expressing it as his firm belief that the jury of matrons was mistaken. The two men-midwives changed their minds and united with a woman midwife and Dr. Green, the brother-in-law of Mrs. Spooner, in a statement which was presented to the council to the effect that they then believed that the petitioner was quick with child. The effort made was fruitless, however. In a case in which there was so much reason for deliberation, and in which the precedents of common law seemed so conclusive as to the duty of reprieving a woman in Mrs. Spooner's condition, the undue haste of the council appears to be best accounted for on the ground that the hostility which existed against her and her father rendered it hard even for the chief authorities of the State to be impartial in their determinations.

As is well known, a post-mortem examination of the

¹Chandler, Vol. II., p. 49.

body of Mrs. Spooner showed a fœtus in her womb of the age of five months. It was quick, of course, when she petitioned for a reprieve, and had been conceived a month before the date of the murder of her husband.

In trying to account for the alleged crime of Mrs. Spooner, Chandler says: "Whether she was actuated by aversion to her husband, or was hurried on by the blind impulse of unchaste desire, it is now impossible to know, as she never made any revelations on the subject, and the statements of Ross are not worthy of entire confidence; but it seems probable that she was conscious that her conjugal infidelity must soon inevitably become known to her husband, and desired the death of one who must soon have indubitable evidence of her guilt. This accounts for the inconsistency of her conduct and the desperate eagerness with which she undertook to accomplish her purpose."¹

But why suppose that an improper intimacy grew up between Mrs. Spooner and the boy Ross, who had been an inmate of her husband's family and had secured the affection of both husband and wife? Or supposing that such an intimacy did grow up, was not Mrs. Spooner crazy when it grew up? It seems to me that neither of the suppositions adopted by Chandler to account for the part taken by Mrs. Spooner in the murder of her husband is so probable an explanation of the facts of the case as the one brought forward by her counsel, namely, that she was insane. The facts which I have adduced, some of which were not known to Mr. Chandler, and others which could not have been known to him, add much weight, in my opinion, to that conclusion. Mrs. Spooner had been well brought up,² and her position

¹Chandler, Vol. II., p. 10.

²The stories of the results of domestic infelicity in her father's family have been very much exaggerated. There is not the slightest foundation for the statement that has sometimes been made that General Rugles set his daughter an example of domestic infidelity. He was an exceedingly hospitable man, but himself, certainly during portions of his life, very abstemious. He was also pure.

in society had always been such that she had everything to lose and nothing to gain by crime. Her mental characteristics and peculiarities might readily have developed into insanity under the uncongenial influences of her married life and the excitement accompanying the experience of the bitter feelings of the community towards a father whom she loved passionately and whose views she probably shared.¹

¹ Since making these remarks an eminent lawyer, and a well-known physician who has occupied successfully for the last forty years prominent positions in institutions for the treatment of the insane, have each stated to me, after examining the evidence carefully, that it is their opinion that, if Mrs. Spooner were to be put on trial to-day and defended on the ground of unsoundness of mind, she would be discharged. I am glad, also, to be able to add that the same views have been expressed to me since the meeting of the society by one of the most distinguished students of American history. I will not undertake to reproduce at length here the opinions of these gentlemen, but may return to the consideration of the whole subject at some future time and treat it more elaborately than would be proper in the Proceedings of this society.

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