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“Melancholy Catastrophe!”
The Story
of
Jason Fairbanks and Elizabeth Fales
By

Dale H. Freeman

In May of 1801, in the small farming town of Dedham, Massachusetts, the life of eighteen year old Elizabeth Fales came to a violently abrupt end. She had died among birch trees in a small pasture not far from her family’s home, from eleven stab wounds and a slashed throat. The mysterious circumstances of her death and the involvement of her long time acquaintance and local Dedham man, twenty year old Jason Fairbanks, would be a subject well written about over the next five months, both publicly and privately.

On May 21, 1801, the newspaper coverage of Jason Fairbanks and Elizabeth Fales began with the *Independent Chronicle* and the *Boston Gazette* both running the same story entitled, “Melancholy Catastrophe!” It describes Jason Fairbanks, about twenty-one years old, and Elizabeth Fales, eighteen years old, as being from respectable families and living near the center of Dedham and that they had an attachment for each other, but that there had been some sort of obstacle in their way either to marriage or “to a tranquil enjoyment of their courtship.”¹ The column continues that on May 18, Fairbanks and Fales decided to meet less than half a mile from the Fales’ house in a thicket of birches, where they had met before. Also written in the newspaper are the uncertainties of what

¹ “Melancholy Catastrophe!,” *Boston Gazette*, 21 May 1801, p.2:4.

was said and what happened between Fales and Fairbanks, but around three o'clock in the afternoon Fairbanks, "to the horror and consternation of her parents and to the sympathizing grief of everyone susceptible to the passions of humanity,"² arrived at the Fales' house covered in blood and holding a knife in his hand telling someone of the family that, "Eliza had killed herself and that she then lay dead in the birches (pointing to the spot) and that he attempted to do the same thing with himself but was unable!"³ Jason had stabbed himself several times with the same knife in the stomach and chest and cut his own throat before he staggered to the Fales' place.

Leaving Jason behind, Elizabeth's father Nehemiah and her uncle Samuel ran to Mason's Pasture, as the thicket of birches was named, and found her with her head resting on a stone, face down, with her arms over her head. She was still conscious when they arrived and when her father asked her if she wanted some water, she motioned that she did. Her uncle placed her shawl around her throat and Jason's greatcoat, lying nearby, over her, while Nehemiah filled his hat with water from a stream close by. Shortly after her mother arrived, Elizabeth died. The description of her injuries in the *Boston Gazette* was reported thus, "Her body was cruelly mangled--having been stabbed in sundry places, cuts on her arm and hand, and throat cut in a most shocking manner!"⁴ A medical examination was carried out by Dedham doctor Nathaniel Ames. Ames' entry in his diary records the date, "May 18, 1801. Betsy Fales found horribly wounded in 11 places, lived half an hour."⁵ Later, during the trial of Fairbanks, Ames would testify that in his judgment she could not have survived with such wounds. After an examination by Ames, Elizabeth's body was brought back to the Fales' house and a formal Coroner's Inquisition was held the following day, on May 19. Eleven stab wounds were found and described later in gruesome detail in the *Columbian Centinel*:

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ Nathaniel Ames, *Diary 1758-1822* (selections from 1801-1802), Dedham Historical Society, Dedham, Massachusetts.

Her throat was cut into the wind-pipe, and nearly to the back part of it; she had a wound, made with a small knife by a stab in her back, between her shoulder blades, beside the back bone and not far below the neck; one stab in her side, six deep wounds in her left arm, some of which severed the tendons, two slight wounds in her right arm, and a deep one in her left thumb, which severed the ball from the bone.⁶

Fairbanks, whose own health was in a “most deplorable condition,”⁷ lay in the Fales’ upstairs bedroom. The Fairbanks’ family doctor, Charles Kitteridge, examined Jason and found, “in addition to the wide gash across his throat, three in his breast around and over his heart, three in his right side, three in his thigh, one in his right arm, and three, one of them three inches deep, in his belly.”⁸ Kitteridge stayed until midnight and then informed Jason’s oldest brother, Ebenezer, Jr., to call him if the bleeding increased.⁹

On Wednesday, May 20, 1801, Elizabeth Fales’ body was laid to rest in the First Parish cemetery.¹⁰ Dr. Ames wrote in his diary, “May 20. Betsy Fales buried, greatest funeral procession I ever saw,” and the following day, “May 21. Jason Fairbanks imprisoned for murder of Elizabeth Fales, carried in a litter.”¹¹ Fairbanks was moved to the Dedham jail and would be brought before the Supreme Judicial Court in

⁶ “Trial of Fairbanks,” *Columbian Centinel* (Boston), 12 August 1801, p. 1:2.

⁷ “Melancholy Catastrophe!”, p. 2:4.

⁸ Ferris Greenslet, *The Lowells and Their Seven Worlds* (Boston: Houghton Mifflin Company, 1946), p. 103.

⁹ *Report of the Trial of Jason Fairbanks, on an Indictment for the Murder of Miss Elizabeth Fales*, 4th ed. Boston: Russell and Cutler, 1801. Early American Imprints. Second series; no. 1228. p. 28.

¹⁰ Where the old First Parish Church stood in 1801, now stands St. Paul’s Episcopal Church.

¹¹ Ames. *Diary*.

