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PART I
SPENCER

THE MANNER OF MAN THAT KILLS

CHAPTER I

HISTORY OF SPENCER'S CRIMES TO TIME OF ARREST, APRIL 5TH, 1910

Beginning in June, 1908, and continuing for nearly two years, a series of sensational crimes occurred in Springfield, Massachusetts, which completely baffled the police and so terrorized the inhabitants that when these crimes finally culminated, on March 31st, 1910, in the murder of Miss Blackstone, a young woman much beloved and respected in the community, public indignation and excitement reached a fever heat and the city was in a condition little short of panic. There was not very much doubt in anyone's mind but that these crimes had all been committed by the same person. Although they alike exhibited an almost unparalleled daring and bravado, they were evidently not the work of a professional burglar. In all there seemed a singular lack of motive; although houses were entered, lives threatened and property stolen, the actual gain was trifling and, in most instances, the risk taken was out of all proportion to the possibility of gain. Indeed this burglar frequently passed by valuable articles and took pretty trinkets of lesser value; the hours chosen for his entries were generally early in the evening when there was every risk of his being detected; when confronted, as he frequently was, by members of the family whom he was robbing, he seemed quite fearless so long as no noise was made; but a scream or any other loud noise excited him and frequently led to some demonstration of violence. He was known even to go out of his way while robbing a house to encounter the inmates, and on several occasions had conversation with them.

Of course there were many theories as to the perpetrator of these burglaries, but in spite of unceasing efforts on the part of the police, no clue of any importance fell into their hands up to the first week in April, 1910.

Miss Martha B. Blackstone, the woman who was murdered on the last day of March, 1910, was the daughter of Charles J. Blackstone, a well-known hardware man in Springfield. She was an only daughter, thirty-nine years old, and lived with her parents. She graduated from Smith College in the Class of 1893, and for the last two years had been teaching the first grade of the Jefferson Avenue School in Springfield. She was said to be a woman of high intellect and culture, and was respected and beloved by her pupils and associates. While teaching at the Jefferson Avenue School, she had made the acquaintance of the Misses Harriet and Lucy Dow, the former of whom was also a teacher there, and Miss Blackstone frequently visited them at Round Hill, where they lived with their mother Mrs. Sarah J. Dow.

Round Hill is an attractive neighborhood in the North End of Springfield. It is skirted by Plainfield Street on the south, by the tracks of the Boston & Maine Railroad on the west, and Arch Street runs along its northerly base to Main Street. The early builders had had the taste to spare the fine trees, with which nature had endowed the Hill, and a number of attractive houses had been built in their shaded seclusion. The driveway ascends from Plainfield Street near the crossing of the Boston and Maine tracks, and curves downward to Arch Street on the north. Some houses face this driveway and others stand back among the trees, connected by a private avenue with the hill road and other streets. On the crest of Round Hill, to the right, perhaps a hundred feet from the driveway, stands the two-story frame dwelling in which Mrs. Dow and her daughters lived. It is a plain, but comfortable, modern two-family house. The Dows occupied the lower apartment, and a family by the name of Dwight the upper floor. The Dows' apartment consisted of six rooms: two parlors, connected by an archway, a dining room, kitchen, two bedrooms, a hall and a bathroom.

On the evening of Thursday, March 31st, 1910, Miss Martha Blackstone, as was her frequent habit, went to dine and spend the evening with her friends on Round Hill, accompanying Miss Harriet Dow home after school. The hours until dinner were spent in pleasant chat about the school work and other matters. Dinner was served at six, and afterwards Miss Harriet and her mother washed the dishes and tidied the house. Then all four women gathered about a table in the back parlor to amuse themselves with one of the puzzle pictures which were all the rage at that time. Miss Harriet Dow and her mother were sitting on a couch with the table drawn up in front of them, and Miss Lucy

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Dow and Miss Blackstone were sitting opposite them. They were pleasantly immersed in this game until the clock struck eight, when Miss Blackstone remarked that she must soon be returning home. About five minutes later Miss Harriet Dow uttered a shriek^ and the others looked up to see a man standing in the doorway of the dining room. He wore a dark slouched hat pulled well down over his large, staring eyes. These were the only features clearly visible, as the lower part of his face was concealed by a black silk handkerchief. Afterwards they described him as a tall man, wearing a dark suit of clothes. He had a belt around his waist, from which was suspended a revolver-holster, but this they did not at first notice.

The man approached them, motioning with his hands and arms, making an inarticulate, guttural noise and demanding money. Mrs. Dow told him that they had no money; and all the women sprang to their feet and screamed. On hearing the scream, the intruder darted across the room and, taking up his position in the archway between

that room and the front parlor, drew his revolver and demanded quiet. Miss Blackstone rushed screaming past him into the front parlor; instantly the man fired at her and she fell against the couch in a kneeling position, shot through the eart.

In the meantime Miss Lucy Dow had hastened to the telephone on the desk in the room where they had been sitting, but dropped the receiver at the sound of the shot and rushed into the front room in time to see Miss Blackstone fall. Her sister, screaming all the while, had also started to follow Miss Blackstone into the front parlor, but had slipped on a small rug in the archway and fallen. Her mother assisted her to her

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feet, urging her to be calm. Mrs. Dow then started to leave the room by the hall door to call for help ; Miss Harriet saw the man approach the window, apparently to draw the shade. She moved toward where he was standing and began to scream again; he swore at her, and told her to keep quiet, and she then saw him raise his revolver and point it at her mother as she was leaving the room. She seized a chair and hurled it at him, hitting the arm which held the revolver. Turning upon her, he said, "'Do you want to die? Well, die then!" and discharged the revolver at her. She fell to the floor and lost consciousness, the bullet having grazed her head.

Mrs. Dow appears to have been the only one of the four women who did not scream. She was an elderly woman in appearance, but young and alert in mind and action. After helping her daughter to regain her feet, she hurried upstairs in search of assistance, but found none of the Dwights at home. She escaped to the hall, opened the door and called loudly for their next door neighbor, Mr. Burnham. She heard a second shot fired and hurried back to the parlor, where she saw her daughter Harriet on the floor and Lucy at the telephone. The man was gone, and the front door was open as she had left it. She saw Miss Blackstone still kneeling beside the sofa with her face in her hands, and went at once to her; she drew the young woman's head into her lap and spoke to her; then she discovered that Miss Blackstone was dead, and she laid the body on the floor in front of the sofa.

The burglar had evidently escaped by way of the front door, and there was nothing to be seen of him a few minutes later when their neighbor, Mr. Burnham, and his son reached the Dow house in response to Mrs. Dow's summons for help.

Mr. Burnham immediately telephoned to Police Headquarters, and at 8.14 o'clock Inspector Costello reached the scene of the tragedy. The patrol wagon, on the way to Round Hill, bearing the detective, picked up Sergeant Littlefield and two other officers. Inspector Costello and Sergeant Littlefield entered the house, where they found Miss Blackstone's body on the floor. Miss Lucy Dow and her mother asked the detective to ascertain if Miss Blackstone was still alive. He found no signs of life from the pulse; Miss Harriet Dow he found apparently living.

Mr. Burnham sent in a trained nurse. Miss Ellison, who was at the time caring for a member of his family. She had heard the revolver shots soon after eight o'clock, and had looked out of the window from her patient's room where she was on duty, but had seen no sign of the tragedy until Mr. Burnham asked her to go over to the Dow house. She found Miss Dow lying on the floor, but conscious, and placed a sofa pillow under her bleeding head, and was about to give her a hypodermic when the physicians arrived.

Dr. W. H. Wilcox was the first physician to reach the house. He sent for Medical Examiner Bates and Dr. Sweet, the family physician, and Dr. Bacon was summoned by telephone a little later. Miss Dow was taken in an ambulance to the Springfield Hospital, where she ultimately recovered from what was said to be a fractured

skull. Miss Ellison said she went into the back room to prepare a bed for Miss Dow and while there locked the window through which the burglar had evidently entered. Apparently he had ransacked this room and then passed through the dining-room into the parlor. The Dows said later that there were articles of jewelry, including gold beads and pins, in a bureau which the burglar had rifled, two solid gold watches on a bureau in the other bedroom, a little old silver in a drawer beneath the china closet in the dining-room, none of which he took.

Of the crimes committed in Springfield during the two years prior to this affair, the following were attributed to the one "burglar," and were afterwards proved to have been committed by the same man:

On June 24th, 1908, while the family were sitting on the piazza, the house of Dr. Robert P. M. Ames, of 26 Seventh Street, was entered by way of the cellar, the burglar cutting a screen door, so that he could reach through and open it from the inside. While he was ransacking the house, as was afterwards learned, the family came in and went to bed. The burglar had concealed himself beneath the bed of Mrs. Ames, where he remained until they went to sleep. Then he continued his search and escaped with his booty, without giving any alarm. The articles taken from this house were later recovered from beneath a shed in the Boston & Maine freight yard, and included jewelry, silverware, and one shoe of a pair - the other he had left, as also articles of considerable value.

A month later, on July 25th, a man entered the house of George A. Luddington, at 29 Avon Place, through a back pantry window. He passed through the kitchen while Mr. and Mrs. Luddington were talking in the next room, entered a ground floor bedroom, and being disturbed, concealed himself beneath Mrs. Luddington's bed. He waited there until he thought she was asleep, and then attempted to escape. She woke when he moved and as she sat up and screamed, he demanded money and jewelry and forced her to give him her rings and two dollars in money. She later let him out by the back door.

The following night, July 26th, 1908, at the house of Fred D. Parsons in Union Street, a party were playing cards in a lighted room with unshuttered windows, and were held up by a masked man with a revolver, standing in the dark outside. The party screamed and scattered - the threat to shoot was not carried out, and the incident was dismissed as of little importance - probably a bad joke or the freak of a crank.

A few days later, July 30th, 1908, entrance was gained to the house of Hartley P. Buxton, 93 Garfield Street, through a rear door that had been left unlocked while the family were on the porch. The burglar was interrupted and concealed himself when Mr. Buxton came in and entered the bathroom. He then continued his search and escaped before the family retired, taking his booty with him.

On August 6th, 1908, a highwayman with a mask and revolver held up Michael J. Gilhooley, a motorman on the King Street car line at about half-past eight in the evening, at a lonely spot at the end of the route. O. D. Attwood, the conductor, saw the hold-up and escaped, but when Gilhooley also tried to escape the highwayman shot him through the leg, the bullet entering between the knee and the thigh. The robber rifled his pockets and took his pocketbook, containing ninety-three cents. He seemed content with this small sum.

On September 27th, 1908, the house of H. L. Miller of 32 Bradford Street was burglarized, and on November 30th the house of Mrs. Frances E. Page at 17 Sheldon Street was entered by way of a back bedroom window while the family were talking in the adjoining room. The burglar concealed himself in a clothes press and later under the bed. Mrs. Page and her daughter came into the room where the man was hiding, and the former went to bed; but before she fell asleep he made

some slight noise which attracted her attention. She at once recalled her daughter, who lighted the lamp, placed it on the floor and discovered a man lying under the bed close to the wall. She had no view of his face, but said afterwards that he was "long." He had on no coat nor vest, but she observed he wore moccasins. The two women held a considerable conversation about the intruder, but he did not budge. They then left the room to call for help, and when they returned a few minutes later, found that the burglar had scrambled out, opened a bureau drawer and helped himself to a bag containing forty dollars, besides other belongings which were of little value, and had escaped through an open window. When the police arrived they could find no trace of him.

On Christmas Eve, 1908, Mrs. Helene J. Fiske was arranging Christmas gifts for her children on her bed in her home at 86 Calhoun Street, when she was confronted by a masked burglar who pointed a revolver at her. He started to pick up some of the more valuable presents, but Mrs. Fiske said "For God's sake don't take those - they are my children's!" "All right; I won't," said the polite burglar. She gave him two dollars and he also took some orange spoons and a napkin ring.

Nelson R. Hosley's house, at 22 Brookline Avenue, was entered in the early evening of March 12th, 1909, while the family were out. They returned at half-past ten and observed that a light had been made in the dining-room during their absence. Investigating, they found that miscellaneous articles were missing from the dining-room, chamber and closets. Miss Flora Sweetland, who lived with the Hosleys, said later that the burglar had take about a hundred different articles of little or no value, such as handkerchiefs, ribbons, etc. She said: "He took a number of little things that were on my bureau in my room that were practically valueless, and left my gold watch and other valuables that were right there in sight."

On the evening of April 8th, 1909, a party were playing cards in a brightly lighted room in the house of Mr. and Mrs. W. M. Swan, at 50 Bellevue Avenue. At half-past nine, Mr. Swan was upstairs putting his little boy to bed, and the guests rose to take their leave. As they opened the front door a man thrust his way past them into the house and held up the group at the point of his revolver, demanding money. One of the ladies attempted to grab his arm and he fired several times, embedding two bullets in the woodwork. Mrs. Swan called to her husband not to come downstairs, and the burglar emphasized her warning by firing up the stairway and shattering an electric chandelier, leaving them in partial darkness. He grabbed one of the guests, a Mrs. Tapley, and demanded her rings. At this moment, however, Mr. Swan threw down a pocketbook containing some new bills, shouting to the burglar as he did so to get out. The burglar forced Mrs. Tapley to pick up the purse and then grabbed it and backed out of the house without waiting for the rings or counting the money. On April 10th, 1909, the house of Ex-Alderman Arthur H. Rogers was entered by way of a side kitchen window. His daughter, Miss Dell Rogers, was confronted in her room by a masked man. He flashed a searchlight on her as she stood by the window and demanded money and jewelry. She attempted to scream for help, but the robber frightened her into silence with a curse, saying she had got to keep still "or I will blow your head off." He then said, "That was just the trouble at the other house - there was too much noise - that spoiled everything." Miss Rogers gave him a trinket and told him she thought there was no money in the house, but was finally forced at the point of a revolver to lead him downstairs to her mother's purse, which contained only two dollars. On the way downstairs the man entered the room of Miss Burt, Miss Rogers' aunt, an elderly lady; he did not disturb her beyond asking if she had any money and went away when she said she had none. He seemed perfectly fearless and even asked Miss Rogers where the men of the house were. The latter, fearing for her father's safety, declared they were not at home. After giving the man the money Miss Rogers started to pick up the telephone, but he made her put it down and grabbed the wire and snapped it out. He then took

Miss Rogers into the kitchen, bound and gagged her and proceeded to rifle the sideboard of silverware, etc., after which he unbound Miss Rogers and made his escape, dropping the silverware outside when a call was made for help.

The next burglary reported in Springfield which was attributed to the mysterious "burglar" was on July 21st, 1909. Mr. Lewis J. Powers lived at 116 Pearl Street, only a few minutes' walk from the center of the city. His house was entered about 9.15 P. M. through a bathroom window. The lights were all burning, but the man proceeded fearlessly through the parlor, up the stairs, and searched several drawers and boxes in the rooms, but apparently did not find anything to his taste. Continuing through the brightly-lighted hall and up another flight of stairs to the third story, where the lights were also burning, he entered the room of one of the two maids, at the end of a long hall. She was sitting in her nightdress, reading a magazine, and looked up speechless when he asked, "Are you the hired girl here?" "Yes," she answered; and he looked through the open door into the next room, where a second maid was in bed. He told her to keep quiet and not say anything — that everything would be all right. She asked if she might get up and get into the other girl's bed. "Certainly," said the burglar. She came in and commenced to cry with fright, but the man said, "Don't cry. I wouldn't harm a hair of your head. Just keep quiet and tell me all you know — where do they keep the jewelry, etc.?" She told him that no one was home except Mr. Powers. All the rest of the family had gone away, adding, "What there is is downstairs." "Where?" said the burglar; and she replied, "I don't know as to that." He then inquired if there was any jewelry in the house and she said she did not think there was and that she knew of no money except what she had. He refused to take her money; then hearing a noise he inquired, "What is that noise?" and she said Mr. Powers had been downstairs a little while before. "There was nobody there when I came up," said the burglar. "He must have come back, then," said the girl. She asked permission to lock the door when he left, and he said, "Yes, you can lock it, but don't make a sound." She promised silence, and he said, "All right; I will take your word for it," and departed. He proceeded directly downstairs to Mr. Powers' room. Mr. Powers was packing his valise for a journey. The burglar commanded him to throw up his hands, pointing a large revolver at him and saying, "I want your money." Mr. Powers denied that he had any money, but offered the man a little change — less than \$5 in all. He then inquired if there was any jewelry in the house, but upon being answered in the negative, he said, "All right," and started out by the front way. Shortly afterwards he returned and demanded to be let out the back way. Finding the door locked, Mr. Powers let him out of a window onto the back porch, whence he safely made his escape.

This crime had all the hall-marks of the others: — the early hour, the fearless masked man with a revolver and the lack of sufficient motive for even the apparently casual intrusion. It gave a fresh panic to the public, who had fancied the strange burglar already arrested or scared away.

Two weeks later, on August 6th, Mr. and Mrs. H. M. Ripley, of 266 Union Street, were encountered in their bedroom at eleven o'clock as they were about to retire by a masked man who was afterwards found to have entered the house by a ladder, which had been left against a near-by tree and which he had used to effect an entrance through a second story window. Mrs. Ripley saw him first and he cautioned her to be quiet. He then held them up, demanding money, but is said to have refused Mr. Ripley's watch which was all he had in his possession. The man returned a \$2.50 gold piece which Mrs. Ripley offered him, on being told it was a "pocket piece." He made no further demands, but stopped and chatted pleasantly with Mr. and Mrs. Ripley for more than half an hour, discussing himself and his "profession," and then went off as he had come, removing the ladder after he had descended. Here was material for a very fair idea of the personality of the man, though it proved no clue to his identity.

It was a month before he ventured another burglary, which proved, financially, the most successful of the series. On September the fourth he entered an apartment at 6 Salem Street, belonging to Miss Eva D. Tessier, again through a bathroom window. Miss Tessier was out at the time, but encountered him on her return. A tussle ensued, but he finally subdued her by threatening her with his revolver, and forced her to give him all the money she had in the house, sixty dollars, and departed by the window through which he had entered. A week later. Miss Tessier thought she saw the same man on Main Street, but before she could give the alarm he had disappeared.

This was the last break generally attributed to the mysterious man, previous to the murder; though on September 23rd a man was discovered attempting to enter the home of Atkins E. Blair, at 66 School Street, by a ladder placed against the roof of a bay window.

He escaped before the alarm could be given. As will be seen later, this flight led to his undoing.

Not only the city of Springfield and the State of Massachusetts, but the entire country, were stirred by the accounts of the mysterious and apparently motiveless crime at the Dow house. The papers for days after the murder of Miss Blackstone contained mainly leading articles and editorials describing the crime in its minutest details and expressing the terror of the people of Springfield.

The Springfield Republican of April 2nd, 1910, voiced the feeling of the community in the following editorial:

MUST SPRINGFIELD HOMES BE ARMED?

The fearful tragedy in the Dow house on Round Hill has stirred the city mightily. Nothing has happened among us in years so terribly upsetting of the feeling of all security for life in the one place where it is to be expected — in the quiet and protection of one's habitation. Its effect is to create a reign of terrorism, particularly among the women, which is worse, in a way, than any that might have affected the early settlers of this region in relation to the Indians. They had the advantage of living all the time in full recognition of danger from a known and clearly designated source and of being individually prepared to keep themselves on guard to meet it. But not so with us and our civilization; we have thrown down all individual guard, and committed our security for life and property to constituted community agents. Such few enemies as we have walk unknown in our midst. Our homes are no longer castles of stockade groups to ward off exterior dangers. Any of them can be entered with little difficulty, and in spite of all ordinary precautions; and it must be so. Our reliance for protection is and must be upon those especially appointed for the purpose.

If this dreadful murder and attempted robbery were an isolated happening — one of those chance occurrences against which no amount of care and preparation and police efficiency could guard, it would be of little use to do more than shudder and comfort the afflicted and go about our business. But unfortunately such is evidently not the case. This bloody event follows in a long series of terrorizing invasions of homes. Robberies and masked hold-ups within the home, any one of which might have ended in bloodshed and murder, had there been the slightest disposition manifested to resist the invasion or scare off the intruder. There is good reason to believe that the miserable imp of Hell who, in unspeakable cowardice, attacked these defenseless women and shot them down, is the same person who for more than a year has been creeping into other houses in the city, masked and armed, and demanding money of men and women at the point of a revolver. He is clearly a man who makes robbery and possible murder a diversion rather than an occupation, for his gains of money are small, while his activities stretch over a long period. He

is doubtless regularly employed at a legitimate occupation. He may even be known as a faithful workman and law-abiding citizen. He may, in this case, have only just left his place of employment to give puzzling and terrorizing variety to his hours of toil by indulging his devilish propensity, which has thus far spared no part of the city or no time of twilight or darkness, no home on any account either of the defenceless character of the occupants or otherwise. And he still continues at large, as for a year or more past, ready to pounce in upon some ether home with evil purposes and a bloody determination. This man must be found and put out of the way. He has been suffered to roam about altogether too long. The police are doubtless doing their best to apprehend him. We may not lightly throw the blame all on them. They can not be expected to master every mysterious development of crime at the wave of the hand. They would be less open to unwarranted public criticism were it not that the administration of the service had been overturned in the name of needed reform for greater efficiency in the suppression of crime — and overturned for such an end, which is not now for the first time brought to public ridicule. But here is a case of crime whose safe persistence would under any circumstances call loudly for explanation in harmony with an efficient police establishment. It is bringing into all our homes a terrorism that is not to be endured forever in any constituency with the prosperity and growth of this city. If the word is not to go forth to every householder, "Arm yourself and stand guard through the night," this case must be hunted down to an ending.

In the same issue of the Republican, the leading article, four columns long, describes the public excitement, and says:

Not within memory have the people of Springfield been so profoundly shocked as they were yesterday by the wanton murder of

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Miss Martha B. Blackstone ... by a burglar or crack-brained degenerate. . . . Miss Harriet P. Dow, a teacher in the same school, whose skull was fractured by a bullet from the burglar's revolver, will probably recover, but her condition is critical and there is no certainty of a favorable outcome. The murderer is still at large and the police have so little to work upon that not much confidence is felt by the public that the capture will be made. Meanwhile the citizens are in such a frame of mind, of mingled horror and indignation, that they are disposed to hold the police department strictly accountable for results, for they feel that this tragedy is the culmination of a long series of outrages which the police have shown inability to deal with. Rightly or wrongly, the citizens are blaming the police for failure to capture the man who has committed the preceding atrocities. Public feeling was boiling yesterday, and resulted in a movement for a mass meeting for the purpose of seeing what the citizens want done about it. Business men yesterday requested the Board of Trade to arrange for such a meeting. All citizens are requested to be present and express their views. . . .

The state of the public imagination is well typified in the following extract from the same paper:

Members of the detective bureau are convinced that the murder

of Miss Blackstone and the attack on Miss Dow were committed by the same man who perpetrated the half dozen robberies last year. This man lives in Springfield and was brought to Police Headquarters for purposes of identification following each of last year's hold-ups. He was seen by Capt. Boyle yesterday, but was not taken into custody for the simple reason that the detectives have always met with the same result in questioning him. He is described as about five feet ten inches tall, of medium build, smooth face and good looking. Furthermore he is about 32 years old, a college graduate, and a man who appears to have plenty of money, because he does not work for a living. He has among his possessions a black slouch hat, a black handkerchief mask, a blue steel 38-caliber revolver and holster. His eyes and presence are said to resemble those of the man who has been terrifying the city. Every time the police have questioned him, he has answered questions with few words, nearly always giving the information asked for and nothing more. The police say that he volunteers nothing and when cornered simply says he does not care to answer.

It will be remembered that most of those whose houses were entered by the burglar last year said that he was good looking, had the soft hands of a man of leisure and spoke like one who had received the benefits of an education. His coolness in every case was equalled by

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his fearlessness and his utter disregard of consequences was always apparent.

Several other cases were cited which show the state of strain under which both police and citizens were laboring. The history of the public excitement and futile search are well summed up in the headlines of the two most prominent columns of the Springfield Republican of April 3rd. This paper is so seldom given to sensationalism that the prominence it gives to this affair is very significant of the importance the search for this criminal had even in conservative circles at that time.

HUNT FOR BURGLAR DOGS ON THE SCENT
WHOLE CITY AROUSED MURDERER IS TRACKED

LARGE REWARD IS OFFERED LENGTH OF MAIN STREET

Mass Meeting of Citizens Trail Lost at Longmeadow

STATE POLICE TAKE A HAND AT STREET RAILWAY WHITE POST

Meeting of Board of Aldermen Further Efforts Prove Futile

City to Offer \$500 and Gov. Marvellous Display of Blood-
Draper Offers \$500 of State's hounds' Powers in Crowded
Money - Large Subscription Thoroughfares - Scent is
from Citizens - No Definite Picked up Outside of Window
Clew to the Murderer Except Where Murderer of Miss
that Given by the Bloodhounds Blackstone Entered Dow

— Sensational Developments of House on Round Hill — Dogs
the Day Cause a High Pitch are Tried at Thompsonville
of Excitement. and Warehouse Point.

At the mass meeting \$1,500 was raised in five minutes
and confidence was expressed that the subscriptions
started at the public mass meeting would reach \$5,000,
all but \$1,500 of which was to be used as financial aid
to the police authorities. A committee of citizens was
appointed with absolute authority to spend this money

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as they might see fit. They immediately engaged Pin-
kerton detectives and set them to work on the case. "The
three rewards offered," says the Republican, "aggre-
gate \$2500, and if a reward should be any inducement,
this amount should at least serve to uncover some clew
that will lead to some definite knowledge of the mur-
derer's whereabouts."

Many columns of the papers of that day are given
to the description of the dramatic attempt to follow the
murderer with bloodhounds. A fine pair of these ani-
mals had been brought all the way from Poughkeepsie,
New York, and they were immediately taken to the
scene of the accident, and every effort made to put
them on the right scent.

Somewhat to the surprise of the police and public, who did not
expect much from the man-hunters, owing to the time that had
elapsed since the tragedy, says the Republican, the dogs took up a
scent which the police believe was that of the murderer himself, and
they followed it from the piazza of the Dow house on Round Hill,
straight through the city, past Pecowsic to Longmeadow, where it
was lost at a white trolley post. This gave birth to the theory that
the murderer had there boarded a car and proceeded still southerly.
Not satisfied that this performance of the bloodhounds could be
depended upon, the dogs were brought again to the Dow house, and
once more went out on the scent, this time picked out in a different
way. The big, muscular animals could not be deceived, however,
and, noses pointed to the earth, they began the journey over again.
This time they travelled the same route, and at the same corner of
Main Street were pulled off to await further developments.

As the coming of the hounds had been well adver-
tised in the newspapers of the day before, great crowds
were gathered along their route, and they caused much
sensation as they passed through the city. Later, when
the actual criminal had been discovered, he confessed
to having patted these animals in the street! At 7.30
that evening the hounds made a third trial, repeating

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the same course as that of the morning, but in the end these efforts led to no clue.

There were so few clues to work upon that many persons, some of them of wealth and position, were under suspicion, and these suspicions are somewhat freely referred to in the papers, indicating that the police recognized that these crimes were not the work of a professional burglar. At the request of the local authorities, District Attorney Stephen H. Taft summoned two State detectives, Thomas E. Bligh from Pittsfield and James McKay from Northampton, both of whom went directly to work, after taking up the several phases of the case with Police Captain Boyle and the local detectives. To continue quoting from the Republican of April 3rd:

Not in a generation has public sentiment been so thoroughly aroused. Members of the police department who have been longest in the service say that never have they seen Springfield so demonstrative. Yesterday was sensational enough in the murder case developments. . . . The inability of the police to effect the capture of the murderer, the picturesque appearance of the bloodhounds following the supposed trail down through the main street of the city, the mass meeting, the announcement by bulletins that thousands of dollars had been raised by the State, the city government and the business men of the municipality, for the purpose of bringing to justice a degenerate who kills without provocation, have served to create a feeling that is new to Springfield and appalling. It may have reached its crisis yesterday, but it is hardly likely the strain will relax until the murderer is caught.

The following proclamation was issued by the Governor of Massachusetts:

REWARD FOR APPREHENDING THE MURDERER OF
MARTHA B. BLACKSTONE

Being of opinion that the public good so requires, the Commonwealth will pay the sum of \$500 to any person who, in consequence of this offer, apprehends and secures the person who murdered

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Martha B. Blackstone at the home of Mrs. Sarah J. Dow in Springfield, on Thursday evening, March 31st. This offer is made because, in my opinion, the person can not be arrested and secured in the common course of proceeding.

Eben S. Draper.
Executive Chamber, April 2nd, 19 10.

The Mayor and Board of Aldermen of the City of Springfield also passed an order, offering a reward of \$500 for information that would lead to the arrest and conviction of the murderer.

During all this time of uncertainty, it will be observed that public opinion attributed the murder to the same man who had perpetrated the burglaries and other mysterious crimes of the preceding two years, and that in most surmises as to his identity the theory that these crimes could not have been committed by a normal man was clearly stated. The following analysis from the same issue of the Springfield Republican is significant, in the light of subsequent events:

A question that is being asked every\here is "What kind of man is the burglar and murderer?" It is of great importance in the efforts to find him to know the answer, for in the absence of anything like a definite clew, it is about all the police have to work upon. The nature of the young man's crimes indicates clearly that he is not a professional burglar. His methods, while spectacular, are crude. Moreover, as has been clearly shown by the record of the burglaries and hold-ups charged to this man, booty has not been the chief consideration. Most of those who have studied the case believe that the man is animated by a mania or craving for sensationalism. It is generally believed that he is a degenerate, but of an unusual sort, for in all cases where women have been terrorized and held helpless no personal indignities have been offered them,* and the police have been obliged to look for a moral pervert of another sort. This man has seemed contented with the mere terrorizing of women.

The police are able to classify most professional burglars, but the work of this man does not come within the range of their experience.

* Later it was stated that there were one or two exceptions to this latter assertion.

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He enters houses and reveals himself at hours when an ordinary burglar would not be seen, and his readiness to fire at Miss Blackstone is, in itself, evidence that he is not a professional, for a professional never fires unless he thinks it absolutely necessary for his safety. It is necessary, then, to consider the Springfield burglar as an amateur — a fool who is hungering for notoriety, an insane person with a periodic mania for desperate deeds, or a degenerate of some sort.

It is held that the man is either a degenerate or is subject to a mania. It is not believed that he is an ordinary street loafer, for if he had been it is thought that before now he would have given himself away. It is more probable that he is a young man regularly employed in the city, or a member of some family of means who is not dependent upon the proceeds of his robberies. This theory is strongly held by the police, who have had under suspicion from time to time men who are employed regularly and others who are ne'er-do-well sons of families who are in comfortable circumstances. The meager descriptions from the various houses, which tally very well as far as they go, point to a person of this sort. There are, of course, thousands of young men who answer the description. The burglar has evidently been close-mouthed about all his exploits.

We shall see how nearly true these surmises were,

and how reluctant these clever analysts were to continue their argument as to the criminal's irresponsibility, after the actual culprit was found and their prophecies had been proven correct. The popular clamor for vengeance was too strong.

On the evening of September 23rd, 1909, it will be remembered, an attempt had been made to enter the house of Mr. Atkins E. Blair at 66 School Street. A man was dimly seen attempting to reach a second story window by way of a ladder placed against the side of the house — first by Mr. Blair's father-in-law, Mr. Simons. This old gentleman, being apparently of a cautious and somewhat secretive disposition, did not immediately give the alarm. A few minutes later, Mr. Blair himself saw the would-be intruder, who instantly retreated. Blair tried to follow him in the darkness, but the man escaped by running across the garden.

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through some tall dahlia stalks and over a bed of asters, over a fence and into the rear of the barn of the next neighbor, Mr. Packard, from whom he had borrowed the ladder, and thence probably into High Street, where he could easily escape detection among other pedestrians.

Mr. Simons was something of a horticulturist. The very next morning he went into his flower garden to work, and in the midst of a bed of asters he found a tiny gold locket, inscribed with the initials '^B.G.S.'" in interlocking monogram on one side, and a little brilliant on the other. He picked it up and found within the pictures of an elderly woman and a younger one. He put the locket in his pocket and later showed it to the rest of the family.

The burglaries in this immediate neighborhood had become so frequent that several of the householders concerned got together to discuss the situation. These were Mr. Simons and his son-in-law Mr. Blair, Ex-Alderman Arthur H. Rogers, whose house on Temple Street had been entered the previous spring, and Mr. Robert A. Knight who lived next to Mr. Rogers. Mr. Simons showed these men the locket, and they procured directories, telephone lists and poll lists, and all the names beginning with "S" in these and every other available list were searched to find the owner of the initials '^B.G.S.'" To their surprise, only one person was found whose name corresponded to these initials, Bertram G. Spencer, whose address was given as 53 Greenwich Street. As this man was listed as a brake-

man in the employ of the Boston & Maine R. R., and as his residence was in a quiet, respectable neighborhood, no suspicion was attached to him at that time,

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and little more was done about the matter. Mr. Simons put the locket back into his pocket and refused to allow it to be given to the police, as he said he had little faith in their efficiency, and he probably feared to be the means of getting an innocent man under suspicion. He refused to permit his friends to tell the story of the finding of the locket. Mr. Knight, however, went to Chief Quilty, and advised him when searching for the burglar to look out for a man whose initials were "B.G.S.," whose mother was a rather stout woman and who had either a young wife or a sister. As he did not feel at liberty to give his reason for making this suggestion. Chief Quilty paid little attention to it, though when Mr. Knight telephoned later he was informed that the Chief had turned the matter over to Inspector Boyle, and that it had been looked into but that nothing had come of it. Mr. Knight heard no more from the police, and let the matter drop. The detective fund was not raised at that time, as a report had been spread that a certain person who had information was waiting for a reward to be offered.

But when the Pinkerton detectives were called in after the Blackstone murder, Mr. Simons finally consented to give up the locket, and it was placed in the detectives' hands on the Saturday evening preceding the arrest. A search of the directories led them to the same Bertram G. Spencer, whose address was given as 53 Greenwich Street, where it was found he had formerly boarded with a Mrs. Edgar C. Pierce. Mrs. Pierce, on being shown the enlarged photographs which had been made from the portraits in the locket, immediately said they were Spencer's mother and sister. Proceeding on her information, the detectives

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traced Spencer to his new address at 45 Porter Avenue, West Springfield, near the Old Toll Bridge, where he was living with his wife and son; and they found that he was working for H. L. Handy & Co. They kept him under surveillance for several days before arresting him. Porter Avenue is a thoroughfare that turns down to the left just beyond the Springfield Glazed Paper Factory at the end of the Old Toll Bridge. It

is about a hundred yards long, and runs parallel to the Connecticut River. No. 45, where Spencer lived, was described as being one of fifteen houses, all built flush with the street and without any front lawns. It was a two and a half story detached house, with dormer windows and a roofed porch extending across the front of the house. A few straggling vines made a half-hearted attempt to climb up the pillars of the porch. The house was owned by a German, a cousin of Spencer's wife. The other residents of the street were all foreigners, for the most part Italians.

The account given by the Springfield Republican of the details of Spencer's arrest shows the extraordinary precautions of the police. It is too long to be quoted here in full, but according to this account Spencer was arrested on Tuesday, April 5th. He had been under suspicion since the previous Saturday, and his house had been watched by Detective Leith, one of the Pinkerton men employed by the Citizens' Committee. At 2.30 A. M. Captain Boyle was notified that the police were sure of their man and were only waiting for daylight to come before arresting him. The Republican continues the account:

Fearing the publication of such a report, Capt. Boyle got together the local and state detectives and the three Pinkerton men, and started

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out at once to bring in the man who later proved to be Spencer. All of the officers, including Capt. Boyle, Inspectors Raiche and St. Ledger, State Detectives Thomas E. Bligh, James McKay and Fred Flynn and the Pinkerton men, Harry A. Naughton and H. J. Murray, started across the Old Toll Bridge for Spencer's house on Porter Avenue, where Leith had been on guard. They remained in the vicinity of the house until about daylight (nine men in all!). Then with Bligh, Leith and Flynn, Capt. Boyle came back to the city to await near the Handy plant the arrival of Spencer, who would come to work at seven in the morning. Naughton, Murray, McKay, Raiche and St. Ledger remained near the Spencer house, concealed in the office of the Springfield Glazed Paper Company nearby. About 6:30 Spencer came out of the house and started for work across the toll bridge. Naughton and Murray shadowed Spencer clear to the Handy factory, where he was met by Capt. Boyle, Leith, Flynn and Bligh, who immediately placed him under arrest. Beyond appearing surprised and apparently confused at this turn of affairs, Spencer was little disturbed, and accompanied the officers to Police Headquarters without protest. The early reports of resistance were unfounded. Before leaving the Handy Plant, however, Capt. Boyle telephoned to the office of the Glazed Paper Company and had McKay, Raiche and St. Ledger search the house and bring in whatever might be found there that was of an incriminating nature.

Surely this demonstration of the majesty of the law was as melodramatic as even the "romantic vanity fed on penny dreadfuls" could desire 1

Spencer willingly acknowledged that the locket was his, but explained that he had lost it some time ago - he did not know just when - running across lots to follow the patrol wagon.

In the itemized list of jewelry found in Spencer's house were included 105 pieces of varying value. The first seven items are watches, valued at from \$3 to \$25, No. 8 is "part of a brooch, pansy shape, with small diamond;" No. 9 "Emblem pin, D. A. R., engraved 'Esther Julia Pratt No. 24121,'" identified as taken from the house of Dr. C. S. Pratt of Brattleboro. There were rings, brooches, bracelets, etc., more than half of them plated and only one or two valued as high as \$10

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or \$15. Many of them were practically worthless, as the D. A. R. pin. The list included, for instance:

- 19 - Plated hoop bracelet Value \$0.50
- 28 - I pr. plated nut link buttons " none
- 33 - Gold scarf pin, four small pearls, center stone cut " 1.00
- 34 - Plated nut scarf pin " .25
- 35 - Plated scarf pin with imitation jade " .25
- 36 - Plated scarf pin with ruby doublet, bonnet effect ** .50
- 39 - Plated three-heart brooch, twined " .50
- 40 - Small plated charm with Lord's Prayer ** none
- 41 - Plated clasp pin " "
- 43 - Chatelaine pin, lady's face with wings " .50
- 44 - Small medallion brooch - plated " ,50
- 53 - I hoop silver signet top, old English "L" " "
- 47 - Plated old-style oval locket, fancy front, plain back ** none
- 54 - I signet plated hat pin " .50

55 - Ivory carved charm, bull's head " .50
 56 - Porcelain brooch - lady's face and bust - plated
 back " .25
 57 - Plated scarf pin - imitation pearl " none
 58 - Plated ring with imitation pearl ** .50
 61 - Plated ring with ruby doublet " none
 64 - Pair of porcelain brooches, flower pattern " .25
 65 - Small class pin, "B.B.S. '07" on it " none
 66 - Plated bar pin, engraved front " "
 67 - 3 mother of pearl brooches, safety pin backs. ..." "
 70 - Old collar supporter, imitation pearls " "
 71 - Plated guard chain, fox-tail pattern, with beads. . " "
 72 - Piece of plated rope chain " "
 73 - Silver brooch, imitation amethyst " "
 75 - Silver key ring " .25
 77 - Top of black comb with white stones " none
 78 - Silver, diamond shaped class pin, blue enamel "V.S." " "
 80 - Three small charms hung together - plated meat
 cleaver, carver and sharpener " "
 81 - Single stone, plated ring, imitation turquoise. . . " "
 82 - Plated five-stone ring, imitation turquoise, i stone
 missing " "
 83 - String of red glass beads " "
 84 - Plated back collar button " "
 87 - Plated scarf pin, leaf ** "
 88- Pair of dumb-bell cuff buttons " "
 89 - ^ pr. link cuff buttons, plated " "
 go << <<< " << << << << (I

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91 - Plated fleur-de-lys watch pin Value none

.25
none

92 - Flat sterling hoop "Mizpah" bracelet.

94 - Pin, triangle, Y.M.C.A. style,

95- Key ring

98 - I cameo spiral stud

99 - Old style shirt button

100 - I plated stud button

10i - 14 pr. cuff links

102 - I collar button, pearl back. . . .

103 - I " " silver back . . .

