

“Melancholy Catastrophe!”

The Story
of
Jason Fairbanks and Elizabeth Fales
in Public and Private Writings



By

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Dedicated to the memory
of my father,

Bruce N. Freeman

1921-1986,

who loved the subject of history.

Sainted shade of heavenly birth,
Of matchless innocence and worth,
Since God decreed you should be slain,
We'll cease to mourn nor dare complain
Guardian Angels, watch thy swift career;
Thy soul in Heaven will soon appear.

-Epitaph of Elizabeth Fales

-First Parish Cemetery, Dedham, Mass.

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 cut 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. With the death of Fales and when Fairbanks was indicted for her murder early in August of 1801, this tragedy of Dedham appeared at regular intervals in several newspapers. The newspapers would cover each major point in the story such as; the death of Fales, Fairbanks' trial, his escape from jail, his capture in New York and his execution. With Fairbanks' escape from jail in August of 1801, the newspapers would also entangle Federalist and Republican politics in a verbal clash over who was responsible for this outrage in Dedham.

Poetic broadsides, which were one page newsheets often with illustrations at the top, were written about the curious relationship between Fales and Fairbanks. These broadsides, written after the trial, would use poetic imagery and lament upon the sorrows of Fales and Fairbanks and all concerned, while giving moralistic warnings to the public that one should not stray too far from God, as the young Fairbanks did. Others portrayed

Fairbanks as a monster who was misled by Satan, or Fales and Fairbanks as lovers gone astray. The themes were wide in spectrum and sold well. One printer had recorded that his office had been, "throng'd with purchases for three days: and although the press has been groaning night and day since Thursday,..., we have not been able to supply the demand."¹

Other publications included one eighty-seven page book, Report of the Trial of Jason Fairbanks, on an Indictment for the Murder of Miss. Elizabeth Fales that was off the press within weeks of the ending of Fairbanks' trial, attempting to give the public accurate descriptions of the trial proceedings collected from the prosecution and defense team's papers. Another publication was The Solemn Declaration of the Late Unfortunate Jason Fairbanks, penned by Fairbanks' oldest brother Ebenezer, Jr. Through the pages, Ebenezer appeals to the people for justice for his wrongly accused younger brother. He presents a picture of Jason as disabled, sickly and weak along with arguments to support Jason's claim that Fales had taken her own life. Ebenezer does this while at the same time attempting to clear his family name. The elder Fairbanks' book went through three editions in one year and the trial reports, four editions in a matter of a few months.

There is also an interesting, yet smaller amount of writing on a personal level, with particular insight on the Fairbanks and Fales story; the diary of Dr. Nathaniel Ames and the published sermon of Thomas Thacher, a Dedham minister. Ames was a local doctor and well-known Jeffersonian-Republican, who had examined the deceased Fales in the pasture and was also the first witness called in the trial. Ames kept a detailed, multi-volumed diary from 1752-1822, and was a man of quite strong opinions when it came to Jason Fairbanks. The other work was a published sermon, delivered by the

¹Gentleman residing near Dedham, Biography of Mr. Jason Fairbanks and Miss. Elizabeth Fales, Boston: Pandamonium Press, 1801. Early American Imprints. Second series; no.197., p. 1.

Rev. Dr. Thacher of the Third Parish of Dedham, to his congregation three days after the hanging of Fairbanks. The Danger of Despising the Divine Counsel, published later in Dedham in 1802, relates Thacher's attempt to help Fairbanks accept the "divine counsel" of God and repent for his sins. It is particularly interesting in that it relates some idea of Fairbanks' character through the several visits Thacher made at Fairbanks' request to see him in jail. Thacher visited Fairbanks in the Dedham jail before and just after his trial, and several times in a Boston jail where Fairbanks was returned to, after his escape from Dedham and capture at Lake Champlain in New York.