Dedham on August 5 to answer to an indictment of murder. The Grand Jury, consisting of twenty men, had met on the previous day, August 4, with unanimous vote to indict the youngest member of the Fairbanks family for the murder of Elizabeth Fales. It had been more than two months since he was carried from the Fales' home in a litter to the Dedham jail. Fairbanks had been suffering from tetanus from one of the stab wounds in his stomach and was allowed to recover for his trial.

On Wednesday, August 5, before the Supreme Judicial Court, Jason Fairbanks pleaded not guilty to the indictment against him that he, "willfully, maliciously, and of his malice aforethought, with a knife, made an assault on the deceased, and murdered her."¹² The start of the trial was set for the next day, Thursday, August 6 at 8 o'clock in the morning. The location of the trial was changed on the first day to the First Parish Meeting House, across the common from the Dedham Court House, because of the growing crowd interested in hearing about the fate of Fairbanks. One paper wrote, "the Court was accordingly opened in the Meeting House, amidst a throng of anxious spectators, never before witnessed in this place, or perhaps on a like occasion in any other."¹³ The two lawyers defending Fairbanks were Harrison Gray Otis, later to become Mayor of Boston in 1829, and John Lowell, Jr., who was later to be involved in Massachusetts politics and national civic affairs. The defense would set forth the argument before four prominent judges, twelve jurors and a meeting house crowded with spectators, that Jason Fairbanks and Elizabeth Fales were fond of each other and according to the *Columbian Centinel*:

They were both afflicted with adverse circumstances, and agreed severally to kill themselves--that he lent her the knife for that purpose; but when she had effectually used it, he was not so successful as she was.¹⁴

They furthered Jason Fairbanks' cause by insisting it was impossible for

¹² *Columbian Centinel*, 12 August 1801, p. 1: 2.

¹³ *Boston Gazette*, 13 August 1801, p. 2: 2&3.

¹⁴ *Columbian Centinel*, 12 August 1801, p. 1:2

him to have killed Elizabeth Fales, based on the premise that he was weak, sickly, and that his right arm had been completely stiff at the elbow for years; the sad result of mercury treatments for smallpox when he was young.

The prosecutor was Massachusetts’ future Governor, Attorney General James Sullivan. His argument was that Fairbanks had planned with malice aforethought to force Fales to go to Wrentham and marry him, or had possibly tried to rape her, and eventually killed her when his plans could not be realized. Sitting below the pulpit, the Chief Justice Francis Dana, along with judges Robert Treat Paine, Simeon Strong, and Thomas Dawes, as well as the others in the meeting house, listened carefully as the events leading up to the afternoon of May 18 began to unfold.

Attorney-General Sullivan, in what his biographer Thomas Amory described as one of the greatest speeches of his life,¹⁵ did his best to destroy the character of Jason Fairbanks. According to Sullivan, Fairbanks was lazy, led an idle and spoiled life and in turn, this idleness had led to a lustful focus on Elizabeth Fales and an unyielding determination to marry her, whatever the cost. The Attorney General brought up the particularly damning evidence of Fairbanks’ remarks to friends concerning Fales and her family to prove malice aforethought. Sullivan indicated that Fairbanks had met two men on the way to the pasture and informed them he would return in a hour and inform them of what had transpired between Elizabeth and himself. Fairbanks had also inquired of both persons if they knew anyone would be near the pasture working that afternoon.¹⁶ During the trial, Fairbanks’ friend Reuben Farrington testified under oath that Fairbanks had indeed made such remarks and elaborated on a conversation the two had the night before Fales’ death. Farrington stated that Jason informed him of their planned meeting in Mason’s Pasture the next day and that this meeting all would be settled and that, “he either intended to violate her chastity, or carry her to Wrentham to be married for he had waited long enough, and it injured his health so much....”¹⁷ Farrington also stated that he did not value the

¹⁵ Greenslet, *The Lowells*, p. 105.

¹⁶ *Report of the Trial of JF*, p. 7

¹⁷ *Ibid.*, p. 28.

conversation much because Fairbanks and he had talked of the subject before. Abner Whiting, an acquaintance of Fairbanks, testified that he had overheard Jason Fairbanks utter a curse in a store that someday he would have the satisfaction of his own making from Mrs. Fales, as he was not allowed near the Fales' place. Whiting also stated that Fairbanks had said regarding Fales that, "Elizabeth is a nice girl, but damn it, for all that, I don't know what to do. I don't know, but, I must be the death of her."¹⁸ Sullivan also indicated that Fairbanks had rented a horse and chaise to provide them with transportation to Wrentham.¹⁹ Mounting evidence against the defendant, Sullivan elaborated that Fairbanks, taking a knife and a fake marriage certificate to his meeting with the deceased, then attempted to trick Fales into believing that it was legal. When Fales, in disbelief and "indignation," tore the certificate to pieces in front of Fairbanks, "disappointment urged him to other methods."²⁰ Sullivan continued to the jury and filled meeting house, that Fairbanks then became enraged and showed the knife to terrorize Fales. Fales, refusing his advances, turned her back, and Fairbanks stabbed her in the back to alter her position. She then turned to face him and when he threatened her throat with the knife:

her arms were placed in its defence [sic], until repeated wounds had removed them. She was then under his control, and, if we could suffer our imagination to dwell on the horrid picture, we might ask why he did not recede from his cruel purpose?²¹

Sullivan added that Fairbanks then cut himself to maintain his story that Fales had committed suicide and he had tried to do the same. He dramatically closed, urging the jury in a two hour final argument to find

¹⁸ Ibid.

¹⁹ Ibid., p. 7.