105 - Indian bead belt

.50
none

The Springfield Republican on April 6th, the day after Spencer's arrest, was evidently still of the opinion that he was not a normal man. It comments on the arrest as follows:

Nothing is more difficult for the police to deal with than a casual murder when the criminal has once made his escape. If hate or love or jealousy or envy is at the bottom of the crime, there is usually a palpable clew, leading straight to the guilty man. . . . Or, if professional criminals are concerned, there is usually someone waiting hungrily for the blood money. A crime committed at random, on the contrary, upon a stranger, by a single person with no accomplices and no motives peculiar to himself, is a very different matter. . . . The burglary that ended in murder was the eighth offence which general opinion ascribed to one criminal or monomaniac and however possible it may be for a miscreant to hide after a single offence, a series of similar crimes is a different matter. Their effect is cumulative. Each adds a little to the picture of the guilty man. . . . Clews? How could there not be, when at least eight people had seen the marauder clearly enough to swear to his identity - when several had had long conversations with him, when police and public alike had a true notion of his appearance and personality. Once he was seen and recognized in daylight by one of his victims, but made good his escape before a policeman could be called to the spot. In short, all the materials for detection, perhaps for conviction were in existence. . . . How many crimes went before the one that ended in murder can not be definitely said. Perhaps only their perpetrator has a complete list, but enough

are known to give him as definite a stamp as any Claude Duval or Dick Turpin. In each was a kind of wantonness, a daredevil bravado, a love of the spectacular and a lack of pecuniary calculation which strongly suggested either the monomania of an unbalanced

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mind or a romantic vanity fed on penny dreadfuls, excited to the point of imitating Raffles, the Amateur Cracksman. . . . The house seemingly was taken at random. . . . He seemed to care little about money, demanding it, apparently, as a part of the role he was playing. It is not altogether surprising that crime of so queer and melodramatic a sort should not at first have been taken altogether seriously by the public. . . .

The Republican here chronicles at length various crimes attributed to this burglar, all of which were typical of the man's work. When the Round Hill murder occurred the circumstances were so clearly stamped with his methods that few people doubted that it belonged to the same series of outrages.

"All the circumstances were the same," says the Republican, "the tactics of the robber, his appearance, his eccentricities, correspond exactly. But for Miss Blackstone's demonstration, which upset his plans and prevented him from holding the family terrorized under his pistol in the fashion which he had seemingly enjoyed in previous raids, it is likely that the case would have ended like the others, with a flourish of a long pistol, a modest levy of ready money and a polite burglar backing off into the night. Evidently the burglar lost his head."

Continuing, the Republican suggests that perhaps a nervous spasm plunged him into this new infamy.

Upon his arrest Spencer was taken to police headquarters. He was compelled all that day to pass through the terrible ordeal of being subjected to attempts at identification by his supposed victims. He denied any connection with the burglaries or with the murder, but many of those who had been burglarized within the last two years were able to recognize him, so as to leave no doubt as to his identity, and they found among the articles taken from his room various trinkets which they recognized as theirs - some of them of so little value that they had not previously missed them.

Late in the day Mrs. Dow and her daughter came

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to identify him, and they also found, with his other booty, the pearl pin which had been taken from their home on the night of the murder of Miss Blackstone, and Miss Dow was surprised to find an Indian bead

belt which a friend had made for her and which she had not previously missed from among her possessions.

All day Spencer continued to protest his innocence and told various stories to account for his having the stolen trinkets in his possession. He said he had purchased the bead belt from an Indian woman at the station at Albuquerque, New Mexico, on his way home from California, and that he had paid fifty cents for it. But that night his rest was disturbed by the cries of a supposed drunken prisoner in a near-by cell, who kept accusing him of the murder of Miss Blackstone and repeated that Mrs. Dow and her daughter had identified him as the murderer. Was it possible that the accusations were made by imaginary "voices" which Bertram alone heard?

In the middle of the night State Detective Flynn was sent for and came to the cell where Spencer was confined. Spencer had complained of headache all day, and the city physician, Dr. Boyer, had prescribed bromides for him, to be administered every two hours. Flynn said that at this time Spencer seemed very tired and complained of a violent headache - "a tired headache." Flynn advised him to put his wrists under water and bathe his head, which he did, and then said he felt better. Spencer said to him, "Mr. Flynn, is it true - what this drunken fellow in one of the cells has been crying out - that Mrs. Dow has identified me as the murderer of Miss Blackstone?" Flynn replied, "I can't answer that question, Mr. Spencer."

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Captain Boyle came to Spencer's cell the next morning at eight o'clock. Spencer said, "I want to talk with you, and talk with you alone." Boyle took him to the detention room, closed the steel door, and at Spencer's request, also closed the transom. Spencer then said that he wanted to tell Mr. Boyle his whole life story, saying: "If your conscience troubled you as much as mine did all night, you would want to tell your story to somebody. You can tell who you wish, or testify at any time you wish." He then began and told Capt. Boyle that when he was a small boy his father used to beat him severely and on one occasion had struck him with the butt end of a whip over the head, broken the whip stock and left him lying in his own blood. He said his mother found him there and supposed that he was dead. He told of stealing a jackknife when a little boy, and said that since that time he had stolen from every place he had been in all over the country. He then made a full confession of the Blackstone murder, which he repeated two days later to a stenographer.

In answer to Captain Boyle's questions he said that on Thursday, March 31st, he had left home about

seven; he took the West Springfield trolley car and got off at Round Hill Bridge, near the watering tank, and he went directly to the Dow House. (In talking to the detectives he said he had not had any particular place in view when he started out.)

"I had on my everyday pants and my best coat and vest, an overcoat and my derby hat. I went to the windows first to see if they were open." Finding one of them unlocked, he then went around back of the shed and removed his overcoat, hat and inside coat and took off his shoes. "I put on my mask, my black handker-

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chief and my black felt hat, and went into the house through the window in the rear bedroom. I opened the door - I didn't know what it was - whether it went into the kitchen or where it went. I see it went into a closet - there were clothes hanging there. I had my searchlight. Then I went to the drawer, opened it and looked for jewelry, and found a pin brooch, and there was a little blue stone and a bead belt. I went right through into the dining-room, and from the dining-room into the parlor. There were four women there. As I went into the door I stopped and looked around, and as I was looking around one of them saw me and screamed and jumped to her feet, and at that they all jumped to their feet. I says - I think I said, 'I want your money,' and at that they all screamed. I hadn't touched my gun even then - I hadn't thought of my gun. My revolver was in my holster at my left side. I advanced toward them open-handed, and they commenced to scream and one started toward the door and two, I think, came toward me ; one grabbed me ; the other lady took a chair - raised a chair over her head, and they were all screaming at the same time, and something - kind of a blank - appeared to me there, the same as if I could hear voices in every direction, and I was so excited that the only thing I could think of was to shoot to scare somebody - to get out. I grabbed my gun and - bang! bang! - like that - and started toward the door, and there was a woman right there near the door and she was screaming, and I pushed her aside and the door was open and I run out to the stoop - the front piazza - and over the railing and around the building to where my coat and hat was, and my shoes. I took them and ran down through the woods until I got to a big chest-

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nut tree on the side of the hill. I sat down and put my shoes on and my coat and hat, and went down over a fence, through a yard and out onto Main Street, opposite Bancroft. From there I went down Main Street

to Church, where I saw Jim . . . Dowling, I think his name is, standing at the telephone box. He is an officer. I went down Church Street as far as Chestnut, up north to Carew, Carew to Chestnut, Chestnut to Bridge and Bridge home. I arrived between a quarter past eight and a quarter to nine - I think that was the time. I went into my room, took my things off, got out my gun and started to clean it. I found two empty shells, cleaned the gun and reloaded it and placed it under the head of my bed - under the pillow - I always keep it there. After my wife had gone to bed, I put the black hat in the stove - I think I left the black handkerchief out in the hall." Spencer continued that he had gone to bed somewhere around 9.30 and had slept with his wife - had slept soundly. He said he had taken the pearl pin and the belt from the Dow house, and he also described "a little mottled stone - a mixed colored stone," which he had found there and which Miss Dow had not missed, though it was later found among his things and identified by her. He said he had never known the Dows and did not know that he had once boarded under the same roof with them.

One can hardly believe that a normal man, sufficiently frightened, under such circumstances, to fire into a group of helpless women, could be so relieved by the explosion that he could collect himself sufficiently to remember to get his clothing and cover his tracks - and certainly no one, however hardened to crime, could have been so free from fear of consequences as to sleep

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soundly after committing such an act, if he had any real comprehension of the seriousness of his offense.

Spencer then confessed to the fifteen burglaries in Springfield which we have previously described. In recounting the affair at the Swan house he said, "I tried to get in the windows at that house, and there was every one of them locked, so I went around and saw some people sitting in the parlor. . . . As I stood there on the porch meditating - thinking what I would do - I see someone come toward the door, and they had hats on - I forget whether it was one or two or three women and some children, and it came to me in a flash that when they opened the door I would go in, make them all stand back and get what I could. As they opened the door I walked right in on them. I don't remember what I said, but I know one of the women started to grab me - I guess I pulled the gun up, demanding money, and one woman grabbed my hand and shoved it down, and as she did that - an impulse, I suppose - I pulled the trigger and the gun went off right beside her. They all started to scream and holler. While they were screaming I shot out the lights and I grabbed one woman and told her if she didn't give me some money

I would kill her - trying to make her give me some money. And a man hollered downstairs, 'Here it is I Here it is!' and he dropped some down. I told her to go and pick it up and she gave it to me and I left the house."

Spencer's accounts of the other breaks correspond with those of the persons whose houses had been entered, and all show the same casual method, reckless of consequences. He seems to have been equally pleased with his plunder, so long as he got something, whether

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it consisted of money or jewelry of some value, or whether he took mere bright, tawdry trinkets such as might have attracted the eye of a child.

On Thursday, April 7th, the papers all over the country were full of Spencer's confession. Again we quote the Springfield Republican:

It is an extraordinary story of crime that Spencer tells, not the story of a professional criminal, but that of an amateur hungering for sensational experience, or perhaps it might be said, of a degenerate, for it developed yesterday that Spencer had, from his youth up, engaged in practices destructive to uprightness, and it was suspected that he was the victim of a drug habit, from characteristic marks on his arm and the possession of a hypodermic syringe. [This story was afterward disproven and the syringe found to have been stolen from the home of Dr. Daly at White River Junction.] These facts may explain the strange character of the young man who has entered so many Springfield houses in a seemingly aimless way, and finally, without need or provocation, wantonly murdered a fine woman, beloved because of her qualities, by a large circle of friends. . . . Two days ago it was possible to conceive of a lynching party, because of the great grief and indignation; yesterday there were even those who expressed sympathy for the young man who now finds himself in so desperate a plight - but not many, for though a relentless doom, such as Spencer faces, is a horrible thing to contemplate, there are not many but feel that it has been abundantly earned by the young pervert, by his reckless sensationalism and wanton cruelty. . . .

. . . There are rarely more pathetic scenes than that yesterday when the grief-stricken mother went to see her guilty son, and he wept in her embrace, his reserve entirely gone, his defiance and indifference finally swept away by the realization that all hope was gone, and that his refuge, as in his babyhood, was in the arms of the mother who loved him best. So at the last, softened human nature had its way, even with one who had been able, after a murder of extraordinary atrocity, to sleep peacefully, perhaps, at night, to go regularly to work and laugh and joke with his mates, to wager that the murderer would never be caught, and to show a bold front to the police even after it seemed hopeless. At many points Spencer's spectacular career of crime has touched varying phases of human nature, but nothing has been more affecting than the complete

crumbling of his hardened shell yesterday and the resolution of the desperate criminal into the young man with ordinary feelings and affections. . . . In spite of his confession . . . the Commonwealth

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will accept no plea of guilty. This might be done under the law, but it has not been done in a capital case for 50 years, so that Spencer will have a trial as full and fair as may be, before he is sent to death.* This, owing to various complications, may not come until next fall. Nobody doubts that Spencer told the truth yesterday. His words relating to his early life and the more recent spectacular crimes, were mingled with tears, and the evidences of grief were so abundant that it was difficult to believe that this was the young man who had terrorized citizens in their homes with so much nonchalance, and had finally, with the utmost brutality, shot down two defenceless women. . . . He confessed to all the breaks attributed to the "burglar," and said that he took great pleasure in reading about them in the papers.

On the same day a ring, marked "W. H. Childs" was identified as having been taken from the house of Dr. C. S. Pratt, in Brattleboro, Vermont, on the night of July 23rd, 1908. This was one of the boldest of a series of ten robberies that took place in Brattleboro within a space of two months. Spencer was at that time brakeman on a freight train running into Brattleboro, and he spent his nights in that town in the caboose, hanging about the streets part of the evening. The break at Dr. Pratt's occurred during the evening, while the bailiffs and selectmen were holding a conference as to what should be done to apprehend the burglar who had been terrifying the town. In the meantime, the burglar was ransacking the Pratt house at his leisure, Dr. Pratt and his family being absent. No trace of the burglar was found and the police gave up the search, after notifying the police departments far and wide to be on the watch for the stolen jewelry. Several hundred dollars' worth of jewelry, etc., were claimed to have been stolen, but among other and more valuable things missing were a glove buttoner and an emblem "D. A. R." pin.

Spencer confessed to this burglary in Brattleboro,

- Compare with Richeson case.

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and also to other breaks in White River Junction, including the house of Dr. W. O. Daly. From Dr. Daly's house he took a lot of odds and ends, which included beside the hypodermic syringe, already mentioned, "a grip, a medicine case, a cigar case, brush and comb, surgeon's scissors, two shirt-waist pins, collar case, silver ash tray, leather fob, two bottles of tablets and a

jar of ointment - a sort of collection," says the Springfield Republican, "What seems to have been characteristic of Spencer, who stole whatever came handy, whether he wanted it or not,"

Mr. L. D. Wheeler of White River Junction he held up in his barn, forced him to hand over his watch and a sparkling scarf-pin. "He handed it out," said Spencer in his confession, "just handed it out to me. I says : 'You stay here and don't make a noise - you stay here ten minutes,' and I went out and put on my coat and hat - I could see him through the barn window; he just kind of walked around leisurely and stood there, and I went away; he was staying there when I went out of sight."

In a like manner, during his railroad experience, he had robbed five houses in Greenfield, including those of former Sheriff Wilson L. Smead, Frederick L. Green and W. S. Hutchins; and he admitted having entered a hotel in Northfield and stolen \$5 from a guest.

The Springfield Republican of April 8th, 1910, has a long editorial on the dangers of sensational literature of the "Raffles" variety. It says, in part:

Whether he had read the "Raffles" stories is not known, but his performances might well have followed such readings and have been the direct product of them. The description of an attractive personality, engaged in outwitting the officers of the law, and particularly the casting about such affairs the pleasant atmosphere of romantic adventure, may and does exert a powerful influence of suggestion on

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minds not positively resistant to such influences. Upon such a nature as that of our criminal, already advanced along the road of ivanton lau'lessness, the charm of Raffles fiction would be great and even commanding. Spencer fairly revelled in the excitement ivhich he caused in defeating police guardianship. Nevertheless, it must be recognized that he was but a clumsy operator, and as such ought to have been caught long before murder was done. But he was a type- there was cause and effect in his work; and Switzerland does well to interdict "Raffles" stories. . . .

It was apparent from his methods, his behavior and the character of the loot that he gathered that he was after excitement and sensations more than loot - he ivas a burglar for the fun of the thing. In other respects he seems to have been normal, or so nearly so that he was never suspected of any crime, and his peculiarities were thought of only after he had proved to be guilty of an almost unheard-of series of criminal acts. He was said to be a good companion, though hasty in temper. Women spoke of him as a gentleman, and mentioned his kindness. And yet this young man had been a thief pretty much all his life, had stolen, according to his own admission, from nearly everybody he came in contact with, even his closest friends. Apparently his conscience from early boyhood had been stunted, else how could he have gone about his daily work,

cheerful and undisturbed, knowing that he was causing terror, distress, and finally death?

As a craftsman, his methods were of an unheard-of crudity, and the fact that he was not caught earlier is due to his perfect assurance and freedom from worry – or at least to the ability to conceal it – and even more to a fool's luck. Imagine a professional burglar leaving part of his clothing outside of a house he was about to enter. In case of accident it might either delay his retreat or he would have to leave it as a tell-tale, and parade the streets in his burglar's get-up. Or suppose . . . Spencer had been casually held up by an officer and found to have the big revolver strapped to his person! . . . Even after the murder, Spencer dwelt calmly in the midst of damning evidence, such as common sense would have at once destroyed. Such are the methods that have baffled the police for two years. The\'' are baffling for the precise reason that they are so different from what might have been expected.

One might continue to quote volumes from the newspapers of that time to prove that popular opinion before the arrest held the burglar and murderer to have been abnormal, degenerate or insane. These deductions were made from the evidence of the crimes them-

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selves: their lack of adequate motive, their sensationalism and the reckless daring of the unknown criminal. And after the arrest and even after Spencer's confession, in spite of the popular clamor for a victim, the papers all over the country continued to argue on the same grounds from the full evidence then before them. H. J. Murray, one of the Pinkerton detectives on the case, is quoted as having said, "There is no case in the files of the Pinkerton Detective Agency which is in any way paralleled by that which has been enacted in this city." . . . Mr. Murray said that among the unusual points of the Spencer case were the succession of events following the murder and the character of the murderer himself. . . . He pointed out that Spencer was a kindly man about the house, careful and considerate of his wife, doing many little things to assist her in the household. The fact that he was not addicted to the use of liquor, drugs of any kind or tobacco was regarded as significant in making his case unusual. . . . Spencer's long, uninterrupted career of crime was due, the detective said, not so much to cleverness on his part as to luck. Murray said that Spencer did not choose the house he was about to enter with any relation to the probable amount of valuables to be found therein. He just strolled about the streets and selected any house which happened to appeal to his fancy.

CHAPTER II

HISTORY OF spencer's LIFE— EXAMINATION OF SPENCER IMMEDIATELY AFTER HIS ARREST BY THE COMMONWEALTH'S ALIENISTS — spencer's TRANSFER TO BRIDGEWATER STATE HOSPITAL, SEPTEMBER 17TH, 1910.

History of Spencer's Life

Bertram Gager Spencer was born in Lebanon, Connecticut, on June 9th, 1881. He came from what is called good American stock on both sides of his family. The Spencers were well known and respected in the community, the father, Wilbur L. L. Spencer, having for years kept one of the two village stores; more recently he had given up the store and confined himself to managing his farm and dealing in farm machinery. He was known as a stern, upright man, deeply religious, and had been superintendent of the Sunday school in Lebanon for eighteen years. Mrs. Spencer was a devoted wife and mother, popular among her neighbors and interested in church work. There were three children, of whom Bertram was the oldest.

So much for a superficial glance at the family as they were known in the community; but on inquiry we find that there were eccentricities in all the members of this village family, and that there was a long history of mental disease and nervous instability on both sides for four generations back — soil for the development of the constitutional psychopath.

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Bertram Spencer's father had all his life been subject to fits of uncontrollable temper. The history of Bertram's childhood is a series of episodes, showing his father's extreme irritability and excitability, and the inconsistency of a nature deeply pious and with a stern sense of duty at the same time with so little self-control that he was capable of acts of inhuman cruelty to a helpless child and abuse of a devoted wife. Mrs. Spencer at the trial testified that her husband had slept very little for the past twenty years ; he always had a light in the next room, with the door open so that it would shine into his room. She said he was extremely jealous and suspicious that people were trying to torment him or to conspire against him, doing things to annoy him without cause; he always slept with a revolver under his pillow; he had been subject to "nervous attacks" for at least twenty-five years ; in May, 191 1, she found him sitting up in bed, groaning and saying that he didn't know what was going to happen to him — "He was afraid he was going insane, and wanted me to promise that I wouldn't have him sent to an institution if he did. He said there were all sorts of things going

through his head - bad things." Such attacks she said were of frequent occurrence.

As our history will show, Mr. Spencer could not brook opposition in the family, and was in the habit of using a revolver to maintain family discipline. Aside from possible injuries from repeated cruelties, the mental impression made upon a sensitive child by such example and such treatment played an important part in his future development.

The paternal grandfather, William L. Spencer, died in the Hospital for the Insane at Middletown, Con-

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necticut, on September 15th, 1899, of senile dementia.

A neighbor, Robert B. Gordon, said that William L. Spencer was always threatening to go to law - "He would get into a rage if anybody crossed him and talk law." Mrs. W. L. L. Spencer also testified at the trial as to her father-in-law's having been insane. He had lived with them before he was committed to the State Hospital at Middletown.

Paternal Grandmother. William L. Spencer married a Mary Hughes, who had previously been married to a man named Date. According to her son, "She was silly at times and cunning at times in her latter days." She died in Franklin, Conn., according to the records, of "softening of the brain." This grandmother had two children by her previous marriage whose history is significant.

Paternal Aunt. Helen Date Tiflfany, the half-sister of Bertram's father, died in the Worcester State Hospital for the Insane, on April 22nd, 1911, at the age of 56. She had been four years in the hospital. The Superintendent, Dr. Hosea M. Quinby, testified that she was insane: "She had delusions of hearing, delusions of wealth, mistaken identity, and various delusions along that line."

Paternal Uncle. David B. Date was brother of this woman and half-brother of Spencer's father, who said of him, "He was very erratic in many ways and always scheming."

Paternal Great-grandfather. The father of William L. Spencer, Ambrose Spencer, according to the testimony adduced at the trial, was a neurotic and had outbreaks of violent temper. His grandson, William K. Spencer, said that he had been to see him in his last

illness, and that "his mind was all gone" - "He didn't talk as though he knew me." Wilbur L. L. Spencer said that his father had told him that Ambrose Spencer had "insane spells - fits, he called them."

So much for the history on the father's side. The history of Bertram's mother and her family is as follows:

Mother, Kate E. Spencer is of a neurotic temperament and inclined to fits of melancholy. On two occasions, when depressed, she tried to take her life : in 1894 she confessed that she attempted suicide by taking laudanum - "but I should have taken anything else, had it been in reach," she says in a letter, dated February 14th, 1912. Dr. N. L. Drake, for some years the family physician in Lebanon, deposed that in 1896 Mrs. Spencer had been treated by him for an injury to her wrists. "She said that in a sudden fit of despondency and anger she had tried to end her life by cutting both wrists, adding that if the knife had been sharp enough she would have accomplished it. She realized that she had done a foolish and rash act on impulse." Mrs. Spencer is a highly-strung, over-conscientious woman, whose life seems to have been one continual sacrifice to the peculiarities of her husband and children, with the idea of family insanity never far from her mind. In her family there have been three generations afflicted with mental disease.

Maternal Grandfather. Judson A. Gager, father of Mrs. Spencer, was an irritable, quick-tempered man, according to the testimony of his neighbors, very nervous and addicted to drink. Of Bertram's four grandparents, he was the most nearly normal.

Maternal Grandfather's Aunt. Eliza Gager died in

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1906 at the Spencer's home in Lebanon of "softening of the brain." She was feeble-minded and had been insane all her life, as both Mr, and Mrs. Spencer, their family physician and various family friends testified. She had delusions of hearing for a great many years - imagined she heard people talking to her, and that a boy and girl were hiding behind the door trying to annoy her, and that Indians were attacking the house.

Maternal Grandmother. Mrs. W. L. L. Spencer's mother, Mary Davis, wife of Judson A. Gager, died in June, 1866, at the age of 37. She had "'hysterical fits" throughout her life and was mentally deranged a long time before she died.

Maternal Great-grandfather. Mary Davis Gager's father, Nathaniel Davis, the husband of Hannah, died of "softening of the brain" at Newport, Rhode Island, in 1872, at the age of 78. "He was deranged for several years before he died."

Mother's Uncle. William H. Davis, the son of Nathaniel Davis, was mentally unsound and died of "cerebral congestion," at the age of 60 years and 6 months.

Mother's Cousin. This William H. Davis had a son of the same name who died of "inflammation of the brain," at the age of 40 years and 10 months. Thus for three generations in Mrs. Spencer's mother's family there had been insanity.

I could furnish much data to show that the other children of Mr. and Mrs. W. L. L. Spencer were neurotic, if not psychopathic. Indeed, from a medical point of view, their symptoms would be considered quite as abnormal as those of their father and of Spencer himself.

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The story of Spencer's childhood is one continuous tale of insubordination and severe punishments. The child seems to have had a lovable side to his nature and his relation with his mother was always most affectionate and happy. She understood the boy, and did not attempt to cross him or to force obedience, but patiently guided him along the lines of the least resistance. But with his father, almost from infancy, there was a conflict of wills followed by the application of physical force. The father being the stronger, he won out physically, but he never gained a moral victory, nor is there anything to show that the child profited by experience, or that fear of punishment acted in any way as a deterrent to his impulsive wrong-doing a second time. Indeed there is good reason to believe that, in this instance, had the rod been spared the child might not have been spoiled; though nothing could have made Bertram Spencer a normal man. He might have been protected from unnecessary strain and excitement, and by constant example and kindly understanding, trained to habits of self-control, which would have enabled him to be a useful worker and a harmless member of society.

The following history is made up largely from his mother's account of his childhood and early youth, given at his trial and in letters, confirmed in almost every detail by the father himself and by numerous friends and neighbors. Among these latter it is interesting to note that those who knew Bertram but slightly, or with whom there had been no conflict of interests -

who had never had occasion to "cross him" in any way — considered him a normal boy; many found him socially attractive, gentle and polite. But everyone who

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had had an opportunity to observe him closely, at home and abroad, at work and at play, or who had disagreed with him ever so slightly, testified to his sudden fits of temper, his utter lack of self-control and the peculiar symptoms which he manifested from time to time after one of his outbreaks.

Bertram seems to have been a healthy infant, but he did not walk or talk until he was over two years old. When the child was only nine months old he was sitting at the table in his little high chair while the family were eating, and was attracted by the bright color of a dish of radishes; he reached for them and his father whipped his hands with the side of a silver knife; when he cried, he was taken from the table and severely punished for crying. "After this he exhibited extreme nervousness while sleeping," says his mother; "he would start and cry out in his sleep."

Again, in the winter following his third birthday, he was taken by his parents to a church "social" in the evening, and the child was told not to touch the books. "He had a fondness for looking at pictures and books," said his mother. "But the child escaped my attention and during the evening I found him on the floor with a book, looking it through." When they reached home, his father punished him severely, and the child wriggled out of his father's hands and fell, striking the back of his head on an old-fashioned, air-tight stove, and cutting quite a gash at the base of the skull.

Another pathetic tale is told by his mother of her attempt to teach him to say "Now I lay me." "I taught him a little prayer, and there were certain parts of the prayer the child couldn't commit to memory. His father whipped him with a stick for not being able to^

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He thought it was just because the child was contrary — or obstinate."

At the age of seven Bertram had another very severe punishment. He had raked up some leaves in the back yard and set fire to them. To punish him for this childish offence, his father took him into the woodshed, tied his hands behind him, put his head on the chopping block and threatened to cut it off if he ever repeated the offence. His mother said that when he came in from the woodshed there was blood on him and he was very much excited, crying and screaming. This was soon after one of Mrs. Spencer's other children had been born, and the nurse, Mrs. Henrietta Post, who was then present, confirms this statement. Mrs. Post said that Spencer, as a little child, was "queer, odd and strange — wanted his own way — very excitable."

In 1890, when Bertram was nine years old, he was permitted to sell papers after school, but his father told him that he must be home by five o'clock. One day he stopped on the way home to play with a schoolmate and did not return until about six. Again his father whipped him severely and took him to the door and pushed him out, saying, "Never show your face here again."

In addition to his other shortcomings, Bert frequently ran away from home and had to be brought back by the "hired man" or one of the neighbors, and was severely punished on such occasions; but his father said that there was very little, if any, improvement after these punishments. "He wouldn't do the same thing immediately afterwards, but soon afterwards he would perhaps do the same thing and even worse."

Bertram was incapable of learning by experience,

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and his father, in spite of his religious principles, apparently made little effort to control his own violent, cruel temper, but gave way to his rage whenever the child's backslidings were brought to his notice, even

using a revolver to force the boy when he resisted punishment. It would appear that even in his early surroundings, Bertram was very suggestible, and did learn from example; his outbreaks of temper, as he grew older, were very similar to those of his father. Had he been brought up in different environment, and had his father been a wise, self-controlled man who understood his son's limitations and did not ask too much of him, it is possible that Bertram might have developed into a more nearly normal man. But with continual friction and frequent exhibitions of unreasoning rage from his father, the boy's defective nature made the development of self-control an impossibility and fostered a tendency to secretive habits, which made fertile soil for the growth of criminal traits.

When he was eleven years old, the boy stole a jack-knife from the village store. On discovering this, his father took him into the horse barn and whipped him severely with a horsewhip, striking him on the head — and then left him. In testifying about this occasion at the trial, Mr. Spencer said he did not know which end of the whip he had used — "In my excitement, he might have been hit in any part of the body." Mrs. Spencer said: "I heard the boy's screams and went to him and took him in and cared for him — put him to bed. He said his head was hurt, and I saw that it was hurt. He said that it had been done with the butt of a whip. Ever since that time he has made complaints of his head." In various other statements, both Mrs. Spencer

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and Bertram himself have attributed some permanent injury to this punishment, Mrs. Spencer also claiming that some serious brain injury had been sustained at the time when, at the age of three, he had fallen from his father's hands against the stove.

During the summer following his thirteenth birthday, Bertram was accused of not having fastened the barn door securely, so that the cow got away during the night and did some damage. His father punished him by taking him into the woods, where he tied him to a tree, whipped him, and left him "for the wolves to devour." He then went to the mill, some two or three miles beyond, and did not return for an hour or so, when he untied the boy and brought him home.

One day in the same summer, 1892, Mrs. Spencer was entertaining two friends who had driven from an adjoining town to visit her. Bertram had been told to harness a horse and buggy, which had been ordered by the minister to take a drive. His mother asked him to put up the guest's horse first, saying that a few minutes' delay would not make any difference. For not returning promptly to the store, where the minister was wait-

ing for the horse and buggy, his father punished him severely. Bertram escaped from him, and ran, very much excited, crying and screaming, from the store to the house, followed by his father, who completed the punishment in the kitchen in the presence of Mrs. Spencer and her guests. According to Mrs. Spencer, he used his fists and kicked the child, and told him to leave home. She sent Bertram away to Troy after that, but later he came back and went to school in Lebanon.

His teacher, George E. Briggs, testified that "he did

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not seem a normal child - was different from the others. He would fly into paroxysms of anger without very much cause. He could not grasp mathematics - it was difficult for him to learn." Mr. Briggs' efforts to explain Bertram's lessons to him were without practical result; he found him unable to concentrate. "On one occasion, during the noon intermission," said Mr. Briggs, "he was playing a game with another boy and at the same time two little girls were playing a game; as one girl pursued the other, she crossed his path as he was pursuing the boy, and he flew into a paroxysm of rage over it; his face changed color and he stopped, rushed up to her, and struck her in the eye. He seemed to have no power to control himself." Mr. Briggs thus described another incident: "I heard a boy taunt him for being kept away from school - several boys seemed to be taunting him - and he drew a knife and rushed at the nearest boy and tried to stab him in the back. He seemed to have no control of himself. I remember punishing him once with a strap, but the punishment had no effect upon his course of conduct." Mr. Briggs said that the work he was giving Spencer at this time - in his fourteenth year - was not much more than third or fourth grade.

When Bertram was fourteen, his mother took him to Boston, and he enlisted at Charlestown on the receiving ship "Wabash," but remained in the Navy at this time only a few weeks, being discharged on August 14th, 1895, for disability. Dr. Henry LaMotte, at that time Assistant-Surgeon in the U. S. Navy, who signed the report of Medical survey on which Spencer was discharged, and which declared him "unfit for service"

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on account of "eneuresis," testified at the trial as follows:

"He had three varieties of imperative impulses. He, on two or three occasions, when talking to me and other men in the hospital, suddenly stopped talking, and jumped on the bed, or on a chair. He also, on several occasions, took down his trousers and showed his parts to other boys. He urinated in his hammock, but not in his bed. Every time he slept in his hammock while he was in the hospital he urinated in the hammock. He was quiet, reserved, somewhat depressed; but he would suddenly have a flash of apparent merriment; a foolish smile would come over his face, and he would lapse into the same stupid, apathetic attitude which he had before. I was ordered to report on this man by the Board of Investigation." Dr. LaMotte added that he thought he had had Spencer under observation for about a month; he said he had passed urethral sounds two or three times. He was not allowed by the Court to testify as to his opinion of Spencer's mental condition, not being able to qualify as an expert, though he had had considerable experience with mental cases. The report did not state all the symptoms and conditions for which Bertram was discharged.

We may here quote the opinion of a neighbor, Joe Stedman, who had known Bertram from his birth, seeing him constantly until he was ten, when Stedman had left Lebanon; but who came back at intervals to visit and saw a good deal of Bertram. He spoke of Bertram's conduct as showing "impaired mentality." "I saw him do things I didn't consider exactly right — that an ordinary mind would not do." Spencer had attacked Sted-

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man many times when they were children. Stedman told of seeing Spencer throw a 1 or 2 lb. weight at one of his father's clerks. "At that time he looked wild — a characteristic look — I would explain it as crazy — sort of wild, infuriated and uncontrollable." There were many such spells, too numerous for Stedman to remember, covering at least twenty years, he said. Comparing Bertram's anger with that of an ordinary man, Stedman said there was "a difference in facial expression, a violent rage — peculiar appearance of his eyes, which I couldn't exactly describe intelligently."

In 1896, when Bertram was sixteen, his mother heard an explosion, and rushing out, found Bertram unconscious on the ground, with a gun blown to pieces near him. He had been firing it by holding it directly over his head, and he received a deep wound on the head from the exploded gun, as both parents testified.

In the same year, to punish him for running away

from home, he was taken by his father to the woods and ordered to cut some hickory sticks. He was then compelled to remove part of his clothing and the father took off his own coat and gave the boy a severe whipping. In describing this, Mr. Spencer said that he had a revolver, which he laid on his coat near by, and told Bert to make no outcry — that he was going to give him the severest punishment of his life and that "if he made too much fuss, I would shoot him." A Mr. Lattimer, who was working for Mr. Spencer at this time and who lived at their house, testified, "There were several marks on the defendant's body, which covered most of the body from the head to the heels. He had the appearance of having been severely beaten."

A friend of the family, Horace B. Bailey, of Gill,

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Conn., whom Bertram visited about this time and on various other occasions for as much as a week or so at a time, said : "If you approached or spoke to him on any subject, quick, he would give a wild, indifferent look; if you agreed with him, everything seemed to be all right, but if you didn't agree, it seemed to disturb him."

Mr. Spencer described an occasion when he and Bertram had started for a drive together, and Bertram had put his arm on the back of the seat of the buggy. "We were riding out of the yard, and he was at my side and he put his hand in the hollow of my back, like that — and it seemed to me intentional, and I turned around and gave him a cuff on the side of the head, asked him what he was doing it for, and he jumped from the wagon and left me. I immediately followed him and called to him. He swore at me and continued to run. I went into the house and got the revolver and fired in his direction as he was running through the pastures."

In the spring of the following year, 1897, Bertram went fishing one Saturday night, and as the outbuildings were closed when he returned, he left his fish-pole standing by the back door. His father came in and stumbled over it and caught the fish-hook in his leg. He said: "It aggravated me — excited me, and I took it immediately, without thought, and broke it into several pieces." When Bertram saw his rod broken, he came rushing into the house in terrible excitement. His mother said he was in a nervous frenzy — acted like a crazy man — went into hysterics, cried and screamed.

The same year he ran away from home and came back during his father's absence to get his clothes. His mother persuaded him to go upstairs to bed. When

Mr. Spencer returned he suspected Bertram was in the house — like the ogre in the fairy tale — and went upstairs in search of him, followed by his wife. According to Mr. Spencer, Bertram drew a revolver when his father approached him and attempted to fire at him; the latter jumped on the bed and grabbed it, and a tussle ensued, during which the lamp was upset and the bedding caught fire. Mrs. Spencer screamed, and the father let go his hold upon Bertram after taking the revolver from him, and the boy jumped up and ran downstairs, followed by his father, after the latter had first hastily extinguished the fire. Mrs. Spencer continued her testimony by saying, "Taking a pair of overalls he (Bertram) went out into the cold night, barefooted, and ran to the home of a neighbor about a mile away, his father firing five shots from the back door as he ran through the yard and down towards the road." The neighbor, Mr. Clark H. Standish, who had known Bertram from birth, confirmed Mrs. Spencer's statement as to her son's condition. Mr. Standish had heard the firing, and said Bertram had shown him an injury in the fleshy part of the thumb that night after he got into the house, which he said was caused by one of his father's shots. The next morning Mr. Standish lent him some clothes, and in the afternoon his mother and sister came to see him and found him very excited and nervous. Mr. Standish said : "I heard him sobbing and crying from the barn to the house, though the windows were closed. It was a hysterical sob. When I went in he was in a hysterical shape and all of a-tremble." Mr. Standish said he had seen Bertram on another occasion at his house when he was very melancholy and had not much to say to anybody. "I have seen him at school

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get mad at the other scholars — when I worked in the store and post-office, which is close by the school. He would fly into a rage on small provocation — did not appear to have control of himself at those times. When anybody crossed or opposed him he would fly at them in a rage — strike at them. I have seen him pound smaller boys beside the schoolhouse, when I have stood on the store stoop."

Mr. Standish also told of an occurrence when he and another man were digging a ditch for Mr. Spencer: "Bert wanted the best shovel, and the other fellow and I were paid wages, and the other fellow wanted the best shovel and Spencer took it." This man, Sweet, took the shovel away from the boy and threw down the old shovel he had been using. Spencer grabbed this shovel and was about to attack Sweet with it when Standish interfered and took it away from him. Then, accord-

ing to Standish, "He commenced to cry and make motions, crying and heaving and sighing - seemed to be very excited and hysterical because we took the shovel away from him, and he went off a little way and put his hands to his face and commenced to go off into hysterical shapes."

Shortly after the fish-pole episode, Mrs. Spencer sent Bertram away to her cousin's in Providence, where he stayed for about three months. A very sympathetic letter to Mrs. Spencer from this cousin, Mr. Tilley, speaks of Bert's having been cut in the wrist with a razor, with which he had been "fooling" in the barber shop on his way back from work, "which necessitated taking four stitches, and came very near being a serious affair, and will probably lay him up for a week or two. The doctor says he thinks it will not result in permanent in-

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jury, but was an extremely close shave." Mr. Tilley continues, "Somehow I have had a feeling since Bert came that it was all a mistake for him to leave home at his age, and that somehow father and son should be able to help each other better than any stranger could help him; and I have had a serious talk with Bert this afternoon and I know he would be glad to come home, and do the best he can to fill the place he ought to occupy." He then goes on to speak of Bertram's health :

Bertram has not been well since he came. He had one quite sick turn and was threatened with typhoid fever and had a doctor, and he has had quite a cough hanging over him since, though he has been doctoring for it. The city does not agree with him. You probably remember. Will, when you was a boy, and probably you made some slips and was something of a trial to your friends, and you know that you are liable to make mistakes, and so ought to have charity for your boy. I think it would be a mistake for Bert to confine himself to any factory or any other place where he could not use his natural gifts for trading. ... I feel that Bertram needs his home and you need him, and if I can pave the way to a reconciliation, I shall be pleased. The doctor thinks he can remove the stitches Monday, and that the wound will heal quite rapidly, as Bert has good habits and probably has good blood.

Bert did not come home at this time, however, but went to Norwich, Conn., to work for a carpenter named Calvin Briggs, with whom he lived for some time. Mr. Briggs testified at the trial that he had noticed Bertram's peculiarities in some ways: "At times he seemed jolly and jovial, and at other times he would perhaps sit back in a corner and whistle and put his hands up to his face, or something of that kind." At one time his mother was sent for, as Bert had been arrested for drunkenness. When she reached Norwich, Mrs. Briggs told her that they had had some young people spending the evening; they were playing and

singing. Bertram was sitting with his head in his hands, and suddenly jumped up and rushed out of the door, and that was the last she saw of him until the next morning. He had been despondent, she said, all day. He told his mother that he had gone out into the street in a fit of despondency and was later found in a dazed condition and taken to the court house. If, as the story would indicate, Bertram had been drinking at this time, it was an unusual event, the only mention of such a happening in all his history. His mother declared that she had never known of his drinking on any other occasion.