What I am hoping to accomplish in this short paper, is to use the above primary sources along with some support from secondary works, and present the story of Elizabeth Fales and Jason Fairbanks from its first newspaper appearance in May 1801 to when the story began to fade from journalistic interests in the early part of 1802. While attempting to be objective with the presentation of the story, I will pay particular attention to how the story was recorded at the time, and also the language of these sources. Most of what was published about Fairbanks and Fales was in the language of what is termed, sentimental fiction. Daniel Cohen, in Legal Studies Forum, described sentimental fiction through nineteenth-century editor Herman Mann's coverage of the death of Elizabeth Fales, "Mann did not simply provide an objective statement of the facts in the case. Rather, he laced his account with language suggestive of the sentimental fiction that had begun to flood the United States during the previous ten or twenty years."² Mann had used words to describe the murder scene as 'tragic,' 'melancholy,' and 'heart rendering'. Cohen also argues that this language of sentimental fiction was

²Daniel A. Cohen, "Study of Jason Fairbanks: Trial Reports and the Rise of Sentimental Fiction," Legal Studies Forum, 17, no. 2 (1993): p.121.

employed by the lawyers during Fairbanks' trial which, given the recorded documentation on the trial, seems a well-formed argument.

On May 21st, 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 both 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 obstacle in their way either to marriage or "to a tranquil enjoyment of their courtship."³ The column continues that on May 18th, 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 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,"⁴ 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!"⁵ 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

³"Melancholy Catastrophel," Boston Gazette (Boston), 21 May 1801, p.2:4.

⁴Ibid.

⁵Ibid.

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 Nememiah 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!"⁶ 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."⁷ 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 19th. Eleven stab wounds were found and described later in gruesome detail in the Columbian Centinel:

"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."⁸

Fairbanks, whose own health was in a "most deplorable condition,"⁹ 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,

⁶Ibid.

⁷Nathaniel Ames. Diary 1758-1822 (selections from 1801-1802), Dedham Historical Society, Dedham, Massachusetts.

⁸"Trial of Fairbanks," Columbian Centinel (Boston), 12 August 1801, p.1:2.

⁹"Melancholy Catastrophe!", p.2:4..

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."¹⁰ Kitteridge stayed until midnight and then informed Jason's oldest brother, Ebenezer, Jr. to call him if the bleeding increased.¹¹

On Wednesday, May 20th, 1801, Elizabeth Fales' body was laid to rest in the First Parish cemetery.¹² 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."¹³ Fairbanks was moved to the Dedham jail and would be brought before the Supreme Judicial Court in Dedham on August 5th to answer to an indictment of murder. The Grand Jury, consisting of twenty men, had met on the previous day, August 4th, 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 5th, 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."¹⁴ The start of the trial was set for the next day, Thursday, August 6th 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

¹⁰Ferris Greenslet, The Lowells and Their Seven Worlds (Boston: Houghton Mifflin Company, 1946), p.103.

¹¹Report 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.

¹²Where the old First Parish Church stood in 1801, now stands St. Paul's Episcopal Church.

¹³Ames. Diary.

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

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."¹⁵ Fairbanks requested two Federalist lawyers to defend him. They 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, that:

"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."¹⁶

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

¹⁵Boston Gazette 13 August 1801, p. 2:2&3.

¹⁶Columbian Centinel, 12 August 1801, p. 1:2.

Attorney-General and staunch Republican, James Sullivan led the questioning of witnesses. It was presented that Fales and Fairbanks had known each other since they were young, that they shared interests in reading and music, and had been seen often in each other's company and with friends taking walks together in the woods or by the Charles River. They would meet in such places because Fairbanks had not been allowed to visit the Fales' house due to a falling out with the family. During the trial, Reuben Farrington, one of Fairbanks' closest friends who would later assist him in his jail break, stated with regards to Jason and Elizabeth's involvement:

"Myself, Jason, and Betsey [Fales], and a number of others, were together one evening. I lay down on some chips and Jason and Betsey went away at some distance, under a tree, and lay down on a blanket. I went to sleep; when I awoke, I found Jason and Eliza on the blanket under the tree."¹⁷

Fairbanks' young niece, Susan Davis, had testified that both he and Elizabeth were quite fond of each other. She also testified that one evening, after a long visit, Elizabeth, on leaving the Fairbanks' house, took Jason's hand and kissed it tenderly. She testified that Elizabeth had shown an interest in visiting more often, but was worried about her mother's disapproval of Fairbanks. Davis also revealed that it was quite easy to hold Jason off as he was very weak.¹⁸

On the contrary, the family members of the Fales, when questioned under oath about Jason and Elizabeth's relationship, replied that they believed no strong attachment existed. Mr. and Mrs. Fales, when asked if they knew of their daughter having an attachment for the prisoner, stated that they never thought she had. Polly Fales, Elizabeth's sister, when asked the

¹⁷Greenslet, *The Lowells*, p. 99.

¹⁸*Report of the Trial of JF*, p. 28.

same question replied, she never thought her very fond of him, and that she [Polly], never thought he had been courting her, as he had not been at the house for three years.¹⁹

According to trial testimony recorded in the publication, Report of the Trial of Jason Fairbanks, on an Indictment for the Murder of Miss Elizabeth Fales, on May 18th, Elizabeth Fales had worked all morning with her mother and sister doing household chores and washing. They both later claimed she was quite cheerful. She had drank milk for lunch and dressed in a green skirt and short calico loose gown, proceeded to a neighbor's house, Mrs. Elizabeth Guild, to retrieve a book belonging to her sister. Mrs. Guild had not finished the book, so Fales left it, but stayed there for about an hour and read some of it. At roughly two o'clock, Fales left the Guild's after playing with a child of about three or four years old for about ten minutes, and headed off in the direction of Mason's Pasture to meet Jason Fairbanks.

In attempting to present what actually happened in Mason's Pasture on May 18th to the jury, both the prosecution and defense attorneys gave reconstructions that, according to Daniel Cohen, "sounded a great deal like scenes from early nineteenth century contemporary fiction."²⁰ Some details of the case were clear to both prosecution and defense. Fairbanks and Fales had decided to meet in Mason's Pasture and that Fairbanks had taken a knife with him, borrowed that morning from Ephraim Hardy, who worked for his father. Fairbanks had been with Fales when she was fatally injured and had appeared at the Fales' house holding the bloody knife. Found next to Fales' body was his greatcoat, wallet, and a fake marriage certificate that his young niece, Susan Davis, had drawn up the day before with Elizabeth and Jason's names on it. That had been torn to pieces. These details would serve as the

¹⁹Ibid, p.17.

²⁰Cohen, "Study of Fairbanks," p. 123.

working basis for the creative talents of the lawyers on both sides. The presentations would be sentimental fiction brought to life.

Attorney-General Sullivan, in what his biographer Thomas Amory described as one of the greatest speeches of his life,²¹ did his best to destroy the character of Jason Fairbanks. According to Sullivan, Fairbanks was lazy and led an idle and spoiled life and in turn, this idleness 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.²² 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..."²³ Farrington also stated that he did not value the conversation much because Fairbanks and he had talked of the subject before. Abner Whiting, a vague 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

²¹Greenslet, The Lowells, p.105.

²²Report of the Trial of JF, p. 7.

²³Ibid., p. 28.

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."²⁴ Sullivan also indicated that Fairbanks had rented a horse and chaise to provide them with transportation to Wrentham.²⁵ With the mounting evidence against the defendant, Sullivan elaborated that Fairbanks, taking the knife and the 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."²⁶ 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 on her face which upon 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?"²⁷

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 the prisoner, who "not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil,"²⁸ murdered eighteen year old Elizabeth Fales.

²⁴Ibid.

²⁵Ibid., p. 7.