²⁰ Thomas C. Amory, *Life of James Sullivan with Selections from His Writings*, (Boston: Phillips, Sampson and Company, 1859), p.27

²¹ Ibid.

the prisoner, who “not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil,”²² murdered eighteen year old Elizabeth Fales.

The defense team, Harrison Gray Otis and John Lowell, Jr., presented a very different story. Their key points would be Fairbanks’ health and the relationship between him and Fales. In their opening remarks to the jury, they claimed that there was already a strong bias against their client among the people and that the newspapers were already portraying him as guilty.²³ They stressed that Fairbanks was indeed innocent until proven guilty. They described Jason Fairbanks as being very weak and ill; a young man who needed his mother’s help just to put on his clothes.²⁴ With his health in this state they asked, how could he possibly have murdered Fales? The day of Fales’ death, Fairbanks claimed he had borrowed a knife only to mend a quill pen and then proceeded to meet with Fales in the pasture to discuss their future. According to the defense, when the two met in Mason’s Pasture, Fairbanks took out the fake marriage certificate and mentioned that his niece had drawn it up the night before. He then stated, “I fear we shall never be nearer to the gratification of our fond expectations; I fear that this little fiction is the highest consummation of our bliss, which we shall ever realize.”²⁵ He then tore it up and said, “our tenderest hopes are scattered to the winds.”²⁶ The defense continued that Fales had become distraught over the impossibility of their relationship, as her parents were against it and considering Fairbanks’ health, he would not be well enough to work and support a wife. At this point, Fales who could live with this situation no longer, grabbed the knife away from Fairbanks. Before the shocked Fairbanks, she began to walk away from him and to stab herself repeatedly. They argued that Fairbanks’ lack of strength prevented him from stopping her until she collapsed on top of him, already mortally

²² Ibid., p. 30.

²³ *Report of the Trial of JF*, p.24

²⁴ Ibid., pp. 30-31.

²⁵ Ibid., p. 56.

²⁶ Ibid.

injured. Jason's brother Ebenezer in his publication *The Solemn Declaration of the Late Unfortunate Jason Fairbanks*, would later write of the incident, "he became at the fatal moment, incapable of arresting her hand, either by action or intreaty."²⁷ One particular problem did face the defense. It was to explain how one of the wounds, supposedly self-inflicted, was in the center of her back between the shoulder blades. Medical witnesses testified to its possibility and Lowell went to great lengths to demonstrate that this was indeed possible, while nearly cutting himself in the process.²⁸ As the trial drew to a close after only two days, and after hearing testimony from over forty witnesses, the *Columbian Centinel* commented on Lowell and Otis:

the counsel for the defendant introduced witnesses, principally to establish the fact of a fondness between them; and for full six hours defended him in a strain of eloquence which is not frequently equated in any country.²⁹

At 8 o'clock on Saturday morning, August 8, the verdict was delivered by the foreman, General Eliakim Adams, to be guilty and a "solemn pause ensued."³⁰ The Chief Justice, Francis Dana, pronounced the sentence of death by hanging to Jason Fairbanks after "spreading the heinousness of his crime before him, and exhorting him to repentance."³¹ Fairbanks was reported to have been very still and calm during the Chief Justice's sentencing. Fairbanks, just before he received his sentence, asked to tell his story and made a remark about the testimonies of the witnesses against him. The court did not permit Fairbanks to continue.

²⁷ Ebenezer Fairbanks, *The Solemn Declaration of the Late Unfortunate Jason Fairbanks*, 3d ed., Dedham: Herman Mann, 1802. Early American Imprints. Second series; no. 2208., p. 23.

²⁸ Greenslet, *The Lowells*, p. 105.

²⁹ *Columbian Centinel*, 12 August 1801, p. 1:2.

³⁰ Boston Gazette, 13 August 1801, p. 2: 2&3.

³¹ *Columbian Centinel*, 12 August 1801, p. 1:2.

The newspapers ran stories on the “Trial of Fairbanks” the following week. As to Fairbanks’ reaction, the *Boston Gazette* wrote that during sentencing he was, “remarkably uniform,” but eventually, “tears, a number of times, started into his eyes.”³² One paper commented on how Fairbanks was the “only person in the whole assembly who was not affected at the solemnity of the scene.”³³ The trial was described as an event “unprecedented in the annals of history, or perhaps in the ages of the world,” and The *Boston Gazette* hoped it had made a “suitable impression” on the youth of the day, “whose discourteousness of manners have too often led them astray.”³⁴ Language like this was an indication, and especially after the verdict of guilty was delivered, that Fairbanks was perceived by the majority of people, as the youth gone so far astray that he murdered Elizabeth Fales. The condemned Fairbanks himself knew this, as Rev. Dr. Thacher later preached and wrote in his *Danger of Despising Divine Counsel*, that “he was not ignorant that he was an object of almost universal execration.”³⁵ Fairbanks’ execution was set for early September and in the meantime, he would be confined to the Dedham jail. Within ten days, Jason Fairbanks would be on his way to Canada.

The escape took place around 3 o’clock in the morning of August 18, 1801. Jason’s older brother Ebenezer Fairbanks, Jr., with his son Stephen and nephew Nathaniel Davis, Jr., along with his friends David Sisk, Isaac Whiting, and Reuben Farrington, approached the Dedham jail disguised and managed to help Jason Fairbanks and Andrew Bartholomew, who was under arrest for house breaking, escape into the night. Jason Fairbanks, and a seventh person, Henry Dukeham, who played a lesser role in the actual break, mounted horses and began to ride into the night.