From Norwich Bertram went to New Haven, where he stayed for about two months, and from there to a cousin's in Portland. Later he went to Hartford, being at this time about eighteen years old. He remained in Hartford about three months, working in a department store and there is much testimony of his peculiar temper from his associates there. His fellow clerks, Richards, Killian, Hunter and Tedworth told of his springing over a counter and attacking a cash boy who had been annoying him with a hammer, colliding with a customer on the way. They all seem to have been impressed with the peculiar quality of his anger. Richards said, "At times he would have a vacant stare, as though he lost himself. If anybody crossed him, he seemed to get into an uncontrollable rage; he seemed to lose complete control of himself." At the time of the attack upon the cash boy Richards said, "He seemed like a wild beast - he didn't seem to have any control over himself. After colliding with the lady he kept on going until he was stopped by some of the other clerks." Hunter said, "He looked wild ; he became very

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nervous, turned, twisted all around, and then he made a leap on top of the counter and straight over. He was a very nervous boy at that time in his actions. We took a little interest in him, and he stated that he had been used bad at home, and gave that as the reason why he had left." Tedworth also told of this incident, and of another, when Spencer had thrown a hammer at a boy, saying: "At that time he looked very much as though he was not quite right. He threw it hard enough to kill the boy if it had hit him." He said that Spencer manifested his excitement by "wild actions, the expression of his eyes, the way he rushed around - acted. He acted a good deal like a bull that is mad - wild - a wild expression. The wild expression of the eyes I noticed more than anything. At the time he threw the hammer

he said he wished that he had killed the boy - or something to that effect." Mr. Killian, who was the head of the department in which Spencer worked, gave a still more detailed account of his peculiarities. Speaking of the time when Spencer had thrown the hammer at the boy, Killian said, "Spencer all of a sudden, with a rage, took a hammer and let it fly at the cash boy. I said, 'If you hit that boy, you will kill him right in his tracks.' He made the remark that he didn't care if he killed him - or something to that effect. I tried to tell him to be more quiet and not to do such a thing, but he raged right up and kept going - swearing just the same. . . . While he was waiting on customers he was inattentive and seemed to wander away from his business; his eyes looked at times kind of glaring, as if he wasn't all there at the time. When he threw the hammer at the cash boy his eyes looked glaring - a wild look in them. He appeared as if he couldn't control

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himself. I don't think he realized what he had done." Killian said that when Spencer had been there a few days he received a small paper box through the mail. "I was standing near him when he got the mail, and he opened this package, and in the package were some sweet peas, and a pipe buried underneath. He looked in the box when it was opened and fussed over the sweet peas, and he took out the pipe and said, 'My mother sent that. My mother is good,' and then he started in and swore about his father. His manner and appearance seemed like a boy - he held his head as if in sorrow - more like a younger boy - he was so tickled to see that come from his mother." Killian added that he remembered Spencer because he was so different from the other young men that came in there. When Killian told this story in court, Bertram wept.

Dr. LaMotte, the Naval Surgeon who examined Bertram for the Board of Survey, afterwards looked up his record in Hartford, and he reported to Mr. Stapleton, Spencer's counsel, that "almost everybody with whom he came in contact recognized him as 'crazy,' as they put it."

After this, Bertram went home again to live. A friend of the family, Mrs. Euretta M. Watrous, of Portland, Conn., whom he used to visit often for several weeks at a time during this period of his life or earlier, said she had once seen him coming downstairs after some other boys with a revolver in his hand, and she had stopped him and demanded the revolver. "He seemed almost blind with rage. He said he was going

out to fix a boy that had something against him. He appeared very wild and very angry. He had a habit of looking at you just an instant, and then casting his

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eyes down sideways in a kind of sly expression, I call it."

Bertram's mother said that *'in February, 1900, he started to spend the evening with a young woman who lived down town. He was grabbed from behind, bound hand and foot and gagged, and left lying in the snow and slush from half-past seven until eleven in the evening. This was done by boys older than himself, because one of them was jealous of Bert's attentions to this girl. If anything happened it was always Bert who did everything, and the boys were always ready to give him a kick down hill. I know who four of the boys were who took part in tying him up. That was the beginning of his carrying a revolver. He was a martyr to the whipping post for all the deviltry committed by those eight or ten boys." This, and many other stories, show that, like most defective children, Bert was never popular with his companions. Like the others, he was "picked on" while he was little, and made a scapegoat when he grew older; his dangerous temper was fostered by continual persecution and lack of understanding at home and abroad, in spite of his mother's tender sympathy and repeated efforts to spare him.

A similar episode occurred one Sunday in May or June of the same year. He had left home to go to church in the evening, but returned in a very excited condition, complaining of pains in his head. He told his mother that he had left church early, as he could not sit still on account of a carbuncle on his neck. On the way home he had stopped to speak to a young man opposite the home of Mr. N. B. Williams; here he was accosted by another young man, who struck him several

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blows and knocked him down. Bertram said he had warned the fellow three times to let him alone, threatening him with his revolver, and had finally fired at him. From various things in the account, we gather that this quarrel was also about a young woman.

Bertram was inclined to fits of depression at this time, and in May, 1900, shortly before his nineteenth birthday, he attempted suicide by taking laudanum. His mother had been away on a visit with her daughter, and on her return at four o'clock in the afternoon she

found him on the bed unconscious, with an empty 4 oz. bottle beside him, which had contained laudanum. Bertram afterwards said it had been half full. Drs. Drake and Danielson were summoned, and the former remained all night and, with Mrs. Spencer's assistance, kept Bertram moving around the room at intervals until morning. He told his mother afterwards that he had had a love affair, and that he had attempted to take his life because he did not wish to live any longer. Dr. Drake, who had treated Bertram for various illnesses, and had known him especially well from 1895 to 1901, said he formed the opinion that Spencer was depressed and despondent at the time - that it was one of those impulsive acts peculiar to youth of a strongly neurotic temperament. He was not allowed at the trial to express an opinion as to Spencer's mental condition, nor was Dr. Danielson.

After this attempt on his life, Bertram again enlisted in the Navy, and this time he remained in the service eight months and made one cruise. Dr. LaMotte made inquiries as to the cause of his discharge and wrote Mr. Stapleton (Oct. 19th, 1911), *'I have received word from one of the doctors of the U. S. Board of Survey

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that at the time of his discharge from the Navy, the ground for which his discharge was given was 'enuresis,' and that he considered Spencer defective mentally, but it was thought better not so to label him, as he might outgrow the defect and become a useful citizen."

Bert was then sent to the Mount Hermon School, where he remained for two terms, during 1901 and 1902. The teachers in that school testified to his bad temper, insubordination, bad language and lack of self-control. The reports show failures in most of his studies. One of his teachers, Mr. Wellington E. Aiken, said that at one time he was summoned to the dormitory, where he found Spencer packing his trunk, talking loudly and making a great deal of noise. When told to be quiet he became violently angry, swore at the teacher and appeared to be regardless of consequences. The teacher left the dormitory for a short time, and on his return found Spencer smoking. As this was against the rules, Mr. Aiken requested him to desist, and as Spencer refused to obey, he gave him until seven o'clock in the evening to decide whether he would obey the rules or leave the premises. When he came back after supper, Spencer had packed his trunk and left. Later he returned to the school and came to Mr. Aiken's room and apologized.

Mr. Horace B. Bailey of Mt. Hermon said that Spencer visited his house at various times. Mr. Bailey

had been formerly employed as an attendant for the insane for thirteen years, in an asylum in Poughkeepsie, and he had been observant of Spencer's behavior. He said that if you approached him suddenly or spoke to him unexpectedly he "would give a wild, indifferent

BERTRAM G. SPENCER

Second enlistment U. S. Navy 1898, aged 17 years.

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look; if you agreed with him, everything would be right, but if you didn't agree, it seemed to disturb him." Bailey was not allowed to testify at the trial as to his own opinion of Spencer, nor to compare him with the patients previously under his charge in the insane asylum.

Probably it was after he left Mt. Hermon that Spencer worked for a few weeks for his board with Gardiner J. Oakes, of Bernardstown, Mass. Mr. Oakes said of him, "**Once in awhile he would have a kind of poor spell, change color and clap his hands up this way. I says to him, What is the matter, Bert?' and he says, 'I will be over it in a minute.' There might have been half a dozen of these spells, more or less." He also spoke to Mr. Oakes of his headaches, and was melancholy and gloomy at times.

Spencer again returned home, and for awhile assisted with the work on the farm. One day about this time, he was working in a ditch with a neighbor, Benjamin Franklin Carpenter, with whom he was talking when his father came out and said, "Come, boys, more work and less play here." Carpenter said, "The boy immediately flew into a passion such as I have never seen, unless it was an insane person. . . . He jumped out of the ditch with the shovel, and immediately started for his father, and you don't know what kind of an expression was on this boy's countenance! It was wild and staring, and he uttered words that I can't repeat - I didn't understand them. He immediately hoarsed up, and kept on going for his father with the shovel as though he was to strike him." As Mr. Spencer described Bertram's appearance on this occasion, "His features were distorted, his eyes were bulging and

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he was in a very excited state. The saliva was running out of each corner of his mouth. . . . He was certainly

ferocious looking. It was the only time in my life that I was ever afraid of him." Mr. Carpenter interfered, and Bertram ran into the house "cursing and throwing his hands." Mr. Spencer said, "I remained outside about my work, and could hear him cursing and swearing, and loud noises and pounding, and at times it seemed as though he was smashing things up there - I really didn't feel safe - I didn't think it was safe for me to go in at the time. The noises lasted for two or three hours, if not longer. He seemed to have no control of himself - I don't think he realized what he was doing." Mrs. Spencer said, "He came rushing in, screaming and crying in hysterics, and it seemed to me it was more than an hour before I could quiet him. Saliva ran from his mouth, and his eyes glared like a wild man, and he was all the time cursing and swearing in a frenzy - the worst attack I have ever seen him in. I noticed that he had a thick tightening in the throat - it was a hoarse sound. While in this frenzy his bowels moved and he soiled his clothes. He had the same symptoms other times when he had spells. He frequently wet the bed until fourteen or fifteen, also wet his clothes."

Mr. Carpenter told of Bert's flying into a passion when ploughing because his horse was "a little fractious" in going around the corner of the field. "He seemed to fly into a passion, you know, and grabbed the horse by the head and went to flogging it with his fists about the head."

The boy was often hysterical for no apparent cause. His mother had observed him to have melancholy

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spells when he would weep violently and sob, usually under excitement from some provocation. Sometimes, as often as once or twice a week, he would be melancholy without apparent provocation, and his mood was changeable in the extreme - first he would be melancholy and then would suddenly brighten up. His manner was hysterical in sobbing and crying, and sometimes in laughing, she said - you could hear him sobbing in another room, or from outside the house. There was a characteristic similarity in his spells, but some of them were more intense than others. His mother also said, "We would frequently be at table when he would say, 'Mother, did you speak to me?' and I would say, 'No, why?' He said, 'I thought I heard someone speak to me.' That was a common occurrence. He would look up and say, 'Mother, did you speak to me?' " Several other persons testified to this peculiarity of Bert's - the tendency to hear imaginary voices.

Spencer first went to Springfield about 1903, and worked for the Street Railway Company, serving at

different times both as motorman and conductor, and he also served as brakeman on the Boston and Maine R. R. for a time. He probably did not remain in any of these positions very long, however, for in the same year, 1903, he went out to California. Here he boarded at intervals - as much as twelve months in all - with Mrs. Anita Martland, a family connection who seems to have taken considerable interest in Bertram. She said, in a written deposition, "When he first came from the East he worked in Hale Brothers' department store. When he left there he came to our house and stayed for awhile; then he went to Seattle. He went up on the ship 'Montera' - I believe he worked on the ship.

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Then he came back and got work at the Oakland Traction Company, as conductor on the cars. He was living at my house at the time he worked for the Traction Company; then he went away - I don't remember exactly where he went to, but he came back and worked for the People's Express Company, as shipping clerk. . . . Well, the earthquake came, and I believe he got work as a carpenter, and then he left us."

Mrs. Martland said, "He acted very queer at times, and about every two weeks. Sometimes he was melancholy and would cry and cry by the hour. He was hit on the head by his father when a boy of about six years of age, and at certain times he would have these terrible pains in his head. For instance, he would get up in the morning complaining of his head, and I would bathe it for him. Then again he would curse and swear whenever he happened to have these pains. He was abused by his father when at home. He would indulge in a spell of swearing or cursing, and pace the floor at times for over half an hour; then I would get him to lie down and go to sleep, or he would amuse himself playing the piano, and I got his mind off it this way. I wrote and told his mother, and she said she had the same trouble with his father. He would swear when he had these pains; then he would go away in the evenings sometimes, about 8.20 o'clock, and did not show up until four o'clock the next morning. He had been with me two weeks when he did that. . . . I noticed that when he would have these spells there was a vein or artery under his right ear that pulsated so violently it was noticeable to anyone. His condition and appearance were entirely changeable at the times when he had these spells. He was a perfect gentleman out of these

spells ; when in them he was like a raving fool. These changes took place about every two weeks. I bathed his head with various cooling lotions - I could not touch his head, as it was very tender and caused him great pain when there was any pressure. My judgment is it was on the right side" (referring to the artery).

Mrs. Lucy T. Lewis, a former resident of Lebanon and friend of the Spencer family, who was living in Oakland when Spencer was there, said that he had called upon her in Oakland and had behaved like an insane person, was excited, wild-eyed, nervous, wandered about the room, would not sit still. He was there between two and three hours, and during that time talked of scarcely anything but the abuse of his mother by his father, but he did not mention his father's abuse of himself. He sat first in one chair and then in another. "I didn't know what to do - I was afraid of him. I felt that no person in his right mind would talk that way. I simply asked him about his mother; he said that his father had struck her in the face and dragged her around by the hairs of her head. It was out of the ordinary anger. He didn't act like himself."

Spencer was during his stay in California a member of the National Guard. He confessed that he stole the revolver with which he later killed Miss Blackstone from the Armory of F Company, California National Guard, in Oakland. He remained in the West for about three years, returning East in 1906 and again went to Springfield, where he secured employment with the Street Railway Company as conductor. He boarded with Mrs. Bessie E. Walters, at 83 Carew Street, where he lived before he went West.

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Mrs. Walters said at the trial that she had observed that Spencer was "rather a peculiar fellow" in several ways; that he was "kind of flighty like - hard to get along with in lots of ways. He would speak to me in the dining-room," she continued, "and probably there would be nobody in there but he and I, and I would be going round fixing my table and he would say, 'Did you speak to me?' 'No, I didn't speak to you.' 'Did anybody call me?' - I have heard him do this a good many times, I could not tell just how often; I didn't pay no attention to it, of course, but he often asked me the question." She said that she had seen him when he was melancholy: "You would speak to him, and he would not answer - kind of despondent lots of times." She also told of an occasion when Spencer had a scuffle with his room-mate, George Kenmouth. He was trying to pull Kenmouth out of bed. Kenmouth

jumped up and made for him, and Spencer grabbed Kenmouth by the throat. "He looked terrible; he looked like a wild man or a crazy man or something. He looked certainly as if he was going to do some desperate deed. I spoke to him. . . . He dropped his hold he had on the boy and turned to me and says, 'It's a good thing you spoke - I would just as soon kill him this minute.' So he reached out his hand and they shook hands, and there was all there was of it - they were friends the next minute." Mrs. Walters said that Spencer had no provocation whatever to be angry while he was with them. "He was a man we all stood in fear of for that reason - to get him angry. He would get into a passion of temper, and this was the reason we avoided it as much as we could. He had lots of stuff, lots of curious stuff, things that wasn't of no value to

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anybody, sticks and stones and such things. He claimed they had a history - he had them for souvenirs - nothing of any value to anybody except himself - rather curious for a fellow to have. He used to wear badges and pins - I didn't examine what they were - I have often seen him have lots of those things."

Mrs. Gladys L. Wyman, a trained nurse who had previously had two years' experience in caring for the insane at Northampton, had boarded at Mrs. Walter's when Spencer was there before going to California, and had been there with her husband for two years after his return. She noticed that he acted queerly at times, and said he had one bad outbreak before he went West: "He wasn't pleased with his dinner at all, and the meat, especially, didn't suit him. He looked it all over and then threw it to one side of the table, exclaiming that the meat wasn't fit for a dog to eat. I myself and the rest of the boarders had eaten the same meat as he had to eat. His eyes stared- he had a glaring stare in his eyes - he was pale of face - his tightening of the lips and twitching of the face- that was all I noticed at the time. Previous to this his table manners were very polite. . . . He thought that people were trying to get the better of him - made remarks that people were trying to outdo him.

"After he came back from California I noticed a decided change in him. He was more impulsive in his manner, and got riled at very little things, and I noticed a very peculiar look in his eyes after he came from the West." She then described at some length a controversy at the table, when she asked him whether he had made a certain slurring remark about her husband. "He said, 'Mrs. Wyman, if I knew who had

told you that, I would kill him' — and by the expression of his face and eyes, I think he would have — he completely lost control of himself — clenched his fists — he was very excited." Bertram had a hammock which he kept hung high to prevent others using it, and at times he would say that someone had interfered with the hammock, when there was no ground for such an accusation, and he would get excited and tremble. "Oftentimes," continued Mrs. Wyman, "he would be in the dining-room and no one there; I was in the kitchen, and he would call out and ask me if I was talking to him — when no one would be speaking. I would see him sit at the table or in a chair — he would sit in a moody condition, and then all of a sudden he would brace up and ask if anyone was talking. One time, especially after he came from the West, we had a phonograph, and Bert being fond of music, I invited him up to the room to hear the phonograph. He sat all the evening until it was time to go away, and the only word he spoke that evening was 'Good-night.' "

Mr. Willard L. Wyman, a brakeman on the Boston and Albany Road, had formerly been an attendant for two and a half years at the Northampton State Hospital for the Insane. He had worked with Spencer and boarded at Mrs. Walter's for some time while Spencer was there. Wyman said of Spencer, "He sat down in the house — in the kitchen; we would be talking. Perhaps he would sit there for twenty minutes and perhaps an hour, and he wouldn't say anything — then he would look up and say, 'Did you speak to me?' He would pick up his hat and go out — he wouldn't say anything. I have seen him act that way on several

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different occasions when we were all in the kitchen together."

Wyman told of one occasion when he was conductor on a car and Spencer was motorman on the same car. Spencer insisted that Wyman should come out front and sing with him. Wyman declared that he could not sing, but Spencer urged that he join in on the chorus. "When he got to the chorus, I come in with him; he told me it wasn't high enough. He started over again, and when he got to the chorus I come in again. He told me I couldn't sing any more than a damned hog — went to the back end of the car and didn't speak to me again all night. He spoke up kind of quick. He was kind of white when he pulled the curtain to go inside — I turned my head around and he looked as though he was going to fight in a minute. The next morning he come down to breakfast and says, 'Hello, Billy,' just the same as though nothing had happened."

Others of Spencer's companions of this period spoke of his peculiarities. Napoleon Bourque of West Springfield told of Spencer's peculiar paleness when angry about a baseball glove. He refused to speak to Bourque for over twenty-four hours after this quarrel. He had also noticed Spencer's sudden paleness on another occasion, when he had passed in the street a man who he thought had misused him. Robert E. Miles, who had been fireman on the Boston & Maine R. R. when Spencer was brakeman, told of Spencer's having threatened him with a revolver after a scuffle in which he had knocked Spencer down.

Spencer was married on March 18th, 1908. He had been for some time paying attentions to Miss Minnie

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Amberg, a bookkeeper and stenographer, daughter of Herman L. Amberg, who was employed by the H. L. Handy Company. Mr. Amberg objected to the match, and he testified at the trial that after Bert had been calling on his daughter for about a year, he came one Sunday and wanted to take Miss Amberg out by force, her father having refused to let her go out with him that day. "He called me all the names you could think of," said Mr. Amberg, "and he threatened to kill me. He was going to knock my head off. The girl left my house and got married without my consent, and we had a falling out and I didn't see any of them for a year." Bertram and Miss Amberg took out a license in Springfield, and were married in Boston the same day. They lived for awhile at 53 Greenwich St., Springfield, and it is said that he lost his position on the Boston & Maine R. R., where he was employed as brakeman, through a row that he had with the engineer because he insisted on ringing the engine bell as a signal to his wife every time they passed Greenwich Street.

Bertram had many positions in Springfield, never remaining very long in the same place. He was not only, at various times, motorman and conductor on the street railway, fireman and brakeman on the railroad, but, according to the Springfield Republican, he was employed in the Stevens-Duryea Factory at Chicopee in the shipping room, afterwards by the Atlas Motor Car Company, and still later he went to work for the H. L. Handy Company, where his father-in-law also worked.

Several events are described as having taken place after his marriage which are particularly significant. At one time he started with his wife, his sister, Mrs.

Pulz, and her husband for a row on the river. The boat they intended to use belonged to his wife's grandfather, Mr. Krailing, a German who owned the house in which the Spencers lived on Porter Avenue, and who lived with his wife in the upper apartment. Spencer asked Krailing for the key to the place where the oar-locks were kept and Krailing said he didn't know just where it was, and had no time to hunt for it. Mrs. Pulz said at the trial, "My brother was very angry. He immediately started for Mr. Krailing and said he would throw him into the river. My husband, Mr. Spencer's wife and myself did as much as we could to hold Mr. Spencer — my husband had hold of his arm, and I had my arms around his neck. We pleaded with him not to touch Mr. Krailing, and it was with great effort that we restrained him. He was all the time, during this time, talking very loudly — screaming at the top of his voice, so that it could be heard, I should have said, a quarter of a mile away. A crowd collected from the houses near. He said, 'Let me get at him! I want to throw him in the river.' He had a very wild look in his eyes — there was a glassy look about them." Mrs. Pulz said she had seen him have such outbreaks a great many times — "As long ago as I can remember, he was never able to control himself if anyone crossed him." She had observed his tendency to melancholy moods, and said that one had only to point a finger at him with the suggestion of tickling to cause him to scream and laugh and run away.

All those present at the time of the attack upon Mr. Krailing seem to have been impressed by the violence of Bertram's outbreak. Mr. Norman Pulz, husband of Bertram's sister, said that "when Spencer got mad

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he was in a frenzy — he would shout as if he didn't know what he was saying — mixed his words all up. I always tried to get along with him the best I could — I knew his temper." Mr. Krailing, in confirming the story of the attack upon himself, spoke as if he were afraid of Spencer — "He looked so bad. . . . He looked all the time bad. He don't look good to me — I am afraid for him. He has a bad eye for me, and I think he was crazy." Mrs. Krailing, who was also a witness to this incident, said, "He looked just like a wild man. His eyes were sticking out. I was afraid, too!"

Speaking of his character as a neighbor, Mrs. Krailing said, "Oh, he was most all the time nervous — I saw him all the time" — meaning daily, as they lived under the same roof. . . . "He was sometimes all the time nervous and doing something that was not right.

He killed his bird - his canary bird. I saw him standing there on the back piazza, and he was pale and his eyes sticking out - just kind of nervous, all worrying, and his mind - he looked so worried about it, so half-nervous - he looked half out of his mind; that is the reason I didn't ask nothing of him." In her broken English, she described another incident, when he killed a cat: "He come out of the cellar and got the cat and bumped it on the pieces and threw it on the river on the ice. I don't know what for - he was half crazy, too - he looked so."

On another occasion, Spencer's mother and sister were spending an evening with the young couple in their home. Bertram and his sister sang several songs together, and then Bertram complained of headache and lay down on the couch. His sister continued sing-

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ing, and suddenly Bertram jumped up and asked her why she had not been over to see them in the last two weeks. She said she had been busy and unable to come, whereupon, as his mother put it, "he went into those frenzies and cursed and swore - called her names - he seemed much excited. It lasted all the rest of the evening. When he had one of these attacks he had a wild stare and looked more like a wild animal than a human being; he made a peculiar noise with the throat. He would hoarse right up as soon as he began to talk; he would raise his voice, which would become almost a scream."

After he returned to live in Springfield, Bertram went back to Lebanon occasionally to visit. Charles A. Gager testified at the trial that he had met him there at a dance, and that he had seen him draw a pistol during a heated argument with another man, who knocked it from his hand.

Mrs. Spencer had an idea that Bert's career as a burglar began in 1903 - that it was suggested to him by the following occurrence:

Bert's mother was told by a neighbor that Bert had been arrested for burglary. A Hartford paper had published an account of the crime, and said that the criminal was named Bertram G. Spencer. Mrs. Spencer hurried to Springfield, and found Bertram in bed at his boarding place, 105 North Main Street. He had been working late the night before and had not yet risen. Mrs. Spencer said, "Bert started out the next day to follow up the story, and traced it to Philo Burgess, who lived near South Windham, whose son was determined to go with the girl I have referred to before. It seems two men, one a mulatto and the other

a white man, had been arrested for entering houses with false keys and burglarizing. One gave his name as Bertram Spencer, and was possibly one of two boys who came from state homes to work for us, one of whom proved to be dishonest. What I am aiming at is this: after Bert went back to Springfield, in almost every letter he would sign his name 'Bert the Burglar' — ridiculing the idea of his ever doing such a thing." Bertram was of a suggestible nature, and it is possible that this episode and the repetition of the signature may have helped to urge him on to his career of crime. Eight months before his arrest, Spencer went to work for H. L. Handy & Company. Mr. Horace H. Clement, a buyer for the H. L. Handy Company, testified as follows: "I spoke to him one day about a car that did not check out right and he lost his temper; he cried and swore, and there was a hatchet that was on an egg-case, and he reached for that. He was excited — he didn't appear to have much control of himself. He shut himself into the butter refrigerator." Mr. Handy, in telling of this incident, said, "I heard him talking to Mr. Clement, and Mr. Clement saw in what condition he was and decided he could do nothing with him. . . . He made actions as if to grab a hatchet, but didn't, and then turned and went into the butter box." Mr. Handy followed him, and saw him in one corner of the refrigerator, crying. "He had his arms over his face, sobbing loudly."

Examination by Alienists

At the time of Spencer's arrest, Stephen S. Taft was District Attorney for Hampden County. Spencer's history may here be continued by a quotation from a

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speech which Mr. Taft made on October 31st, 1910, during his campaign for re-election for office. After referring to the semi-judicial nature of the office of District Attorney, Mr. Taft took up the Spencer case and said:

"In the latter part of April a most brutal homicide was committed in this city. People were nervous, excited, horrified, and it was felt by everyone that there was but one punishment which ought to be meted out to the perpetrator of the crime. Four days after the homicide, Spencer was arrested, and after the property stolen from the house in which the unfortunate woman was killed had been identified, confessed that he was the man. Under the law of the Commonwealth, the Attorney-General has direction of all capital cases, and

the duty of preparing and presenting the case was placed upon me by the Attorney-General.

"The facts were presented to the next Grand Jury in May, and an indictment for murder in the first degree was found. At that sitting of the Court Spencer was arraigned and counsel were appointed by the Commonwealth to defend him. The senior counsel, appointed by the Court on May 16th, 1910, was excused from service because of ill health, and on August 3rd, 1910, other counsel was substituted for him by the Chief Justice. The case was set for trial at the earliest possible moment after such counsel had been appointed. Because of the repairs in the Court House, there was no court room in which a trial could have been had until one week before the time fixed, and during that week the Grand Jury was in session.

"A statute passed by the Legislature in 1909 provides:

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If a person under complaint or indictment for any crime is, at the time appointed for the trial or sentence, or at any time prior thereto, found by the Court to be insane, or in such mental condition that his commitment to a hospital for the insane is necessary for the proper care and observation of such person, pending the determination of his insanity, the Court may commit him to a state hospital for the insane, under such limitations as it may order.

"The counsel for the defendant, taking advantage of this statute, asked the Court to determine whether Spencer was insane, or whether his commitment to a hospital was necessary for proper care and observation pending the determination of his sanity. The only question before the Court was whether such commitment was necessary. Spencer had been, at my request, examined by three alienists, and every one of them told me that in their judgment his commitment was necessary. A district attorney can not employ alienists without the consent of the Court. I understand that it has been suggested that, when it was found that the three alienists consulted would not declare Spencer to be sane, it was the duty of the District Attorney to have employed other experts. I did not so conceive my duty at that time, nor do I now. Three men, eminent in their profession, two of them in the employ of the State, had been consulted, and it seemed to me then and it seems to me now, that their statements should be taken as true. I understand that the other candidate for the office has said that I am capable, honest — but that in this case I showed a lack of discretion; that I ought not to have put the alienists upon the stand; and with this proposition I take issue. In my judgment, a district attorney, knowing that there was serious question concerning the mental condition of a defendant

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about to be brought to trial, who should conceal the information and proceed with the trial and perhaps obtain a verdict which should send the defendant to the electric chair, would be derelict in his duty and almost as culpable as many convicted defendants."

The above extract sums up the situation as to the experts' examination, but a few details are of interest. Mrs. Spencer wrote me that after Bertram's arrest she read an article written by Dr. Philip Kilroy, a nerve and brain specialist of Springfield, saying that Bertram was "no more responsible than a child for what he had done." The devoted mother immediately saw Dr. Kilroy and told him Bertram's history, and the doctor suggested that she see District Attorney Taft and tell him all. "Mr. Taft was a stern man," she writes, "but he seemed interested in what I told him, and assured me he would consider the matter, but of course would be obliged to do his duty. ... By sending Bertram to Bridgewater and taking the attitude he did, Mr. Taft lost his office as District Attorney that fall."

The press generally having described the burglar as "a defective," "an abnormal person," "a pervert," "a maniac," etc., it was only natural that the District Attorney should take up the question of Spencer's sanity. Within forty-eight hours after his arrest. Dr. John A. Houston, Superintendent of the Northampton State Hospital, was called in to examine the prisoner. He expressed such doubts as to Spencer's mental condition that other experts were called in.

In May, 1910, Col. Charles L. Young had asked the Court to appoint himself and Christopher T. Callahan as Spencer's counsel. Mr. Callahan was ill at the time,

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but as soon as he was able to go to Springfield he protested against being connected with the defense of Spencer, and Judge Schofield excused him from service. Mr. Richard P. Stapleton was shortly afterwards appointed in his stead. The reason for the assignment of counsel at this time was that the trial of the case was set down for September, 1910.

On Saturday, September 17th, 1910, Chief Justice Aiken and Judge Sanderson held a hearing on the Spencer case, and four alienists appeared before them, representing the Commonwealth and the defense. These alienists, Drs. Courtney, Quinby, Houston and Tuttle, all agreed that Spencer's commitment to an

asylum for observation was the proper procedure. Their testimony was as follows:

Dr. Houston testified that he had been connected with institutions for the insane for twenty-three years, and had been Superintendent of Northampton State Hospital for thirteen years. He said that he had examined Spencer three times, and had not been able to satisfy himself that Spencer was responsible; that he believed the man should be sent to a hospital for observation. Dr. Houston said that he considered Spencer insane — that is, that his was a defective mental state, if not degenerative, probably dating from puberty.

Dr. Tuttle testified that he had been connected with the McLean Hospital as physician or as Superintendent for thirty-one years; that he had seen Spencer at the request of the District Attorney, and that he believed that he was a proper person to be committed to an insane asylum for observation. Later he testified that Spencer "was a defective individual and had been

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so from birth," and said he was not certain whether the man could resist doing wrong.

Dr. Hosea M. Quinby testified that he had been Superintendent of Worcester State Hospital for over thirty years, and that he had examined Bertram G. Spencer twice at the request of the District Attorney. He said that these examinations, together with Spencer's heredity, the confession, the manner in which he conducted the burglaries, incidents connected with the burglaries and his impulsive outbreaks at other times during his life, indicated to him a person who was suffering from some mental aberration, and it was his opinion that it was a case which would at least eventuate in dementia precox. He said that he had examined Spencer first alone, and then in the presence of Dr. Houston and Dr. Courtney, and that he thought it very fitting that Spencer should be sent to Bridgewater where he could be further observed.

Dr. Joseph W. Courtney testified that he had made four examinations of Spencer — one in the presence of Drs. Houston and Quinby — that he felt there were grave doubts as to Spencer's responsibility, and suggested that he be put under observation in a proper institution for that purpose. Later he said that he considered Spencer "insane and irresponsible."

When these examinations were made there was no question in the minds of these experts of Spencer's malingering, and this array of experienced psychiatrists had no doubt as to his abnormality, and were

unanimous in their opinion that he was a proper case for the Bridgewater State Hospital for further observation. Spencer at this time had had no opportunity to observe and imitate an insane person or a mental de-

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fective, and it would be an insult to one of these eminent experts to imagine that he could have been deceived by Spencer in examinations made immediately after his arrest - or indeed at any other time. The fact that the Commonwealth's experts were unanimous in their opinion certainly justifies the course pursued by District Attorney Taft.

After Spencer's arrest, his lawyers, Stapleton and Young, requested a change of venue, on the ground that there was so much popular feeling against the prisoner in and about Springfield that it would be impossible to get an unprejudiced jury in Hampden County. They asked for a hearing in Worcester County. It is said that a change of venue has never been granted in the State of Massachusetts, and with no precedent, Chief Justice Aiken refused their request.

With Spencer, locked in the jail, was Eugene Farrar of Springfield. He was supposed to keep continual watch over Spencer, so that he might do no harm to himself, and was with him eighteen days. He later testified that Spencer "acted queer" and that he "thought he was insane," that he spent much of his time catching flies on the wall, that in the midst of a game of cards, he threw the cards down and accused Farrar of cheating, grabbed the cards from the table, threw them on the floor, picked them up and began to tear them - and ended by sitting down on his bunk and crying.

Under date of April 27th, 1910, Spencer wrote to his mother from Hampden County Jail, Springfield. This is the first letter I have from Spencer to his mother:

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My dear, dear Mother,

Your three loving, heartbroken letters are before me. I hardly know where to begin, as we are allowed only one sheet of paper and one envelope a day. . . . When I think of it, I almost go blind with grief - cry and think and think and cry, and when I get through am all at sea to know ivhy'j oh Mother, why it ever happened or had to be. God knows I always tried, oh so hard ! to do right by every-one. This impulse has followed me from ten to twelve years old up to the Round Hill affair. Oh ! to God ! I could go to sleep and forget it all - but no; I dream about it, and when I awnke there are the barred windows and doors to refresh my memory. Oh, dear! will this awful torture ever end! It has taken me over an hour to come this far, and I may have to finish in the morning as my head is bursting. Keep up, Mother dear! There is a crown of glory awaiting you on the other shore - and there I want to go, too. When we are laid to rest, may we lie side by side to all eternity.

In a later letter he writes :

Only yesterday someone put in the paper that I had my cell decorated with women's pictures and flowers, and all I have and want is Mother's, Minnie's, Colly's and Wilbur's These are the "vile pictures," etc., that the paper has got to talk about.

While Spencer was in jail, his behavior varied from day to day, and at times he became violent. Dr. Charles P. Hooker, the jail physician, said that he was called to the jail to see the prisoner on May i8th, 1910, and found the patient writhing about on the floor with his wrists in a muff, which the prison officials had put on to restrain him. Later Spencer accused Dr. Hooker of trying to poison him. Dr. Hooker testified that he threatened Spencer with the dungeon if he did not behave, *'You are faking, Spencer. You have the choice of one of two things : either go into the dungeon on bread and water for ten days, or go back to your cell and behave yourself." The insane are often amenable to threats and punishment, so Spencer went back to his cell and was quiet for a time.

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Transfer to Bridgewater

Immediately after the hearing, September 17th, 1 9 10, at which the expert alienists gave their testimony, Chief Justice Aiken ordered Spencer to be removed to the Bridgewater State Hospital for the criminal insane for observation. In the order for his removal, the Chief Justice said, "It appearing to the Court from the testimony of experts in insanity, that Bertram G. Spencer, of Springfield, in said County, under an indictment for murder, is in such condition that his commitment to a hospital for the insane is necessary for his proper care and observation, pending the determination of his sanity. . . ."

CHAPTER III

HISTORY AT BRIDGEWATER

September 19th, 1910, to August 1st, 1911

Spencer was removed to the Bridgewater State Hospital on September 19th, and a month later the Superintendent, Dr. Elliott, made the following report to the Chief Justice, in accordance with the order of the Chief Justice that reports of Spencer's condition should be sent to him monthly.

Bridgewater State Hospital,

at Bridgewater, Mass.

Railroad Station: Titicut, (N. Y., N. H. & H. R. R.)

Alfred Elliott, M.D., Medical Director.

October 17th, 1910.

To the Honorable Chief Justice of the
Superior Court of Hampden,
Springfield, Mass.

Dear Sir:

In accordance with the order of the Honorable Court, I hereby report on the condition of Bertram G. Spencer, who was committed to this Hospital from the Superior Court at Springfield, September 19th last, for the purpose of determining his mental condition.

When Spencer was admitted he was somewhat depressed and emotional. He was coherent, however, and realized why he was sent here. Voluntary attention at this time was somewhat defective, and memory, especially for remote events, fragmentary and unreliable. Patient has not shown evidence of hallucinations at any time of our examinations, but has manifested some weak, ill-defined ideas, which may almost be classified as delusions of persecution. These ideas, however, are not firmly fixed, and do not influence his life or actions, and are evidently the result of faulty judgment and at present have no important relation to patient's mental condition.

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Apparently patient's most prominent mental symptoms lie in the sphere of moral sense. Since early childhood he has followed perverted sexual acts, and even after his marriage, was addicted to masturbation. He is entirely without remorse for the many crimes of his past, without sorrow and without pity for the people he has wronged, and he relates them without the slightest evidence of mental anguish. The only sorrow expressed in connection with his past life is solely because his deeds have reacted to his personal

disadvantage, and have resulted in depriving him of his liberty. He shows no true appreciation of the enormity of his crimes or the remote consequences of the same. His reasoning on all important subjects or events of his life is manifestly rudimentary and superficial.

In his daily hospital life he is imaginative, fault-finding, impulsive and very sensitive. At times he is childish, will sulk, refuse to talk and assume the attitude of a much injured person. At other times he is very emotional. Will talk about suiciding, and an hour later will be enjoying a game of ball or entertaining the other patients by singing. He often intimates that the officers are down on him and against him, but this idea apparently finds no permanent place in his mind. At times he manifests symptoms that suggest the beginning of a delusional and dementing process, but of this it is too soon to speak with any degree of certainty.

At the present time, it is my opinion that the degree of Spencer's mental deficiency and the obliquity of his moral nature is so great that it constitutes real insanity. Aside from this there are symptoms that call for further observation and study.

Very truly yours,

Alfred Elliott,
Medical Director.

After Spencer's transfer to the Bridgewater State Hospital, his suggestible nature soon showed the effect of what he saw, heard and felt at this institution. This is best told in his own words, in letters which he wrote from Bridgewater and in a diary which he kept during his residence there, from which I extract such parts as show the conditions under which this young man was placed for observation as to his sanity, and his reaction to the sort of hospital environment into which he was thrown, and to the unpleasant experiences to which he was subjected as a witness or which were related to

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him by his sane and insane criminal companions. Distressing as they were, many of the incidents here related were corroborated by other inmates and attendants, entirely without Spencer's knowledge, and some of them are cited to show what is evidently referred to in Dr. Elliott's reports as "almost delusions," "faulty judgment," "false conclusions," etc. There is a mixture in Spencer's letters and diary of what at times were evidently delusions, and of what at other times are undoubtedly facts. Some of these stories may have originated in the brain of some companion of a stronger mind, who wished to see Spencer get excited, or who desired to use him to further some plan or complaint of his own.

In one of the first letters Spencer wrote from Bridgewater State Hospital he describes conditions and says:

... I hope and pray my trial comes right away and it is all over soon and I am sentenced to death, for then my troubles will soon be over; for this place is Hell, Hell, Hell on earth, and most everyone says it is growing worse every year. There is not one person up here in the Northeast who, when they ask a question can get a civil answer, and if things don't go just right they bang the door and rattle their keys in the lock, as if they were locking up beasts instead of human beings. ... I am getting near the truth and they are trying to punish me in all sorts of ways, but I laugh Ha, ha, ha! A man referred to me as a witness about what the attendants and night watchmen were doing and Dr. Elliott says "You don't want to

pay any attention to what he says He's not reliable," ... If

I can't get any more satisfaction in asking for what I want than I have in the past, what's the use of asking? It only keeps me all stirred up, and my head aches enough almost every day without being tantalized almost to death or otherwise irritated. There are over 25 murderers in the big court of about 300, and where I am only two - and why should they not let me in the other yard? . . . I get so wrought up I can't sleep half the night, and I get up and pace my room.

