

an act in preventing the execution of justice for so
heinous a crime to any party political motives
whatever;..."⁵¹

The Columbian Centinel, on August 22d, responded by playing down the mob theory, and relaying that five or six persons liberated Fairbanks. They continued however, to insult Dedham and its politics, printing, "opposition to law appears in that quarter to be a worse thing than it did in David Brown's day," and maintaining, "well-grounded assurances that all suspected as the perpetrators are thorough-going Jacobins."⁵² The same day, a strongly anti-Federalist Republican paper, the Constitutional Telegraph printed:

"If what the centinel says be true, that 'the Liberty pole gentry liberated Fairbanks,' and that 'the daring and infamous act was threatened before and since the trial,' the Cockade⁵³ 'gentry' ought certainly to have watched 'with greater vigilance and not suffered the prisoner to escape'."⁵⁴

On the 24th of August, the Independent Chronicle made it clear there was no mob. It reported that the inhabitants of Dedham, "so far from deserving the stigma and disgrace of rising mobbishly to set a murderer out of gaol, displayed the zeal and ardor that is becoming good citizens," and, "nothing short of a Demon would have been capable of such a reflection."⁵⁵ The Federalist Columbian Centinel, even after Fairbanks had been captured, brought back and hanged, continued to attack the Republicans and Dedham. It desperately attempted to prove that there had indeed been political motivations all along:

⁵¹Independent Chronicle, (Boston) 20 August 1801, p. 3:1.

⁵²Columbian Centinel, 22 August 1801, p. 2:4.

⁵³The Federalist party had adopted a black knotted ribbon, a cockade, worn on the popular tricorne hat of the time as their political symbol. The Republican party slanderously referred to the Federalists as cockades.

⁵⁴Constitutional Telegraph, (Boston) 22 August 1801, p. 3:3.

⁵⁵Independent Chronicle, 24 August 1801, p. 3:1.

"if folly and stupidity were not the principal ingredients in the composition of the Chronicle printers, they would have permitted the conduct of their jail-breaking brethren at Dedham to have slept in silence...we shall present say that Dukeham who accompanied and assisted Fairbanks in his efforts from prison was one of the carriers of the Chronicle and the disseminator of its falsehood and scurrility in the county of Norfolk"⁵⁶

The literary political battle over Fairbanks' escape slowly came to an end with the Independent Chronicle returning an answer to the Columbian Centinel.

It read:

"if more mischievous ingredients than folly and stupidity did not frequently mark the character of the Centinel's editor and some of his correspondents, the base insinuation respecting the loyalty of the people of Dedham would never have originated in that vehicle of slander...-the fact is this: Dukeham was never known to take a paper directly or indirectly for himself or any other person from the Chronicle's office. The bold assertion therefore of the Centinel is a downright lie, fabricated to answer some mischievous and malignant design."⁵⁷

On August 23d, Jason Fairbanks and Henry Dukeham were far from concerned with the political opinions of the newspapers. They both had ridden almost 200 miles since the early morning of August 18th 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, 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

⁵⁶Columbian Centinel, 12 September 1801, p. 2:4.

⁵⁷Independent Chronicle, 14 September 1801, p. 3:2.

traveling from Dorchester.⁵⁸ They crossed into New York, then traveled up through Granville and arrived on Saturday, August 22d 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 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 the fourth end of 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."⁵⁹ Holt stated that he would be interested, but needed to wait for the arrival of a wagon with goods, estimating the wait approximately an hour. Dukeham agreed to wait and stepped outside to survey preparations. Holt then also went outside, perhaps to look for Tisdale and Wheelock, but in the meantime, informed a

⁵⁸Columbian Centinel, 29 August 1801, p. 2:3.

⁵⁹Connecticut Courant, (Hartford) 7 September 1801, p. 3:2.

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 secure the principal himself."⁶⁰ 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..."⁶¹

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 carry 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."⁶² 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."⁶³ 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

⁶⁰Ibid.

⁶¹Ibid.

⁶²Ibid.

⁶³Ibid.

Columbian Centinel ran a brief story titled, "Fairbanks-Taken" on August 29th. It described the fugitives route to Whitehall, a 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."⁶⁴

By August 31st, the date and time of Fairbanks' execution was set by Governor Caleb Strong of Massachusetts and his council. It would be Thursday, September 10th, between eleven in the morning and four in the afternoon. The information was sympathetically conveyed to Fairbanks waiting in the Boston jail by Rev. Dr. 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."⁶⁵ Fairbanks stated that he hoped he had those sentiments, whereupon Thacher "earnestly commended him to heaven".⁶⁶ Thacher writes that Fairbanks desired prayer and appeared to

⁶⁴"Fairbanks-Taken," Columbian Centinel, 29 August 1801, p. 2:3.

⁶⁵Thacher, The Danger of Despising the Divine Counsel, p. 21.