The jail break of Fairbanks caused quite a bit of excitement in Dedham. The following day, August 19, the *Columbian Centinel* ran a

³² Ibid.

³³ *Columbian Centinel*, 12 August 1801, p. 1:2.

³⁴ *Boston Gazette*, 13 August 1801, p. 2:2&3.

³⁵ Thomas Thacher, *The Danger of Despising Divine Counsel*, (Dedham: Herman Mann, 1802), p. 22.

reward offer requested by the Norfolk County Sheriff, Benjamin Clark Butler. It offered five hundred dollars reward for the apprehension of Fairbanks and fifty dollars for Bartholomew. It portrayed the jail breakers as, "a number of evil minded persons," and gave a description of Jason Fairbanks as being, "rather of a light complexion, marked a little with the small-pox, near six feet high, slender make, dark hair, a stiff right arm, scarred near the elbow, down-cast eyes, and had on a dark blue coat and overalls."³⁶ The following day, August 20, the five hundred dollars reward became one thousand dollars with newspapers columns on Fairbanks' escape titled, "Stop the Murderer!," and asked the public to "by other means extend the 'hue and cry' against Fairbanks,"³⁷ and, "the absconding of Jason Fairbanks from the jail of Dedham has excited much interest in the breasts of everyone, who regard the peace of society, and the security of life..."³⁸ Dr. Nathaniel Ames' brother, Fisher Ames, circulated a paper among the citizens of Dedham the day after the jail break. It quickly received signatures from leading citizens in the town and read:

The stain of blood is on the land. Jason Fairbanks the murderer has escaped. We cannot tell where to look for him. We must look everywhere.... No honest man's eyes must sleep in Dedham this night.³⁹

On August 23, Jason Fairbanks and Henry Dukeham both had ridden almost 200 miles since the early morning of August 18 and Fairbanks was about to board a boat to Canada on Lake Champlain. Their journey had taken them through Worcester, Spencer and to Hadley, where they had crossed the Connecticut River on the night of the nineteenth. They had continued moving northwest crossing the Hoosic River to Cheshire,

³⁶ *Columbian Centinel*, 19 August 1801, p. 3:1.

³⁷ *Boston Gazette*, 20 August 1801. P. 2:4.

³⁸ *Ibid.*

³⁹ Charles Warren, *Jacobin and Junto*, New York/London (Benjamin Blom, 1968), p. 134.

Massachusetts, then turning north for Bennington, Vermont. From there they proceeded to Arlington, where Dukeham, perhaps not using his better judgment, had changed a ten-dollar bill, stated his name, and that they were traveling from Dorchester.⁴⁰ They crossed into New York, then traveled up through Granville and arrived on Saturday, August 22 in Whitehall, then known as Skeensborough, on the South Bay of Lake Champlain. Dukeham had paid fifteen dollars to hire a boat to take Fairbanks up Lake Champlain to Saint Johns, Canada. After Fairbanks' travel plans were set and his baggage was on board, they returned to the public house for the night. The following morning, Sunday the 23d, Fairbanks and Dukeham were quite sure no one was following them and prepared to part company. It was between eight and nine o'clock in the morning, and both were waiting for breakfast to be served. Their plans were soon to be changed.

Pursuing the criminals, on order of the Norfolk County Sheriff, Benjamin Clark Cutler, were two men, Captain Henry Tisdale of Dover and Seth Wheelock of Medfield. A third person, Moses P. Holt of Hadley, had joined them in their pursuit on the road to the Connecticut River. After receiving information along the way as to the direction Fairbanks and Dukeham had traveled, the three approached Lake Champlain, near Whitehall, New York. Having the best horse and not being known by Fairbanks or Dukeham, Holt rode ahead of the others and went into the public house where the fugitives were about to have breakfast. Holt asked if anyone was heading to Saint Johns, and Henry Dukeham answered him, “that he engaged one to go thither, and that she would depart us soon as they had breakfast, which was nearly ready; and offered a passage.”⁴¹ Holt stated that he would be interested, but needed to wait for the arrival of a wagon with goods, estimating the wait as approximately an hour. Dukeham agreed to wait and stepped outside to survey the preparations. Holt then also went outside, perhaps to look for Tisdale and Wheelock, but in the meantime informed a local man to, “the character of Fairbanks and associate, and made arrangements having the latter [Dukeham] seized when he was walking in the road, determined to

⁴⁰ *Columbian Centinel*, 29 August 1801, p. 2:3.

⁴¹ *Connecticut Courant*, (Hartford) 7 September 1801, p. 3:2.

secure the principal himself.”⁴² Holt returned to the public house where Fairbanks was now alone, and cautiously moved behind him. He then made his move on the unsuspecting Fairbanks.

[Holt] seized at once on both his arms. He then told three persons who were present, that the man he had taken was a murderer who had escaped from justice; and he desired the landlord to give him a rope -- but neither the landlord nor guests afforded the least aid....⁴³

Holt remained holding Fairbanks for about ten minutes until Tisdale and Wheelock arrived. Dukeham had been apprehended by the local man following Holt's instructions. Fairbanks and Dukeham had not been armed. The *Connecticut Courant*, the only paper to describe the capture in detail wrote that "Fairbanks was astonished to find himself pursued so far -- he had conceived himself tolerably secure after he had got out of the state to which he belonged; and had been but little on his guard."⁴⁴ Fairbanks was also surprised that Holt was in possession of a gun. Holt remarked that Fairbanks, "appeared as little sensible of his approaching fate as a tree that is marked to be cut down."⁴⁵ Both Fairbanks and Dukeham had horses of excellent quality and considerable sums of money when they were captured.