²⁶Thomas C. Amory, Life of James Sullivan: with Selections from His Writings, (Boston: Phillips, Sampson and Company, 1859), p.27

²⁷Ibid.

²⁸Ibid., p. 30.

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.²⁹ 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.³⁰ With his health in this state they claimed, how could he possibly have murdered Fales? The day of Fales' death, Fairbanks claimed he had borrowed a knife from Hardy 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 found expectations; I fear that this little fiction is the highest consummation of our bliss, which we shall ever realize."³¹ He then tore it up and said, "our tenderest hopes are scattered to the winds."³² 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 injured. Jason's brother Ebenezer in

²⁹Report of the Trial of JF, p.24.

³⁰Ibid., p. 30-31.

³¹Ibid., p. 56.

³²Ibid.

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."³³ 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.³⁴ 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 equaled in any country."³⁵

From 8 o'clock in the morning, August 6th to after 10 o'clock in the evening on August 7th, the meeting house echoed with testimony and vivid recreations of May 18th. There was elaboration on the relationship between Fairbanks and Fales, testimony on details such as; the placement, depth and angle of the stab wounds, and who examined them, whether there were teeth marks on Fales' hands and arms, whether Fales was heard screaming by the Farrington sisters, what was the strength of Fairbanks, whether or not he made threatening remarks regarding Fales and her family, and if witnesses were credible or not. In the end, much of the presented evidence and testimony was inconclusive and contradictory. The twelve jurors would retire to decide Fairbanks' fate just after 10 o'clock, Friday night. They would

³³Ebenezer 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.

³⁴Greenslet, The Lowells, p. 105.

³⁵Columbian Centinel, 12 August 1801, p. 1:2.

take with them the images of Mason's Pasture on the afternoon of May 18th, presented so well and creatively, by the attorneys.

At 8 o'clock on Saturday morning, August 8th, the verdict was delivered by the foreman, General Eliakim Adams to be guilty and a "solemn pause ensued."³⁶ 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."³⁷ 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.

The newspapers ran stories on the "Trial of Fairbanks" the following week. Some briefly described the story from the beginning, but the majority of them reported on the verdict and trial. The language was much the same in all papers. Adjectives filled the columns in a style worthy of the best sentimental fiction. The attorneys were described as presenting, "pleas managed, in a torrent of eloquence, with all that ingenuity, sagacity and learning, which the genius and wisdom of man could invent."³⁸ 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."³⁹ One paper commented on how Fairbanks was the, "only person in the whole assembly who was not affected at the solemnity of the scene."⁴⁰ The trial was described as an event, "unprecedented in the annals of history, or perhaps in the ages of the world," and that it hoped it had made a "suitable

³⁶Boston Gazette 13 August 1801, p. 2:2&3.

³⁷Columbian Centinel, 12 August 1801, p. 1:2.

³⁸Boston Gazette 13 August 1801, p. 2:2&3.

³⁹Ibid.

⁴⁰Columbian Centinel, 12 August 1801, p. 1:2.

impression" on the youth of the day, "whose discourteousness of manners have too often led them astray."⁴¹ 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."⁴² 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 morning of August 18th, 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 was later proven not to be involved in the break, mounted excellent 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 19th, the Columbian Centinel ran a 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

⁴¹Boston Gazette 13 August 1801, p. 2:2&3.

⁴²Thomas Thacher, The Danger of Despising Divine Counsel, Dedham: Herman Mann, 1802, p. 22.

eyes, and had on a dark blue coat and overalls."⁴³ The following day, August 20th, 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."⁴⁴ The same newspaper, in the style of sentimental literature wrote, "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..."⁴⁵ 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"⁴⁶

Ames called for everyone to submit to having their houses searched, accounting for their actions the night of and day after the jail break, and that, "we will exert ourselves in every manner to apprehend the culprit and his accomplices."⁴⁷ On the same day the bounty for Fairbanks increased, Andrew Bartholomew, who escaped the Dedham jail at the same time as Fairbanks, was caught in Providence, Rhode Island. He gave information regarding the number of persons involved in the break, the time it took place, and that the jail breakers were disguised. After the capture of Bartholomew, more information began slowly to appear in local papers. Fairbanks and Henry

⁴³Columbian Centinel, 19 August 1801, p. 3:1.