In a letter every line of which is underscored, dated from "State Tantalization, Titicut, Mass., Oct. 25th,

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1910," he writes to his father and mother of the "hundred words from Doctors Elliott and Baker," and says:

You shall hear them and they shall be sown broadcast, no matter what I have to suffer. . . . Death ten thousand times - ten thousand times, than to be confined in a prison of Hell on earth because the ones at the head down to the stool pigeons are the cause. Only this last week the night watchman beat up another poor fellow, and every one is powerless to raise a finger, and his cries for help are heartrending. Why, in the name of humanity, aren't these things enacted when the public or the Union reporter is there???? No, it is done when everyone is supposed to be blind. Baker says to me, with his cunning smile, "Did you see all this with your own eye?" "No, I did not." He says, "Oh, then it's not so; for men can fall down," he says, "and get cut and bruised without being struck." How smart! There are two men I have become acquainted with since I came here that are not crazy by any means, and they saw it all with their own eyes, and heard what I heard with my own ears. . . . All last night and today I have had one of my hard headaches and in the next room there is a fellow was up half the night one night last week, and he asked the night watchman if he could call the doctor, as he had severe pains, and the watchman said "Why, he won't come tonight - - You's have to wait till morning." So he did, and when the physician came round next morning the fellow started in to tell him, and the physician shut the peep-hole, not even waiting for the poor fellow to finish. What's the use of asking for anything here?

In this same letter, after stating that he is confined

in the "Northeast Violent Ward" on the top floor, and that the yard he is allowed to use is called the "Bull Pen" and contains seventeen persons, he writes :

One of the "patient-attendants," who is perfectly sane, told me he would ask Dr. Baker if he w^ould let me go over in the other yard to play baseball and football. Baker says, "Why, he's up in the Northeast now, and if we let him go over there, we will have to let two or three others go." "Well," this fellow says, "He has never done anything you should use him that way. Those others you spoke of, two tried to get away, and the other kicked a fellow to death. You've got cause to keep them over there, but 50U haven't Spencer, for he has not done anything." "Well," Baker says, "as far as we're concerned, he should go over there, but the people outside would make a kick - see?" I am not here for kind treatment - it is

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only to make me suffer every way possible. . . . They set me at table where there were seemingly two nice fellows. The first day I sat there they offered me ketchup, milk, doughnuts, etc., and I wondered how it was they were so well favored. . . . I went to supper one night out of the three first and I said something and they hung their heads. I repeated it twice, thinking they did not

hear me, but they did and would not speak Why ? - because they

were 's and 's stool pigeons, and after trying to

pump me about my case and find out nothing, then they were told to let me alone and not to speak - so the good little boys did just as they were told. Then after that, the one who sat opposite me every little while would carelessly drop his foot down on my foot. What was that for? Just to aggravate me into striking him, and then they would have an excuse for shutting me into my room. I get every kind of punishment that is given here but that and beating, so I can't suffer much worse. This morning an attendant came up and began, first one foot and then another, to wiggle my chair, which got me so worked up I could hardly contain myself. . . . I heard direct from an attendant that they were going to judge me sane and send me back to Springfield for trial within six months. They have made an awful breach between fathers, mothers, wife, sister and brother, by saying their loved ones was using other men and boys for immoral purposes, which such things are impossible, as no one is allowed alone together, but their nice, lying way turns the loved ones. They seem delighted if a patient is forsaken and hated by everyone and if they can make enemies among the patients.

In a letter of Nov. 20th, 1910, he writes:

I am going to sing "Beautiful Isle of Somewhere" today. Have been moved over in the big yard and another room since I was beaten, and am helping the boys in every way I can. . . . Love to my dear boy and you all. Write Minnie, and tell her how I am, and send her my deepest love and kisses.

Under date of December 31st, 1910, he writes:

Things have transpired that to anyone with a human mind seems impossible, and in the three months yesterday I have been here, I have heard from other mouths, heard with my own ears and seen with my own eyes that which, if before my arrest anyone had informed me of the same, I should have thought they were having the greatest of delusions, but it is all too true. . . . But when you told me at our interview yesterday, in Dr. Elliott's office, that my mother had requested you to call and talk with me, it was so

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unexpected that I could not say one half I could had we been alone, and not where I had to tell my affairs to the so-called "Devil's Angel." . . . I arrived at this place Monday, September 19th, and was put in the big yard for two days with 300 other unfortunates of from vagrants to the murderer, and dumb to the educated, and as the papers had predicted my coming, I was being anxiously awaited to pour their tales of woe in upon my own. As I listened, for awhile I forgot my own troubles, and wondered if what these fellows were saying were true. It all seemed like a dream, and I tried to drive such thoughts away. The first night I slept in what is called Corridor 3, in H. Building, with my window open all night, no pillow and only a thin blanket, with the night-watchman - nurse, Dr. Elliott calls them - looking in upon me every hour, with a bulls-eye light, which kept me restless. But my room was clean and my bed comfortable, and I was making up my mind to like my surroundings and make the most and do my best in everything. My mother and wife came the next day to see me, and I told of the room I had, and I thought by Dr. Elliott's and Baker's seemingly courteousness that I would be encouraged in many ways; but instead, the reverse, which I will state to the best of my education and ability, which is limited. In two days I was changed from this ward into what is known all over the buildings as the worst ward and yard in the place - the Northeast - and the yard is termed the "Bull Pen," where the very worst are considered to be. . . . We have not a truthful word to say or write about it, being intercepted by Dr. Elliott, Baker and Nugent, and branded as delusions or hallucinations. Different ones were speaking of the changes they were making me undergo, as I had done nothing that they should put me in the "Bull Pen," so I asked the doctors why they had put me over there, and they said "because it's quiet and no confusion" - and by far it was the noisiest.

He goes on to describe conditions in the Northeast and the "Bull Pen," and says that the bed to which he was transferred sagged in the middle, so that his back ached every morning; that he asked Dr. Baker to change the spring, but Dr. Baker answered, "I guess its good enough"; that his toothbrush, soap, towel, handkerchiefs and other little things were kept from him until his family interfered, although they were in the dress-suit case taken from him when he entered the hospital. He cites many instances of abuse. Among other things he writes:

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There is an attendant here who is so ignorant that he has to have one of the patients make out his report, and I saw this same attendant, because he could not get a muff off a patient's hand quick enough, and because his fellow attendants were laughing at his clumsiness — he drew back and slapped his charge side of the face, and the poor fellow was standing there patiently waiting for the attendant to finish unbuckling. Another attendant by the name of

, because a patient stopped in line to talk to an imaginary

person, grabbed him by the collar, pulled him away, struck him an arm blow in the back of his neck, and kept kicking him in the backsides out of my sight. . . . An attendant by the name of

helped tie a sheet around an old man's neck of almost sixty

years, gave him a beating and kept him in his room for three days.

On March 3rd, 191 1, Spencer wrote:

I sent out something like fifteen or sixteen letters for you and others to read, and then go to the Governor, E. M. Foss, but through the advice of Mr. Thompson of Hartford, Mr. Smith of Lebanon was advised to send them all to Dr. Copp, and he in turn sent a Dr. Fuller here. As soon as he began to question us, everyone began to be skeptical and suspicious, for he began by saying "You sent out a letter to Dr. Briggs and others by Spencer, did you not? — I am from the Board of Insanity, representing Dr. Copp, and I am here in his interests." Well, that put a damper on everything, for some of these men knew of Dr. Copp . . . and as soon as they saw me after this interview, they told me of their fears, and it has all come true. They are trying to give everything a clean whitewash and protect Dr. Elliott and Dr. Baker, saying we are doing Dr. Elliott a great injustice.

On January 15th, 191 1, the following letter was written by Dr. Owen Copp, Executive Officer of the State Board of Insanity, to the Rev. Eugene B. Smith, of Lebanon, Conn.:

Dear Sir:

The matters referred to in your letter, with enclosures, of Jan. 23rd, relative to the conditions at Bridgewater State Hospital, have been carefully inquired into, with the following result:

The authors of these letters are among the most desperate, dangerous and discontented men in this institution of imbecile and insane criminals. Unfortunately, they must be kept securely on one ward, where there is opportunity for exchange of ideas and experiences, and collusion in their determined purpose to get away. These men

have formed many cunning and skillful plans for escape, which have fortunately been frustrated — oftentimes by the confession of one of the insane collaborators. // is to be regretted that for a time Spencer was obliged to stay in this ward, and so was subjected to the worst influences of the institution. He was found pliable in the hands of older criminals, who attempted, as they do on every occasion, to create a sensation and seek some possible means of escape. Spencer's complaints are found to be almost entirely from hearsay. Those which relate to his own maltreatment are confined to one instance, when he alleges he was struck by a blackjack by an attendant. Very careful inquiry into the matter shows that there was no witness to such an occurrence, that examination of Spencer presented no evidence of such violence, and that another patient voluntarily told the Superintendent that he was asked to say that he saw the assault, but that he did not, and that he did not see how another patient (who said he saw it) could possibly have seen it. Spencer is a weak character; he shows poor judgment, and is now easily influenced. Please do not infer that the authorities are not keenly aware of the possibilities and dangers of unkind and harsh treatment in the conditions which are bound to arise from time to time in such an institution. The opportunities for trouble are greater than in a jail, because of the greater freedom and closer association of the patients. As a result of our investigation, involving two visits to the hospital by a physician from this office, and conversations with authors of the letters which you sent us, as well as with the officers of the hospital, the conclusion has been reached that these complaints are in some instances gross exaggerations, and in others, fabrications. Some of the occasions mentioned have been subjects of the most thorough investigation. It is the impression at the hospital that Spencer himself has become wiser, and appreciates to some extent that he has been imposed upon. He has for some time been removed from the ward where these more troublesome patients are located, and is doing some better. We thank you for calling our attention to this matter, and will be glad to answer any further questions which you may ask.

Trusting that this may help to relieve your anxiety over the situation, I am

Very truly yours,

(Signed) Owen Copp, Exec. Officer.

In a letter written to his mother in February, 1911, Spencer says:

Who recommended Dr. Copp to Mr. Smith, and did he (Mr. Smith) go to see Dr. Briggs, or send those letters to him? It looks

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to all here that Dr. Elliott or Dr. Copp had influenced Mr. Smith. . . . Dr. Fuller asked me why I sent those letters to Dr. Briggs and by whom, and I said Mr. Smith.

On February 25th, 1911, he wrote to his wife a letter in which he said:

I am still living in the courage for the approaching day that I can crush the rascals that branded me as a lunatic and confined me in this murderous den – an innocent man of crime – and not only that, but robbed me of the support you deserved from me, my darling wife. . . . If I can, I will put a stop to this idea of keeping sane men confined in this department. . . . Doctors and attendants hate me as they hate the Devil – I have no doubt but that they will attempt to turn your kind affection from me, if you pay any attention to them. They have many poor fellows confined here for years for nothing but a simple offence of drunkenness. . . .

From Spencer's diary while he was at Bridgewater State Hospital, I extract the following:

Meals at Hotel Tantilization for a week, beginning Tuesday, Nov. 1 St, 1910: Corn meal, molasses P. Rico, bread and oleo, tea and water; Wednesday A.M.: hash, bread and oleo, coffee and water; noon, pea soup, bread, coffee and water; night, apple sauce, bread and oleo, tea and water. Thursday A.M., rice and molasses, bread, oleo, tea and water; noon, stew, bread, coffee and water; night, bread, oleo, gingerbread, coffee and water. Friday A.M., oatmeal and molasses, bread, oleo, tea and water; noon, clam-chowder – tastes like a sewer smells – bread, coffee and water; night, bread, oleo, 2 doughnuts, tea and water. Saturday A.M., corncakes and molasses, bread, oleo, coffee and water; noon, meat, turnip, 2 potatoes, bread, coffee and water; night, gingerbread, 8 prunes, bread, oleo, tea and water. Sunday A.M., beans, bread and oleo, coffee and water; Sunday noon, Nov. 6th, 1910, meat, 2 potatoes, bread, rice pudding, coffee and water; night, mush and molasses, 2 doughnuts, bread and oleo, tea and water. Monday A.M., bologna, bread and oleo, coffee and water; noon, stew, bread, coffee and water; night, apple sauce, bread, coffee and water. Tuesday A.M., hash, bread, oleo, coffee and water. This ends the bill of fare for each week alike.

Treatment to patients at State Hospital, Titicut, Mass., beginning Wednesday night, Nov. 2nd, 1910. Had an awful pain at base of spine; asked for hot water bottle and doctor. Throbbled all night. None came, and at noon I was in pain, and Dr. – sent word by Supervisor – for him to tell me I would be better off

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out in the yard, so I had to go, much against my will, as it is so cold today. Tonight Dr. Nugent painted my back with iodine, Thursday night, Nov. 3rd. Saturday morning two attendants knocked down and beat with fists King, a stubborn patient, Nov. 5th, 1910. Saturday, Nov. 6th, Joe Patterson asked the night

watchman for a drink three times, and as he, , came around,

Joe asked him a fourth time, and says "Shut your d

mouth," and slammed the port. Sunday, 4 P.M. I asked Tom

Pickles, Supervisor, if he would change my eating place so I could eat side of Mr. Childs, and buy and share eatables together. "No, oh no!" he said, "I can't do anything like that. You are not going to be here long anyway. It won't pay." It is getting so when I ask a favor of any kind the answer is always "We'll see," and that's the end of it. Over in the big yard they are out at play 20 minutes before we are, and stay there 15 to 20 minutes after we come in. Thursday, Nov. 10th, 9.30 A.M., as we were out in the hall, waiting to go down into the yard, a patient by the name of Mike Murphy began to complain of what the attendant had done to him, and the head attendant, , told him to "shut up his yap," or he, would lock him up; but he kept right on talking, and came down to the foot of the stairs and grabbed him by the throat, and attendants and dragged him up the stairs far as his room, and then kicked him time and again, for all we stood in the door. I ran over to where the two were kicking him, and I says " , for Heaven's sake, what are you doing? Don't kick a man like that when he's helpless!" And he glared at me, saying, "Shut your mouth, or I will lock you up!" I said "I shall not shut up, and I shall report this." And he says "Ha ha! Your reporting will amount to about as much as the wind's blowing." I says "You just wait and see!" With that, he says, "Pull off your rags!" - doubling up his fists - "and I'll teach you to interfere." I says, "I'm not looking for any trouble, or to interfere, but you have no right to kick one." He says, "Go to your room." I says, "All right; that suits me to a T." When I got to my door I took off my shoes, and as I went to go in, he, , struck me an awful blow with his blackjack back of m*y ear, almost knocking me senseless. He says, "You think you can come here and tell us how to run this place," shaking his fist at me. He said "We'll fix you before you've been here long," slammed the door and went away. Oh, people little realize what we're up against. They little realize. Tom Pickles has just been up and I told him the whole story. He says, "Don't say anything outside ; they have no right to hit or kick either you or Mike Murphy and whenever you see or hear anything, just report it to me and I'll report it to the doctors." How was it he came up here so quick, if had not told him to try and smooth it all over in this nice way? They all hang together, and

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nothing can be done in their minds. How confident was my complaining would not amount to anything, and he was right, so far as anything coming from it in here.

Thursday, Nov. 10th, 1910. - I am afraid. My head has bled and ached all the morning and afternoon. I sent a letter to Mother this noon, Nov. 10th, 1910, asking for aid. Tom Pickles told me he would have the doctor call and give me something for the bruise and cut on my head. It ached and pained me so all night - I was walking most all night. I could eat no dinner yesterday - ^just a bite for supper, and no breakfast.

It is now 8.30 A.M. Friday, and no doctor yet Seems as if

my head would burst at times. I sent a letter to Dr. Elliott at 5 P.M. last night, asking for an interview at his earliest. He has not come yet. Mr. Childs (a patient) told me yesterday he had had four or five attendants fired for brutality. ... I wrote another letter to Dr. Elliott, and sent it by Mr. Childs direct, 12.30 Friday noon. Dr. Elliott sent for me at 5 P.M., and after telling him of the brute, he said he would make a thorough investigation.

Sun., Nov. 13th, 1910. Mr. Childs and I sang "Holy City" today. It was well-spoken of. Was introduced to Mr. Reuff, our regular and smart preacher. . . .

Nov. 24th. An attendant was discharged Nov. 22nd, Tuesday night, for giving Archie Mills alcohol. Two attendants are over here two years and are not naturalized citizens yet and both are hard-hearted. For dinner, Turkey, squash, 2 potatoes, celery, bread and coffee, mince pie and dressing. ^

Sunday night, and beat Joe Patterson again.

Everything is cold on the table, coffee, tea and eatables. A new attendant every other thing, and almost every one has the picture of brute stamped all over him. The fellows gamble, to help pass away the day, with dice, cards and quates. The candy Mother sent two weeks before Thanksgiving never came. People have complained time and again of never receiving their goods, going or coming- It's plain where they are held up. . . .

Friday, Dec. 2nd, 1910. This same date I saw a fellow have a fit, and this (attendant) sat still and laughed at him. I have

smelled liquor on their breath a number of times, and have heard Edward Holcroft often speak about same. There is a Post-Office on the prison side run by Horace Blackstone, and our mail is then brought over here and distributed by Charles Tibbitts, Clerk and Notary Public. Horace Blackstone is Superintendent. . . .

Dr. Elliott claims to thoroughly look into each man's character before hiring. The last one he discharged is in Boston, tending bar. He calls them nurses.

Sunday, Dec. 4th, 1910. An inmate they call Dave was talking

to himself, and an attendant mocked him for fully five minutes, and not until Dave got up and walked away did he stop. The storekeeper, Kingsley, is a town constable, and he certainly knows how to keep his price up on everything. Down in the mess room, everything is cold at every meal and the dishes are covered in grease; bread smells and tastes musty half the time. Dr. Baker says they never saw anything of my candy. The drinking fountain in the Upper North is filthy. There is a fellow who sleeps on the bare floor and gets beat every other thing. If any patient gets obstinate, they put him in a room, open the window, and he suffers from cold and exposure – not a thing is allowed him. Out in the yard this cold weather, without woolen underwear, woolen socks,

sweater, or even to be comfortable. About religion ; Dr.

has told patients religion was a farce, and Dr. Baker goes where there is a large crowd of woman singers. Dr. Elliott told my mother

they were classifying the men fast as possible You ought to see

what mingle together! – also that he was putting out every effort to broaden their minds and have the men have self-respect. Dr. Elliott says he looks into an attendant's character well before hiring him.

Friday, Dec. 9th, 19 10. They think more of their wards than they do their dining rooms, and when people come they show them all the clean places and praise up the pomp and show. The library is

positively no good All there is is in the double book-cases in the

guard room. There is a Mr. Nolan who was knocked down, kicked and teeth knocked out, for asking an attendant to refrain from killing a patient, and his testicles were so injured that he urinated half a pint of blood, and he said a protestant brought him a rubber hot water bottle for relief. . . , Dr. L. Vernon Briggs of Boston never uttered a more true word than when he said these places hire brutes and ignorant people.

Friday, Dec. 16th, 19 10. Harry Dale, who is an epileptic, falls down anywhere, and today he fell head first into a drift of snow% and two attendants stood by with their hands in their pockets, when three inmates ran up and straightened him up and took him to bare ground. That's a sample of

's so-called nurses! . . . Ask about what Mr. Benjamin

Morris has to say about this place and the treatment towards patients. Faxon, a patient who tears his clothes to pieces, is put in a room with nothing on – no bed to sleep on – and is beat almost dead at times. . . . Nagle, a patient who tried to get away a year ago, died a few days ago, and he was kept in a cold room, nothing to eat and often beat something awful. A colored fellow by the name of George Washington was beat and almost kicked to death by attendants, and witnessed by George Green, colored. He was choked and kicked to death by an attendant who has since left. . . . The table is never

cleaned off at night, and in warm weather cockroaches and flies are in and on everything. Ice water through the winter, and in summer none is to be had at times. . . .

Tuesday, Dec. 20th. Dr. L, Vernon Briggs of Boston was here and asked me to write him what I had seen first, what I had heard with my own ears at night, second, what has been told me by patients. I told him what Dr. Elliott had said about him.

Wednesday, 6 A.M., Mr. John Murphy was choked and struck in his room by Attendant , because he is all the time praying, and they say it is annoying to them.

Mr. Smith of Lebanon was here today, Tuesday, Dec. 20th, 1910, and talked with Mr. Joe Hastings, Mr. Jim Johnson and Mr, Mike Murphy about my being hit Thursday, Nov. 10th, 1910, by .

Thursday, Dec. 28th, 1910, and , attendants,

used the strong arm on a patient, bending the poor fellow's arm around up under his shoulder blade, and pulling and yanking him as if he were a bag of sawdust until his clothes were half off him. His name is Joseph F. Sullivan. He is a dope, and his hands are almost black at times from some cause I do not know.

Saturday, 9.50 A.M. Samuel Smith had a fit out in the yard and did not come out from it for ten minutes. Mr. Griffin and I held his head off the cold ground, as it was raw and cold out. I rubbed one hand and Martin Griffin the other, an attendant walking back and forth taking no notice of him. When he came to enough to walk. Griffin and I helped him across the yard to his ward. There we asked an attendant to let him lie down, because he could hardly stand.

The attendant said no, it was against the rules He would have

to go down to the smoking room, where there is nothing but hard wooden benches and no backs to sit on, or lie down on the cement floor. One of the new attendants, here only a few days, by the

name of , yelled at a patient this noon, saying "Hurry up

there you G D fool, or I will have to help you!"

Sunday night, January 1st, 1911, Nicholas di Flavio was beaten

by two attendants, and , unmercifully. When he

started to tell the doctor, he kissed his hand. A patient who is directly opposite, by the name of Joseph Perry, heard the attendants choke and punch this Italian. His age is about 55 years old.

Monday afternoon, Jan. 2nd, 1911, we were turned out into a hard rain for half an hour before Pickles let us in. Mr. Morris, an attendant, stood just inside of the door out of the rain, and Pickles started to call him down, and Mr. Morris said, "You needn't think I'm going to stand out there in the rain for no dollar a day

job." Nothing more was said. We all came in, but wet almost through – then the next day we have to put on our damp clothes or go without. This Nicholas di Flavio was taken up to the hospital. Sunday night, January 8th, 191 1, a supervisor dragged Tom

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Welch out of the dining-room by the throat – strong arm hold.

Dr. Elliott, on Monday Jan. 9th, 191 1, because he saw Burnett Westhaven, Chern and I fooling, told the attendant, Mr. Fenton, always to stop anyone who was fooling. He didn't say anything about stopping the patients when they get to fighting until one or other are cut and bruised – all these he never sees. . . .

Monday. . . I reported Attendant for slapping Tom

Welch, and today, Sunday, Jan. 15th, 191 1, he is gone. Whether he left or was discharged I do not know, but he is gone and the boys

are rejoicing. has also been discharged. Why was it

they kept ?

Sunday, Jan. 22nd, 191 1, Jerard told me that said to an

attendant that I was not sick – I was a big bluff so that I could stay in my room. "Why," says Morris, "He's a smart fellow!" "Smart fellow in what? – Killing a poor, innocent girl?" says .

and Dr. Elliott come from the same place Nova

Scotia. . . .

Last night, Monday, Jan. 30th, 191 1, I had some names and

dates of beatings done by and on the Northeast,

and had been given to Joe Hastings, and he put the paper in his pocket with his private letters sent by Jim Johnson, and Attendant

came down after Hastings had gone to bed, with two

others, and took the piece of tissue paper out and destroyed it so I could not get it. Don't this go to show they are afraid it will get out? Swift is Attorney General. I see Mr. Dana Malone has no more to say.

Monday, Feb. 6th, 191 1, at about 2:30 P. M., I was called out to the guard room in Pickles office to talk with Dr. Fuller, an agent of the State Board of Insanity, asking about what I wrote to Dr. Briggs for, also who I gave the letters to and if Mr. Smith took them, and why I had done this. I told him for the welfare of these poor unfortunates who had been so ill-used by doctors and attendants, and whenever I had reported the matter nothing was ever done. He asked me if I wrote to Mr. Faxon's father. I said yes, and told him I had seen him kicked, beat and made to go without his meals

and bedding. Then he asked me about my trouble, and I told him about beating Mike Murphy and myself. I asked him about writing to the people I had wronged, and he said "I advise you not to." George Green and Josiah Johnson were called out, but never saw the doctor. Green is one of the principal witnesses, as he was years up in the hospital and saw two men absolutely killed by attendants, and he is feared by the doctors and Mrs. , the Matron up there, as she has sanctioned it all, making a remark once that she did wish an old man would hurry up and die, so she could have his room, as they were short of rooms.

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Friday, Feb. 10th, at noon, while eating sewer clam chowder, this same doctor came in through the mess room, with Dr. Elliott in the lead. I was told he stopped in the inner dining room and tasted of the bread, spitting it out on the floor, also looking into the chowder can and surveying the room in general, but he hurried right through where I eat, coming from the opposite direction. He talked with Houldcraft, Nichol, Westhaven, Allen, etc., but left out Green and Johnson again. . . .

Sunday, Feb. 26th, 1911, while eating my dinner of cold beef, I saw a funny piece of fat, and on looking closely discovered it to be a big abscess - I was about to eat it when I discovered it.

Thursday, March 2nd, 1911. While in the North this A. M., I heard of Thomas Hamburg being taken into his room and beat by

Supervisor and Head Attendant , for talking out

loud. His face was covered in blood, and was witnessed by John Malvey and Lewis Rogers, Albert Russell, William Sullivan, and many others. At just before noon, an attendant by the name of

kicked a patient in the legs and body for not standing in

line.

Same date, Friday, March 3rd, 1911, and

both supervisors, took Miles O'Leary, by both strong-arming him, out through the dining room and away down through the corridor, out of sight of us all - and then, such screams of pain! Then one of the attendants shut the door so we could not hear the screams, but we did, and in about two minutes the two supervisors came back, both white as sheets, as if they were all out of breath. Witnessed by George Green, Edgar Houldcroft, G. List and many others. Mr. Cody would like an interview with Dr. Briggs. At Thanksgiving time. Dr. Baker told me they killed over 40 hogs that weighed over 250 pounds apiece, and the Boston paper said that 800 pounds of

pork was to be eaten at BridgcAvater on that day with proper fixings. There are over 100 cows, and we hardly ever get any milk – no butter, only oleomargarine; over 1000 hens, and never an egg do we or the attendants see, so one tells me. Dopes help out in the kitchen to do the cooking, string and toilet paper are often found in the soup and gingerbread; cups, spoons and plates of tin are sometimes filthy.

CHORUS

Beautiful Queen of Roses, kissed by the morning dew,
Each pretty flower discloses virtues I find in you.
White means your soul so pure, dear, red means your love
most true.
You are my garden of beautiful roses – My own rose,
my own rose, that's you.

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MOTHER S SONG

When I was but a boy, my mother's pride and joy,
I wandered far from that dear fireside place;
And the sorrow I have seen could not be placed upon a
screen –
You'll never miss your mother till she's gone.

CHORUS

In fancy I see her there, seated in her old arm chair –
You'll never miss your mother till she's gone.

Wednesday, March 15th, 191 1. – Assistant Supervisor

and Attendant strong-armed and choked a Jew by the
name of Attar Naman at about 2 P. M., because he did not want
to put on his shoes and go out doors. Witnessed by Patient Jerard.

Monday, March 20th, 191 1. – This morning a patient came up
to my door saying, "Have you heard the good news?" I said "No,
what is it?" "There's a long piece in the Post about Governor Foss
going to investigate all insane hospitals, and helped by Dr. L. Vernon
Briggs." I shouted for joy and it has been read by husedreds already.
What a happy expression on the men's faces when they were talking
about it in the yard! There are many Boston Posts subscribed for

by patients, but only one found its way in. . . . This afternoon a patient by the name of Charles Murray, colored, fell on his knee, hurting it to that extent that he had to be carried up into the hospital. Upon arriving, Mrs. met them in the doorway,

saying, after she had been told what they had brought him up for - "Take him right down again. I have had no orders to receive him yet." What a thing for a so-called matron to say and do! It shows . . . that the so-called hospital is by name only. Everyj'one is watching the papers with longing eyes for Governor Foss' and Dr. Briggs' glorious work towards the uplift of poor unfortunates. God bless them both!

Tuesday, March 21st, 191 1. - Attendant , the one who

struck me in the head with a blackjack, remarked just outside my door to his chum and a man of his own stamp that Dr. Briggs was going to raise wages to \$75 or \$100 a month. He said it twice over, go I took it it was meant for my benefit. . . .

Thursday, April 6th, 191 1. - A patient named Husler, one who

is full of delusions, struck or kicked Attendant , and they

put him in a room and Dr. came, injecting some fluid by

hypodermic syringe method, weakening and causing deathly sickness. If patients strike one another, seldom is there anything done about it, but let a dope or anyone strike an attendant, and they take him, beat or inject the needle so often that he is often taken to

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the "so-called" hospital, and he may recover after being subjected to all kinds of torture, and oftentimes they have died - giving them cold plunges, leaving their windows open all night through freezing weather, sometimes no bed and sometimes no clothes to cover even their bodies. . . . It is reported that patients who have been buried on the farm - their graves have been ploughed over and planted on.

Wednesday, April 12th, 191 1. - John Kinney broke out 7 windows in the lower smoking room, and today, Thursday, April 13th, 191 1, they put him in the Northeast. He is five years over his time here. Friday or Saturday a patient cut John Boynton in the legs with a piece of pipe made into a knife. Stockleburg is the patient's name. Wednesday and Thursday Dr. Elliott had one half of each afternoon out in the front ward or office, asking different questions relative to my case. "How much was the jewelry worth taken from the Dow home, and do j'ou think it worth over \$5 ?" I said I thought about that. "I would you plead guilty in the second degree if the Court asked you to?" I said "It's for my lawyers to decide, not me." He said, "In case they bring in First Degree, you know what that means?" I said, "I get so downhearted at times, I wish it would turn out that way." "In case you get Second Degree, would you prefer to go to Charlestown or to come down here?" I said, "If you had a son, which place would you like him to go?" He said, "There is not much difference in places, only I advise you

in either case not to pay attention to patients, as you will find your best friends among the officials. You got in wrong to start with so if you go to Charlestown, don't go there thinking you can reform the place, because they have rules and regulations which they have to compel the prisoners to live up to. I do not believe in muck-raking. There is no good coming from it on either side," said he; "If you are here two years from now, you will say, I am sure, that the officials are your best friends. How are things going on now down in the dining room? Do you eat well?" . . .

When I remarked about the grave⁵ard here for the poor unfortunates, I did not know that they planted over their graves, and that all that marks their resting place is a small pine board with numbers on. . . . They say there is lots of mounds that ought to show, but have been ploughed up. There are a few mounds only marked by just plain pegs. No respect for the dead at all. The old tomb is now used as a cook-house.

When Minnie comes Monday, I will send these notes by her, also a chain Jim Johnson made for Mr. Smith, with a letter written on tissue paper for him, too.

The remainder of the diary is copied directly from Spencer's manuscript, with occasional omissions, italics

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representing his underscoring the occasional errors and the peculiar punctuation being his own.

Tuesday, April 25th, 1911. . . . There is not an hour day or night that passes but that I suffer unknown to human eyes, but God knows just how much and how sorry and bewildered to know how / ever came to such an ending, also how all through my life it has been my aim to live an honest, clean life, and after I married my "darling Wife" I always thought how happy I could make my home by being ever truthfui, faithful and a loving husband, and thoroughly clean in my morals; yet I failed. Twice did I deceive my darling, and those two times were I unfaithful, but always truthful, loving and attentive, thank God, as any man could be. . . .

It's a "big sacrilege" to call this place a Hospital - anything but that. If the Christian people think we are all Insane and void of principle, and our word is not to be taken, then in Humanity's name, why don't they spend some of the donated money and hire men to come into these places and find that the truest facts have not even yet been mentioned regarding Brutality and the medical farce and general run of this Insane Prison, "Not Hospital." Then the public could be informed from a sane man and not a patient. I have told only the God's truth, and truth can never be stretched regarding what has gone on here in the past. Even the dead can not lay in peace. They allow an attendant or farm boss to breed foxes that were brought into the walled enclosure on the farm, and they have burrowed down under the dead bodies, where they make their homes. They have ploughed up and planted all over the dead graves the past two (2 years) I have seen it all with my own eyes. . . . There are six foxes now on the farm.

Monday, May 1st, 1911. In today's paper there's a picture supposed to be me, and a piece of lies that goes with all the other lies that have been printed about this place and myself, stating that I am "enjoying myself" - JVhat a lie,, never suffered more in my lifr than the past year, day and night, and I have asked these people to let me write a letter to each of the "poor Blackstone" and Dow families, telling them of my sorrow and suffering, and that my last prayer will be for forgiveness from God and Them. There are many here who say

it sounds just like 's way of getting back at me in a quiet,

off-hand way, because I have tried, "oh," so hard, in a truthful and gentlemanly way to expose the low, contemptible actions of Drs.

and and Attendants, also Supervisors and State

Board, and this is the weapon they are using to get back at me and excite the people on the outside to frenzy heat. How well they always guard themselves by speaking of this place as "PavilUon" and the back yard, when the wind blows, the fine sand dust sweeps across

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the yard to that extent you can not see at all. The drainage of this yard is down in the North end corner, and is fed by spit from 300 men daily, all the overflow of two toilets summer and winter, and when this receptacle at the North end of the yard gets full, they take ofif the cover and spread the contents out over the yard where the sun and wind dried it out and the wind blows it all over the yard, up into the highest and most far rooms surrounding it, where we have to sleep in it and everything covered with this same yard dust. . . .

Perhaps I can never prove, but God knows how much I have suffered, also those that have come to see me and have received letters from me. All the real comfort I have is in the reading of the dear letters of my dear Mother and Wife, and I often yearn for a letter every day when I seldom get but one a week from my dear Wife - ■ Mother generally writes 3 times a week, and she does not realize how much comfort they bring to me, neither does my Darling Wife. It seems as though every day would be my last, as I am so "lonely," and death is far better than being away from her love and affection. She alone knows how I love her, and will know it better as she grows older.

Monday, May 9th, 1911. In yesterday's Sunday Boston American there was another heartrending piece about me that was all false and exaggerated to the fullest. Does anyone believe, I wonder, that I do not suffer day and night for the sins I have committed? Don't I suffer for the hearts that have ached and those that will ache for years to come? Do I play my mandolin because I am happy? Far from it, it's because it not only soothes my aching heart, but it comforts other sorrowing hearts. I have been told time and again that my playing for others has done more good than the sermon preached here. If so, why should I be censured for trying to do what is right and bring cheer and comfort to those who are downtrodden, friend-

less and sick? It's my duty, as a Christ believing man, to pray to God for forgiveness and peace of mind, and try to be cheerful among my fellow unfortunates, helping them in turn to be cheerful and to do right and be cheerful. And if the Christian people will not encourage me, I will do it alone, knowing that in God's sight I am doing his teachings, even though I suffer by it in the end. People who have these false reports published about me are trying to do me an injury, and I pray to God to forgive them, for they know not what they say. Neither do I know their motive, but God does.

Tuesday, May 9th, 1911. Had an interview with Dr. Elliott, but got no satisfaction other than that he said he told Dr. Tuttle I played the guitar, and I said no, it's a mandolin, and that I played ball and worked on the farm, and he said not to think Dr. Tuttle put any such piece in the paper. I said then, for the respect of my people, I wished him to contradict those statements made in the Boston Post of Mon-

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day, May 2nd, 1911, and the Sunday Boston American of May 7th, 1911. He said: "I will answer any questions your folks wish to ask and will deny anything that is wrong to them, but not the newspapers. Your folks can have published what I write if they wish, but I shall not," so that if the papers make a comeback he will not have to answer. . . .

Wednesday night. May 10th, 1911. A patient who is crazy as a lime, by the name of Joseph Frenette, a Frenchman, was beat and

choked by Attendants and , who is on my ward,

upper North, Corridor 6. Two big lumps on the back of his head; Thursday morning he refused to go to bed the reason. Saturday

night. May 6th, 1911, when Mrs. got off the train in

Boston, after spending the day here at Titicut with her husband,

was accosted by an attendant, , who asked Mrs.

if she would go to supper with him. She refused, scared almost to move. He then asked her if she would stay all night with him at some hotel, saying she was foolish to stick by her husband. When she came to see her husband Saturday, May 13th, 1911, she told him the whole story, and they together wrote and signed their names, stating the facts to Dr. Elliott, asking him to do what was right in the matter or they should. . . . Last Sunday a patient who is in for burglary

wrote his mother a long letter, and Dr. would not send

it, and told this patient that when he stopped "roasting" this place

he or Dr. would send his letters, and not before. So

his last Sunday letter did not go. Mr, and his wife have

got Representative Quinn on their side and other influence, and per-

haps your acquaintance with her will be a help and pleasure to you both. She is a woman who should be loved by all. She writes her husband every day, and comes to see him every Saturday, way from Salem, and arrives here every time at 8 A.M. . . , Alfred W. Gerard is the patient's name who tried to send his letter and the

doctors stopped it. Last Friday, May 12th, 1911, Dr.

took the same two patients up to his wife's home to move the lawn and clean up around that he did once before. One was a fire-bug who has been in here 8 years. The attendant who took them up is

the one who insulted Mrs. Saturday, May 6th, 1911. . . .

In yesterday's letter. Mother dear, you ask me if I showed Dr. Tuttle the scar on the back of my neck, . . . He asked about the Pitcher affair and about my always carrying a revolver and wanted me to explain about the gun bursting, and I told him that I was just coming to you when you got to me from the house, and I was up in the lot just above where the machinery building is now and that Pitcher's striking me in the stomach first caused me to pull my gun and fire how many times I don't remember. He asked me why I always carried a light, mask and revolver, and I told him I had gone out a number of times without even a jack-knife in my pocket. He says

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I suppose you took the light to see with and the mask to conceal your identity and the gun to scare whoever you came in contact with. I said I'm sure I don't know, yet it all seems feasible as I look at it now. He says "Would you like to go to trial?" I said "Sometimes I wish it all over." He says "Do you mean you feel like suicide?" I said "Yes, then it would all be over, and then I think of my mother, wife and child and I want to live." He said "Would you plead to 2nd degree murder if I said "It's just as my lawyers say." He says "You know the meaning of First Degree?" I said "Death." Then he got up and excused himself for keeping me so long, and saying that Mr. Callahan had sent him here to interview me; saying goodbye and shaking my hand, he left for the front office where Dr. Elliott and he talked together. Dr. Elliott told me that Dr. Tuttle asked him if I played ball, etc., in the interview I had the other day. Dr. Baker hardly looks at me since he knows I was reported for trial, and I am just as well-pleased, for I never look at him but what I

think what a is behind those smiles and honeyed words,

and Dr. is the same, only he does not smile. I do not

know Mr. Houldcroft's address, and I do not know whether he has gone west or where. This will be mailed Saturday night, May 20th, 1911.

It will be noted that he emphasized most of his words when he was excited over personal matters. In describing the real or imaginary wrongs of others he is apparently more calm, and these peculiarities are less frequent, or absent altogether. His handwriting

was invariably clear and legible, except when he was excited or emotional.

H. J. McLean, who was an attendant at Bridgewater when Spencer was there, has written much about Spencer and events which took place in the institution at that time. His efforts to improve conditions while he was still employed as an attendant resulted in his dismissal.

CHAPTER IV

POLITICAL CAMPAIGN IN WESTERN MASSACHUSETTS, AS AFFECTING SPENCER. REPORTS OF BRIDGEWATER AUTHORITIES TO CHIEF JUSTICE AIKEN. REMOVAL OF SPENCER FROM BRIDGEWATER TO SPRINGFIELD FOR TRIAL, AUGUST 1ST, 1911.

Political Campaign

The sending of Spencer to Bridgewater had created another furore in Springfield and vicinity, and whether or not he was insane, public opinion resented any influences being brought to bear to keep him from being tried for his life. While it is wholly untrue that any such influence existed, the public was more or less incensed, and took revenge on the District Attorney, Mr. Taft, who came up for re-election in 1910. The hottest contest that ever was waged in western Massachusetts for this office took place that year, both Mr. Taft and his Democratic opponent, Christopher T. Callahan, taking the stump, and the Spencer incident was used as an issue in the campaign. Mr. Callahan defeated Mr. Taft by a big majority, and soon laid plans for bringing Spencer to trial. Mr. Callahan says that the trial was not the result of a "political issue" between himself and Mr. Taft; that his candidacy for the Democratic nomination for the District Attorneyship had been announced long before the September hearing. His actual nomination, however, did not take place until

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October 9th, and the following extracts from the Springfield Republican point to the conclusion that the Spencer case was a not unimportant issue in the campaign.