Fairbanks and Dukeham were brought back to Northampton, Massachusetts and turned over to the Sheriff of Hampshire County, General Mattoon. Mattoon eventually brought them to Boston, where they arrived on the 28th of August around twelve noon and were both locked up in the Boston jail, as no one wished to risk using the Dedham jail again. The *Columbian Centinel* ran a brief story titled, "Fairbanks-Taken" on August 29. It described the fugitives route to Whitehall, a

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Ibid.

brief description of their capture and return to Boston, and concluded with praise for Holt, Tisdale, and Wheelock:

Much credit is due the gentlemen who apprehended the fugitives, for their persevering and spirited exertions. Beside a liberal compensation for their services, they are intitled to the gratitude of every friend to law and justice.⁴⁶

By August 31, the date and time of Fairbanks’ execution was set by Governor Caleb Strong of Massachusetts and his council. It would be Thursday, September 10, between eleven in the morning and four in the afternoon. The information was sympathetically conveyed to Fairbanks waiting in the Boston jail by Rev. Thomas Thacher of the Third Parish in Dedham.

Thomas Thacher, in his published sermon, *The Danger of Despising the Divine Counsel*, wrote about the several visits he made to Fairbanks after his capture, while still in jail in Boston. Thacher’s words treat Fairbanks with sincere compassion. In his visits, he was clearly attempting to help Fairbanks find peace and repentance before God, only days before his execution. When first approaching Fairbanks after his capture, Thacher records that he addressed him as, ‘Unhappy young man! you have wandered very far from your heavenly Father. You must now return to him with a truly penitent heart...,’ and, “I expressed my earnest hopes that he would give such clear evidences of his sorrow and repentance as would afford satisfaction to his friends and reconcile them to his fate.”⁴⁷ Fairbanks stated that he hoped he had those sentiments, whereupon Thacher “earnestly commended him to heaven.”⁴⁸ Thacher writes that Fairbanks desired prayer and appeared to have a strong, ‘filial piety to his parents and desired me to visit them in their affliction,’⁴⁹ and

⁴⁶ “Fairbanks-Taken,” *Columbian Centinel*, 29 August 1801, p. 2:3.

⁴⁷ Thacher, *The Danger of Despising the Divine Counsel*, p. 21.

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*, p. 22.

portrays Fairbanks' religious beliefs as opposite to what the public thought. Thacher writes:

that he was hostile to all religious instruction, or a hardened wretch void of all sensibility are charges not founded on any facts which occurred within my own observation or memory.⁵⁰

Within Thacher's prose, easily imagined as being delivered to a crowded church, he wrote as Fairbanks was about to be hanged, "the tear of repressed sensibility which moistened the livery of the grave, the last longing, but not lingering look which he cast on his native plains...."⁵¹ With regard to the public's view of whether Fairbanks was guilty or not, he wrote:

every one must judge according to the dictates of his conscience' and the degrees of probability and evidence which are offered to his mind.⁵²

Thacher perhaps, as to Fairbanks' guilt, regarded the judgment of God as the final and most important verdict for the young Fairbanks. With this in mind, he displayed this thought in the terms of the biblical Prodigal Son:

had your earthly Parent discarded you for unworthy conduct: Yet still you returned to him with sincere acknowledgment of your crimes he would receive you to his house and arms. But on no other condition could you expect his forgiveness. The Deity is infinitely better than any earthly parent. Go therefore to him in the name of his Son, like a returning prodigal.⁵³

⁵⁰ Ibid.

⁵¹ Ibid., p. 23.

⁵² Ibid., p. 19.

⁵³ Ibid., p. 21.

In the end of his sermon, Thacher urged all to examine their own hearts and conduct. That people should “guard against the emotions of a corrupt heart, and to watch the first emotions of unlawful desire, of malignity, anger and discontent.”⁵⁴ Closing, Thacher wrote that all should seek and be guided by the “Divine Counsel,” and thus, “God shall wipe away all tears from all faces.”⁵⁵

At eight o’clock in the morning on the 10th of September, Rev. Thacher with two peace officers rode with Fairbanks in an open coach towards Dedham. They were led towards the Boston and Roxbury line by the sheriff of Suffolk County and two of his deputies. Arriving at the Norfolk county border, Sheriff Cutler met them and took charge of Fairbanks. On the orders of Massachusetts’ Governor Caleb Strong, accompanying them were two companies of cavalry and a detachment of volunteer infantry, under the command of Capt. Davis of Roxbury. From Roxbury, they proceeded to the Dedham jail and after a few hours of attendance by Rev. Thacher, moved Fairbanks under the same amount of guards to the Dedham common. It was two in the afternoon. As Fairbanks’ impending end had been printed in many newspapers, an immense crowd of ten thousand people had gathered around the small Dedham common, where a gallows had been constructed. A poetic broadside circulated among the crowd that read:

thou monster in the human shape,
Whose heart is like the hardest steel:
Did you expect the law to ‘scape,
and not its keen lash feel?

For mercy to the Lord then cry,
For now is come the awful day,
Poor soul, you’re sentenc’d now to die

⁵⁴ Ibid., p. 29.

⁵⁵ Ibid.