⁴⁴Boston Gazette, 20 August 1801, p. 2:4.

⁴⁵Ibid.

⁴⁶Charles Warren, Jacobin and Junto, New York/London: Benjamin Blom, 1968, p.134.

⁴⁷Ibid.

Dukeham reportedly had lodged on the night of August 19th in Northampton and then were seen ten or twelve miles eastward of Albany. Given the large reward, several people were doing their best to follow and predict Fairbanks and Dukeham's route.

During Fairbanks' escape, a short, but intense political fire erupted in the local newspapers that began with an angry Federalist finger being pointed to Dedham, which was at the time, two-thirds Republican. These feelings ran so high against Dedham, that Dr. Ames recorded in his diary on August 21st, "Norfolk and Dedham doomed to destruction for escape of Jason Fairbanks."⁴⁸ It had been three years earlier in Dedham, in 1798, that another Fairbanks had been brought before the United States Circuit Court. Ben Fairbanks had been indicted by a Grand jury for his participation with a David Brown in raising a "Jacobin" liberty pole on the Dedham common. This was basically a strong, but dangerous form of Republican protest against the current Federalist government of President John Adams. The act was symbolic of the raising of liberty poles just prior to the Revolution War with England and was a clear signal to the government of popular unrest and the desire for change. Raising of these poles was considered by the Federalists to be pure and simple treason. The Federalists looked upon the Republicans as revolutionaries, and based upon the Republican desire for alliances with Napoleon's France, they used the derogatory term, "Jacobin" to describe their opposition. In 1798, Senator James Lloyd had brought the "Sedition Act", or the "Gag Law" into the United States Senate and it was passed and signed by Adams in July of the same year. It made it a serious criminal offense to denounce the government in any way, shape or form, including the raising of liberty poles. Imprisonment of at least two years and a fine of about two

⁴⁸Ames. Diary.

thousand dollars would result for violating the "Sedition Act." Ben Fairbanks of Dedham, a Republican, had been implicated with David Brown in the raising of a liberty pole on the town's common. Fairbanks eventually pleaded guilty to the crime, claimed he was present at the erection of the pole, and that he had been misled and didn't know how serious the offense was. Perhaps due to his position of wealth in Dedham and the intervention of Fisher Ames on his behalf, he received six hours jail time plus a fine of ten shillings. Brown was not so lucky and served two full years in jail until receiving a full pardon from the new president, Thomas Jefferson.

Determined not to forget the "Jacobin" liberty pole incident of 1798, the Federalists seized the opportunity through their newspapers, to lash Republican Dedham in the back. To the Federalists, the freeing of Fairbanks was just another violation of the law, typical of Jacobin Republican behavior. Rumors spread quickly that Fairbanks had been freed by a wild Jacobin mob made up of Dedham's citizens. Even Dr. Ames, writing faithfully every day in his diary recorded, "Gaol broke by mob. Jason Fairbanks and others escaped."⁴⁹ The first political attack from a newspaper began the day after the escape on August 19th and it read:

"we learn that Jason Fairbanks, under sentence of death for murder and confined in Dedham jail, was liberated therefrom on Monday night last by a banditti of the liberty-pole gentry of that part of the country..."⁵⁰

The Independent Chronicle, another Bostonian paper, that was strongly Republican, hit back quickly on the following day writing:

"despicable indeed will be considered the idea, illiberally hinted in the Centinel of yesterday, attributing so flagrant

⁴⁹Ibid.

⁵⁰Columbian Centinel, 19 August 1801, p. 2:1.