⁶⁶Ibid.

have a strong, "filial piety to his parents and desired me to visit them in their affliction,"⁶⁷ and 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."⁶⁸

Within Thacher's prose, easily imagined as being delivered to a crowded church, Thacher like his contemporaries, used the language of popular sentimental fiction. 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..."⁶⁹ With regard to the public's view on 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."⁷⁰

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."⁷¹

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,

⁶⁷Ibid, p. 22.

⁶⁸Ibid.

⁶⁹Ibid. p. 23.

⁷⁰Ibid. p. 19.

⁷¹Ibid. p. 21.

and to watch the first emotions of unlawful desire, of malignity, anger and discontent."⁷² In closing, Thacher preaches that all should seek and be guided by the "Divine Counsel," and thus, "God shall wipe away all tears from all faces."⁷³

At eight o' clock in the morning on the 10th of September, Rev. Dr. 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 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. Dr. 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:
Such crimes demand your life as pay.

And you, his friends and kindred too,
With you we hearty sympathize-
Whose hearts with grief are pieced thro'
To see the manner Jason dies!

⁷²Ibid. p. 29.

⁷³Ibid.

Don't murmur at the hand of GOD,
In all your trial, though severe:
'Tis He Himself permits the rod,
O serve Him then with hearts sincere

Ye behold the shocking sight,
This day expos'd to view:
And may his end a warning prove
to every one of you."⁷⁴

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."⁷⁵

Rev. Dr. 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."⁷⁶ 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."⁷⁷ 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.

⁷⁴A Poem on Jason Fairbanks Who is to Be Executed This Day, Sept 10, in Dedham for the Shocking Murder of Miss. Elizabeth Fales, Dedham: n.p., 1801. Early American Imprints. Second series; no. 1161.

⁷⁵"Fairbanks Executed," Columbian Centinel, 12 September 1801, p. 2:4.

⁷⁶Thacher, The Danger of Despising the Divine Counsel, p. 23.

⁷⁷Ames, 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. A preface, in the usual style of sentimental language, begins the document with the following:

"while the mind is filled with horror and sympathy at this melancholy catastrophe, it affords consolation to reflect, that aggravated crimes are yet so rare among us, that they cannot pass off as the ordinary events of the day..."⁷⁸

The rareness of Fairbanks' aggravated crime not only afforded consolation to public, but to publishers of the trial report, Russell and Cutler, in financial returns. 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."⁷⁹ 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 20th, and other advertisements would follow. One advertisement read, "from an ardent desire to meet the wishes of the public...", and "it will be brought forward as early as can be consistent with

⁷⁸Report of the Trial of JE, p.4.

⁷⁹Cohen, "Study of Fairbanks," p. 119.

that attention which it demands."⁸⁰ 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.

Although similar to the trial report and newspapers in their use of imagery with sentimental language, the several poetic broadsides took the liberty to rewrite the story of Fairbanks and Fales with a zeal for creative imagination. Written for and after Fairbanks' execution, these broadsides would walk a fine line and mingle fiction and fact in poetic verse. To the public perhaps, this provided a easier way to understand the crime and allowed them, in what appeared to be, a more intimate look at the story of Fales and Fairbanks. Also, the closer the author's relationship with the tragedy, perhaps a larger amount might be sold. One such author described his broadside as, "written by a gentleman residing near Dedham, who has been well-acquainted with the parties and was formally an inmate at the same school with Fairbanks."⁸¹ Most of the themes were unfavorable to Fairbanks portraying him as monster, devoid of every good, or carrying a "vast internal load of guilt!":

But Fairbanks void of every good!
Drew his dear Partner's blood!
Th' intended comfort of his life
The Maid he oft had nam'd his wife.

The effect of disappointed love,
May sickness, death, or phrensy prove
But murder!! hard to be expressed!
Was ne'er designed by social breast!

See how the hardest monster dies
A grief to all below the skies!
Prest [sic], with a vast internal load
Of guilt! and endless wrath of God!"⁸²

⁸⁰Boston Gazette, 7 September 1801, p. 2:4.

⁸¹Biography of Mr. Jason Fairbanks and Miss. Elizabeth Fales.

⁸²Ibid.

Elizabeth Fales was portrayed as the innocent and pure young woman, cut down in her prime and was described as, "in her mild face, the Muses were combin'd, to shew the matchless beauties of her mind [sic],"⁸³ and in another:

"Yes, lovely maid, thy peaceful mind,
all cheerful as the dawning day:
Alas! cut off just in thy prime,
Rather than to his will give way."⁸⁴

Another portrayed Fales and Fairbanks as young lovers whose hearts were led astray by Satan:

"Good people all pray lend an ear,
and you shall solemn tidings hear,
How Satan with seducing arts,
Prevail'd so far..has led the hearts
Of two young Lovers, so far 'stray
Their lives, O heav'ns! to take away."⁸⁵

Whatever the truth of Fairbanks and Fales' relationship was, they were described in one title, "Lovers Ramble by Moonlight," as the Adam and Eve of Milton's Paradise Lost:

"In them Divine resemblance, and such grace.
The hand that form'd them on their shape hath poured.
Ah gentle pair, yee little think how nigh
Your change approaches, when all these delights
Will vanish and deliver ye to woe,
More woe, the more you taste is now of joy;
Happie, but for so happie ill secur'd."⁸⁶

The broadsides were based on popular beliefs about Fairbanks. That was what sold and publishers were well aware of it. Fairbanks had been found guilty and executed, yet he would die more deaths in popular belief. One commented on where Fairbanks would now reside after the execution:

"...to give a just description of that place, where in all probability the shade of the unhappy Fairbanks now resides. All the torments that imagination can conceive

⁸³Ibid.