Evidently Mr. Taft, though he had acted in accordance with his conscience and with his idea of the duties of his office, nevertheless realized that he was under a heavy fire of public criticism, whether or not Mr. Cal-

lahan had opened a direct attack upon his policy in the Spencer case; and he must have felt that his office, in spite of a large Republican majority in the district, was in jeopardy; for the Springfield Republican of Oct. 27th, 1910, says:

District Attorney Stephen H. Taft, one of the speakers at a Republican rally last night in the Central Street Schoolhouse, strongly defended his action in the Spencer murder case, and made a forceful reply to the criticism of his failure to prevent Bertram G. Spencer, the self-confessed murderer of Miss Martha B. Blackstone, from being committed to the Bridgewater asylum for the criminal insane without demanding a formal trial. Mr. Taft declared that he was moved to allow Spencer's removal without a fight simply through the dictates of his own conscience, and that his ambition to be re-elected was not a factor in the case. Mr. Taft said he did not care whether he was reelected or not, if the price of reelection had to be the consciousness that he had done wrong.

On October 28th, 1910, speaking of a Democratic rally in Pittsfield, this paper says:

Christopher T. Callahan, candidate for District Attorney, was the second speaker. Mr. Callahan said that when he became candidate he hoped the contest for the District Attorneyship would be settled without a personal discussion between his opponent and himself of their respective qualifications for the place. Lawyers dislike to pronounce adverse judgment upon the professional work of their brethren, and he was reluctant now to say one word that might be construed as a reflection upon the legal ability of the District Attorney. That there might be no such misunderstanding, he would declare now that Mr. Taft was a very good lawyer with an excellent standing at the bar.

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But criticisms had been passed by a large number on his method of handling several important cases, not necessarily involving any question of his legal ability, but going rather to the soundness of the discretion which attaches to the office of prosecutor. Among these cases was one which, on account of its horrifying character and the terror which the criminal had struck into the hearts of the people of the whole country, had caused more discussion than all the others. He was alluding to the case of the notorious burglar and murderer of the Springfield school teacher, Miss Blackstone, Spencer, who, he said, was now luxuriating in the comforts and leisure of the insane asylum at Bridgewater. For the reasons stated, he regretted that it had become necessary to discuss the matter.

"But," said Mr. Callahan, "the District Attorney himself has taken the public platform to defend his action, and is making an explanation of it, which, if taken to be accurate by the voters, not only justifies his course, but invests the prosecutor with a nobility of motive and capacity for skill in dealing with cold-blooded murderers which almost make me ashamed to dispute his claim to reelection. I do not agree that the District Attorney's action was for the good of the Commonwealth, and I can not appear to acquiesce in and endorse his

explanation by further silence. Mr. Taft says he would rather go down in defeat than send an insane man to the electric chair. So would I, and so would every other lawyer with a spark of conscience in his soul. But that is not the issue. I do not understand that one voice has called for the execution of an insane man. The great complaint against Mr. Taft is that he did not meet the tactical motion of the murderer's lawyers for his commitment to an asylum with sufficient caution and energy. Everybody understands that Spencer's skillful counsel regarded it as the first great step to deliver him from the law's penalty to get him into an insane asylum by the order of the court, and thus forever after commit the Commonwealth to the theory that the man was insane.

"At Springfield and Holyoke Monday night I shall discuss Mr. Taft's method of meeting this strategy of the defendant's counsel in detail. It is enough to say now that it was imprudent, to say the least, to put the Commonwealth's own experts on the stand to support this request of Mr. Spencer that he be placed in an asylum for observation. It was more than imprudent that the District Attorney himself should elicit testimony from these experts that will make their testimony hereafter utterly valueless, if Spencer should finally be put upon trial. I say these things because it appears that these opinions were based, not upon observations of the prisoner solely, but upon observations taken in connection with the family history of the defendant and certain alleged facts in his career. How were these facts brought to the minds of the experts? As facts established by evidence from the witness stand? Not at all. They were fur-

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nished by the defendant's family and friends, and accepted by the experts without legal proof. These facts, in my opinion, should have been submitted under oath in open court, and should have been subjected to the test of careful cross-examination. Of course, if the Commonwealth could show that these facts should not be accepted as true, the experts very likely would not agree in the notion that the defendant was crazy."

Mr. Callahan continued at some length in this vein, arguing the evil results that might spring from such procedure, citing other cases and stating that "a chagrined and indignant public has raised its voice." The same issue of the Republican gives Mr. Taft's defense:

Speaking of the cases of Spencer, Mrs. Berquist and George Creley, all of whom were committed for insanity, Mr. Taft said that the Court had to decide the question of the sanity of a prisoner, and if it is found that he is insane at the time of the trial he is acquitted on the ground of insanity and committed, while if found sane he must stand trial. Mr. Taft said he fully realized the state of the public mind at the time of Spencer's arrest. Then he told how Drs. Houston, Quinby and Tuttle either found Spencer insane or would not pronounce him sane. He said, too, that if Spencer had been put on trial, the jury would have acquitted him on the ground of insanity. Mr. Taft stated that if, at any time, Spencer should be found to be sane again, he could be brought back and put on trial, and that no one would be more pleased than he to send him

to the chair; but he said that he desired to be possessed of a clear conscience, rather than put on trial a man whom three experts had found to be insane. He said he was being criticized for not having secured other experts to say Spencer was sane, "but," declared Mr. Taft, "I am not in office to hire or buy witnesses." He said he had had and still had ambition to be reelected District Attorney, "but," said he, "I say to you and I'll say to the world, I don't care how it affects my chances for reelection, if I know I did right."

Mr. Taft made another speech that evening in Holyoke (October 28th), and at a third Republican rally, held on the evening of October 31st, he continued in the same vein, answering Callahan's criticism of his use of the Commonwealth's alienists as follows,

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according to the Springfield Republican of November 1st:

"It has been said that the alienists testified not only from their examination, but from the history of the defendant, and that the District Attorney should have examined the witnesses who testified, or who might have testified, as to his history. My opponent has been kind enough to say that I am a good lawyer, but he belies his words when he suggests that I permitted this history to be used by the alienists without confirming its accuracy in every detail. A statement was submitted to the Attorney General, forwarded to me, which was seen by the alienists, and I verified or caused to be verified all the facts stated thereon. I should certainly have failed in my duty had I permitted the experts to take into consideration the past history of the man, unless I had become certain that the facts stated were true. I personally interviewed men and women in Connecticut who had known Spencer from childhood, and verified the facts stated in the history of Spencer and his family, and a district police officer, at my direction, was several days employed confirming these facts.

"Believing that the court, in passing on the motion that Spencer be committed for observation should have knowledge of all facts, and believing that it was my duty to disclose to the court all the facts within my knowledge, the alienists consulted by the Commonwealth were put upon the witness stand. The court found that it was necessary that he should be committed under the provisions of this act. I suspect that some of the persons who criticise my course did not appreciate just what would have been the outcome had any other course been taken.

"As the case now stands, Spencer is confined at the prison for insane criminals at Bridgewater for observation. If he is pronounced to be sane, he can be brought here and tried. It is not a case where there is any question about the ability of the Commonwealth to prove the facts concerning the commission of the offense. That evidence is plenary, and if he is pronounced sane, no man will be more ready to try the case against him and convict him of murder in the first degree than I will. There seems to be a feeling that there is a possibility that he may in some way again be at large. But that is

impossible. If he appears to be sane he can be placed upon trial, and if convicted, be executed in the electric chair. If he is acquitted by reason of insanity, by law he must be committed to the prison for insane criminals at Bridgewater for life, and can only be discharged therefrom by order of the Governor and Council; and no one suspects or imagines that Massachusetts will ever have a Governor who will permit the man who has committed all the horrible offenses

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that Spencer has committed to be free again. So that, whatever may happen, if Spencer does escape the electric chair, he will be confined as long as he shall live."

After referring to the unjustifiableness of a District Attorney putting on trial for life a man who is insane or whom he believes to be insane, Mr. Taft said, "It might be that the alienists were mistaken in their opinion concerning the mental condition of the defendant, but the Medical Director of the prison for insane at Bridgewater, to which Spencer was committed by an order of the Court requiring a report to be made to the Chief Justice of the Superior Court monthly, in his report to the Chief Justice, said, 'At the present time it is my opinion that the degree of Spencer's mental deficiency and the obliquity of his moral nature is so great that it constitutes real insanity. Aside from this, there are symptoms that call for further observation.'

"It is easy, my friends, to be criticised for that which has been done, especially by persons who are not familiar with all the facts and conditions of this particular case. I had every incentive to try this man, and to ask for a verdict which should send him to the electric chair. The horrible crime which he committed warranted it. My own wish to see the proper punishment administered, my knowledge of the intense feeling throughout the community, my desire for the commendation of the people in my conduct of the office, everything prompted me to try this case; but however bitter might be my feelings toward the defendant, I could not, under my oath of office, performing its duties as I understood them to be, conceal from the court the evidence in my possession, and no court could, by any possibility, have escaped making the order which was made, if the evidence was fairly presented to it."

The same Issue of the Republican (November 1st, 1910) quotes Mr. Callahan as saying, at a Democratic rally held in Springfield on the previous evening, at which Governor Foss was the chief speaker, that he regretted that a public controversy over the professional work of a brother lawyer had been injected into the campaign, but it was not his fault, he said; even in his speech accepting the nomination, he had deliberately refrained from making any reference to the Spencer case or to the other cases which have aroused more or less feeling on account of the way in which the interests

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of the Commonwealth have been dealt with. But Mr. Taft had taken the public platform for the purpose of defending himself. Mr. Callahan said that, inasmuch as he disagreed with the District Attorney's contentions, it would be foolish to permit the latter to coin votes on a combination of his eloquence and Mr. Callahan's silence. He then continued at some length, repeating much of what he had said in former speeches, and saying, among other things:

"In the fact of the overwhelming evidence of his guilt, there was but one way out. Nothing was more certain than that Spencer's defense would be insanity. It seems to me that in this awful case, Spencer ought not to be permitted to escape some penalty of the law, unless, under the finding of a jury, his insanity was established beyond a doubt."

Mr. Callahan continued at great length on this theme. From the reported speech we select the following paragraphs:

"I find, by reference to the reports of the hearings in the daily papers that the defendant's counsel were as familiar as the District Attorney with the doings and opinions of the Commonwealth's experts. I find that Mr. Stapleton used their testimony to his own great advantage. I am informed that every expert in the employ of the Commonwealth was called to the stand and committed to the theon- either that Spencer was insane or that there was such doubt as to his sanity as to make further observation necessary. ... I am here to say that it was very imprudent, to say the least, for the Commonwealth to put the defendant in possession of its evidence at that stage of the proceedings. Whatever might have been the duty of the Commonwealth at the trial itself, it is very questionable if proper considerations of the Commonwealth's interests can justify the proffer of the Commonwealth's evidence in a preliminary skirmish like this. Moreover, as I read the opinions of these experts, I find that they were based, not upon the observation of Spencer alone, but upon alleged facts furnished by himself, his friends and his family. Now it is common knowledge that before a fact can be considered in passing upon a question of the defendant's insanity,

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it must be testified to in open court and subjected to the test of direct and cross examinations. . . .

"My friend admits that he did not oppose Mr. Spencer's request for commitment to the bucolic pleasures of Bridgewater, and argues with some fervor that, if he is pronounced sane by the authorities there, he can be put on trial and convicted. How, I would like to know? Upon the testimony of the Commonwealth's experts, who have already under oath committed themselves to the theory of insanity? It is possible, of course,, that they may hereafter be persuaded to believe that Spencer is sane, but of what value, in the average jury, would their testimony be? As I understand the situation, every expert in the employ of the Commonwealth has showed

his hand.

"No, my friend, the great complaint made by the people is not that you refuse to send a crazy man to death, but that you are not sufficiently cautious in dealing with a claim of insanity by a man whose sanity had never been questioned up to the time of the murder, for nearly a week after it, and up to the moment when his confession excluded any other possible defense. They complain that the Commonwealth's case has been made practically valueless, and that because of this Spencer will escape the penalty of the law. They feel that if there is any reason why the extreme penalty of death should not be invoked, this man, instead of enjoying the comforts and attentions of an insane asylum, should at least have been sentenced to the toil and privation of imprisonment for the remainder of his natural life."

Mr. Callahan referred, continues the Republican, to the importance of keeping the office of District Attorney out of politics, and, in closing, said: "If I am elected, I shall deal mercifully with the first offender and with the erring boy or girl, when mercy will not make a farce of justice, but I pledge myself to deal so vigorously with the murderer, the burglar, the fire-fiend, the man who invades another's home to destroy it, and with those who terrorize the community in other ways, as to make this district unattractive to them."

In the same issue of the Republican, we read in the editorial column :

Lawyer Christopher T. Callahan, the Democratic candidate for District Attorney, is disposed to bear down heavily on the Spencer case, that most deplorable affair that needs no rehearsal in Springfield. The phenomenal meanness of the wretch who terrorized this community will not soon be forgotten, and popular indignation de-

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manded that he be sternly dealt with. Such was the feeling with which District Attorney Taft approached his public duty. It seems to be a fact that the lawyers, who should be the best judges of his course under the extraordinary circumstances that confronted him, are practically agreed that the District Attorney ought not to be condemned for the course he pursued. They endorse it. Here, for instance, is a letter from a leading lawyer in a neighboring county — and a Democrat at that, who writes: "I think the course of District Attorney Taft in the Spencer case was most proper. Fortified as it was with the views of the alienists and endorsed by two judges of the superior court, including the Chief Justice, it does not seem to me he is open to attack."

But Mr. Callahan thought otherwise, and continued to attack him throughout the remainder of the campaign. The Springfield Republican of November 4th says that at a Democratic rally held at North Adams on November 3rd, Mr. Callahan referred to local cases as showing a lack of attention to duty on the part of

District Attorney Taft. He again reviewed the Spencer case in detail and repeated at much length his attack on Mr. Taft's conduct of it.

Many local election forecasts about this time predict Taft's defeat, even in the Republican strongholds, on account of dissatisfaction with his record in the Spencer case. Mr. Callahan knew his public and his eloquence triumphed. On November 9th, in its account of the election returns, the Republican says:

Lawyer Christopher T. Callahan of Holyoke has defeated District Attorney Taft, with his own city going for him with a whoop. The reasons for that local favor were not far to seek. . . . The Spencer case played its part in Springfield and beyond, but it was by no means the sum of the opposition. . . . Who imagined that Mr. Taft could have been defeated by a plurality of 2662 ?

In the same issue, speaking of the local vote, the Republican says:

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District Attorney Stephen S. Taft, defeated in the Western Massachusetts district for reelection, managed to run ahead of his opponent, Christopher T. Callahan, in this city, by 345 votes.

Thus we see that, though Mr. Taft was defeated in a strongly Republican district, with the Spencer case as one of the leading issues against him, in Springfield, the city most concerned in this case and in which Spencer was best known, Taft had a fair majority. Apparently the people of Springfield were not dissatisfied with Taft's manner of handling the case.

Reports of Bridgewater Authorities

We have already quoted Dr. Elliott's first report to Chief Justice Aiken, made after Spencer had been a month at Bridgewater. The second report was dated November 16th, 1910, and, omitting the printed heading, reads as follows :*

To the Honorable Chief Justice of the
Superior Court of Hampden,
Springfield, Mass.
Dear Sir: -

In compliance with the order of the Honorable Court, I hereby make my second monthly report upon the mental condition of Bertram G. Spencer.

During the greater part of the past month Spencer has refused to talk with the Medical Director or his assistants, and any attempt to draw him into conversation was met by an outburst of profanity. His reason for so doing appears to lie in a general dissatisfaction with his environments, and his inability to accommodate himself to the

necessary rules and regulations of an insane hospital.

From his letters and his conversations with officers and other inmates, and from his general attitude towards the institution and the officials in charge, it is evident that Spencer is suffering from general ideas of persecution. The underlying cause of these false

•The italics are my own in these reports and elsewhere in the book, except where otherwise stated.

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ideas or delusions appears to be the faulty reasoning and impaired judgment of an arrested or mal-developed brain.

Spencer's life is daily dominated by irresistible impulses, and his will-power is too weak to control them and his reasoning is so faulty that he seldom arrives at correct conclusions. The exalted ego, so characteristic of the imbecile, is very prominent in the patient's mental make-up, and while in many ways he appears to be rational, his utter disregard for truth,* his lack of moral feeling, decency or remorse, together with general ideas of persecution and his inability to accommodate himself to his environments, especially when it is manifestly in his favor to do so, are strong arguments, to my mind, that Spencer is insane.

Very truly yours,

Alfred Elliott,
Medical Director.

The third report is dated December 17th, 1910:

To the Honorable Chief Justice of the
Superior Court of Hampden,
Springfield, Mass.
Dear Sir: -

I hereby make my third monthly report upon the mental condition of Bertram G. Spencer, committed to this hospital until further order of the Court. Spencer has been much more agreeable and reasonable during the past month. He has taken practically a normal interest in life and his environments and has joined in the different games and amusements of the hospital. He has not shown any new evidence pointing to delusions, and I can not see that there has been any signs of increasing dementia. / do not think there is any chance to dispute the fact that Spencer is and always has been a moral imbecile of a rather low order. It is still my opinion, however, that he knows right from wrong, at least in the abstract, but while knowing the right, his mental defect is so great that he is unable to do the right or avoid the wrong.

There is such mental impoverishment in his case, as in most borderline cases, that it is not strange that reasoning and judgments are at times so faulty as to constitute weak, incoherent delusions. His peculiar mental soil also favors the development of various psychoses and the gradual growth of any latent disease, together with the

many weak delusions that are so often a transitory feature in patients with unstable nervous S5'stems.

Very respectfully,

Alfred Elliott,
Medical Director.

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The reports continued to be sent in to the Chief Justice monthly as follows :

Jan. 16th, 191 1.
To the Honorable Chief Justice of the
Superior Court of Hampden,
Springfield, Mass.
Dear Sir:

In compliance with the order of the Honorable Court, I hereby make my monthly report upon the condition of Bertram G. Spencer.

There has been no material change in the mental condition of our patient since the report of Dec. 17th last. Spencer has made considerable gain in weight, is somewhat more contented and a little less fault-finding. He is much less emotional. His inability to concentrate his mind upon any line of thought or work is still marked, but evidently this is of long standing and dates back to his school days. His memory remains fragmentary and uncertain and his mind acts slowly and within narrow limits. His inability to reason clearly and to analyze events of everyday life leads to errors of judgment and false conclusions. There has been no evidence of homicidal or suicidal tendencies since received, and no hallucinations or delusions noted, except as facts improperly interpreted, the result of faulty reasoning, might be considered as such.

I am still of the opinion that Spencer is a moral imbecile with strong and uncontrollable criminal tendencies and perverted moral instincts, together with some minor symptoms which go with unstable mental make-up under the stress of confinement and the influence of asylum life.

Most respectfully yours,

Alfred Elliott,
Medical Director.

Feb. 17th, 191 1.
To the Honorable Chief Justice of the
Superior Court of Hampden,
Springfield, Mass.
Dear Sir:

In accordance with the decree of the Honorable Court, I hereby make my monthly report on the condition of Bertram G. Spencer.

In this report I am unable to add anything of value to my former

reports. Spencer has improved physically, is less emotional and somewhat better contented. Prolonged observation, however, but strengthens our opinion that Spencer is deficient in moral understanding, as the result of mental defect of long standing. I have not ob-

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served any well-defined symptoms pointing to any acute mental psychosis or rapidly dementing process.

Most respectfully,

Alfred Elliott,
Medical Director.

March 17th, 1911.

To the Honorable Chief Justice of the
Superior Court of Hampden,
Springfield, Mass.

Dear Sir:

The Medical Director being away on leave of absence, I hereby make the monthly report on the condition of Bertram G. Spencer.

During the past month patient has been quiet and has not at any time acted like a person dominated by active delusions or hallucinations. While in conversation with the Assistant Physician he is rather surly and fault-finding, but when talking with the patients he is just the reverse. When out of doors he takes active interest in the various sports and the remainder of the time spends in drawing and painting. I cannot see any change, either mentally or physically, since the last report.

Very respectfully,

L. A. Baker,
Acting Medical Director.

April 17th, 1911.

To the Honorable Chief Justice of the
Superior Court of Hampden,
Springfield, Mass.

Dear Sir:

I hereby make my monthly report as to the condition of Bertram G. Spencer, who was committed to this hospital for the purpose of determining his mental condition.

There has been no important change in this man's physical or mental condition since my last report to the Honorable Court. His daily life, conversation, actions and correspondence all point to a mental defect, but recently I have not observed anything that would lead me to believe he is suffering from any acute mental aberration, and I am of the opinion that his mental condition is of long duration, dating from early life or congenital in nature.

Very respectfully,

Alfred Elliott,
Medical Director.

The May report, which follows, is similar, continuing to affirm that there has been no change in Dr. El-

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liott's opinion, though he expresses it more briefly than at first:

May 17th, 191 1.
To the Honorable Chief Justice of the
Superior Court of Hampden,
Springfield, Mass.
Dear Sir:

In compliance with the order of the Honorable Court, I hereby make my monthly report on the mental condition of Bertram G. Spencer.

I am unable at this time to add anything of importance to my former reports. Spencer takes what may be considered for him a normal interest in life. He plays ball and other games, sings, talks and laughs in a natural way and is not abnormally depressed or excited. There has been no mental deterioration noted since coming here and no evidence of delusions or hallucinations which modify his actions. His everyday life shows that there is and probably always has been a deficiency of moral understanding which manifests itself in criminal acts.

Very respectfully,

Alfred Elliott,
Medical Director.

To the Honorable Chief Justice of the June 19th, 191 1.

Superior Court of Hampden,
Springfield, Mass.

Dear Sir:

I am unable at this time to add anything new to my former reports on this case. Mr. Spencer is in splendid physical condition, eats and sleeps well, does some little work in our garden, and enters with zest into the usual amusements and sports of the Hospital. He has not at any time manifested delusions or hallucinations, and under the ordinary precaution and restraint of hospital life, has not shown suicidal or homicidal tendencies. During the nine months he has been under observation, I have not been able to find evidence that his crime was the result of an acute mental aberration, but it is still my opinion that there exists in this man a defective mental state which dates from birth or early childhood and manifests itself in weakness of the moral rather than the intellectual sphere and is associated with strong criminal tendencies.

Very respectfully,

Alfred Elliott,
Medical Director.*

◆This report of June 19th proved at the trial to have been one of the most significant. Copies of all the other reports were furnished me, but by

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This, to my mind, is rather a strong expression of Dr. Elliott's opinion that Spencer was not mentally responsible for his act, but if we examine the latter part of this report, we notice a departure from his usual form of phraseology. He does not say that Spencer had no mental aberration when he committed his crime, but that the crime "was not the result of an acute mental aberration." Although he still says that there exists in Spencer "a defective mental state," he no longer classifies him as **a moral imbecile."

Under date of June 30th, Dr. Elliott sent the following letter to his Superintendent and Trustees:

To the Superintendent and Trustees

of the State Farm.

Dear Sirs: -

After sufficient observation to enable me to determine concerning the sanity of Bertram G. Spencer, I have to report that in my opinion he is sane and never has been legally insane, and therefore advise that he be removed from the Bridgewater State Hospital.

Yours respectfully,

Alfred Elliott,
Medical Director.

The Trustees accordingly reported to the Court as follows:

State Farm, Mass., June 30th, 191 1.
To the Honorable Chief Justice of the
Superior Court,

Springfield, Mass.
Dear Sir:

In accordance with the law, the Superintendent and Trustees of the Bridgewater State Hospital have voted that in their opinion

some strange oversight this one was not included among them, and I was for a long time at a loss how to procure a copy of it as these reports are not

included among the other documents admitted at the trial in the official report of the case as published by the Commonwealth. I finally succeeded in getting a copy of the report of June 19th, through the courtesy of Dr. John H. Carlisle, the present Medical Director of the Bridgewater State Hospital,

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Bertram G. Spencer is sane and should be removed from the insane hospital.

Very respectfully,

John B. Tivnan, Chairman,
Payson W. Lyman, Sec.
Hollis M. Blackstone, Supt.

Dr. Elliott's last report to Chief Justice Aiken follows :

July 17th, 191 1.
Dear Sir: -

I hereby make my monthly report on the mental condition of Bertram G. Spencer.

After observing this man for ten months I have to report that in my opinion he is sane and has never been legally insane. The Superintendent and Trustees of this Hospital have also reported that in their opinion Spencer is sane and ought to be returned to the prison from which he was transferred.

In our interviews with the man from time to time he has never shown evidence of delusions or hallucinations and has never intimated the existence of irresistible impulses to injure any one, except at such times as his actions were dominated by anger. In considering our record of this case, which includes his previous history as given by himself and members of his family, I do not find that at any time in his life was he in mental conflict with the desire to do wrong, as he saj'S that at no time did he feel anxious to lead a different life until he was arrested and confined in prison. We also note that he showed deliberation and planning in arranging for and carrying out his crimes. For instance, he used a black muffler instead of a mask, as the latter might be considered as evidence against him if found on his person. Says he never carried burglars' tools, and seldom used force to enter a building. He also wore his regular shoes, took them off before entering a house and replaced them after leaving. Such deliberate planning and execution, without remorse of conscience or a struggle to overcome his desire for crime leads me to believe that his crimes were not due to an irresistible impulse or obsession. Again, the variety of crimes he admits, to wit : robbery, murder, rape, shooting at a man, carrying concealed weapons, etc., do not, to my mind, point to mental obsession.

In connection with the crime for which he is at present held, it is of importance to note that on a previous occasion patient fired several shots at a man because the man said something that angered Spencer.

In considering the time he caused rape, or attempted rape, with

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robbery, we do not find that he showed remorse or a struggle against such deeds, as would be expected if he were under an obsession.

It seems to me his crimes have been for gain, revenge or to satisfy his passion, or to protect himself when overtaken in criminal deeds, and were not the result of an irresistible impulse or obsession or the reaction of a delusion or hallucination, or the result of some acute mental aberration.

Very respectfully,

Alfred Elliott,
Medical Director.

The analysis of Dr. Elliott's last report is interesting and it is inconceivable that certain discrepancies should not have made a stronger impression upon the jury when Spencer was brought to trial. The very arguments which Dr. Elliott had previously used as evidence of Spencer's irresponsibility are, in this last report, brought forward to prove that he was not "legally insane."

In this report July 17th Dr. Elliott says that Spencer "has never intimated the existence of irresistible impulses to injure anyone except at such times as his actions were dominated by anger." Yet in his report of November 16th he had said, "Spencer's daily life is dominated by irresistible impulses and his will power is too weak to control them and his reasoning so faulty that he seldom arrives at correct conclusions."

Again, he says in the last report, "Such deliberate planning and execution, without remorse of conscience or a struggle to overcome his desire for crime, leads me to believe that his crimes were not due to an irresistible impulse or obsession." But if Spencer were, as Dr. Elliott had repeatedly stated in writing and verbally, a "moral imbecile of a rather low order" with "uncontrollable criminal tendencies and perverted moral instincts," why should he have had "remorse of con-

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science" or have struggled to overcome his desire for crime? And as to "deliberate planning and execution," that would hardly be proof of sanity in a man suffering

from "false ideas or delusions," whose reasoning was "so faulty that he seldom arrived at correct conclusions," who had "general ideas of persecution," whose "inability to reason clearly and to analyse events of everyday life leads to errors of judgment and false conclusions," who had always had a "deficiency of moral understanding which manifests itself in criminal acts."

In the report of November 16th Dr. Elliott says: "His utter disregard for truth, his lack of moral feeling, decency or remorse, together with general ideas of persecution and his inability to accommodate himself to his environments, especially when it is manifestly in his favor to do so, are strong arguments, to my mind, that Spencer is insane." And in the last report this same lack of moral feeling, decency or remorse is used as an argument for his sanity - at least they convey the impression to the lay mind that Dr. Elliott so considers them. Dr. Elliott says: "The variety of crimes he admits ... do not to my mind point to mental obsession," but he does not say that they do not point to mental disease or mental defect of some sort.

However, we make no plea for Dr. Elliott's conclusions at one time or the other, but merely quote from his reports to show their inconsistency, in spite of the fact that Dr. Elliott month after month repeats that there has been no change and that there has been nothing of value to add to his former reports, and that "prolonged observation strengthens our opinion that Spencer is deficient in moral understanding as a result of mental defect of long standing." In his reports of June 19th and

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July 17th he denies none of the statements made in his previous reports, and yet he claims that a man is not "legally insane," though he is "a moral imbecile of rather a low order" with "strong and uncontrollable criminal tendencies"; that "while knowing the right his mental defect is so great that he is unable to do the right or avoid the wrong," and whose "reasoning and judgments are, at times, so faulty as to constitute weak, incoherent delusions."

Before any official order appeared for the return of Spencer to Springfield for trial, rumors that such action was being contemplated reached the ears of the inmates of the Bridgewater State Hospital. These rumors were some months in advance of the change in the reports from Bridgewater, and were probably based upon the fact that Mr. Callahan had been elected partly on the issue of the Spencer case; and though he may not have actually promised to bring Spencer to trial if elected, there is no doubt that he was elected with the expectation that he would do so. The regular term of the Superior Court in Hampden County is in May, and

the May term for the year 1911 was the first term after the election of Mr. Callahan as District Attorney. Evidently Spencer's lawyers expected him to bring the case up at that time, for Mr. Stapleton wrote me on March 23rd that he had been appointed counsel for Spencer and that the case would be placed on trial some time in May. Dr. Elliott's reports by this time had become more stereotyped, which may have led Spencer's counsel to believe that he was changing his opinion in regard to the prisoner's sanity. At any rate, at some time in the spring of 1911 District Attorney Callahan requested

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Attorney General Swift to assist him and appear with him in connection with the bringing to trial of Spencer, particularly with reference to the medical experts. After looking into the matter, the Attorney General called in conference with himself and Mr. Callahan the four experts, Drs. Elliott, Tuttle, Quinby and Fuller, shortly after June 19th, on which date Dr. Elliott had sent in his June report to the Court. At this conference the Attorney General brought out the significance of the legal definition of insanity, as applied by the courts in such cases, and on the basis of this definition the physicians agreed in their opinion that Spencer was not legally insane, as they later testified at the trial. That Dr. Elliott, after his years of experience with criminal insane cases, should have needed such instruction is strange. In his testimony at the trial he admits that it was the explanation of "what the law meant by legally insane - the definition of knowledge between right and wrong and uncontrollable impulse" - which caused him to declare Spencer sane, and that he had this definition in mind when he used the term "legally insane." He said that Spencer "knew the difference between right and wrong at the time the act was committed" and that "he was not controlled by an irresistible impulse." Dr. Elliott must have had the legal interpretation of these terms put before him on many previous occasions. He never gave any really satisfactory explanation of why he changed his mind in regard to Spencer, though he admitted on the stand that he had been annoyed by the letters Spencer had sent out from the hospital. If the accusations made in these letters were delusions, they should not have annoyed the Sup-

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erintendent, who must have been accustomed to such symptoms among his patients; but if Spencer was sane, they were not delusions. If Spencer was sane and lying, why was no attempt made to disprove his statements? Dr. Elliott also admitted at the trial that arguments in his July report relating to the details of the crime - the

use of a black muffler instead of a mask, etc., were used after he had a talk with an officer who visited Bridgewater from Hampden County. No amount of questioning changed the stand that he took that he could not recall the name of the officer or the date he visited the institution, but he did admit it was prior to his June report. What value could be attached to the opinion of the Trustees or of the Superintendent of the State Farm that Spencer was sane? I understood the Superintendent scarcely ever saw him, and I question if there were not some of the Trustees who never saw him. Dr. Elliott admitted on the stand that their opinion was not entitled to any weight. At the time of the trial, when Dr. Elliott was cross-examined regarding his sudden change of opinion he hung his head and did not reply to some questions; he became so agitated when the defendant's counsel was making it appear by his questions that Dr. Elliott had done a wrongful act in sending the man back for trial and that he knew he was insane, that he took a pointer which was near him, and after handling it excitedly for some time, broke it in his apparent embarrassment while testifying.

In returning Spencer to the Court for trial the Commonwealth was "treating the offense instead of the offender," as Dr. Guy Fernald said in one of his able articles on the treatment of defectives, in referring to the fact that neither psychiatrists nor institution heads

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are empowered to treat defectives as they should be treated.

Return of Spencer to Springfield from Bridgewater
for Trial

The application for the return of Spencer from Bridgewater must have been made directly to the Chief Justice by the District Attorney, for there are no docket entries in the case from September 17th, 1910, to July 25th, 1911, when the following order was sent to Sheriff Em'bury P. Clark:

To the Sheriff of Hampden:

You will forthwith cause Bertram G. Spencer, now under care and observation pending the determination of his insanity, at the Bridgewater State Hospital, to be removed therefrom to the jail at Springfield, there to be held in custody in accordance with the process by which he was originally committed to the jail, and this shall be your authority therefor.

John A. Aiken,
Justice of the Superior Court.

On Tuesday, August 1st, 1911, Deputy Sheriff Studley arrived at Bridgewater at 9 A. M. with Chief Justice Aiken's order. Spencer was handcuffed and they left on the 10:15 A.M. train from Bridgewater, arriving at Springfield at 2:19 P.M. Deputy Studley is quoted as saying that Spencer had not been informed that he was to be brought back until he, the Deputy, arrived; that on the journey Spencer spoke very little, but that what he did say was on the general line of what he had said before. The attendants at the jail noticed that Spencer wore the same dark suit of clothes which he had worn when he was taken to Bridgewater. According to the report of the Springfield Republican of the following day, he had very little to say to the jail

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attendants on his return, and he appeared about the same as when he went away. In commenting on Spencer's return, the Republican said:

In the public mind the fact that Spencer was allowed to go to the Hospital without a trial, either rightly or wrongly, was a very effective political argument against Mr. Taft.

As we have said before, to those who had to do with Spencer or were near him after his return to Springfield Jail, there seemed to be little change from his condition when he was sent from the jail to Bridgewater. John Joseph Landers, who was serving a term for vagrancy, at the Hampden County Jail from June to September, 1911, was set to watch Spencer for about a month after his return. He described one occasion upon which Spencer "acted quite wild." According to Landers, Spencer had previously been complaining of a headache; one of his fellow prisoners on the same corridor had attempted suicide by hanging, causing some commotion which had excited Spencer. Landers had assisted in taking the man down, and on his return he said he found Spencer in a state of great excitement. "He threw his hands down and said they were killing the man - that they were 'kneeing' him. He cried, 'Let me out - I'll take him off!' He ran back and forth in his cell, picked up his spittoon and broke it, broke the stool that he sat on himself, threw the cups around, and the salt and pepper box, and he threw his bedclothes and his own clothes all around. He didn't pay no attention to me. He ran from the front of his cell to the back of it, put out his hands and grasped the air, and kept looking at the floor." Spencer remained in this condition for about fifteen minutes, then went

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and lay on the bed and started crying. He cried all the

rest of the day, at least until Landers went off duty at two o'clock. Before this episode, Spencer had been seated quietly at his table drawing.

Another prisoner, William McCart, who was serving a sentence for drunkenness at the Springfield Jail, was put to watch Spencer at night for about a month, from September 28th to October 24th, 1911. He said Spencer had a great deal of headache, and used to put cloths wet with cold water on his head; he had often seen him sit on the side of the bed and clasp his head with both hands. "He used to look up — like that [illustrating] — and he would call* out as loud as ever he could call, 'Keep quiet up there !' He asked me if I heard anybody talking a'bout him, and I said no, I didn't. So he said he had heard talking, and they were talking about him. He used to laugh sometimes, .but he mostly sat across the bed wit'h his ba!ck up against the wall, and I heard him sobbing sometilnes — 'H-a-a, H-a-a, H-a-a!' He used to have a gurgling in his throat like — as if something was in the throat, and he made a strange sound." McCart said that whenever the bar was thrown to open or close the door, it made a noise, and Spencer would jump up and look around "with -a wild look." "He would- shut his fist and . . . look as if he wanted to find out what the noise was." Spencer took a dislike to another attendant named Moody, and McCart said he would "go into a mad fit" whenever Moody passed. "He sometimes would throw himself around, on the bed you know, bumping his head against the wall. He told Moody one time he hated the look of him. I never seen Moody do anything to him. The only thing I ever see, he used to go forward and look through the bars

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and he didn't like that — he didn't like anybody to do that — but he hated Moody for doing it more so." McCart said Spencer made sounds in his sleep as if he were talking to someone, but McCart could not make out what he was saying.

CHAPTER V

THE TRIAL— INCLUDING PREVIOUS COURT PROCEEDINGS AND EFFORTS FOR A NEW TRIAL, TO TIME OF SENTENCE TO DEATH, JULY 2ND, 1912.

On March 23rd, 1911, I received a letter from R. P. Stapleton, Esq., Counsellor at Law, Holyoke, Mass., in which he told me of having been appointed by the court Senior Counsel for Spencer. He said that he had been informed that I had made an examination of Spencer while he was confined in Bridgewater, and that he desired my opinion. This letter resulted in an interview,

in which Mr. Stapleton asked me to appear for the defense. Later I got the following letter from the District Attorney:

COMMONWEALTH OF MASSACHUSETTS
Office of

DISTRICT ATTORNEY, WESTERN DISTRICT

Holyoke.

August 16, 191 1.
Dr. L. Vernon Briggs,
208 Beacon St.,
Boston, Mass.
My dear Sir:

Dr. Alfred Elliott, Medical Director of the Bridgewater State Hospital, informs me that you were among those who have visited Bertram G. Spencer, who was confined there for observation as to his

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sanity, and who has been removed to the Springfield Jail for trial, probably in November, upon the ground that he is not and never has been legally insane. Will you kindly inform me whether you made your visit in behalf of the defendant, and what your opinion is as to his mental condition ?

Very truly yours,
(Signed) Christopher T. Callahan,

District Attorney.

In reply I wrote:

My dear Sir:

Your letter of August 16th is at hand and read today on my return from New Hampshire. May I ask if you wish my opinion as an expert?

I never received any answer to this letter.

On October 30th, 191 1, Chief Justice Aiken authorized my employment as an expert in the Spencer case, at the request of Mr. Stapleton.

On August 23rd, Mr. Stapleton wrote me:

You have undoubtedly learned that Bertram G. Spencer, who was confined at Bridgewater, has been returned to the jail at Springfield, Mass. After Dr. Elliott and his assistant, Dr. Baker, had repeatedly for eight months, in written reports over their signatures,

declared Spencer insane, through some they suddenly took

the other tack, in June of this year. The sequence of events is certainly significant.

On Monday morning, November 13th, 1911, Spencer was placed on trial. From the beginning, there was apparent a feeling of vindictiveness against the prisoner by many in the court room - a marked exception were the presiding judge and those who appeared for the defense. So lightly did some of those interested take the seriousness of the situation that facetious remarks and laughter were heard from time to time. It seems counsel for the defense thought the attitude of the Attorney General prejudicial to the rights of the defendant and

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remonstrated in open court against remarks made by the Attorney General and the District Attorney.

Motion to quash the indictment was overruled by Judge Crosby. Assistant Attorney General Greenhalge was brought into the case to assist Attorney General Swift.

On the second day of the trial, November 14th, District Attorney Callahan opened on behalf of the Commonwealth. He rehearsed details of the murder and the testimony he intended to bring out to establish them. In closing his opening address, he said:

It is well to understand that in our Commonwealth simple insanity, a word which can be and is stretched to cover a multitude of mental imperfections, does not excuse a criminal. It is not sufficient for the defense to show that he is a moral pervert, or that he is mentally defective. There are few of us who are wholly free from these imperfections. It is not enough that the alienists may pronounce him insane. The evidence must go farther and show that he was so far insane that, at the time he committed the crime, he did not know the difference between right and wrong, or that, if he did know the difference, he had no control over his will, and did the criminal act under an irresistible impulse. If you are satisfied that he did know the difference between right and wrong and was not governed in his actions by an irresistible impulse, then you must find that he was not legally insane.