Such crimes demand your life as pay....⁵⁶

The *Columbian Centinel* reported the last moments of Jason Fairbanks' life:

he mounted the scaffold about a quarter before three, with his usual steadiness, and soon after making a signal with his handkerchief, was swung off. After hanging about 25 minutes, his body was cut down, and buried near the gallows.⁵⁷

Rev. Thacher, with Fairbanks to the very end, recorded that Fairbanks followed the instructions of the officer of justice with the, "same simplicity and promptness that a child would perform the commands of a father."⁵⁸ Although believing Fairbanks guilty, Dr. Nathaniel Ames was uninterested in the macabre ritual taking place on the common. He recorded the date in his diary, "September 10, 1801. Jason Fairbanks hanged. Great Common held more people than ever were in Dedham before at once. He died game i.e., unaffected. But I could not comply to see his execution, though requested."⁵⁹ After Jason Fairbanks' execution, he was buried nearby, ironically sixty feet away from Elizabeth Fales' grave in Dedham's First Parish cemetery. His brief epitaph recorded no poetry or lamentation, only:

Sacred to the memory of Jason Fairbanks,
who departed this life 10th September, 1801.
Aged 21 years.

⁵⁶ *A Poem on Jason Fairbanks Who is to Be Executed This Day, Sept. 10, in Dedham for the Shocking Murder of Miss Elizabeth Fales*, Dedham: 1801. Early American Imprints. Second series; no. 1161.

⁵⁷ "Fairbanks Executed," *Columbian Centinel*, 12 September 1801, p. 2:4.

⁵⁸ Thacher, *The Danger of Despising the Divine Counsel*, p. 23.

⁵⁹ Ames, *Diary*.

Still, the story of Jason Fairbanks and Elizabeth Fales could not come to a close. Much was left to be written, printed, and sold to a very curious and receptive public.

The *Report of the Trial of Jason Fairbanks, on an Indictment for the Murder of Miss Elizabeth Fales*, was published four days after Fairbanks was hanged. It provided a detailed account of the Fairbanks trial, including the names of the four judges and twelve jurors, recorded questions by the attorneys, testimony of witnesses, and closing arguments by the attorneys. It also included a supplementary of Fairbanks' escape, capture, and execution. It sold quite well, and went through four editions within several months. Regarding the publication's popularity, Daniel Cohen in *Legal Studies Forum* wrote, “trial reports had already become a popular American genre several decades before the rise of cheap, urban mass-circulation newspapers -- the so-called ‘penny press’ -- during the 1830s and 1840s.”⁶⁰ The expected publication of the *Report of the Trial of Jason Fairbanks, on an Indictment for the Murder of Miss Elizabeth Fales* was advertised in the *Boston Gazette* as early as August 20, and other advertisements would follow. One advertisement read, “from an ardent desire to meet the wishes of the public...,” “it will be brought forward as early as can be consistent with that attention which it demands.”⁶¹ The *Report of the Trial of Jason Fairbanks, on an Indictment for the Murder of Miss Elizabeth Fales* was the most accurate recording of the entire trial of Fairbanks and it must have provided the public with information they were no doubt, very interested in.

Even though public sentiment was clearly against Fairbanks, one author penned a book attempting to alter public opinion and clear Jason Fairbanks' name. It was the *Solemn Declaration of the Late Unfortunate Jason Fairbanks*, written by Jason's older brother, Ebenezer Fairbanks, Jr.

Published December 17, 1801, Ebenezer Fairbanks' *Solemn Declaration of the Late Unfortunate Jason Fairbanks* portrayed Jason from his sickly youth to his relationship with “Betsey” Fales, and his involvement in her tragic death. It summarized the trial as unfair to Jason

⁶⁰ Daniel A. Cohen, “Study of Fairbanks: Trial Reports and the Rise of Sentimental Fiction,” *Legal Studies Forum*, 17, no. 2 (1993), p. 119.

⁶¹ *Boston Gazette*, 7 September 1801, p. 2:4.

and charges some witnesses with perjury. It does, however, lack support for these arguments and the testimonies the elder Fairbanks writes about, appear to be taken out of context of the trial reports. Ebenezer begins the fifty-five page document by relating the story of Jason's inoculation for smallpox at age twelve. Soon after the inoculation, Fairbanks came down with a serious form of smallpox. The only way to save him was through treatments with mercury, which although it saved the young Fairbanks' life, they severely damaged the bones of his right arm. His arm was now useless from the shoulder to the wrist. Jason Fairbanks' health seemed to fail as well. Ebenezer relates that in 1793, Jason was helping Ebenezer bring in the hay and the strain of work brought on bleeding of his lungs and a fever. As physical labor quickly exhausted him, the family decided to send Jason to the Wrentham Academy to work on his mind. Suffering from severe headaches, Jason left the academy and went home. He then began to work as a copyist for his brother-in-law, Nathaniel Davis, who was at that time, the registrar of deeds in Dedham. Eventually this work proved too difficult and put a strain on Jason's failing health. Jason would settle for an ardent love of books and spend his time reading and discussing many subjects. This is the picture Ebenezer describes in his publication on his younger brother. He was a struggling, disabled young man who was far from capable of destroying another's life.