⁸⁴A Poem on Jason Fairbanks.

⁸⁵A Mournful Tragedy, United States: n.p., 1801. Early American Imprints. Second series; no. 964.

⁸⁶Biography of Mr. Jason Fairbanks and Miss. Elizabeth Fales.

must fall far short of those the wretched Murderer
perhaps is groaning under."⁸⁷

Seemingly out of place in one written broadside, were lines of pity for
Fairbanks. It could not exist however, without moralizing at the close:

"And as you read these lines as true,
(for they are no romantic tales)
Detest - yet deign to pity too
The Murd'rer of Eliza Fales.

If you can screen your virtue white,
The bloom of youth is in your face:
and keep yourself from base and vile,
You will obtain a share of grace."⁸⁸

Even though public sentiment was strongly 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 17th, 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 was written in sentimental language, as most other
publications and included poetry about Jason's innocence. It summarizes the
trial as unfair to Jason and charges some witnesses with perjury. It does,
however, lack in support for these arguments and the testimonies the elder
Fairbanks writes about, appear to be taken out of full 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

⁸⁷Ibid.

⁸⁸A Poem on Jason Fairbanks.

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 school attending 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 a ardent love of books and spend his time reading and discussing many subjects. This is the picture Ebenezer describes in his publication of his younger brother. 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."⁸⁹

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 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

⁸⁹The Solemn Declaration of the Late, p. 18-19.

upon his own life, which, far from being a principled suicide, was the result of self reproach, despair and insanity."⁹⁰

Within the first few pages of The Solemn Declaration of the Late Unfortunate Jason Fairbanks, Ebenezer has 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 cell mate 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."⁹¹

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.'"⁹²

⁹⁰Ibid., p. 23.

⁹¹Ibid., p. 4.

⁹²Ibid., p. 5.

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..."⁹³ 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.'" ⁹⁴

"He is innocent! Oh mark his dying brow,
Free from all symptoms of disturbing guilt,
Yes, he is innocent." ⁹⁵

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!"⁹⁶ 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

⁹³Ibid., p. 33.

⁹⁴Ibid., p. 37

⁹⁵Ibid., p. 32.

⁹⁶Ames, Diary.

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."⁹⁷

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."⁹⁸

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

⁹⁷Ibid.

⁹⁸Boston Gazette, 8 February 1802, p. 3:1.

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 18th, 1801 may never be clear. What did Jason and Elizabeth actually say to each other? Did Jason Fairbanks stab Elizabeth Fales to death because she would not consent to his wishes? What were his wishes? Did Elizabeth Fales stab herself to death, distraught over Jason's telling her that he had revealed their intimacy to his friends? Like a juror, listening intently in the First Parish meeting house in August of 1801, confronted with all available evidence, testimony, and arguments, one has to come to a decision regarding the verdict of Jason Fairbanks. A historian must base his argument on available sources and where they lead, plus his own instinctive sleuthing. Given this, Fairbanks strongly appears guilty of the murder of Elizabeth Fales. In only three days, twelve jurors on August 8th, 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.⁹⁹ Could it have been that the large 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? A few of the symptoms of mercury poisoning are, headache, fatigue, fever, emotional

⁹⁹Henry R. Viets, A Brief History of Medicine in Massachusetts, (Boston and New York: Houghton Mifflin Company, 1930), p. 77.

instability, and changes in personality. In one case study, the patient was prone to violent outbursts when confronted with denials to leave the hospital. The results of chronic toxicity remain even after recovery. 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."¹⁰⁰ 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."¹⁰¹ Rev. Dr. 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..."¹⁰²

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. In this author's estimation, Jason Fairbanks cannot

¹⁰⁰"Trial of Fairbanks," Columbian Centinel

¹⁰¹Connecticut Courant

¹⁰²The Danger of Despising the Divine Counsel, p. 22.

be excused for the murder of Elizabeth Fales, for which he paid the nineteenth century price, but if this argument is accepted, then historical research has provided us with useful insight and understanding of this "melancholy catastrophe" of Dedham in 1801. A poem written for Fairbanks in sentimental language, seems to accurately reflect the tragic end of both Elizabeth Fales and Jason Fairbanks:

"Tell them the lamentable Fall of me,
And send the bearers weeping to their bed."¹⁰³

¹⁰³The Solemn Declaration of the Late, p. 54.

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