During the reading of the District Attorney's opening Spencer showed a good deal of emotion, and when the clerk read the indictment he wept convulsively. The following correct description of the defendant's appearance at the opening of the court on the 14th was given by the Boston American, which says :

Spencer is a study. He sits well back in the steel cage and seems oblivious to the brass-buttoned jail turnkey, Nat P. Wade, seated in the cage by his side. His head is tilted back slightly and a pair of

large eyes, almost round, stare fixedly and vacantly ahead. His receding forehead is furrowed with wrinkle?, wrinkles that tremble

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and quiver. His ears are set back deep in his head ; his large eyes open and shut continuously; he trembles from head to toe; the furrows in his forehead keep up a continuous twitching; his hands, atremble, drum his chair at times, and then his knees and his feet, with legs generally crossed, shake as with palsy. His face is ashen. Seated in front of the cage and a little to one side were the most noted alienists in the state, headed by Dr. L. Vernon Briggs, of Boston. Dr. Briggs is supported in his view of Spencer's condition by Drs. J. W. Courtney and E. B. Lane of Boston, and Dr. J. A. Houston of Northampton State Hospital. Alienists for the state, headed by Dr. H. M. Quinby of Worcester, include Dr. George H. Tuttle of McLean and Dr. Daniel T. Fuller of Boston. Just outside his cage sat Spencer's mother and wife. The paper goes on to state that after the District Attorney began reading Spencer twisted and turned in his seat . . . grabbed the railing of the cage like an enraged animal, and called out at times.

When the District Attorney was making his opening, Spencer broke in with "My God, no, no !" The District Attorney at one time when Spencer was sobbing aloud, directed his eyes at the counsel for defense and said in a loud tone so the jury could hear, "Is this not a little premature?" Later this remark was stricken from the records. When the Attorney General quoted Spencer as saying to Miss Dow before shooting her, "If you want to die, die!" Spencer broke down and called out "No, I never said that!"

The details of the murder were established by various witnesses, including Mrs. Dow and both her daughters, the neighbors, the doctors who had been called in to attend the victims and the police who had traced Spencer; and on the third day, November 15th, the full confession of Spencer to Captain Boyle, made on April 6th, 1910, was read by the stenographer who took the notes. Miss Bessie C. Niles.

Later, when State Detective Bligh was testifying, Spencer's eyes were fixed on him, and finally, after one statement of Bligh's, Spencer leaped from his seat to

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the front of the cage, with a terrific yell that sounded like a shriek, and cried out, "Why don't you tell the truth!" Turnkey Wade and another court officer, who was five feet away, jumped on Spencer and bore him down, the prisoner continuing to shriek, "Why don't he tell the truth!" Reporters who were in the way of Spencer's plunge leaped aside and there was consider-

able confusion. Spencer's cries filled the court room after he had been overpowered, and Judge Crosby directed a recess, which lasted 25 minutes. Spencer, whose strength seemed all spent, was supported as he was led from the room, and was still shivering and shaking when they brought him back.

The New York World of November 16th gives a graphic description of this or another similar episode in court:

Spencer leaped to his feet and tried to burst out of his cage. He shook at the little gate until it looked as if he would tear the whole railing from its fastenings; his hair was flying, his big eyes wild with fury, his mouth dripping. He threw out his arms, his fists were clenched, and he yelled at the top of his big, strong voice, "Damn you! For God's sake, why don't you tell the truth - the truth - the truth!" His custodian, a fat slow turnkey, finally managed to grab him and yank him, writhing and struggling, to his seat. Rapidly came the sharp thwackings of Judge Crosby's gavel. They seemed to be beating on the prisoner's raw nerves. At every crack of the gavel he convulsively started. There came a silence. "Well, well, well," whined the prisoner, "Well, why don't he tell the truth?"

Significantly to those who think that Spencer is only acting, continues the World, despite that he has continually kept up his sudden glaring of the eyes, his jerks and twists of the body, his spasmodic movements of the neck, his ceaseless, crazily rapid tetering of the upper foot of his crossed legs, stood the fact that this great outburst of emotionalism on his part came at the time when the State was about to close its case and the opening of the defense to begin with an argument by white-haired, impressive Col. Charles L. Young. While his lawyer was making his opening plea, Spencer, who had staggered out at the recess, shaking his head, his hair in his eyes, his lips twisted and uttering a steady stream of groans, was no more

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quiescent than before. Twice, when a side door slammed, he leaped in the air; once, when his lawyer in great earnestness raised his voice to a high cry, the seemingly tortured man threw up his hands and cried, "Good God! Why does he yell that way?" When Mr. Young told of the time when Spencer had been tied to a tree, at the age of thirteen, and left "for wolves to devour," the prisoner cried tragically, "Ugh! the wolves, the wolves!"

The World article continues:

Finally and sweepingly, in his opening, Col. Young declared that there were well-defined and identified cases of insanity in both the maternal and paternal branches of the man's family, and concluding, he told the jury that Spencer did not ask to go free; he asked only to be judged by the prenatal facts in his life as the defense would produce them, and to be committed to an institution for the insane - "until such time," ended the lawyer, "as God, in His wisdom, shall call him to account from above." "Yes, that's right," moaned the "gentleman burglar," "that's right, that's right."

When court adjourned he was still writhing and weeping hysterically. He kissed two fingers that his wife thrust through a square of the cage. He tried to kiss his mother, through the slender bars, but their lips could not meet. He was led away, floundering in the legs, his head wagging, apparently in a complete state of prostration.

The opening statement in behalf of the defendant was made at the end of the afternoon session on the third day of the trial by Col. Young. In it he said:

We have but one defense and upon that our evidence will depend a mental defectiveness, mental incapacity, mental unsoundness, and as our brother said, that is a legal defense. . . . We will show you that this man is unable to distinguish right from wrong to the extent that the law requires in order to constitute capacity to commit crime, that he is a victim of impulses and desires which he is unable to control, and they are wholly uncontrollable; so that he is unable by reason of mental incapacity and mental unsoundness to do the right and avoid the wrong. We will point out to you injuries of various kinds. . . . Now we are not going to contend that these are the causes of his mental incapacity, but we are going to contend that they are causes which have a tendency to cripple largely his mental effectiveness; we will show that prior to his birth he was subjected to influences prenatal, which marked and consigned him to criminal acts of various kinds which it is alleged that he committed.

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We will show you that he has the most violent outbreaks from the most trifling affairs even — not even so great as you noticed here a few moments ago, but from the most trifling causes an outbreak would come beyond his own control — that indicates, as will be told by those who know and have studied into these things, this man has the incapacity of mind and the unsoundness of mind which could not be normal under any circumstances, as you will see and as you will learn and know from the lips of those who have been with him by day and by night, by his side here and there, by laborers and fellow servants and by those who have carefully watched him for the purpose of trying to ascertain — and did ascertain. . . . Many of these outbreaks were characterized by the same symptoms he showed when he took the life of this young girl. We will show you that while in . . . Hartford, Connecticut, he made murderous assaults that showed his mental unsoundness. We will show you that he had these tendencies to commit these crimes, that came from a suggestion which he received about the year 1903. We will show you that when at school there was that incapacity to learn or study or to retain that which was taught him, failing in his studies as a boy, fearful outbreaks here and there at school, with the teachers and the scholars — all of this will be given to you by those who have had some interest in him and sympathized with him at the time. We will show 30U that . . . he had delusions that some one was talking — voices here and there and everywhere, around and about him — not knowing where they came from — yet no one spoke anywhere.

Col. Young continued to outline the plea of the experts, and then reviewed in detail the family history

of the prisoner, and the significant events of his childhood, but he neglected to bring out in his address the peculiar features of Spencer's crimes in Springfield and elsewhere which had made the newspapers and the people at large decide, even before the criminal was discovered and his history known, that these crimes could have been committed by no one in his right mind. In reviewing the trial at this late date, it would almost seem that a great opportunity was lost by the defense in not dwelling more particularly upon these often motiveless, haphazard crimes, and especially in not bringing out more clearly the weakness of any motive

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for appearing in the midst of the group of women on the night he shot Miss Blackstone as against the risk incurred. This and a dozen similar events prove conclusively the lack of any design in Spencer's crimes, other than that of temporary relief from a compelling impulse.

Attorney General Swift interrupted Attorney Young several times while he was delivering his address to the jury, but Mr. Young appeared to have the better in the tilts, and succeeded in placing before the jury all that he had set out to present to them. District Attorney Callahan changed his attitude as Mr. Young proceeded with his speech from one of cold and almost contemptuous indifference to one of extreme earnestness and interest. Up to the time that Attorney Young began to speak, the attack upon Spencer had been powerful and relentless.

The first witness for the defense was called on the morning of the fourth day of the trial, Thursday, November 16th, Mrs. Kate E. Spencer, mother of the prisoner. She testified at length as to the family history and the events of her son's early life, which we have quoted elsewhere, and as to Bertram's more recent peculiarities of behavior. During Mrs. Spencer's testimony. Lawyer Stapleton, for the defense, administered a stinging rebuke to the Attorney General for smiling before the panel of jurors when Mrs. Spencer testified as to certain acts of her husband. Mr. Stapleton, in language in every way courteous, said: "I think the Attorney General might refrain from laughing at the testimony." Mr. Swift replied that he could not help it, to which Mr. Stapleton answered, 'Tf you want to

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laugh, you might at least wait until you argue the evidence. At present the testimony is entitled to respect" It is evident Mr. Stapleton appreciated the importance

of the effect that such an action as smiling at the evidence of the defense by one holding the highest legal position in Massachusetts might have upon the jury.

Mrs. Spencer was a very good witness and appeared to have an excellent memory, and her story alone was cumulative evidence, to us who have made a study of mental disease, that her son was far from being a normal individual. No doubt could have been left in any one's mind, after hearing her testimony, of her son's dangerously bad heredity, of his peculiar, unstable disposition, of the many abuses and the constant atmosphere of friction and misunderstanding to which he had been subjected as a child, to his moody disposition and frequent outbreaks of uncontrollable temper, to his habit of carrying a revolver and drawing it upon slight provocation, and to the fact that he frequently heard "voices" when no one was speaking. Her testimony lasted into the afternoon session, and Mr. Callahan's grilling cross-examination failed to weaken any of her statements. One after another, other witnesses were called, who confirmed her statements in almost every detail, and added others of the same character.

The second witness was Charles A. Gager, who testified as to Spencer's having drawn a revolver during an argument with another man at a dance; Dr. Danielson followed, confirming the story of the attempt at suicide by taking laudanum. An effort was made by the defense to get Dr. Danielson's opinion as to Bertram's mental condition before the jury, but he was not per-

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mitted to testify on this subject as he could not qualify as an expert; and Mr. Callahan brought out that Dr. Danielson had signed Bertram's certificate of health for admission to the Mt. Hermon School, stating that he had no "nervous" disease, such as chorea, epilepsy, etc. However, Mr. Stapleton brought out the statement that Dr. Danielson did not have in mind insanity or mental defect when he answered the printed question on the application blank with that statement.

The neighbors, Mr. Bailey and Mr. Carpenter, followed with their accounts of Bertram's peculiarities and events in his childhood, Mr. Bailey testifying that "if you approached him or spoke to him on any subject quick he would give you a wild, indifferent look. If you agreed with him everything seemed to be right. If you didn't agree he seemed disturbed." Mr. Carpenter testified to the ditch digging episode related on page 85, and also that while Spencer was at table eating and no conversation was going on he would start up suddenly and say "Mother, did you speak to me?" and that he was very nervous and had attacks of sobbing and crying.

Clark H. Standish, another neighbor, told of the episode of the digging of the ditch when Spencer went into hysterics and made an attack; also of an incident when he appeared in the night at Standish's barn bare-footed with only short blue overalls and a night shirt on when it was raining hard and very cold. He asked for a blanket so that he might sleep in the barn and Mr. Standish gave him some horse blankets. Mr. Standish said there was an injury in the fleshy part of his right thumb which Bert told him had been caused by a shot from his father when he left the house. This

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shot Mr. Standish said he heard a little while before Spencer got to his barn.

He was followed by three teachers from the Mt. Hermon School, who testified as to Bertram's backwardness in his studies, his insubordination, bad language and violent temper. Bertram's uncle, William K. Spencer, next testified as to mental peculiarities in the family, and especially as to those of his own father, William L. Spencer, and of his grandfather, Ambrose Spencer. Mrs. Wattrous, of Portland, Conn., followed with her account of Bertram's strange outbreaks when he seemed to be blind with rage, but she could calm him down by coaxing and talking to him, and she also took a pistol away from him which she still has; and the first day of testimony for the defense was closed by that of Samuel N. Hyde who testified that Mr. Spencer's uncle David B. Date's mind was affected, that he was "off his base."

On the fifth day of the trial, Friday, November 17th, Spencer's sister, Mrs. Cornelia H. Pulz, told of the episode in Springfield when Spencer had had an altercation with Mr. and Mrs. Krailing, his wife's grandparents, as given on page 95. She also testified as to the wild and glassy look he had in his eyes at times when anyone crossed him and at those times he was never able to control himself; that if you pointed a finger at him with the idea of tickling him he would always run away and scream.

Gardiner J. Oakes, a former employer of Bertram's, testified to spells that Spencer had when he would change color and clap his hands. He remembered at least half a dozen of them, they would be over in a minute. He complained of his head and was "melan-

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choly and gloomy" at times. The deposition of Henri-

etta Post, Mrs. Spencer's old nurse, was then read, further confirming Mrs. Spencer's story of the child's early life, his punishment by his father, as told on page 71, and his "queer, odd and strange" disposition. His father-in-law, Herman L. Amberg, next testified as to Spencer's behavior while courting his daughter and as to his exhibitions of violent temper while employed by the H. L. Handy Company. Among other things Mr. Amberg said "he was going to knock my head off." "He showed a very violent temper at times; with the least provocation he would fly off the handle and throw a hatchet at some of us, or anything he had in his hand; he locked himself up in the refrigerator, excited and trembling. I was almost frightened at his face, the way he looked, the peculiar look in his eyes. He changed from the action of a schoolboy in one minute to acting like a raving maniac."

Four of Spencer's fellow clerks in the Hartford department store testified as to his assault on the cash boy with a hammer because he had "evidently crossed his track" in some way, to his swearing about his father when he received a box of sweet peas from his mother, and other manifestations of dangerous temper. There next testified Mrs. Gladys May Wyman, a trained nurse who had known Spencer during his residence in Springfield and had boarded in the same house with him for about six years. We have already quoted from her testimony, on page 91, which was rather significant as she had had two years' experience in the care of the insane at the Northampton State Hospital. Her statements, as well as those of Mrs. Walters later in the

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day, established Spencer's mother's account of his apparently hearing "voices" on many occasions. Her husband, William L. Wyman, who had also been an attendant at the Northampton State Hospital, also testified as to Spencer's hearing voices, and as to Spencer's peculiar behavior and eccentricity at his boarding-house and when employed by the street railway company, as related on page 93.

Mr. Nelson R. Hosley, whose house was one of those entered by Spencer, was then put upon the stand. He testified as to the theft of a small notebook of no value to anyone, among other things taken from his house; and Robert E. Miles gave his evidence as to Spencer's having drawn a revolver and threatened his life after a simple quarrel over a seat when they were both employed on the Boston and Maine Railroad. Napoleon Bourque testified as to Spencer's unaccountable anger with him in a misunderstanding about a baseball glove. The last witness of the day was William McCart, a jail attendant, whose testimony has already been quoted on page 151.

In reporting the events of this day of the trial, the Springfield Republican of the following morning, November 18th, says:

. . . Later in the day, it became necessary for Judge Crosby to admonish the spectators and all concerned for the first time since the trial opened. Willard L. Wyman of this city was on the stand, and had testified concerning the time when Spencer wanted him to sing and then chided him because he couldn't. He said that Spencer had told him that he "couldn't sing any better than a hog," or words to that effect. Under cross-examination, the District Attorney forced the witness to admit that this characterization of his vocal abilities was probably correct and warranted by the sample which Spencer heard. This brought considerable laughter, which rose above Sheriff

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Clark's Tappings for order. Judge Crosby then stated, so that everyone could hear, that he felt forced to remind all that the court room was not a place of amusement, and that the laughter was grievously out of place.

The Springfield Union of Saturday morning, November 18th, 1911, in commenting on parts of the testimony given the previous day, says:

Another incident that brought relief from the monotony of testimony regarding the mentality of the prisoner and his ancestors occurred during the cross-examination of Frank G. Bedworth of Hartford, who had testified in direct examination that Spencer "looked like a bull" when he was pursuing the cash boy through the department in which he worked in the Brown, Thompson and Co. Store in Hartford. Mr. Callahan attempted to qualify the witness as an expert on bulls, and learned that he had once nearly been the victim of a bull that stood on the shore of a pond where Mr. Bedworth was fishing from a plank. Mr. Callahan then attempted to learn what the witness knew about bulldogs and afterwards tried him on his knowledge of angry cats.

The sixth day of the trial, Saturday, November 18th, commenced with testimony from Dr. Hosea M. Quincy, Superintendent of the Worcester State Hospital, who said that Helen Date Tiffany, a great-aunt of Spencer's, was admitted to his hospital November 14, 1907, and died there April 22, 1911, that she was insane and had false hearing, delusions of wealth and various other delusions. He was followed by a former neighbor of the Spencers in Lebanon, Joe Stedman, who testified that Bertram threw a one or two lb. weight at one of Mr. Spencer's clerks while in the store, that he would at times have a characteristic wild, glassy look, that when he was infuriated he was uncontrollable; that he had seen him in this condition at least twenty times, this during his school days. The Springfield Sunday Union of November 19th, after reporting the testimony of this man, Joe Stedman, says:

When Mr. Callahan was grilling Stedman a hunted, desperate look came into the prisoner's eyes, and he struggled in the cage. Turnkey Wade grasped him by the arm and shoulder and Spencer's wife put her hand through the bars to hold his other hand. "Now he makes me so mad," Spencer mumbled when Mr. Callahan was questioning Stedman about the youth of the prisoner, when the witness said he saw him playing in Lebanon. When his wife tried to hold his hand, he snatched it away from her and tried to put it against his face. "Let me alone!" he growled snappishly, and fell back, mumbling incoherently.

There was next called to the stand Harry L. Watts, a brakeman, who described a quarrel with Spencer over the respective merits of two local newspapers, from which the latter had not recovered for over a year. Then the defendant's father, Wilbur L. L. Spencer, testified at length concerning his own abuse of Bertram when a boy, saying that "at a very tender age I remember I punished him and he slipped out of my hands and fell on the stove; that in trying to correct him in his prayers I punished him with a curtain stick at his bedside ;" that for "raking leaves in the back yard and setting them afire I tied his hands behind him and put his head on a chopping block and told him if he ever done it again I would sever his head from his body." That at about nine "I hit him on the head with a whip ; I was so excited I might have hit him on any part of his body." That he remembered taking Bert to a place in Lebanon called "Mack's Woods" about two miles from his house and he said: "I tied him to a tree and told him I would leave him there for the wild animals to devour. I had business at a station, a grain station that was two miles beyond and I left him tied until I went there and returned. At another time we were riding out of the yard and he was at my side and put his hand in the hollow of my back. It seemed

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to me intentional. I cuffed him side of the head and he jumped from the wagon. I followed, went into the house, got a revolver, came out and fired in his direction as he was running down through the pastures." The father also testified to other incidents w-hich are given more in detail on page 75.

The Springfield Daily News of that evening, in speaking of W. L. L. Spencer's testimony, says:

The witness indicated no emotion when telling about tying his son to a tree in Mack's Woods and leaving him there "for wild beasts to devour," while he went to the grist mill about two miles

distant. . . . He was as calm in telling about the heartrending scenes of the punishments in the early life of the prisoner as one would be in describing the happenings at a church social. He told about placing Bertram's head on the chopping block and threatening to cut it off, with as little apparent concern as one would have in placing the head of a chicken on the block for execution.

The next -witness was John Joseph Landers, the prisoner-attendant at the Hampden County Jail, who testified as to Spencer's attacks of excitement in the jail when he broke his spittoon and threw cups, salts and peppers about, and other incidents given on page 150. The Court then adjourned until Monday, November 20th.

On the seventh day, November 20th, witnesses were called to testify to the many trivial and useless articles taken by Spencer in his burglaries. Dr. Ames told of his having taken one of a pair of lady's shoes. Spencer's mother was recalled to tell of a large bag she had found in Spencer's rooms and which she had turned over to the police, containing old badges and other valueless trinkets, which he had evidently collected with much care. More might have been said on this matter, for the list of articles stolen, as published by the police,

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consists largely of trinkets and bits of broken imitation jewelry in most cases of no value whatever, and in many others valued at as little as 25 cents.

Dr. LaMotte, the Naval Surgeon, testified on this day. The Boston American of November 22nd said:

While Dr. LaMotte was testifying Spencer hung his head and wept quietly. He jerked with nervous excitement. His wife reached in through the iron lattice of the cage and patted him gently. He quieted, then they chatted together.

Spencer spent most of the time after his arrest in trying to catch flies in his cell in the Springfield Jail, according to the testimony of Eugene Farrell, the next witness, who had been his cell mate for eighteen* days. He was followed on the stand by Mrs. Lucy T. Lewis, of Oakland, California, who testified to Spencer's strange behavior in her home in Oakland, describing him as at times greatly excited, very nervous and wild eyed, and Mrs. Anita Martland's deposition was also read. In a letter written to Mrs. Martland, put in by Mr. Callahan, Spencer says:

I have fought this double self, as no one knows, and through pride I have kept my wrong doings within myself, whereas if I had told someone of my uncontrollable desires nineteen years ago, I could have been put away and this awful thing would never have occurred. This desire to steal began when I was but nine years old, and by

degrees has led to my arrest, April 5th, 19 10, and with my temper that has followed me always and at a flash notice has been the cause of many unhappy recollections that I have longed and wished were never so. . . . It is strange to me, Nettie, that so much money as I have been entrusted with and only once did I take from my employer, and hundreds and* thousands of dollars have been entrusted to my care and- I never thought of taking a penny. And to think that I should go out from all that was good and steal, here and in every place I have been, and end up by killing a poor defenseless woman at any other time I would protect with my life - but the awful screaming of four women I suppose unnerved me and here I am. . . .

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No period of Spencer's life previous to his arrest was left uncovered by the defense; witnesses were produced to testify to his violent behavior and lack of self-control, as well as to other peculiarities of aspect and demeanor in every year of his life from early infancy. Dr. Drake confirmed the story of the laudanum poisoning as told by Mrs. Spencer and by Dr. Danielson, and added his own account of Mrs. Spencer's attempt at suicide by the same means. The last witness for this day was Dr. John A. Houston, Superintendent of the Northampton State Hospital.

Dr. Houston was examined and cross-examined at great length, and much time was taken in attempts to get him to define and classify Bertram's degree of mental defectiveness. The doctor stated definitely, however, that Spencer's was a "defective mental state, if not degenerative, probably dating from puberty." This, he said, had been his first opinion before Spencer was sent to Bridgewater, and- he said he saw no reason for changing it. He stated that there were a great many cases of irresponsible mental deficiency that it was difficult to classify by name. He said that Spencer's impulses were in a large sense imperative and uncontrollable.

On the eighth day, November 21st, Dr. Elliott was put on the stand by the defense, and the greater part of the day was taken by his examination- and that of Dr. Lane. The court ruled that Dr. Elliott's reports were not admissible as affirmative evidence, but that if the doctor testified on- the stand to anything that was contrary to what he had stated in any report, that report would be admissible. Dr. Elliott was well known to be a hostile witness, in the legal if not in the social

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acceptance of the term, and there was much wrangling over his testimony; though, as we have said in present-

ing his reports, his opinion was not proved to have changed in regard to Spencer's mental condition, except in so far as its expression was restricted by the legal definition of insanity furnished him by the Attorney General previous to the trial. The reports were finally admitted as evidence, though as I have said elsewhere, they were never published with other documents admitted at the trial.

The prisoner was in a most excitable condition all the time Dr. Elliott was testifying, and broke in upon his testimony in a manner unprecedented in any court in the history of criminal jurisprudence. The following account, taken from the signed report of Edwin J. Park in the evening edition of the Boston Globe of the same day, is substantiated by verbatim records of the court stenographers:

For the first time since the trial began the prisoner was looking at a witness direct, and he kept his unblinking eyes fastened on Dr. Elliott. As the doctor testified Spencer, who had been fidgeting about in his seat but not removing his eyes from the doctor's face, began muttering. Dr. Elliott paid no attention to him but continued with his testimony and said that after Bert had been in Ward E-2 for a month he was removed to what is commonly called at the State Farm the Northeast Ward which, he said, was "for conspirators who attempt to escape or show signs of violence." When Dr. Elliott gave this testimony, Spencer threw his right hand back to his hip pocket, his lips drew back from his teeth in a snarl, and he hissed out some words which were unintelligible to the reporters. Turnkey Wade, who was in the seat with Spencer, said something to him and placed a restraining hand on his right arm, while the prisoner's wife, who sat close to the cage on Bert's right side, also spoke to him and tried to reach through the bars and grasp his left hand, but he threw her hand aside. . . . Dr. Elliott said . . . "After I had kept Spencer in that ward for a month, I decided he could be removed to Building E. He wanted to go back to that building as there was a larger yard there, and he wanted to be where he could play ball,

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and " Dr. Elliott did not finish the sentence. With a wild

cry that sounded like a combination of a shriek and a wail, the prisoner jumped from his seat to the front of the steel cage, with Turnkey Wade clinging to him, and jelled: "You lie. You are a liar, a contemptible liar, and I want the court to know he is lying."

Turnkey Wade is a big and powerful officer, but his efforts to drag Spencer away from the front railing of the cage, which is about three feet high, or to force him back into his seat, were unavailing, and Deputy Sheriffs Leyden and Malone, both big, husky men, jumped over the railing into the dock and fell upon the prisoner with Wade. Spencer fought all three of them with fists and feet, and a desperate battle, which lasted several minutes, ensued, "before the three officers, after fighting all over the dock, succeeded in flooring the prisoner. Finally he went down, with the three officers piled on

top of him, but he did not stop fighting and struggling and it was at least three or four minutes before the weight of the officers on his legs, arms and body squeezed enough of his strength out of him to cause him to let up in his impotent battle.

Meantime, while he was fighting with the officers, Spencer's voice was raised to a high pitch, and among the things he said was :

"Yes, I want the jury to hear me. I want every man and woman in this building to hear me. He's a liar - contemptible liar from start to finish ! I won't let him lie. I begged and begged of him to let me out of that stinking, nasty yard that he put me in. It isn't fit for a dog to be in. No, I won't shut up! - I will let everybody know it. You can kill me this minute - I don't care - I won't shut up - I want everybody to hear me. He's a contemptible beast - a murderer. He murdered men out there by the thousands and buried them out in the fields. I won't let up - I want to tell of it. I want everybody to hear. He has brutal punishment. They kept punishing me there - they kicked me in the ribs! I have been to that man and begged and begged on my knees that he would protect me. He laughed at me - laughed at me! And he says 'We will investigate - we will investigate.' But when did he investigate? Oh, such men as you ought to be killed - killed to the last man!"

While the fight in the cage was going on between Spencer and the three officers, Bert's wife jumped from her seat and tried to get into the dock, but Court Officer Cummins grabbed her and held her back. Bert's mother and sister, who were behind the wife, also tried to get to the cage, but Cummins had caught the wife in a narrow place and they could not get by her. The tears coursed down the cheeks of the young wife and she wailed "O Bert! O Bert! O Bert! Oh, let me get to him! Oh, please let me get to his side!"

After the officers had held Bert down for a few minutes and his struggles had partially ceased, while "his outcries had degenerated into a series of groans and squeals, Judge Crosby said calmly: "We will

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take a recess," and the jury was led out. Then Spencer, with the brawny hands of four court officers grasping him, was half led and half dragged from the court room and was removed to a remote anteroom.

As the jury was leaving the court room after the outbreak, the clerk said something to Attorney General James M. Swift about its having been an exciting incident, and Mr. Swift replied: "Yes, it was; but I was prepared for it; I had seen it coming all the morning." Lawyer Stapleton, who overheard the remark, spoke up promptly and said to the Attorney General: "You had no right to make such a remark in the presence of the jury - it was highly improper." Mr. Swift retorted that he had not made the remark within the hearing of the jury, as it had passed beyond the range of his voice.

Removed to a small room off the court, Spencer kept up his tirade against Dr. Elliott, and to the appeals of his counsel to control him-

self and not interrupt the proceedings of the court, he screamed out, "I won't keep quiet when they are trying to take my life away."

To Sheriff Clark, who also asked him to refrain from further outbreaks, the prisoner yelled, "I'll have my say. You've had your say, and it's my turn now - they can't keep me still."

Spencer cried and yelled and screamed for nearly half an hour after he was removed to the anteroom, and it was three minutes over an hour* after the outbreak before the officers felt it safe to bring him back to the court room, Spencer's legs wobbled and he walked in between two supporting officers, and his legs and arms and hands twitched like those of a man suffering from St. Vitus' dance in acute form. Spencer's mother and sister were so overcome by the scene that they did not return for some time after the prisoner had been brought in, but his faithful wife followed him and whispered words of counsel through the steel cage.

After the recess the examination of Dr. Elliott was continued, and in the course of his examination and cross-examination, Dr. Elliott admitted in so many words that he still held all the opinions expressed in his reports, except as to possible delusions or hallucinations, but that in view of the definition furnished him ^by the Attorney General, he now held the opinion that Spencer was not "legally insane" - that he knew the difference between right and wrong. But we know that even the July report admitted the existence of

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"irresistible impulses" at such times as *'his actions were dominated by anger." If -hehad any 'irresistible impulses," it would seem that he should have been called "legally insane." Dr. Elliott also admitted, in answer to Mr. Stapleton's questioning, that he might have referred to "primary dementia, paranoid form," in discussing Spencer's condition with the Rev. Mr. Smith of Lebanon. During Dr. Elliott's testimony as to his defectiveness Spencer muttered, "Oh, that terrible voice!" - referring to the witness, who was talking in deep tones.

The Rev. Eugene B. Smith was the next witness called. He said he had visited Spencer in Bridgewater on the 22nd of December, and that Dr. Elliott had then told him in regard to Spencer's stories as to his treatment and the conditions in the institution that, while Spencer was sincere and honest in his belief that they were perfectly true, they were nevertheless all a delusion. He said he had asked Dr. Elliott whether Spencer was not suffering from a form of paranoia, and that the latter had replied, "Exactly," and had explained to him what that form of paranoia was; that when asked if it was incurable, Dr. Elliott had replied, ^'Absolutely." He also said that Dr. Elliott had told him that he would be very sorry to have to send Spencer

JDack to Springfield to stand trial.

Dr. Edward B. Lane was the next witness sworn by the defense, and he testified that it was his opinion that Spencer was insane and that by reason of insanity he was unable to refrain from doing the act with which he stood charged, and that he did not understand the nature or consequences of his act.

Reference to the events in the Dow home seemed to

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irritate Spencer. He had been quite composed before, but as the Attorney General's questions came to dwell on the details, he showed increasing signs of uneasiness and anger. Dr. Lane was finally asked to read from his notes of the testimony of the Dow women, and by this time Turnkey Wade and Spencer's wife were exerting all their efforts to restrain the prisoner. He threw off their restraint, and when Dr. Lane read the words which Spencer was alleged to have said when he shot Miss Dow — the same words which had excited Spencer the week before — Spencer shouted, "I'll give you something — I'll give you something! Yes, I mean you, you son of a bitch!" Wade was compelled to use considerable strength to hold him in the cage, and Deputies Malone and Leyden jumped in to help, and his voice finally became inaudible as he was pressed down on the bench. "From the bottom of this human pile," says the Springfield Union, in describing this scene, "came Spencer's mufled voice: 'Let me alone! I'm all right!' When he sat up, with his hair tousled and his frame shivering, his wife tried to soothe him by stretching her hand through the wire lattice in order to take hold of his hand. This seemed to direct his anger toward her, and he struck her hand and several times ordered her to let him alone. The man continued to mutter and curse under his breath, to cry and make inarticulate sounds, but did not again interrupt the proceedings until later, when Dr. Courtney was called to the stand. The outbreak had caused very little confusion within the bar of the court, but a number of spectators rose in their seats to get a better view of the scrimmage. Sheriff Clark immediately ordered all the men to sit down, and all the men immediately did so,

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but a large number of women paid no attention to the order and remained standing, whereupon Judge Crosby said, *Let everyone who has remained standing be sent from the room.' So many of the women sat down immediately that it was impossible to distinguish those who had disobeyed the order of the judge, but two

women were finally expelled in a state of great indignation."

A second outbreak occurred later, during Dr. Courtney's testimony (also in behalf of the defendant) when the prisoner became much excited again at a reference in the hypothetical question to the shades not having been drawn in the Dow house. Spencer muttered to his wife, and finally broke out, "Judge, I want to tell you something about the case. Those shades were drawn. I never went into a house where there were shades up. Don't let this man come here and tell you that there were no shades there - don't let him tell you that lie!" Again the prisoner was quieted by the officers.

Dr. Courtney testified that it was his opinion that the prisoner was irresponsible - that he was insane. He said that Spencer was unable at the time of the deed charged to distinguish between right and wrong - that he was dominated by an irresistible impulse, and the cross-examination failed in any way to shake or qualify his testimony.

I was the next witness, and I also testified that it was my opinion that the prisoner was insane at the time he committed the act with which he was charged; that I did not think it had been possible for the prisoner at that time to distinguish between right and wrong - that he was dominated by an irresistible impulse. Dur-

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ing the cross-examination Attorney General Swift gave me an opportunity to present the following history which had not before been testified to: That Spencer found himself at the throat of his child twice and had been torn away by his wife before he realized what he was doing; that he remembered hearing the child scream and remembered nothing else until his wife took him away from the child; that he once found himself two blocks away from his house in his nightgown with a desire to visit houses before he realized what he was doing, then finding himself in his night clothes returned, disturbing the family. When his wife asked him what he was up for he said he was chasing a burglar away from the house, and he threw some matches outside of the window to corroborate his story, so that the burnt matches would be found in the morning. In the morning he took his wife and other members of the family to the open window, showed them the window and the burnt matches and an officer was passing by and he also showed the officer the open window and the matches. That twice at a theatre he had to leave in the middle of a play in response to a compelling impulse to enter houses and commit burglaries. That he walked to Longmeadow and back one night trying to

resist the impulse of going into different houses and he said the Devil tempted him at every house and finally he saw a jpop hanging on a pole just before he got at his own house and he took it home and gave it to his wife, being satisfied as long as he had got something. At another time he went out for one of his expeditions, struggled against it, went back to his house, then returned and after wandering around took a brake shoe from a house and lugged it home and thought it was

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still in his yard. That he told me that at times he was satisfied with a stickpin or any little fancy cup ; at other times he felt he wanted to take everything in the house, in fact the whole house; that the thing that attracted him in the jackknife he stole when a boy was the little inset or inlay of brass; that he always took first stickpins if he could find them, otherwise bright things that were shiny or attractive or pieces of china or ornaments. If he could not find these he would take anything.

On re-direct examination, I told of my conversation with Dr. Elliott on the occasion of my visit to Bridgewater, and said that Dr. Elliott had stated to me at that time that he considered Spencer a high-grade imbecile - that he had investigated the charges made in Spencer's letters to his mother and that they were all delusions. That Dr. Elliott had also told me on this occasion that Spencer was under delusions with regard to his father before he came to Bridgewater.

The defense rested with the conclusion of the testimony of the three experts, and the Commonwealth then called a number of the neighbors of the Spencer family in Lebanon to refute the testimony as to Bertram's peculiarities and the family history. Their testimony, however, did not disprove the main facts in the history of Spencer's life that had been offered by witnesses called for the defense. In substance, they merely stated that they had never known of Bertram's outbreaks, or that they had forgotten if such outbreaks had occurred. One of his former teachers, Miss Louise W. Cooley, testified that she had given Bertram a certificate recommending him for the Navy; under cross-examination, however, she admitted that he was "always in trouble,"

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and told of one occasion when he had run home and got his father's revolver and strutted about the school yard with it; she also admitted that he had been accustomed to run home without permission when he wanted a pencil. Charles B. Noyes, Deputy Sheriff of Lebanon,

although he testified that he had never seen anything peculiar about the prisoner, related how Bertram's father came to him on two different occasions and told him that the boy had run away and asked Noyes to go out and get him and bring him back. Charles L. Pitcher, one of Spencer's former companions in Lebanon, told of a fight he had had with Spencer: he had been walking home with two girls, with one of whom Spencer had formerly been intimate; he met Spencer with another young man and accused Spencer of following him about; Spencer had then attacked him and had directed the other fellow to get a stone and knock him on head. "I made him drop the stone," said Pitcher, "and when I turned around, there was Spencer with a pistol out about ten feet away from me. At once I saw what he would do, and as I had no desire to be shot in the back I turned him around. He fired three shots; I fended off the pistol hand after he fired the first shot; I was too y^lose to him and he couldn't get his pistol between the two of us ... I don't know as I thought it was anything peculiar about him - seeing it was him."

Frederick A. Dean, a former dancing master, after testifying that he had never noticed anything peculiar about Bertram and that he considered him amiable, pleasant and agreeable, admitted that as a child he had caused disturbances in the dancing class, that when he was as young as five years of age he had been a little

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disorderly, that at home he did things that his parents disapproved of, and that on one occasion he had done some injury to the stove, so that the class had to be stopped until it could be repaired. Various former acquaintances of Spencer's in Springfield also testified that they had not noticed Bertram's peculiarities, likewise a number of fellow workmen in the street car company, the Boston and Maine Railroad and other places where Spencer had been employed, both in Hartford and Springfield. Although all these men testified that they had never seen anything peculiar, unusual or eccentric about Spencer, none of them claimed to have seen Spencer under conditions tending to excite him or to arouse his temper, and none had been witnesses of the events described as peculiar by the witnesses for the defense. Motorman Gilhooley testified as to having been held up and shot by Spencer. He was the last witness for the ninth day.

On the tenth day Mr. Callahan continued to examine former acquaintances of Spencer's in Springfield, especially among the railway employees and policemen. Many of them had known him but slightly, and it was natural that they should testify that they had not noticed anything unusual or eccentric about him. One of them

told of Spencer's row with the engineer, Hathaway, because the former had insisted upon blowing the whistle of the locomotive as a signal to his wife, in spite of orders. He did not consider Spencer's behavior eccentric or unusual, he said, "no more than any other man that has a fiery temper."

The testimony of these witnesses bore out the fact that when Spencer was on the Boston and Maine Railroad he used to wear a revolver in a holster, with which

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it was his habit to shoot from the top of the freight cars. A number of the former railroad and street car employees who testified in behalf of the Commonwealth had since become members of the police force. The testimony of Harry J. Stone, th& night guard at the Hampden County Jail as to Spencer's outbreak in the early morning of May i8th, 1910, has already been given in his history on page 105. The story of this pitiful event was corroborated by Turnkey Wade, including the account of the application of mechanical restraint and the prisoner's removal to "Chicopee House." Dr. Hooker was then put on the stand and gave his testimony as to what he believed to have been Spencer's "faking" on this occasion. At this point, his testimony was interrupted by an outbreak from the prisoner, who rose in his cage and shouted, "Faking, you son of a bitch ! You are the one that tried to poison me. You are the one that put poison in my cup. I wasn't faking then, was I?" Turnkey Wade grabbed him and endeavored to force him back to the bench, and Spencer went on crying, after a struggle: "I was faking, was I? I was faking? No, I won't shut up! I won't shut up! I will let everybody know what he was doing: he was trying to put poison in my cup, in my water, one night. I caught him - another man saw me - saw him - saw him putting it in my cup - in my salt and pepper shaker. I was faking, was I?" Wade was helped by two deputies, but "the turnkey did not need much assistance," says the Springfield Union of November 23rd:

He slammed Spencer down on the bench in the cage, and the prisoner grunted. He lay for a minute groaning and grunting, every once in a while muttering aloud "Faking, was I ?"

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Then, as Wade and his deputies stood about him, he said "Go away. No need of standing and holding me - I am all right, I am all right." He then resumed his seat and was given a glass of water.

Sheriff Clark was brought in to testify that Spencer had refused to talk to Col. Young when the latter had first been appointed his counsel, and upon cross-examination he corroborated other testimony as to Spencer's behavior in the jail. Mr. Charles L. Simonds, who had found Spencer's locket and kept it for six months, was the next to testify, and after him Captain Boyle was recalled and testified that both Kantor and Mrs. Walters had spoken of Spencer as a normal individual in previous interviews with him.