Ebenezer claimed that the relationship his brother had with Fales was one of mutual attachment. He recorded that Fales wrote Jason letters which Jason:

folded to his heart, and perused with joy, he afterwards committed to the flames in the presence of my daughters; but without communicating, even to them their confidence, the so evidently fond and flattering contents.⁶²

The publication clearly implies Ebenezer's belief that Fales committed suicide in front of a surprised and helpless Jason. He writes of the inability of Jason to stop Fales from taking her own life and relates

⁶² *The Solemn Declaration of the Late*, p. 18-19.

that Jason’s attempted suicide afterwards, was far from being “a principled suicide.” Ebenezer writes:

he became at the fatal moment, incapable of arresting her hand, either by action or intreaty. -- Thence to the anguish of his passionate mind, there appeared only to remain the object of avenging her destruction, which his sad heart attributed to his angry indiscretion. -- Thence the attempt upon his own life, which, far from being a principled suicide, was the result of self-reproach, despair, and insanity.⁶³

Within the first few pages of *The Solemn Declaration of the Late Unfortunate Jason Fairbanks*, Ebenezer included a letter written to him from his younger brother Jason, who had just been captured and brought back to the Boston jail. Jason had dictated his story to his cellmate John Rowe, who was serving time as an army deserter. It is interesting to note that Jason’s own story was not used by his defense team in his trial and varies from it on several key points. The younger Fairbanks claimed he had met Fales in the pasture to discuss their future. He then removed the forged marriage certificate from his pocket and tore it up in front of Fales stating their relationship could never be. Jason then describes what happened in the pasture in details which were never heard in the crowded meeting house:

[Fales] began to weep bitterly -- saying, ‘I could not love her’ and to tell me how often Mrs. Whiting and her own sisters had told her I did not love her, and... -- for I replied angrily and roughly, that if she were capable and willing to believe all that her sisters and Mrs. Whiting said upon the subject, she might go to the Devil with them, since she so well knew that I already possessed her person and received the pledge of her most tender attachment.⁶⁴

⁶³ Ibid., p. 23.

⁶⁴ Ibid., p. 4.

Jason Fairbanks continued:

she then, with great quickness, demanded of me -- ‘If I had ever told any one of our connection?’ I rashly, but sincerely, answered, that I had indeed entrusted our secret to my intimate friends, Reuben Farrington and Isaac Whiting. -- Upon which she violently exclaimed, ‘Oh you are a Monster’ -- and looking at me, as I sat whittling a small piece of wood with a pen-knife, she cried [sic] out ‘Give me that knife, I will put an end to my existence, you false-hearted man; for I had rather die than live.’⁶⁵

It was at this point, Jason recorded, that Fales began to stab herself violently as she walked away from him, resulting in her death. Fairbanks then tried to do the same to himself, but was unable. Ebenezer included this letter in his publication as first-hand testimony of his brother’s innocence. He also writes, “...if there had remained in my mind a doubt upon the possibility of my brother’s guilt, I would bury my griefs in obscurity, and submit in silence to the shame of my affliction...,” and “but as I firmly believe, and with all do submission..., that I know him to have been wrongly accused, and, in innocence, destroyed...”⁶⁶ In closing, Ebenezer appeals to the public regarding his brother’s innocence:

to their candor and impartiality this statement is respectfully submitted; from their love of justice and humanity are formed his strongest, his only expectations. -- ‘Lying lips are but for a moment; but great is the truth, and it will certainly prevail.’⁶⁷

He is innocent! Oh mark his dying brow,
Free from all symptoms of disturbing guilt,

⁶⁵ *Ibid.*, p. 5.

⁶⁶ *Ibid.*, p. 33.

⁶⁷ *Ibid.*, p. 37.

Yes, he is innocent.⁶⁸

Far from believing what Ebenezer Fairbanks had written, Dr. Nathaniel Ames, recorded its publishing in his diary, noting, “December 17, 1801. Jason Fairbanks’ dying speech out, or Ebenezer’s catchpenny, with his life and character and of the family. False, perverted facts. It asserts his innocence!”⁶⁹ Ames felt inclined to continue with harsh words for Ebenezer Fairbanks’ writing:

It... doth not illustrate the manner of her death, nor account for her wounds, especially in the back., - to which is added a long account of his life, sweet temper, and angelic accomplishment and piety, with side lashes upon the court and jury. Disgusts almost everybody! It is a gross perversion of the truth!... People mark the pamphlet with contempt. Yet they of his family think it a master stroke to retrieve both fame and interest in sale of books, as people are cautious of lacerating them with the truth.⁷⁰

The consequence of assisting his brother escape jail was humiliating enough for Ebenezer Fairbanks and his family, in addition to mounting public resentment. The *Boston Gazette* ran a paragraph on the 8th of February, 1802, that stated:

the Grand Jury returned a bill of indictment against David Sisk, Isaac Whiting, Reuben Farrington, Ebenezer Fairbanks, Jr., Nathaniel Davis and Samuel Gay, for the rescue of Jason Fairbanks, on the 18th of August, who was confined under sentence of death, for murder.⁷¹

⁶⁸ Ibid., p. 32.

⁶⁹ Ames, *Diary*.

⁷⁰ Ibid.

⁷¹ *Boston Gazette*, 8 February 1802, p. 3:1.

