

OPINION

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A cold-blooded murder ... but with an asterisk



By R. Marc Kantrowitz

As Joshua Spooner stumbled home on March 1, 1778, he could barely make out his feet hitting the gutted, frozen ground. Whether it was due to his inebriated state or, more likely, the moonless night, was of no consequence.

The businessman-farmer trudged up the four stone steps leading to the front door of a secluded house buttoned shut against the cold. Little did Spooner know that he had but a few minutes left to live.

As Spooner went to open the door, he was pounced on, beaten and strangled. Surely Spooner's wife, who had been sitting on the other side of the door, heard his screams. But she did nothing. And why would she? She had orchestrated the murder.

Bathsheba Spooner was born on Feb. 15, 1746, into a prominent family. She was the daughter of Bathsheba Bourne, whose family gave their name to the Cape Cod town and bridge.

Her father, Timothy Ruggles, succeeded at all he did, as a businessman, lawyer, state legislator, general in the French and Indian wars, and judge. He was also on the wrong side of history: an ardent and hated loyalist of England in a land of radicals bent on American independence.

Bathsheba was, like her parents, passionate, intelligent and radiantly attractive. Why then would she marry the weak-kneed Joshua Spooner in 1766? While wealthy and well connected, he was timid, if not cowardly. He was also a mean drunk.

After a decade of marriage and three children, Bathsheba found herself miserable. Given the times, divorce was out of the question. She was in a quandary. And then came a knock on her door.

Although seemingly a mere child, 16-year-old Ezra Ross was a battle-seasoned veteran of the Revolutionary War. Discharged from the military, he was seriously ill. In dire need of food, lodging and rest, the desperate youth stumbled on the Spooners.

He was taken in and in short time recovered. He also became Bathsheba's lover.

Although he eventually left, he was back relatively soon, once again in the arms of Bathsheba. Her joy with Ezra only exacerbated her hatred of her husband, whom she dreamed of leaving.

Her fantasy of freedom turned to terror, however, when she discovered she was pregnant. Punishment for adultery was harsh and, given the hostility toward her father, no mercy would be shown.

She schemed to escape her predicament, ultimately turning to two British soldiers, Sgt. James Buchanan and the illiterate Pvt. William Brooks, who happened by. With Joshua away on business, Bathsheba plied the men with warmth, food and wine before unveiling her plot to murder Joshua. Soon they, along with Ezra, were game.



A mural of Bathsheba Spooner

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Plans were developed and abandoned, often due to the "faint-heartedness" of those recruited. With time passing, Bathsheba grew more desperate. Soon her pregnancy would be discovered. With the need for action acute, it was finally taken, without wisdom, planning or common sense.

Persuaded with liquor, Brooks did the awful deed. Ross and Buchanan rushed in, after which Spooner's body was stripped of valuables and tossed into a well. The three assailants fled to a nearby town, wherein Buchanan and Brooks got drunk and showed off the easily identifiable valuables they had stolen.

Within a day, Joshua's lifeless body was discovered and the three men were arrested. They quickly confessed and fully implicated Bathsheba. The trial was a brief one and the four were found guilty. The sentence: death.

But there was a wrinkle: Bathsheba was pregnant. And according to the law, a pregnant woman could not be executed, unless the fetus hadn't "quickened" — or moved — yet. Experts were called in to perform what turned out to be painful examinations. Their verdict was the fetus had not yet quickened.

Although 2,500 people lived in the immediate vicinity, 5,000 showed up to witness the executions for what was being called "the most extraordinary crime ever perpetrated in New England." All four were hanged. Bathsheba was 32, Ezra 17.

Epilogue

An autopsy indicated that Bathsheba was carrying a 5-month-old male fetus that undoubtedly would have quickened. Perhaps the contrary medical determination had less to do with medicine and more to do with the hatred toward Bathsheba and her father.

Or perhaps it was due to the role of John Avery Jr., a powerful local leader. Avery was an enemy of Bathsheba's father. He also was the beloved step-brother of the man she murdered.

While many still hold the original judgment of Bathsheba being vile, with the passage of time others now view her more sympathetically, as a prematurely liberated and intelligent woman tragically living in the wrong century.

Today, Bathsheba simply would have divorced a man she neither respected nor loved and gone on to live a successful, creative and rich life. In 1778, she had no such options. Through murder, Bathsheba created her own way out.

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Judge R. Marc Kantrowitz sits on the Appeals Court. The above column is based, in large part, on "Murdered by His Wife" by Deborah Navas. Dustin Dow performed the preliminary research for the column. Kantrowitz can be contacted at rmkantrowitz@comcast.net.

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