But Mr. Callahan's star witness in refutation of the defense of insanity was Horace M. St. John, alias Edwin R. Bell, an inmate of the Charlestown State Prison, who had previously been sent from the prison to Bridgewater because he was insane, and who had been one of Spencer's companions at the latter institution. Bell said that he had become rather intimate with Spencer. . . , "I was talking with Bertram G. Spencer a little while after he had been singing a song in the chapel. We were rehearsing for a show; and I spoke to Spencer and I said to him, 'Any man that can sing and draw and play around like you doesn't seem to be particularly insane.' He shook his head a good deal like that [illustrating] - and then he told me that as long as he did that he had an idea the doctors would think he was insane. At another time he told me that he thought if he invented a few lies about the institution, said that there was brutality and such things going on down there, that he thought that Dr. Elliott would

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think that he had delusions, and therefore keep him in there and declare him an insane man. At another time I asked him about this - about this killing affair - and I asked him, I says, 'Couldn't you have taken this woman and given her a good swift punch under the jaw and made your getaway?' . . . and he said 'Well, I could, but dead people tell no tales.' At another time I was speaking about it, and he told me that if this woman had been alive that she might have identified him a little later, and that he thought it was the best thing he could do for his own good to kill her. I informed Dr. Elliott about it."

Under cross-examination, Bell, or St. John, admitted that he had still five years and two months to serve in Charlestown for assault with intent to kill. Mr. Stapleton brought out that the conversation in which Bell asserted that Spencer had said that as long as he told stories about the institution he thought Dr. Elliott would think he had delusions had taken place about Thanksgiving time, and that he had reported to Dr. Elliott that the prisoner had practically told him that he had feigned insanity. He was somewhat confused about the date at which he had given this information,

but thought it was not until August that he had written a letter to Dr. Elliott about it, and he said that Dr. Elliott had come to him in October, after the doctor had resigned as Superintendent at Bridgewater, and that he had questioned him about Spencer in Dr. Baker's presence, and that he, the witness, had been returned to Charlestown on the 27th of October. Bell said that Spencer had told him that the story about being hit with a ring was not true — that he had made the wound on his own head with a piece of glass; that

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he had not been hit by the Attendant LeMae — the witness said that he did not know whether Spencer had actually been hit. Bell admitted having sent out a letter from Bridgewater to the Boston American, admitting that he himself had feigned insanity and complaining that he was being held at Bridgewater after acknowledging that he had been feigning.

Now, admitting the very doubtful credibility of this witness, his evidence seems to us not to be worth considering as testimony as to Spencer's mental condition. If, as Bell said, Spencer actually did tell him that he was feigning insanity, this did not in any way prove that the prisoner was not actually insane. An insane person may be as capable of feigning as anyone else, nor would it have been strange for Spencer to claim to be feigning when he was not actually doing so. He might have made some such boast to a companion. Nor were the counts upon which Spencer was said to have been feigning recorded by Dr. Elliott nor anyone else as symptoms of his insanity.

Bell is said to have denied that he was transferred from Bridgewater back to the Charlestown State Prison after he had told his story in order that it might be used at the trial, which could not have been done if he was still under commitment as insane. Now he was insane in the eyes of the law when the conversation took place at Bridgewater, and Dr. Elliott must have thought so, else he was guilty of keeping a sane man in his institution for the insane. And if Bell was insane and did have delusions, what was his form of insanity? But in Dr. Elliott's opinion, he recovered his sanity about eight weeks after he voluntarily wrote a letter

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to Dr. Elliott with statements that he would help Elliott in his contention that Spencer was legally sane.

The District Attorney next read to the jury the report of the Medical Survey at the time Spencer was

discharged from the Navy, giving the cause of his discharge as "enuresis"; and after considerable discussion between the lawyers and the Judge, two letters from Spencer to the principal of the Mt. Hermon School were admitted as evidence. In the first of these, he applies for admission to the school, stating that his education has been sadly neglected "since a young boy, and I realize more and more each day how poorly fitted I am to battle with the world." The letter is very well expressed, but though it was undoubtedly written by Spencer, it bears the hall marks of having been dictated by one of his elders - as such letters generally were, for youths of his age at that time. The second letter is more characteristic of Spencer, who was, as we know, an excellent letter-writer, in spite of some defects in his education. It was written soon after he had left the Mt. Hermon School:

Springfield, Mass., June 9, 1903.
Professor Cutler,
Dear Sir:

Hearing of your sad loss, let me, as a friend, express my sympathy. Your wife was a lovely woman, and I hope you both meet in the hereafter. I hold no ill-feeling towards you, Mr. Cutler, and I am trying to lead an honest, upright and God-fearing life. I have no bad habits, and what I done up at Mt. Hermon was done more to be smart. I ask your forgiveness for all my foolish actions, and may God be with you in all your afflictions and be a comfort to you in the end.

Yours most respectfully,

(Signed) B. G. Spencer.
105 Main Street.

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The next witness called was Dr. Leonard A. Baker, Assistant Physician at Bridgewater, who said that in Spencer's case it was his opinion that there was a degree of mental defect, but that he was not insane, in spite of the fact that he wrote in his report to the Chief Justice under date of March 17, 1911, that he saw no change either mentally or physically since the previous report made by Dr. Elliott on April 17 in which Dr. Elliott said: "Prolonged observation, however, but strengthens our opinion that Spencer is deficient in moral understanding as the result of mental defect of long standing." Dr. Baker said that all of Spencer's complaints of abuses at Bridgewater had been investigated, and that in one instance they were proved to have been founded on fact.

Dr. Quinby was then called. The prosecution asked him a very long hypothetical question as follows:

Q. Assuming that on March 31, 19 10, shortly before 8 o'clock in the evening, a man arrived at Round Hill in Springfield and tried the windows in the house occupied on the lower floor by the Dow family; that, having found the window there in the back bedroom of the house closed, but unlocked, the man went behind another building near by and there removed his shoes, stiff hat and coat, and put on a soft, dark hafe and tied a black muffler or handkerchief over the lower part of his face and returned to the house and entered it, for the purpose of committing a burglary, being at the time armed with a revolver and carr\ing a flash light, through a window of the back bedroom, there taking a brooch pin, a bead belt and another stone or gem from the bureau drawer in that bedroom ; that he then went through into the dining room of the house and came to the door leading from the dining room into the back parlor, as shown in evidence upon the plan before you; that in the back parlor were four women around a table over in the northwest corner, playing with a picture puzzle; that as the man advanced through the doorway from the dining room into the back parlor he made a guttural sound, not otherwise described, and a movement of his hands toward the women and advanced into the room toward them ; that the four women stood up, screaming, and that the man demanded that they

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keep quiet; that the women made a concerted motion toward the front parlor and on toward the outer door; that the man drew his revolver, proceeded through the back parlor and through the archway, as shown on the plan, to the front parlor and demanded their money, saying "I want your money"; that one of the women replied, "We have no money in the house"; that one of the women, Miss Harriet Dow, slipped on a rug under the archway and fell; and one of the women, the mother, Mrs. Dow, came and helped her up, telling her to be calm ; that another of the women, Miss Blackstone, had gone ahead and was near the door leading from the front parlor into the front hall, as shown in the plan, when the man took a quick stride and placed himself almost in front of her, near the door, and shot her, and she fell over upon the sofa; that Miss Harriet Dow went toward the man where he was standing, and commenced to scream again, when the man swore at her, asked her to be quiet, again demanded the money and then stepped toward the window leading from the front parlor out under the piazza, - the north window, as indicated on the plan, -the shade of which was halfway up, and made a motion towards it; that meanwhile another of the women, Miss Lucy Dow, had started for the telephone in the northeast corner of the back parlor, and another, the mother, Mrs. Dow, was escaping into the hall, and the man raised his arm with his pistol in his hand and pointed it towards her back; that Miss Harriet Dow took a chair that was there and hurled it at him, hitting his arm; that the man then turned from pointing towards Mrs. Dow in the hall and pointed the revolver at Miss Harriet Dow and said, "Do you want to die? Well, die then!" and fired at her, striking her in the head, and she fell; that meanwhile the mother, Mrs. Dow, had gone upstairs and the man, who had done the shooting, disappeared through the front door, out on to the front porch, jumped over the railing on to the ground and from there had gone back of the building, the other building, obtained his shoes and his clothing that he had discarded, ran down the hill through the woods until he came

to a large chestnut tree ; that he sat at the foot of that tree, put on his shoes and his clothing, took off his mask and hat, put them in his pocket, went down through and over a fence, and on to Main Street, almost opposite Bancroft Street; that he started to go along south on North Main Street, which would be towards the center of Springfield, until he saw a police officer, one James Dowling, whom he knew, standing at the police signal box; that he did not desire, did not wish to go by the policeman; that he turned and went up Arch Street to North; from North, southerly to Carew, on Carew to Chestnut Street, from Chestnut Street to Bridge Street; over the bridge to West Springfield, to his home on Porter Avenue in West Springfield; that he arrived home about quarter of 9; that he went into the house and into his bedroom, closed the door, took out his

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revolver, cleaned it and reloaded it, when he found there were two empty shells therein; that he placed the revolver under the pillow, and also the flash light which he had carried with him, and took the black soft hat and put it into the stove, where there was a coal fire - were you able to follow that hypothesis, Doctor? A. I think so, fairly well.

Q. Taking that assumption that I have just given you, whether or not it is consistent with the action of a sane man intent on committing burglary and seeking to escape capture; assuming that he feared that the screams of the women assumed in the question, or their escape while he was in the house, would lead to his apprehension and arrest; my question is, on that assumption, was the action of that man consistent with the action of a sane man? A. I think his act was consistent with that of a sane man at that time.

Q. Taking the same assumption, whether or not it is your opinion that the man assumed in the question knew the difference between right and wrong, and that he was liable to punishment therefor when he committed the crime described in my question? A. I think that he knew the difference between right and wrong.

Q. Whether or not, upon the same assumption, the same man was, in your opinion, at the time when he committed the crime described, acting under the compulsion of an irresistible impulse? A. He was not.

Q. Did you hear read in court the confession of the defendant here? A. I did.

Q. And have you since read it over, copies of it, so that you have it in mind pretty well? A. I have.

Q. Then, Doctor, in addition to the hypothesis which I first gave you, assuming that this same man had committed without detection a series of fourteen burglaries and one hold-up in about two years prior to September 23, 1909, as stated in that confession, that on the evening of said September 23, 1909, he placed a ladder against the roof of the piazza of a house, intending to enter the second-story window which he saw open, but was frightened away by some one appearing in the house and quickly slid down the ladder; that in

doing so he lost a locket engraved with his initials and containing the pictures of his mother and sister, which he feared would lead to his detection, so much so that he returned the next night and endeavored to find it at the house where he thought he had lost it; that subsequently to that he refrained until March 31, 1910, for a period of over six months, from committing any other crime for fear that the locket might have been found and that it would lead to his detection and punishment, and that further, before he started to commit the crime which took place at the Dow house as already assumed, he had made up his mind that the locket had not been

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found and there was no longer fear of detection through that, — whether or not this hypothesis, in addition to the assumption already given, leads you to the opinion that the man at the time when he shot Miss Blackstone on the evening of March 31, 1910, knew right from wrong in the sense already given you, or was acting under the compulsion of an irresistible impulse? Do I make myself clear? A. I don't

Q. Perhaps I will ask you those questions separately. Whether or not this additional — the second assumption that I have just given you — leads you to the same conclusion, that the man in the assumption knew the difference between right and wrong? A. From that incident I should draw a conclusion as to his condition at the time that he slid down the ladder, but I don't know how I can draw a conclusion in regard to that at the time of shooting.

Q. I fear I have not made my question plain to you. Does that assumption that I have given you lead you away from the conclusion that you have already expressed? A. It does not.

Q. Whether or not it would tend to confirm it? A. Yes, I think it would tend to confirm it.

Q. That is, whether or not the fact that for a period of over six months after attempting this September 23, 1909, crime, where he lost his locket, for fear that the locket might have been found and that it would lead to his detection and punishment, and further, before he started to commit the crime which took place at the Dow house as already assumed he had made up his mind that the locket had not been found and there was no longer fear of detection through that, — would that confirm your opinion that he knew the difference between right and wrong? A. It would confirm my opinion that he had self-control, certainly.

Q. Well, to answer the precise question, that he was not acting under the compulsion of an irresistible impulse on the night of the murder, if I understand you rightly? A. I can't see what that has to do with the night of the murder.

Q. Well, if it does not affect your judgment I won't dwell on it. The question in brief is. Doctor — I want to make myself plain, and it is a very long question and it is pretty difficult for you to keep in your mind, as it would be for me if I didn't have it here. Would the fact in connection with the other facts assumed here, that having

lost the locket and fearing detection from the loss of that locket, and so refraining from committing any other crime for six months – would that fact strengthen your opinion that he was not, on the night of committing this crime as outlined in the question, acting under an irresistible impulse? Let me add to that that before starting out on this crime he had made up his mind that there was no danger of detection from the loss of that locket any longer. A. That

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incident conveys to my mind the impression that the man was able to control himself, and not, as he claimed, was driven by an irresistible impulse to commit burglaries.

Q. That answers the question precisely, Doctor, I think. Now, in addition to the hypotheses already given you, assume that the reason for the crimes which have been committed by the man in the assumed question was because he liked a nice home and nice things and was not earning money enough to support the kind of home that he wanted, – would that strengthen the opinion you have already expressed, or otherwise ? A. It would strengthen it.

Q. Having in mind beside the hypotheses already given you. Doctor, I will ask you to assume that the man described to you is the defendant, and taking into consideration his age, appearance and physical characteristics as you have found them and seen them, his ancestry and history as testified to in court by the mother and father, his own statements so far as testified to, and taking into consideration the appearance and testimony of the father and mother as they appeared upon the witness stand, his history at Bridgewater as given in the reports in evidence, – whether or not you are of the opinion that this defendant on the night that he shot Miss Blackstone knew right from wrong, and that there was a punishment attached to the commission of the wrong? A. I do.

Q. And whether or not in your opinion at the time of the shooting of Miss Blackstone he was acting under the compulsion of an irresistible impulse ? A. He was not.

The cross-examination of Dr. Quinby by Mr. Stapleton brought out the following questions and answers :

Q. Of course that is largely a question of the degree of the defect, is it, whether you would call him insane or not ? A. Well, not all high-grade imbeciles are sufficiently defective to be insane.

Q. Some alienists would classify among the insane those who are suffering from any severe mental defect? A. No, I think there is a distinction there.

Q. I take it, Doctor, that the insane are to a certain extent amenable to discipline? A. Certainly.

Q. All but the most extreme cases are amenable to some discipline? A. Some of the extreme cases are amenable to discipline.

Q. And taking that evidence as a whole, excluding the father

and mother of the defendant, you say that that might be — a heredity of that sort might be one of the predisposing causes to insanity?

A. I think it might be, yes, sir.

Q. Well, of a man's four grandparents, if one died of senile dementia, and was eccentric for many years before his death; if another one died of softening of the brain at the age of forty-three;

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if a third one has hysterics during the greater part of her life and was out of her mind for some months before her death, and if the fourth one was irritable, nervous and addicted to drink, — with the four grandparents as I have described and assuming that to be true, it would be a rather bad heredity for a grandchild, wouldn't it?

A. Be a rather bad heredity for a grandchild.

Q. Is the fact that a child about the age of twelve is doing unsuccessfully third or fourth grade work, that at the age of nineteen or twenty is doing unsuccessfully elementary work, entitled to any consideration in arriving at the conclusion as to whether or not there is a mental defect? A. It is.

Q. Is the fact that at the age of fourteen years the child is afflicted with enuresis entitled to some consideration? A. I should think it might be.

Q. You examined this defendant over a year ago at the request of the district attorney? A. I did.

Q. And after those two examinations you, with Dr. Houston representing the State, held a conference in Worcester with Dr. Courtney representing the defense? A. Yes.

Q. As a result of that, Doctor, you testified before the hearing on motion to commit this defendant, held before Judge Aiken of this court and Judge Sanderson ? A. I did.

Q. And you were asked the question: "In your opinion what was the nature of that mental aberration?" and the answer was, "When it comes to giving a name to it I shouldn't want to say positively. My impression was it was a case which would eventuate at least in dementia praecox. Still, I shouldn't want to be pinned to that opinion at the present time." A. That was my opinion at that time.

Q. Dementia praecox, I take it, is a broad term ? A. Yes.

Q. Which is used in a somewhat different sense by different alienists? A. Yes.

Q. By some it includes cases of imbecility or degenerative types, and others would use it more strictly as you do? A. Yes.

Q. You were asked the question: "So far as you had any opinion, that was your diagnosis of the nature of it?" to which you said, "It seemed to me very probable?" A. That was my opinion.

Q. And you were asked the question further: "Whether or not what you say, Doctor, - I should like to know, - you say he is under some mental aberration, - but I should like to know whether or not in your judgment he is in such a case or frame of mind, or his mind is in such a condition, that you are able to form an opinion now whether he is or is not responsible or was or was not responsible for this offence?" And your answer was: "I am very much in doubt as to his responsibility - as to the degree of his responsibility." A. That was my opinion at that time, certainly.

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Q. To allow you, Doctor, to state your whole opinion at that time, I will ask you, you were further asked the question: "What do you say. Doctor, as to whether in your judgment the statute of 1909 which allows him to be committed to an insane asylum for observation is one that would well be invoked in this case - that ought to be invoked in this case?" to which you answered: "I should think it is very fitting." A. That was my reply to the question.

Q. And you were asked by the Honorable Chief Justice Aiken of this court: "What is your answer to that?" and you repeated: "I think it is very fitting that it should be invoked in this case." Is that A. That is my answer.

Q. And you were also asked if you desired further time for observation, and you answered that you should. A. That was my answer.

The next witness sworn was Dr. Daniel H. Fuller of the State Board of Insanity. Dr. Fuller's answer to the hypothetical question : "Assuming these to be the facts and all the facts that I am permitted to consider, I think it is" (i. e. consistent with the action of a sane man). On the same assumption, he did not believe Spencer to have been acting under the compulsion of an irresistible impulse; and again under the same assumption he believed Spencer knew the difference between right and wrong, with reference to punishment for his act.

On cross-examination, Dr. Fuller said that there are a great many among the insane who have knowledge of right and wrong, and that in most of the insane institutions a large number of the inmates are amenable to discipline and that every institution has its rules for the discipline of the inmates. Also, he testified that in his opinion the average child of four or five years old has some idea of right and wrong; that such knowledge might or might not exist, and that the power which enables a man to resist an impulse is called his "power of inhibition," and that a high-grade imbecile, acting on these ideas which arise in his mind does so because

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his power of inhibition is lacking or defective, and that that deficiency in his inhibitory powers might be very little or very great; also that insane men play instruments very well. His testimony lasted over until the eleventh and last day of the trial, most of Mr. Stapleton's questions covered generalities as to the traits of mental defectives.

When the lawyers had finished with Dr. Fuller, Dr. George T. Tuttle was called. Dr. Tuttle stated that he had arrived at the conclusion after his first examination of Spencer that he was a defective individual — had been so from his birth — that he knew right from wrong; but Dr. Tuttle said that he had been unable at that time to decide whether the prisoner could resist doing wrong — whether he was not under the compulsion of an irresistible impulse. After his second examination and with the information put before him at the trial. Dr. Tuttle thought Spencer was not acting under such an impulse. He said, in answer to Mr. Stapleton's cross-questioning, that Spencer might at times have been unable to control himself.

Before the court adjourned for a recess, Mr. Stapleton asked Judge Crosby whether the court would follow the language of Chief Justice Shaw in the case of "Commonwealth v. Rogers, in 7 Metcalf," in regard to the standard of right and wrong, and Judge Crosby read the following quotation from Chief Justice Shaw in that case, saying that he intended to use it in his charge to the jury:

A man is not to be excused from responsibility if he has capacity and reason sufficient to enable him to distinguish between right and wrong as to the particular act he is then doing; a knowledge and consciousness that the act he is doing is wrong and criminal, and will subject him to punishment. In order to be responsible, he must

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have sufficient power of memory to recollect the relation in which he stands to others and in which others stand to him; that the act he is doing is contrary to the plain dictates of justice and right, injurious to others and a violation of the dictates of duty.

In his closing argument for the defense, Mr. Stapleton reviewed the facts, as proven by the witnesses, of Spencer's almost unbroken line of heredity of nervous or mental defect, of his undoubted peculiarities and the unusual outbreaks and punishments of his early life, calling the attention of the jury to the statements made by the doctors on both sides that an imbecile requires a very special sort of training for his own safety and the safety of the community, and emphasizing the fact that Spencer's early training was such as to warp and twist his mind and incline him toward criminal acts. He

again recounted Spencer's outbreaks as testified to by his companions wherever he had been up to the time of his arrest, and called their attention to his peculiar suggestibility, citing the example of the false report of his arrest for burglary, saying:

What effect of suggestion will that have upon a diseased and disordered brain that has been defective from birth and twisted toward criminal life by Impulse, training and treatment? All of the alienists have told you that an imbecile is peculiarly liable to suggestions, and I leave you to reason out what influence that suggestion had upon the mind of this defendant to lead him to take up a criminal career. . . . It is true he had always been addicted to stealing. He had always had that accursed desire to steal which he could never master and which dominated him, and through some method or other the suggestion came into this diseased brain to enter houses, and the entering of them took possession of him, and after awhile it dominated him. First it charmed him, it fascinated him, and then it took possession of him and drove him out to a life of crime. And it was progressive, in a degree, because first he merely entered houses and did not show himself. But after awhile, under the actuating intellect, he must have the dramatic setting. He might be able to escape detection easily if he would enter and go away — but no. In

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that enfeebled brain comes the idea that he must show himself — that he must be dramatic — that he must appear with a mask.

Mr. Stapleton then reviewed the experts' testimony, inquiring why it was that Dr. Houston had been summoned only a day after Spencer's arrest, if there were not something peculiar or unusual about his conduct, and if the police did not themselves believe there was something wrong with him. He made a very strong point of Dr. Elliott's change of front, imputing to him a motive in declaring Spencer sane after asserting to the contrary for eight months in his reports to the Chief Justice, and saying: "Gentlemen, I say to you in all seriousness, in all honesty, that when Dr. Elliott sent that man back here for trial, he committed a greater crime against the majesty of the law than ever Spencer committed."

In rehearsing Dr. Hooker's testimony that he believed Spencer to be shamming insanity in the jail, on the ground that his pulse was normal and that he had been amenable to discipline, Mr. Stapleton called attention to the fact that Dr. Hooker had arrived some hours after the outbreak had begun, and that the patient had probably calmed down by that time; and he cited the fact known to all who have had the care of the insane that most of them are amenable to discipline. He argued the inconsistency of Spencer's antagonizing the doctors by sending out a continuous flow of complaints from the hospital, if he were really sane and merely shamming insanity. Mr. Stapleton continued

at length to argue the weakness of the Commonwealth's counter evidence of Spencer's sanity, saying very truly that a number of these witnesses, who had "noticed nothing peculiar" about Spencer, had nevertheless cited

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instances in his career which were distinctly abnormal. In reviewing the statements of the witness Bell from the Charlestown State Prison, who had said that Spencer had told him he was "faking" insanity, Mr. Stapleton said: "There isn't one scrap or particle of evidence in this case, by any man, that as they examined Spencer at the time he was in confinement since a year ago last April - that Spencer ever shook his head in that fashion" (illustrating). "Dr. Quinby examined him, Houston, Baker and Fuller, on behalf of the State. . . . He says (referring to Bell) Spencer told him the stories of complaints were fakes and that he saw a cut on the back of Spencer's head, and that after Spencer complained that he got hit with a blackjack, he says that Spencer confessed that he had made it himself with a piece of glass. And Dr. Baker, from that institution, who saw Spencer twice, and who says he examined Spencer's head at the time of the blackjack episode, says there wasn't any mark there. . . . And you have besides the fact that Dr. Elliott and Dr. Baker said that Spencer believed these complaints; so that you have got to take their word in preference to that of a confessed felon. . . . Now, gentlemen, if they thought this man was feigning, why couldn't they have produced an alienist to show that? . . ."

The point that Mr. Stapleton missed in regard to the charge of Spencer's having feigned insanity, is that whether or not he was feigning is of little importance and would have no significance as proof of his sanity or insanity. That he was very suggestible has already been shown, and in the environment of an insane hospital it is natural that he should have imitated the actions of his companions, especially as he had an abnor-

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mal love of sensational acting. This we see plainly proved by his fondness for dressing up and appearing in the guise of a desperado in his different burglaries.

Mr. Stapleton pleaded that he was not asking to have Spencer set free, but that he should be confined for life, by order of the court, in an institution for the insane; and in case they were still in any doubt as to the insanity of the defendant, he was at least entitled to the benefit of that doubt; that at any rate, even if Spencer were sane, he should not be convicted of more

than a second degree offense.

Mr. Swift's able summing up for the Commonwealth left untouched no little point in the evidence which could be turned to the advantage of his argument that Spencer was sane and responsible, that his crimes were deliberately planned and that he should bear the full penalty for the crime of murder in the first degree. After summing up Bertram's crimes and their motives, as he interpreted them, he said:

He has demonstrated in that dramatic way in which he committed his robberies, his burglaries, his hold-up — pulling down his hat over his face, pulling the black handkerchief over his face and about his nose, so that only about so much of his face was visible, that he liked to have things arranged in a theatrical manner. In all of that he was an actor — he was an actor when the police came in and arrested him. He was an actor every day of his life.

He then attributed Spencer's behavior at the time of his arrest and afterwards in the Springfield jail, to acting with the deliberate object of establishing the defense of insanity, and said that the District Attorney sent for Dr. Houston because he knew, even at that early date, that the defense would be insanity. He continued his argument on this line, stating that toward spring Spencer believed he had convinced the Bridge-

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water authorities and Dr. Briggs of his insanity, and that he relaxed his efforts that he might go out and play baseball and enjoy the "garden where the flowers were springing up"; and that his behavior at that time became so normal that Dr. Elliott changed his opinion as to his mental condition. Dr. Elliott is beginning to wake up — "no evidence of delusions or hallucinations which modify his actions." That is in May; now in June he says: "Spencer is in splendid physical condition, eats and sleeps well, does some little work in our garden, and enters with zest into the amusements and sports of the hospital." Mr. Swift continued: "The prisoner wants you to send him back to Bridge-water, to enter with zest into playing baseball and football." (Continuing to quote from Dr. Elliott's reports) "He has not at any time manifested delusions or hallucinations, and under the ordinary precaution and restraint of hospital life, has not shown suicidal tendencies. That is June 19th."*

Mr. Swaft continued to quote Dr. Elliott's later opinions to prove that he was at last "waking up." How absurd it would be if a group of men, such as the various experts who had examined Spencer and including Dr. Elliott whose entire work was with the criminal insane, had been for eight months deceived by a mere malingerer — and a mentally defective malingerer at

that! Such an aspersion was an insult to the medical profession. Mr. Swift proceeded to challenge my own testimony, on the ground that the wife had not been called to corroborate the prisoner's statements to me,

- Anyone familiar with our hospitals for the insane can tell us that there are a great many patients, undoubtedly insane, who have no delusions or hallucinations nor show suicidal or homicidal tendencies; and the experts who declared Spencer insane made no claim that he had showed suicidal tendencies for years past.

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and he dwelt at some length upon the vagueness of the term "'mental defective." Perhaps today we should be able to give a somewhat more definite classification than "mental defective" or "high grade imbecile" to such a case as Spencer's, but it is doubtful whether it would influence an average jury at a time of such popular clamor and indignation. Mental tests were not then in common use, but it is doubtful whether Spencer's mentality, under such psychological tests as were given the men who entered the Army in our late War, would have rated at more than ten to twelve years; and it is certain that he could not have passed the psychiatric examination given at Camp Devens. Mr. Swift's arguments were indeed ably presented, and they prevailed with the jury, not because they were sound but because the ableness with which they were presented disguised their weakness — at least to the lay mind. There is little doubt that the natural trend of the minds of the jurymen was in sympathy with the popular clamor.

Judge Crosby's charge to the jury was most able and scholarly — so scholarly in the choice of legal definitions offered that it would require a jurymen of unusual education and mental ability to appreciate it. After explaining the meaning of "burglary," of "murder in the first degree," of "premeditation," and of "malice aforethought," he said:

The Commonwealth contends in this case, as I understand it, that the prisoner is guilty upon two grounds mentioned in the statute, namely, first because the homicide was committed with deliberately premeditated malice aforethought; and secondly because it was committed while the prisoner was in the commission of, or in the attempt to commit, a crime punishable by imprisonment for life. If, therefore, the charge be proved to be upon both grounds or upon

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either ground with the certainty required by law — that is, beyond a reasonable doubt, it would constitute murder in the first degree.

He then went on to explain that "beyond a reasonable doubt" referred not at all to the facts presented, but to facts necessary to establish the conclusion of guilt. He quoted in the language of "a former Chief Justice" in a charge which he made in a capital case:

The prisoner's right to hold the Government to this strictness of proof is an absolute right. No consideration of public safety, no righteous indignation, at an atrocious crime which shocked the community, no zeal for the suppression of crime, can give the court or jury discretion to relax the rules of law, or to strain the evidence to any conclusion not warranted by its fair, convincing force. The government of this Commonwealth is a government of laws and not of men. . . .

He cited another charge, made by Chief Justice Gray, in regard to expert testimony, and concluding said:

In this case it is for you ... to say whether this defendant was of sound or unsound mind ; that is to say, he was of unsound mind so far as this particular case is concerned. What you are dealing with here is the question of soundness or unsoundness as affects the defendant's responsibility' for the homicide; not whether he might or might not be responsible in any other respect.

Among other points brought out in Judge Crosby's charge to the jury were the following:

If you should find that the prisoner's mind was in such a diseased state that the fatal act must be regarded as an outbreak or paroxysm of a mind diseased, which for the time being overwhelmed his will and his reason so that there was an uncontrollable impulse, springing from disease, to do the act, then he is not to be considered as a responsible, accountable agent, though he may have been aware that the act which he was committing was wrong; that is to say, an irresistible homicidal impulse in an insane person, springing from a diseased mind, is a good defense, though such person knew that the act was wrong.

Referring to mental defectiveness, he said:

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There is evidence to show that there are different classes or degrees of such mental defectiveness. Such a person I understand to be one who is not an idiot, but one who suffers from want of mind rather than from derangement or delusion. If such a person is charged with a criminal offense, his liability or responsibility therefor would depend upon the question whether the want of mind is such as to entitle him to acquittal on the ground of insanity. . . . Two questions, therefore, seem to present themselves to you upon this branch of the case: first, whether or not the prisoner was laboring under an irresistible, homicidal impulse at the time when the fatal shot was fired ; and secondly, if he was not laboring under such an impulse, was there such a degree of mental disease or insanity as to make him unable to distinguish between right and wrong so as to

exempt him from responsibility for his act.

Judge Crosby here quoted another "distinguished judge" in much the same vein:

And it is a general rule of law that, in order to be able to commit a crime, a person who is charged with its commission must have intelligence and capacity enough to have a criminal intent and purpose. At any rate, when the charge is of the commission of such a crime as this, if he were not capable of a criminal intent and purpose in what he did, then he can not have been guilty of a crime in doing what he did. If his reason and his mental powers were either so deficient that he had no will and no conscience, no controlling mental powers, or if, through the overwhelming power of mental disease his intellectual power was for the time obliterated, then he was not a responsible moral agent, and is not answerable for criminal acts . . . concluding, If his mind was from mental disease in such a state that he could not distinguish between right and wrong, or if he was a victim of an uncontrollable impulse to do wrong, though he knew it to be wrong, so that he could not refrain from it - if his will was overpowered and his conscience was overpowered, and what his hand did was not really his act, why then he is not to be held responsible for it. But if he did have that power and if he did act when he was able to control himself, so far as mental disease is concerned, why then he would be responsible.

If you should find the prisoner's mind was impaired, said Judge Crosby, although not impaired to an extent that you feel at liberty to hold that he is not responsible for his acts, still, if his mind was so far impaired that in consequence of such impairment you find that he was not capable of deliberate premeditation, you would properly find a verdict of murder in the second degree.

Unless you should find that he was accountable when he committed

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the murder, and committed it while in the commission of, or an attempt to commit, an offense punishable by imprisonment in the State's Prison for life, - if the evidence leads you to that conclusion, then he would be guilty of murder in the first degree, although committed without deliberate premeditation, provided, as I said before, you found he w^{as} responsible for his act.

If you should find that he committed the act, but are satisfied upon the evidence that he was insane at the time, then it would be your duty to return a verdict of "not guilty by reason of insanity."

In this case no suggestion has been made in the argument that there is any evidence to support a verdict of manslaughter, and so it will not be necessary to dwell upon that phase of the case.

If you are satisfied, according to the rules of law that have been laid down to you, that the prisoner, being an accountable person for his acts, committed the crime of murder in the first degree, it is your duty to find so upon your oaths.

If you are not satisfied that, at the time the homicide was committed, the prisoner acted with deliberate premeditation, and are not satisfied that he killed the deceased while in the commission of an offense punishable by imprisonment in the State Prison for life, but still consider him accountable when the homicide was committed, then it will be your duty to find him guilty of murder in the second degree. If you are not satisfied that he was of sound mind, it will be your duty to bring in a verdict of "not guilty" by reason of insanity." Of course, gentlemen, it is within your province to acquit him altogether, but that is not suggested by his counsel, and as there seems to be no aspect of the case in which that can be presented, I shall say nothing to you about it. . . .

Mr. Stapleton excepted "to so much of the charge in regard to insanity as permits the jury to take into account the presumption of sanity, after evidence has been introduced of the defendant's insanity, arriving at a conclusion as to sanity or insanity."

The jury retired at 9.50 P. M., but returned at 1.55 A. M. for instructions on three questions:

1. If a man breaks and enters a house with burglarious intent and is caught and found guilty, is his crime punishable by life imprisonment?
2. Is it the privilege of this jury to bring in a verdict of guilty in the first degree, of guilty in the second degree, and of acquittal on the ground of insanity ?
3. What is the testimony in regard to entering window?

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The judge answered these questions at length, the first two in the affirmative within the limits of legal phraseology. The testimony in regard to the window was again read.

The jury again retired at 2.52 A. M., and at 3.08 A. M. rendered a verdict of murder in the first degree. The court adjourned at 3.1 1.

The trial cost the state between \$25,000 and \$30,000. The defense was obliged to raise money among relatives and friends of the prisoner, and at times the defendant's wife sat at a typewriter in Attorney Stapleton's office, copying manuscript for use at the trial, especially on the closing arguments on behalf of her husband.

Following the trial, efforts were made for commutation, also for a new trial. The chances for a new trial were very remote, for Mr. Stapleton said the only capital case he could recall in which a new trial had been granted was the Trefethan case, in 1892. The chances for commutation were lessened on account of

the unusual conditions at that time: there were three cases up for commutation, the Phelps, the Richeson and the Spencer cases, and a member of the Governor's Council expressed the feeling that if they commuted one they should commute all three, "which," he said, "would practically abolish capital punishment."

The hearing on the motion for a new trial was held before the Hon. John C. Crosby, Justice, December 26th, 1911. In his argument, Mr. Stapleton said:

I contend, may it please your Honor, that the courts of the State regard not the word which is used, whether it be "mentally defective" or "insane"; that the Commonwealth can not prevail over a defense of insanity by simply producing experts who will not use the word "insane," and will hide behind the words "mentally defective." . . .

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Dr. Fuller, of the State Board of Insanity, an expert called in behalf of the State, said that any child of five years old knew right from wrong — that any child of four or five years old knew, to that extent that he would be punished, right from wrong; that to that extent he knew the consequences of his act. He said that the knowledge of right and wrong of a high grade imbecile was similar to that of a child.*

How could a jury say that this man, who six men employed by the State — not by the defense — who six men said was mentally defective — how could they say that he was fully responsible if they regarded this evidence? It is true that your Honor told the jury that the court instructed the jury that, as a matter of law, they might disregard expert testimony. . . . The jury technically were at liberty to disregard that evidence. They could not be compelled to accept it, but may it please your Honor, if the jury should go so far as to disregard the evidence of six experts employed by the state, reinforced by the testimony of three employed by the defense . . . the court, in its high discretion, could call a new jury in the case, who would give some consideration to the evidence in a matter involving life and death.

Mr. Stapleton then went on to point out the inaccuracies in the Attorney General's address to the jury:

And I think, may it please your Honor, that the court remarked that — and ruled that — it was not evidence that Spencer was faking when Dr. Hooker testified that he said to the defendant, "Spencer, you are faking."

The answer to Mr. Stapleton's argument by Mr. Callahan was brief, and brought out no new facts. The motion for a new trial was denied on January 3rd, 1911.

On March 12th, 1912, another hearing was granted on another motion for a new trial, before the Hon.

* Dr. Fuller testified that institutions for the insane might deal with

individuals by refusing them certain privileges, such as being allowed to go out in the yard or being furnished with tobacco, if they did not behave themselves or were violent, and that in some cases such discipline helped in the government of the insane. He also testified that "mental defective" and "high grade imbecile" are synonymous terms, that is, that mental defectiveness includes the high grade imbecile. He said that there were a great many mental defectives at Bridgewater, and that part of his own duties consisted in the investigation of complaints and interviewing insane patients.

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John C. Crosby, Justice, — this time on the ground of newly discovered evidence to prove that the State's Prison witness, St. John, alias Bell, had perjured himself, according to the evidence and affidavits of four of his companions in prison. Attorney Stapleton said in his argument that he offered the evidence of three witnesses that Bell had told them before and since the trial that he had an object in making the statements which he made, which was to accomplish his own liberation; that the testimony which he had given was not true, but was manufactured by him to accomplish that end; that he had also told them, in giving excuses for this act of his, of a personal motive in the nature of a grudge or personal dislike which he entertained for Spencer, and that he had said that the doctors of the institution held out an inducement to him, and that he would send his own mother to the chair to get out of State's Prison.

Mr. Callahan submitted an affidavit from St. John, alias Bell, denying, categorically, all the statements made about him by his mates at the State's Prison. The Warden of the Prison also deposed that the three men whose affidavits had been submitted by Mr. Stapleton had refused afterwards to be questioned by Mr. Callahan.

Judge Crosby denied the motion for a new trial. Bills of exception were filed and allowed, and were later argued in the Supreme Judicial Court, on May 23rd, and on June 22nd, 191 2, a decision was rendered overruling the exceptions.

On July 2nd, 191 2, Spencer was sentenced to death during the week beginning September 15th. He heard his fate, as the Springfield Republican said, '^without

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quivering an eyelash," and betrayed no emotion whatever.

After the trial Mrs. Bertram G. Spencer, the wife,

moved to Worcester, where she lived under her maiden name, Minnie Amberg. In an interview* given to the Boston American in June, 1912, she said that Bert had always been a good husband to her and that she "loved him with all her heart" ; that they had been "gloriously happy together." She said it had been a case of love at first sight. She was now twenty-two years old and had married him when only seventeen. There had been two children born to them; the second had died five days after the father's arrest. The older boy, three and a half years old at the time of the interview, had been named for his father. Mrs. Spencer said that she was then writing to her husband at least twice a week, and he to her as often.

The letters written by Bertram after his trial are significant of his naturally gentle, suggestible disposition, his extreme excitability and his instability. Under date of December 26th, 1911, he wrote from 79 York Street, Springfield, the York Street Jail, a letter of appreciation for what I had been able to do for him at the trial, saying:

... I thought, Dr. Briggs, from my boyhood up I knew what sorrow was and untold suffering meant, but I was mistaken. Not till I was arrested for the awful crime that I had committed by taking a poor, innocent girl's life, shooting another woman and a motorman, assault on two women, stealing all my life and losing my home and loved ones, did I begin to realize what a terrible life I had been living. What can be the cause, Doctor, other than my early home life and environment? My ideals in life have aimed at the highest, but I was weak - oh, so weak! and why I can not understand. I never gJTipkecJ) chpwed, drank, used any drug - never went into but one

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house of prostitution, and then only by a French fellow at about fourteen years of age - never since - never picked up any women on the street, never went in bad company, never gambled or spent my money foolishly, never read any dime novels or trashy literature in my life, and I honestly thought I was above the average, yet I am a disgrace to my country, my dear mother, wife, child, all my loved ones, and condemned to die a dishonorable death. What more can a man suffer than all these terrible things staring him in the face? The papers say I have no heart - I am cold and indifferent. It's a lie. Doctor. No one has ever heard me say but what I was a most sorry person ever lived, and if I could only die an honorable death I would gladly face a thousand guns or electric chairs - and if I die for this awful affair I am helpless of, I am a disgrace to all my loved ones and the world! May God and Man help me to rise above it!
... I remain,

Your humble servant,

Bertram Gager Spencer.