Ebenezer Fairbanks, Jr., and David Sisk, were convicted and sentenced to four months in jail plus fines. Fairbanks' nephew, Nathaniel Davis, Jr., was sentenced to two months and fined. Farrington and Whiting were acquitted and Samuel Gay disappeared from Dedham, not to be seen again. A younger member of the Fairbanks family, Stephen Fairbanks, was also indicted. He would have plead guilty, but was discharged due to the fact he was just eighteen. Two African-Americans were also indicted, Jacob Cotton and Samuel Hampson, but they were also discharged, as they provided evidence for the prosecution. Henry Dukeham, who shared only the escape to New York, was also indicted, but was released after a short jail confinement. Dukeham had been sworn as a witness against the elder Fairbanks and others. Although Ebenezer Fairbanks' *Solemn Declaration of the Late Unfortunate Jason Fairbanks* may have sold well, as it went through three editions in a year, it appears that it did not help his failing financial situation. His involvement with his brother more than likely contributed to his financial collapse. He died heavily in debt, owing seventeen people a total of four thousand dollars. Ebenezer's entire estate at his death, that of the old Fairbanks House in Dedham, was worth a total of roughly five thousand dollars. The trial had truly damaged the family name. Only the passing of time would allow the tragedy of Dedham 1801 to fade from people's minds.

The truth of what exactly happened in Mason's pasture on May 18, 1801 may never be clear. Historians must base their arguments on available sources and where they lead, plus their own instinctive sleuthing. Given this, Fairbanks strongly appears guilty of the murder of Elizabeth Fales. In only three days, twelve jurors on August 8, 1801, came to the same conclusion. Following available sources however, may lead to more questions. One question in particular that this author stumbled upon was the possibility that Jason Fairbanks was suffering the effects of mercury poisoning.

It is clear that Fairbanks' arm was destroyed due to excessive mercury treatments. Historically, the treatment of mercury for smallpox and other illnesses was often overused.⁷² Could it have been that the large

⁷² Henry R. Viets, *A Brief History of Medicine in Massachusetts*, (Boston and New York: Houghton Mifflin Company, 1930), p. 77.

quantity of mercury used on Fairbanks did more damage than was recorded? Or was it recorded in between the lines in the writings about him? Chronic symptoms of mercury poisoning are headache, fatigue, fever, emotional instability, and changes in personality. Felt-hat makers, who were exposed to mercury vapor and mercuric salts, led to the well-known phrase, “mad as a hatter.”

The Fairbanks that Ebenezer writes of in his *Solemn Declaration of the Late Unfortunate Jason Fairbanks* suffers from headaches, fever, and constant fatigue. Could the following support a case for mercury poisoning? When Fairbanks escapes to New York, Henry Dukeham rides along with him and even pays his boat fare to St. Johns, as if he was his caretaker. Ebenezer perhaps instructed Dukeham to ‘look after his brother.’ Fairbanks is also described in several newspapers as, “but he remained, as he always has done, apparently insensible.”⁷³ When he was captured in New York, he reacted surprised and Holt described that he “appeared as little sensible of his approaching fate as a tree that is marked to be cut down.”⁷⁴ Rev. Thacher also wrote in his published sermon that:

though there was a want of candor which prevented such communications as were highly necessary for one in his condition -- and a reserve which precluded him from exhibiting what sense he had of his past crimes, or future hopes....⁷⁵

In closing, could these remarks contained in the writings about the “melancholy catastrophe” of Dedham in 1801 indirectly reveal that Jason Fairbanks was suffering from chronic mercury poisoning? Perhaps we will never know, but the argument does seem very possible given his mercury-caused physical disability. Clearly, Jason Fairbanks cannot be excused for the murder of Elizabeth Fales, for which he paid the nineteenth century price, but if Fairbanks had been affected by mercury poisoning, maybe we can better understand this 1801 tragedy of Dedham.

⁷³ “Trial of Fairbanks,” *Columbian Centinel*.

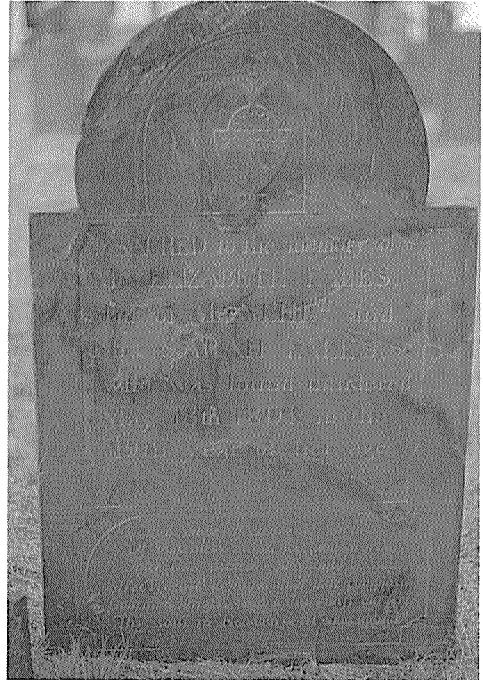
⁷⁴ *Connecticut Courant* (Hartford), 7 September 1801, p. 3:2.

⁷⁵ *The Danger of Despising the Divine Counsel*, p. 22.

The memorable words from Shakespeare's *Richard II* had been used in a poetic broadside about Fairbanks, and today, the words still seem to accurately reflect upon Dedham's "melancholy catastrophe" of both Elizabeth Fales and Jason Fairbanks:

Tell them the lamentable Fall of me,
And send the bearers weeping to their bed.⁷⁶

⁷⁶ *The Solemn Declaration of the Late*, p. 54.



*Photos # 1 and #2. Headstones of Jason Fairbanks and Elizabeth Fales.
Courtesy of the Author.*



Photo #3. Fairbanks House. Printed with the Permission of the Fairbanks Family Association.