On Thursday, January nth, 1912, I received a letter

very similar to those sent to six or seven other people, and which the officers of the jail thought to be the result of a fit of jealousy and anger against his wife, about whom some of the other men in the jail had been plaguing him because they found he was susceptible to teasing. Up to this time he had, apparently, been on the most excellent terms with his wife, sending her frequent messages of tender affection. I quote from this letter the following - a good deal of it is unprintable :

Doctor, lack of education, driven from home by my father's abusive treatment. ... I never stole but two things in my life till I met my wife, and Doctor, since I met her, everything in my life's changed. A jack-knife in Lebanon was true, and a revolver in California - for I was always fond of shooting and it lay in the Armory in Oakland, where I was a member of Co. F., N.G. of Cal., and I asked the price and found I should have to pay \$18, and knowing the Government furnished them to all the officers, I took it, fully intending to replace it before I came east, but I never gave it another thought till I was packing my trunk for the east, and it was too late to go then, so I kept it, and it was the one I shot poor, defenseless Miss Blackstone, Miss Dow and Mike Gilhooley. Dr., when

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I met my wife I fell head over heels in love - why I can not say. . . . I was engaged to a wealthy young lady in Greenfield. . . .

He then describes his precipitate courtship and marriage and some of the events of his married life, in which he mentions intimate details and blames his wife for all his misdeeds since his marriage, even accusing her of stealing also. He says:

She sold all the household furnishings after my arrest, such as piano, beds, chairs, bureau, sideboard, pictures, two couches, dining table and center table - got \$130, she says, for all. ... I will suffer it all alone, Dr. Briggs, for in time her sins will find her out, and (she) will know how I am suffering, and will, long as I live, and when you sent me the best Christmas box of goodies I ever had in my life, I know, Dr., you were my true friend, guide and councillor hereafter. If I could only show you and Gov. Foss that I have plenty of good, pure blood in my veins, and with study and a little encouragement I will show the world that I am not what you all think I am - a heartless murderer and thief - no, by far, no - and if I was a free man tomorrow, not a single wrong would I commit. A woman has been my downfall, and thousands of others, I presume. ... I made friends wherever I went with my musical talent, both vocal and instrumental, which I inherited. If I had of had an education, I know I should have been an honor to my country and loved ones, and if I am spared, I will show you and the World what's beneath my skull-cap. And, again referring to his wife, he says; . . . Not one cent. Dr., has she given me since my arrest - and earning \$12 every week. She only came once to see me at Bridgewater, after the first day, when Mother and she came, and the last time I had to pay her fare both ways. When she comes to Springfield, she is allowed to come and see me any day, Sunday and all, and stay as

long as she likes, as I now have an outside guard day and night. She came to Springfield the Saturday night before Christmas and stayed at her home till Monday night, and all the time she spent with me was four hours and six minutes, in three nights and two days, and my Christmas and New Year's presents consisted of two 25c. pairs of brown socks – not a love token of any kind, not even a card. . . . I made her, out of red ribbon, a pretty fringed book-mark, and printed in gold leaf from Bert to Minnie – Christmas 1911-1912; also an account book in red leather with her full maiden name on the fly-leaf. I printed her some appropriate verses inside and gave her twelve copies of the Boston Sunday Post, with a story, "The Money Moon" in it, which I have saved along a week at a time, as she likes

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to read such things; and I gave her a good-sized piece of everything you sent me and almost half of the chicken Mother sent me – and, if you believe me, she has not as much as thanked me – and I have sent her drawings that it took me just one and a half weeks to finish, and not a thank you. Does my heart ache. Well, Dr., I can hardly believe my own mind, sometimes, to think what a fool, what a fool. And she believes she is fooling me every day, and I am keeping it all to myself. Say, Dr., if my cousin in Cal. will send me \$15, can I hire a detective for one week to give me further proof of what I would like to know?

He then branches off on a tirade about the light sentences of some men in jail, compared with the heavy sentences of others, and then speaks of how kind the officials are to him and what comfortable quarters he had, and winds up his letter with expressions of sorrow for his sister, who was apparently ill at the time he was writing.

On Jan. 4th, 1912, he wrote a long letter to his wife, of which he sent me a copy enclosed in a letter to me, in which he says :

You do not know how deeply repentant I am for taking a poor, innocent girl's life, or ever wronging a single soul on this beautiful earth. God has put so much beauty in both winter and summer for us all! No one will ever know how I am suffering for my wrong, wrong acts, and if truly penitent prayers offered to God will forgive my terrible acts, my prayers will and have been heard. Yesterday I asked Him to guide and direct my thoughts to write a last farewell letter to the woman I love and do so dearly love, and enclosed you will find a true copy of the letter I sent this morning to her. As a man, I have taken the step of helping her to be truthful instead of deceitful, and to be a free woman and do that which is upright and noble.

The enclosure is as follows:

My dear Wife :

Your loving letter of 721 words came Friday night, Jan. 12th, and it was certainly good of you to think enough of me after keeping

me waiting a whole week with all your busy evenings to write such a lengthy letter, and though you did not answer all my questions, I

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suppose you will by another week, if not too busy. I know you consider nie demonstrative, Minnie, but you and others know every word, every gift and sentence is from the depths of a heart and brain that only worshipped and idolized your every word, good or bad, and have always hungered after your words of love and cheer, longingly watched every mail for a true, loving, devoted wife's affections, either by letter or a postal or just a paper, or when you come here to see some signs of that affection that is bound to be demonstrative if there is one spark of true love burning in that heart of yours. Write what you will, say what you are amind to on paper, but actions speak louder than words by mouth or on paper. Minnie, I am no fool, and if you think I am blind or others are blind, you are wrong, way wrong, dear, and some day, some place, it will all come back to you like a moving picture. One doesn't have to live in jail or in palaces to find out who and what a true, loving and faithful wife means. I want you, Minnie, if you love any part of my feelings, to get a divorce, and you can by just the asking, as I am an outcast from society and home life, and what little time or long time, don't I pray, make it any harder for me to bear. I have thought and thought, as I am spending my last few months, I can not have this deceitfulness staring me in the face, and Minnie dear with (not one speck of hate) only true, manly love for the mother of my darling boy and you I wish to sever all loving ties from this day and forevermore, and from this day to the day I die never write or speak my name, and in the following mail or express you will receive everything that belongs to you or can recall our lives together. Now don't say I am mad, cranky or in any way hasty, dear, for I have been making up my mind ever since I heard of the "Spea" aflfair, and everj^ day your heartless words and actions coming from you in various waj^s and nothing like it before I was arrested. From today on, as since my arrest, you are welcome to use 3^our maiden name, go to concerts, theaters, parties, wherever and with whom you choose, early or late, and you will find pleasure in so doing as in the past. Do not come to Springfield to see me on any matters, or write or send anything by any one, or through the mail, for tomorrow morning I shall give orders to Mr. Wade and Sheriff Clark to remail all letters or articles hereafter coming from you in any form or to admit you if you come here to call. Your father and all your people have taken the {let me alone side^ too) even when he came as far as the jail door he couldn't even come in, and say one word. When I sent for a coat by you, you sent me your father's old coat, so full of holes and dirty, for me to wear up into court. When outsiders notice and speak of these things, I surely ought to. I have been in confinement almost two years, and in all that time I have not received out of the \$130 you received for my furniture you sold, with over \$50 in the bank and \$12 a week while at the Norton Co. in Worcester, a single

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penny or offer of such. Not a love token of any kind or a gift as

such. The locket I have worn around my neck with your picture and my boy's I had to beg for. The rings you have you only wear when you come here to see me. Spend three nights and two days in Springfield over Christmas, and get down here late in the afternoon, and only spend from 3.40 to 6 P.M. one day, and the last day from 3.45 to 5.30, in all four hours and five minutes, and left me two pairs of woolen socks, which I also return for I really think and truly think they were begrudged me. I have given you all I could (and more than I did the dear loving mother who bore and will die for me) Christmas, yet not a flower I painted for her, as I did for you, has she forgot to love, cherish, and mention, and every picture, flower or gift I have ever sent her. Do you call that demonstrative dear? No, Minnie, it's true, true love. I have always longingly looked for from you and by you and whoever you get for a future partner I pray you to love him as a true, loving wife should do, and which I have hoped and longed for all in vain. It is most sad sad for me to part from you thus, but to keep on Minnie only causes me day after days fretting and worrying. I want to live right from this day henceforth, and I want j'ou to do the same for God's and Baby's sake, if not for mine. We both have sinned, and I have asked God's full forgiveness and to forgive you and all your past sins and he has mine and I hope you place yourself in his care. I have asked his guidance this day in writing this letter, and if I have said one word that seems wrong, I ask your forgiveness in full. Wishing Minnie you God's speed in all your future undertakings and from this day to live an upright, law-abiding and God-fearing and loving mother, is the earnest prayer of your loving husband.

P. S. Please return the beaded belt to Mother, as I gave it to her when I came east, and also all my things that personally belonged to me, like watch, pins, chain, razor and outfit, etc.

Bertram Gager Spencer.

P. P. S. Minnie, as a last wish I beg you to leave Mother bring up and be guardian and teacher over our darling boy, as you are not in a position to do so, also to provide for him, in as much as you can till he is old enough to look after Bertram Herman.

Under date of January 28th, 191 2, shortly after the motion for a new trial had been denied by Judge Crosby, Spencer wrote me:

Anything you place in my hands to study, I will leave not one stone unturned to accomplish that purpose. My ambition was never so great, and as Shakespeare says Take the instant way; for honor travels in a straight so narrow, where one but goes abreast ; keep then

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the path; For emulation hath a thousand sons, That one by one pursue; if you give way or hedge aside from the direct forthright, Like to an entered tide, they all rush by and leave you hindmost. I do so appreciate your offer of a magazine now and then, which would be allowed me of course - anything of that kind always is - but there is no need of saying and I pray you will pardon any seeming lack of courteousness on my part when I request only the best you have, as

I have never read fiction of any kind in my life and I will not today. ... I am looking for an appropriate design to print, with flower emblem, for my dear mother's birthday, and though very old, I have decided on "Rock me to sleep" for one.

On Feb. 25th, 1912, he writes:

You of course do not know that my wife and my father were passing love letters back and forth unbeknown to me, until I was informed of it a short time ago, after it had been going on for six months or more.

There is an account of Spencer's having twice attempted suicide at the Hampden County Jail, first by putting his head through the glass window and attempting to cut his throat on the jagged edges of the window pane, and later by swallowing a spoonful of broken glass. On April 22nd, 1912, he writes:

I have been sick and utterly discouraged for three weeks, I will explain the best I can. You know I sent all my wife's things back to her and tried to forget her entirely, as I knew if I kept dwelling on my past five years with her and her actions, I should go mad, but I couldn't keep it from me, try as I would. The 18th of March was her 22nd birthday and we had been married just four years, so I sent her a painting in water colors of red and pink roses, with a verse in print and Loving Greetings, also a letter which Mr. Stapleton advised me to write, as she had been twice in Springfield and not come near me. ... So I wrote her as long as she demanded an apology, I was perfectly willing to apologise to this extent - if I have said or written one word that was not the whole truth - word for word, I would willingly on my knees ask before anyone her forgiveness. . . . Well, Dr., I got brooding over this and much more that I will not worry you about. My dear mother and darling boy near death's door, my sister and brother-in-law all down home - not a friend or kin to come and see me and to continually think of the awful crime

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I committed two years ago the 31st of last March, and how weak I have been, and I had my crying spells right along and there was a week I could not retain anything on my stomach, and then and up to now I am eating nothing but milk and bread, which is of the best - and all these thoughts have been piling up, up, till I only thought of ending it all, so one week ago, Thursday, March 21st, I took a big tablespoonful of broken glass, fully expecting to be dead Friday. But Sunday came and I was still crying, and my troubles overcame me again, and I dove through the window, trying to cut my throat, but as usual I was unsuccessful and only slightly cut my head and ears, which is all healed now. Of course they put my hands in muffs for three days, which I suppose I deserved, and I stayed in bed five days. . . . Prison life is an awful life at its very best, and when I hear of men, boys and women coming back to such places, I think there is something decidedly wrong with their upper story.

April 30th, 1912:

I have had and am still having a hard siege of blues, and try as I may I can not fight it off, I am still taking bromide, and I am trying to sleep my troubles off, and it is especially such dreary weather — also drink three quarts of milk daily. And again referring to his wife he says, I do not have to have a door fall on me to know she has been deceiving me right and left. Did I write you she made a date with my own father to meet him at New Haven and go to Danbury Fair together while I was at Bridgewater? Don't you think she's pretty foxy? ... I do not care to live any longer. Death in any form or shape will be most welcome for I am no longer a source of income to my family — not one bit of comfort to them or myself.

On May 27th, after thanking me for some books that I sent him, he wrote:

I shall never ask you but just one favor, which is a big one; knowing as I do of the decision that will be rendered in a few days or weeks, and the outcome of this farce, as I look at it, I can not prove in any way that my wife is not a capable person to have the bringing up of my darling boy, so I beg of you in some way to see that justice is done, if there is such a thing. There is much underhand work being going on these last six months, and I know if you hear from my lips what pen can not express or explain, you will begin to think. . . . You don't know how glad and happy I feel when I can do for some other poor unfortunate. I sent a dollar today to my wife's sister to buy a wreath of flowers and place on my wife's mother's grave for Minnie and I. Just think, there was never a

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tombstone or anything to mark the resting place of my wife's mother, so four years ago I set out a red rose bush, because I loved the mother of my wife, yet had never seen her. Minnie or her father never thought enough of her mother to even go there Decoration Day and place a few tokens of love for the one who had loved, suffered and died for them. As I sit here day after day, evening after evening, I can see through it all now. Dr., and I wonder why it was so. I have written my wife 8 or 9 letters and sent her an Easter card, and no reply to any of them except one card.

On June 14th I received a letter from Spencer's mother, of which the following is an extract:

I have just returned from Springfield, where I went last week on Friday with the little boy, who has not seen his father in a long time. I found Bertram ver}' nervous, and he is sure the officials are all conspiring against him, also his wife and Mr. Stapleton. During the two and a half days I spent with him, there was scarce fifteen minutes but that the boy was raving over some fancied injury. . . .

About the end of May or the first of June some of his letters were written in a more or less tremulous hand, showing great emotion, especially when speaking of his wife. The change from irritability and extreme excitability at every noise and annoyance came only after he had embraced the Christian Science faith. This was brought about through the influence of one of

his guards, who was strongly of that faith, and who not only brought books for Spencer to read which, with his susceptible nature, at once gave him comfort, but this guard interested a Christian Science reader, who visited Spencer immediately, comforting him and administering his doctrines to him up to the time of his death. It is a pity that suggestions of this nature were not brought into his life earlier, as his history shows that his actions were, to a great extent, the result of suggestion. Especially was this true when he changed from his occasional petty larcenies to house-breaking,

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Part of letter written by Spencer, May 28, 1912, showing effect of emotional thoughts when referring to his wife at this time.

SPENCER 2i<;

on the suggestion given him through the report of the arrest of another Bertram Spencer for burglary, which the history of his life shows to have impressed him at this time very deeply. And again, in Bridgewater, it was evidently at the suggestion of the other inmates that he attempted to correct their wrongs, both real and fancied, especially the physical abuses which he had seen or of which he had seen the results.

The first letter in which I find any mention of Christian Science is dated June 26th, 1912, when he wrote:

Say, Dr., did you ever read "Science and Health" and compare it to the Bible? There are so many things in it that have already helped me to overcome, that I am already beginning to think it is only too true. Please do not evade this question like you do. Dr., in my other letters. Don't get provoked, now, for I only speak from a pure motive, and when I stop to think of it, of course you don't believe such a belief - but of course I am all the time thinking of my wife, my boy, my mother and crime, and I am at a loss to find just why everything came to pass as it has. God knows I hold no animosity toward a single soul in this world, neither did I before m^' arrest, except to my father, and today I forgive him. I have made oh! so many mistakes in my life, but none (leaving murder out altogether) like since I came to Springfield.

On July 6th, 1912, he makes his first reference to Mr. Perkins, the Christian Science reader, who stood by him to the end. It is a pleasure to recount this good man's devotion to a poor, condemned criminal, especially as later the papers were so full of mercenary transactions by people of his cult. Bertram writes:

I am making a thorough study of "Science and Health." All of these articles help me to get goodness out of life. Why is this not taken up more by Christian loving people, and those who care to be healed of all kinds of diseases? I have been taking bromide for my stomach trouble and I kept having those pains in my head and around my heart - could not sleep without the room being darkened, was so nervous at even the rattle of a paper, I would often want to scream, and last of all and most important is that my temper has left me

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like magic, and when I hold revenge toward those who have wronged others, my folks and myself, I can now forgive and pity them, for they know not what they do or say, and neither did I until Christian Science was read to me by one of my guards who is a Christian Scientist. There has been a practitioner here for over a week, almost

ever)' other day, bringing me beautiful flowers sent to me by his wife. They own a nice home in Longmeadow of ten acres, and he has got God's love, through hope, stamped upon his countenance.

I have spoken often to Mr. Perkins of you, telling him of your goodness. Do not think it strange if I do not speak of my sentence last Tuesday morning. I did so much want to say a few words of repentance and suffering for all of my sins and sickness, and to let people know I had tried to get permission from the time I was arrested till now to write a repentant letter to all those I have ever in any way wronged, and I have always been denied. . . . On June 27th I wrote a forgiving letter to my wife, telling her to cheer up and look for every good thing. Minnie received it on Friday, and she sat right down and answered it - a letter of 11 pages, but not one word did she mention of forgiveness or my case in any way. This being the only letter I had received from her since January 12th last, and she has not been here since Dec. 24th, 1911 . . . I am writing her every other day now, but I get no answers, and I can now overlook the whole affair, for I know she is weak, and I am trying to get her mind on facts instead of fiction. She writes she is reading now, more than ever, a story called "The Streets of Ascalon," by Robert W. Chambers. Of course it is a clean story, no doubt, but what or how can stories like that help to overcome all evil. As in the past, so shall I to the end try to get her mind to run in different channels. There is of course no use, Dr., of my trying to explain Mrs. Eddy's works to you, but her teachings are faith, hope and love.

On July 8th, 1912, he writes:

I received my sentence of mortal death last Tuesday morning at about ten o'clock by Judge Crosby, and since I understand "Science and Health" I keep my thoughts away from all thought or error of mortal man, and for this reason I did not mention it to you or my folks, except on the very morning I went up to court I wrote both my dear mother and wife to keep up good cheer, to think good and not to worry, for though mortals take my life in mortal sense, I still go into the great beyond forgiving each and all, just as Christ said "Father, forgive them, for they know not what they do." The love I hold for my wife today is so much different than four years ago - yes, four months ago - and my father, too. . . . I will enclose a cutting. Dr., regarding my last appearance in court. You will notice where it speaks of "cold as an iceberg" - Think not of it, Dr., for

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my heart within me was almost bursting with sorrow to think of my past weaknesses which had caused me to face mortal revenge. . . . I begged of my lawyer, Mr. Stapleton, to allow me to say a few repentant words and to say that I forgave fully and freely all those that had tried to injure me in any way in the eyes of the law, but he told me no - here at the jail and also again when I arrived at the court, so as you, mother and my brother advised me to do as Mr. Stapleton said and I complied all the way through and said nothing. . . . I am trying to live as St. Paul lived when in prison - I have learned that whatsoever state I am in, therewith to be content.

On July 17th, 1912, he writes:

If the soul of this universe understood God as Mrs. Eddy teaches, there would be no prisons, jails or asylums, and the medical fraternity of medicine would not be in existence, only as Christ left it to be, healing through divine principle. God be praised that such a healing power was left, and through it all my sins and belief in sickness are departed, for I was believing in unreality, which is evil — of matter and not of God. I feared God as I feared my earthly father, and kept revenge boiling within me day and night, believing that both were the cause of my downfall, but today I find all was an idea that was driving me insane, and it's not my father or Heavenly Father, mother, God, but my own belief in mortal error, that was all within everyone that does not understand. My temper, moral weakness^ hate, revenge, crying spells, stomach troubles and headaches I have had for years, left me after a second treatment by a C. S. practitioner, and today I never felt more happy and contented, for I look upon everyone and everything with love, truth, life and understand that we in ourselves are simply nothing without understanding.

On August 5th, 191 2, he wrote me immediately after a visit from his wife, during which he says she had admitted she had received "gentleman friends" in her room and had played for them; he again asks that a detective be employed to watch her and again accuses her of improper conduct with his father; and after stating a lot of things which to him mean deception on her part, he says:

I want to know if these facts had not ought to be brought before the Governor and Council — not to do her one bit of harm, but to show them how easy for men to be misled by what I supposed to be a true and loving wife. ... I have no money, and in the mortal

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power of men who rank as Catholics, having no regard for the true state of affairs, just as I told Mr. Stapleton when he first took my case that I only wanted the truth in everything and my answer was, "They are not going to be fair." ... I did do as he said, and what more could I have gotten — all my wife's folks, or her stepmother and her folks, and my wife's uncle's folks are strong Catholics. Mr. Stapleton and Callahan both attend the same Catholic Church. . . . Mr. Stapleton said, sarcastically, "Stick close to Christian Science if it does you any good," the last time he called. Yes, it has done me a world of good, but the Pope prays three times each day for the destruction of Christian Science believers. I understand. Dr., that you have showed some of my past letters to Mr. Stapleton. I request, Dr., you keep this to yourself.

Following the above letter came one dated August 6th:

Yesterday I sent you a letter putting forth my desires, but since I sent it I have had higher and better thoughts, and I say, "Let the dead bury their dead." Two wrongs can never make one right, and I do not want my wife's name defamed in or by one word. Yesterday I wanted to prove my statements, for the truth is always tlicre, and by

stirring up evil we can not expect to reap goodness. So again I say, Dr., I don't want you to do one thing towards my wife's being found out or her name in any way brought before the Council. I would gladly shoulder any and all blame, and leave it for God's infinite love and goodness to adjust all wrongs. As long as I live I am going to overcome all evil by high, sound, clean thoughts, and place before those I love no words or action that may be the first step backward instead of forward.

On August 10th, 1912, Spencer writes:

... As I look at it now, it matters not, and the sooner these people who are thirsting for my heart's blood are satisfied to see the law carried out by taking my life, let them have it. Life here is nothing, and in five minutes it is all over. Why, if I couldn't suffer five minutes in the electric chair, when Christ suffered for hours, I wouldn't be much of a man. I am more anxious to go than to stay, believe me, and after I have been lied about on every hand and deceived by everybody, there is no pleasure among my fellow men. . . . I have left good seed behind, and "if they seek they shall find." . . . Don't say. Dr. Briggs, I am not appreciative of what is done for me. Oh, yes, I am, and you'll never know how much. There was a time when I longed to live, but "God" says He that loveth life more than me shall lose it. I am ready and anxious to see the great be-

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yond, for this kind of existence is only full of sorrow, and when everything goes wrong when I try to have right, I am far better off at rest. I do everything I know to bring cheer and comfort to my dear old mother, and I always said I hoped to die before she did because I loved her so. I send all the others cheer and comforting words and I "hope" some day they will understand.

On September 14th, the day before his execution, Spencer wrote me in a firm, even hand, without the underscorings so frequent in his previous letters:

God speed the day when Love, Truth and Life Eternal shall be justice to all mortal minds, then divine mind will be uppermost and error will have no place in the Christ-like consciousness which is in all mankind, but oftentimes so smothered that there only seems to be all evil.

We are the image and likeness of God, how? Spiritually, hence perfect, and with this knowledge that Mr. Perkins has taught me through Christian Science, I see why mortal mind sweeps all mankind off their feet without the higher understanding that God is Love, Truth and Life Eternal and sin, disease and death are all mortal beliefs hence powerless for God is of too pure eyes to behold evil which perishes with the flesh.

My wife I have not heard from or seen since she left me at York St. Jail Sept. 1st and my wishes have been turned over to my dear human God loving mother. God will bless her. No human mother could have done more for her child than she has done for me, all her life, and I praise God for such a mother. May she find peace and

comfort and rest her weary mortal sense in God's loving care, for he is here now and everywhere.

God bless Gov, Foss and the Council. They have deprived me of mortal life and comfort to my family to the human sense, but they can not stop the continuance of God's Love and Truth and I would not exchange all worldly possessions for the knowledge of God gained through Christian Science, and it will continue for ever and ever, God be praised.

Will close with loving kindness to you, yours, and all mankind through Christ Jesus.

Bertram Gager Spencer.

The Christian Science Journal published an article shortly after Spencer's execution, telling of the work accomplished by Christian Scientists, saying that ninety-eight convicts in the New Jersey State Peni-

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tentiary were Christian Scientists, and speaking especially of the case of Spencer and another condemned criminal recently executed, who had died professing this faith. The Journal quoted a letter from Spencer's mother, as follows:

In corroboration of my son's testimony, I would like to state that if there ever was an example of regeneration and "new birth" — the shaking off this mortal coil and the putting on of a new garment — such was made manifest in the great change which completely transformed my boy, mentally and physically, during the last three months of his existence on earth.

Since early boyhood he had been afflicted at times with uncontrolled outbursts of temper, which on several occasions were of such a violent nature that they seemed more like epileptic fits. He possessed many sterling qualities of character, and to all outward appearances was living an exemplary life, as far as habits and choice of associates might indicate. His love for "mother" was almost divine, and his ever-thoughtfulness, unselfishness and great-hearted love for mother was touching and pathetic. All others with whom the boy came in contact sooner or later became aware of a "veiled stranger," and while at times loving and with a desire to please, if opposed in any way he would suddenly change in manner, and sometimes it would be two or three days before he would be himself again.

His mental condition seemed more aggravated after passing through the San Francisco earthquake, where for a month he was on duty as a member of the National Guard of California, and his desire for excitement was even greater than before. Between the ages of seventeen and nineteen, he attempted suicide on two different occasions, and all efforts to make him understand right and wrong in its truest sense were of no avail. After his arrest in April, 1909, his mental and physical condition became worse — frequent outbreaks,

also bodily ailments - stomach trouble, also severe pains at times over kidneys and violent headaches. In May, 1910, while in the Bridge-water institution, he attempted suicide, but failed in the undertaking. Again during his incarceration in Springfield, Mass., and in May, 1912, he made two more attempts to end his life. It seemed to those in charge necessary to keep him under the influence of bromide given at frequent intervals, and as a light shining in his room at night could not be endured, a canopy was hung over the bed. The slightest noise annoyed him, and he imagined all the officials were his enemies, when in reality they were doing all in their power to please him and make him comfortable.

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In this great distress of mind and bodily suffering, he was constantly reaching out and groping in the dark for some spiritual comfort, but nothing seemed to bring peace of mind. Several kind-hearted ministers of one or more denominations visited him, each with the desire of pointing out the right road of salvation, but all the efforts on the part of my son to follow the admonition to "look to a higher power for forgiveness and trust in God" did not give him the right understanding, and still 'left him unsatisfied with himself, as well as with God and man. In the early part of June, 1912, I visited him in Springfield, and found him more violent than I had ever seen him since his imprisonment, although there had been occasions previous to my visit when the combined strength of two men was required to hold him. One of the guards who had my son in charge was interested in Christian Science, and used to read him occasionally from "Science and Health" and other literature along this line. The attention of a Christian Science practitioner was brought to my son's need, and the great change and mental healing which came, gradual but sure, was a marvel to all who had him in charge. All bodily ailments disappeared, the bromide was discontinued, the canopy over the bed was removed, and no difficulty in sleeping was experienced, even though a bright light was streaming into his room.

Words can never express my deep gratitude, not only for the benefit Christian Science has been to my departed boy, but to myself as well, and I fully believe that a new era is dawning when there will be an awakening, and facts which are demonstrable will prove to the world that Love, Truth and right understanding of God and the teachings of the Bible will do more toward raising suffering humanity toward a higher plane of civilization than capital punishment and the electric chair.

The following letter was written by the prison guard:

Having been one of the guards of Bertram G. Spencer at the Hampden County Jail in Springfield, Mass., for over nine months, I had opportunity to observe his conduct both before and after he became interested in Christian Science; and I can truthfully say that the change wrought in him was very great indeed. He was benefited in all ways, the help he received and the interest in Christian Science enabling him to overcome many physical troubles. The change in disposition was also very marked. When I first became acquainted with him last November, he was in a very sad and despairing frame

of mind, and continued in that condition until Christian Science was brought to his attention. . . ,

CHAPTER VI

REMOVAL OF SPENCER TO CHARLESTOWN, SEPTEMBER 5TH, 1912. EFFORTS FOR COMMUTATION OF SENTENCE. EXECUTION, SEPTEMBER 17TH, 1912.

During Spencer's confinement in jail in Springfield I visited him, and just before his removal to Charlestown I spent quite a time with him, as he wished to show me what he was doing to prove to future generations that he was not really a criminal. His idea of proving this was to select from books and papers anything that he thought was beautiful or that seemed to him to show a high development of mind and character. He cut these extracts out or copied them most neatly, coloring the titles, and sometimes illustrating in colors the subjects of which they treated. His selections were such as a child of from eight to twelve years old would naturally make, and the whole procedure of pasting them in books and the rearrangement was what a child of that age would be capable of doing. He had asked for and obtained a trunk, and into this trunk he had put this large collection, saying he was going to lock and seal the trunk and leave it to his boy, to be opened when the boy was sixteen years of age ; so that when they accused him of being the son of a murderer, he could show what a beautiful mind and what beautiful thoughts his father had. He had been given a small amount of money - I think only one dollar - and with it had purchased a second-hand hat from one of the

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jailers, and had also got from somewhere else some better clothing than that which he had when he entered the jail. When I arrived he was cleaning and "fixing up" his clothes, and he said, "I have got this nice hat and these nice clothes to wear when they take me to Charlestown, so that I shall make a good appearance." At that time efforts were being made to persuade the Governor to grant a commutation of sentence, and I told him that the Governor was very much worried over the situation. Spencer, who seemed very cheerful and happy over the childish work he was doing for his son, said, "Tell the Governor not to worry, but to cheer up. I am not worrying, so why should he?"

On August 25th, Spencer's attorney, Mr. R. P. Stapleton, personally presented a petition for the commutation of Spencer's death sentence to Governor

Foss. Mr. Stapleton said that at the end of eleven days, not having heard anything from the Governor's office, he telephoned to the office but could not learn that any petition had been placed on record there.

On September 5th, 1912, Spencer was removed to the death cell in that part of the Charlestown State Prison known as Cherry Hill - and still no action of the Governor or Council on his petition. As I have before stated, Chester S. Jordan's petition for clemency was being considered at this time, and Clarence V. T. Richeson had been examined as to his sanity but a short time before. The crimes committed by these men had influenced the public mind, which had already been stirred by the long sensational reports in the papers of the Thaw trial and of the more recent case of the "gun men" in New York, whose trial was being held at about that time.

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On September 9th, broken in heart and spirit, Mrs. Spencer, the mother of Bertram, made a final appeal to Gov. Foss. For more than an hour she pleaded with the Governor, and when she left him he said, "I will give the matter my most careful consideration, and make known my decision Wednesday." She also visited various members of the Council and put her case before them. Mr. Stapleton suggested to the Governor that a board of alienists be appointed by the Chief Executive to pass upon Spencer's mental condition, and asked for a respite of sixty days that he might present new evidence bearing upon Spencer's mental condition, in the form of several affidavits from persons who had had charge of him since his imprisonment, who deposed that Spencer was not sane. In the meantime, when his mother visited him, Spencer appeared to be in the best of spirits, and she said, "Instead of my visits cheering him, it seemed as though he was cheering me!"

Governor Foss failed to refer Spencer's petition that his death sentence be commuted to life imprisonment to the Council. It was the mother who took this news to her son, and his comment was, "I expected nothing different. Mother dear, and was prepared for the news you bring me. Don't worry about me. Mother dear; I am reconciled to my God and am ready to die." This was on September nth. During the morning, Mr. Stapleton had called on the Governor and presented new evidence he had procured. The Governor listened attentively, but held out no hope. Mrs. Spencer was also in the Executive room early in the morning before the Council met at 10.30, and personally interviewed Councillors Goetting and MacGregor. She told them

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Designed, drawn and printed by Bertram G. Spencer after passing under the influence of Christian Science.

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she realized the hostility to her son in the western part of the state, but believed it to be due to the fact that the people did not understand his condition, and that if they knew, they would sympathize with him rather than hold resentment against him. She tried to see Governor Foss again, but he said that in view of the fact that he had already spoken with her about the case, he begged to be excused from giving her another audience.

But the devoted mother did not give up even now. On September loth she visited President Taft's summer residence at Beverly. She was met there by Secret Service men to whom she told her story, and was referred by them to the executive of Hces which President Taft had in Beverly. Though not allowed to see the President, she was kindly treated and her story listened to in every detail for nearly an hour, when she was told that the President could do nothing to save her son — that the matter was beyond his jurisdiction. His secretary dictated a long letter to a Connecticut Senator, asking him to use his influence to stay proceedings, but it amounted to nothing.

Guy F. Perkins, the Christian Science reader at the church at Springfield, was first called to see Spencer by Frank Allen of the York Street Jail, who had immediate charge of Spencer for several months. Spencer's talent for drawing was developed after he became interested in Christian Science, without instruction and with no evidence of previous talent shown in this direction up to the time he embraced that faith.

The influence on Spencer of Christian Science teachings continued to the end. On the morning of his execution, he inquired on awakening, "What kind of a day is it?" and on being told it was rather rainy, he

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said, "I hope the sun will shine sometime today — it ought to shine on my last day."

In a letter dated the evening of September 16, 1912, Spencer writes to his mother, with a perfectly steady

and natural hand two hours before his execution, a long, loving letter, in which he says:

I am enclosing a lock of my human hair with a little ribbon tied thereto and rose leaves that expresses my most tender and loving regard for my dear mother. . . .

It is my request, dear, that no one wear mourning for me.

Love has provided me today with a check from Mr, Perkins sufficient to defray all expenses following tonight. No expense will remain to be defrayed by the State or anyone, thanks to Mr. and Mrs. Perkins.

You understand, dear, this is a gift to me and is not as though you had to receive it as a charity or repay it as a loan.

10 P.M. Dr. Briggs has just left here with Warden Bridges after spending an hour with me. Through the kindness of Mr. Stebbins and Mr. Perkins I made out a request in writing to the Superior Court that Dr. Briggs be allowed to call upon me. Mr. Stebbins (the Prison Chaplain) took my request and it was granted.

He then expresses his wish to be cremated because he says he had been told it was "clean and hygienic" and continues:

The Warden is a fine-looking and appearing man and the deputy warden and all the officers have been just lovely to me and my praise of them is in the highest human sense.

Now, dear mother, child and folks, it is nearing the time when I must close this letter but in my most loving thoughts you all will abide forever.

"Love is our refuge, Only
With mine eye
Can I behold the snare.
The pit, the fall.
His habitation high is
Here and nigh.
His arm encircles me

And mine and all."

Ever most lovingly,

Bertram.

11 P.M., September 16, 191 2.

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On the afternoon of September 16th I was at my farm in Hancock, New Hampshire, when to my surprise I received an order from the Justice of the Superior Court to report to the Massachusetts State's

Prison at once. On my arrival at about eight P. M. I was met by Warden Bridges, then in his 76th year, carrying a cane which he used to assist him, as he was enfeebled by age and rheumatism. He also used this cane to give signals for the current to be turned on at the different electrocutions. Spencer's electrocution was the fourth at which this cane fell to the pavement as a death signal during that year of 1912. He told me Spencer desired to see me and that it had been necessary for him to get an order from the Superior Court. He then took me through the dimly lighted passageways of "Cherry Hill" along "Murderers' Row" to Spencer's cell, which was brilliantly lighted. As we stopped at the cell door Spencer came to the bars and greeted us pleasantly. The prison guards had just finished preparing Spencer for the electric chair. With the clippers they had cut a wide swathe of hair, close to his head, to admit the close application of the head electrode, and the rest of his hair had been cut and arranged to his own satisfaction, the prisoner directing how he thought it would be most becoming. A slit had been made in the cloth of his left trouser leg for the other electrode. Spencer first spoke to me and then Warden Bridges introduced himself and explained that the reason he had not seen Spencer before was because he had been away on a vacation. Spencer's answer was, "I will see you later but now I would like to see Dr. Briggs alone." Although Warden Bridges was not supposed to leave a man condemned to die

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alone with a visitor he said he would trust me and ushered me into Spencer's cell and then withdrew to the end of the corridor, taking his guards with him, out of sight and out of hearing. Only once during the next hour or so did anyone disturb us and that was when Spencer at one time laughed so loud over something he was relating that Warden Bridges appeared to see if all was well and immediately retired again. Spencer's object in sending for me was to get my promise to see that his mother brought up his boy. He spoke in warm and affectionate terms of his boy and his mother and of her love for and devotion to him. He spoke of Christian Science and of what it had done for him and wished that everyone was as happy as he was that night, especially his mother and Governor Foss. At about ten o'clock he said, "Now, Doctor, I want you to go. You do not want to stay to see this affair — it would be unpleasant for you to see, but it is going to be a wonderful thing for me. It will be only that (snapping his fingers) and then I shall be in the next world with God and, oh, how happy I shall be ever after." I left him and he was smiling and cheerful and apparently happy, and I endeavored to show him the same spirit. Warden Bridges later told me that when the time came for Spencer to go to the chair, one of the "death watch"

said, "Come on, Bert - what do you say? Are you ready?" Spencer answered, "I am ready," and slid from the bed on which he was lying, placed his feet in his slippers with a smile, and immediately began his walk to the chair, leading the way. The tap, tap of the Warden's cane, preceding the witnesses, was the only sound heard.

Spencer walked into the chamber unassisted, fol-

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lowed by the Warden and the death watch, and smiled as he entered, evidently not realizing the seriousness of the proceedings, as a normal man would have done. Being complimented upon his calmness, he planted his feet firmly together, clasped his hands before him and, standing before the chair, made his statement to the nine or ten witnesses present:

"I wish to say to the world and to the press that this is not nerve but the love of God that has sustained me."

He then looked about, and nodding to several of the witnesses, said "'Good-night"; and, still smiling, he took his seat in the chair. The Warden's cane fell. Chief Engineer Currier, of the Massachusetts General Hospital, stood by the switch-board and turned on the current as the Warden's cane dropped at 12.16[^] P. M. and Spencer was pronounced dead within a few seconds.

The body was removed to the North Grove Street Morgue, where an autopsy was performed by Medical Examiner McGrath, after which it was cremated, in compliance with Spencer's own wishes, and the ashes sent to his mother.

A history of the Spencer family subsequent to Bertram's execution would be of great scientific interest, but unfortunately for the scientist one is not free to publish intimate details of the personal lives of one's neighbors. I may say here that I have been more or less in touch with Mrs. Spencer, and have many letters from her written during the past six years. Both the sister and the brother of Bertram Spencer have had "nervous" breakdowns. It is interesting to note that in their cases these changes did not come in childhood as was the fact with Bertram, so as to be noticeable to

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their mother - but came on, in each case, at about the age of twenty-five, after Bertram's arrest. In the case of the sister, as with Bertram Spencer himself, her

"nervous" symptoms gradually disappeared after she had embraced the faith of Christian Science.

The experts for the State and for the defence knew that Bertram G. Spencer was insane at the time of the homicide and at the time of the trial. They differed in that some thought that he was medically insane, but sane under the technical rule of law; while others thought that he was medically and legally insane. Recognizing the vital fact that Spencer was actually insane, all of the important experts believed that he should not be tried. They knew that the facts were undisputed and that they would not differ in their medical conclusions. Believing that the trial of an insane man would be an offence against humanity, an effort was made to stop the trial through a conference by the alienists of both the defence and the prosecution, but all parties not being willing to agree to such a conference the effort failed.

The whole legal machinery of the State had been put in motion to crush this defective and uphold the Majesty of the Law, and so it came about that Bertram **G. Spencer, a defective from birth, with the mind of a child, was tried for his life and sentenced to death and was executed with a smile upon his lips.**