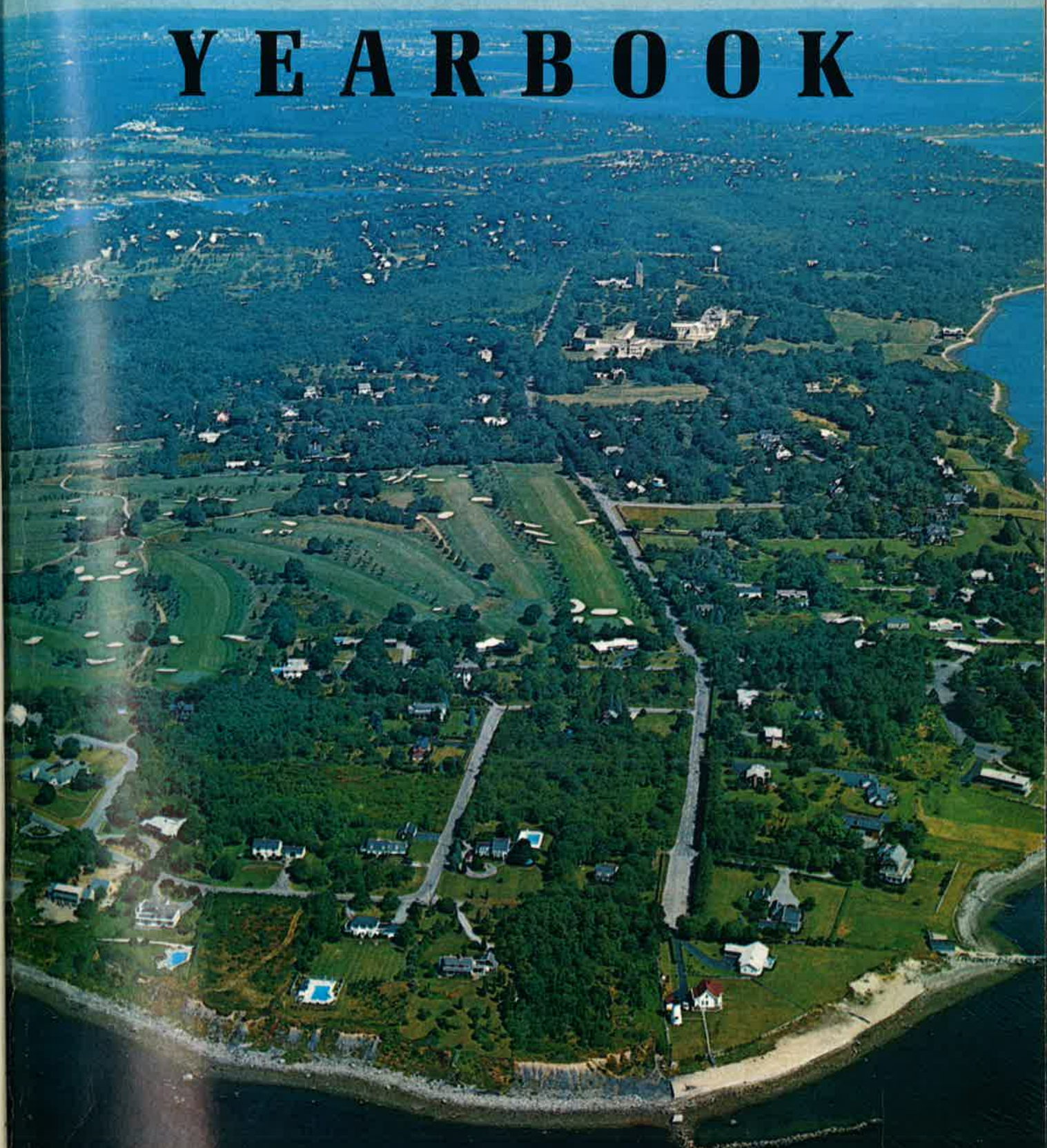


# RHODE ISLAND YEARBOOK



The Warwick Story . . . Whatever Happened to Miss Rhode Island? . . .  
The Glorious Fourth By George Howe . . . Rhode Island Exodus . . .  
Distinguished Doorways . . . History Section The 19th Century Part II



# His Murder Changed Rhode Island Law

BY DEAN P. BUTMAN

*"I Did Not Shed Any Of Amasa Sprague's Blood." So Declared John Gordon, Accused In 1844 Of Slaying Industrial Tycoon, Amasa Sprague. Public Indignation After The Trial Saw Legislation Passed Which Abolished Capital Punishment In Rhode Island.*

## Preface

An attempt to piece together facts concerning a highly controversial crime committed more than a century ago must take into account the fact that existing records are, in many instances, highly colored and biased. We do know that Amasa Sprague was in the 1840's the reigning monarch of a vast industrial complex near Providence. His name carried heavy political weight. His father had been a Rhode Island Governor; his brother, William, also a former Governor, was a Senator in Congress.

Conversely, the men accused of the murder were poor immigrants, imported from Ireland to work at the Sprague factories and on the farms. Yet, in spite of Sprague's state-wide prominence, the labor faction also exercised power by sheer virtue of its numbers, and almost to a man they were solidly behind the accused.

So it is that now, 121 years after the crime, the task of separating fact from fiction becomes difficult. Several conclusions, however, may be drawn at the offset: the debatable and mysterious aspects of the case, together with evidence presented at the murder trial, left not only a grave question as to the convicted man's guilt, but was inconclusive enough to abolish the Rhode Island State capital punishment law and to cause a re-examination of its judicial procedure.

**A**MASA Sprague was dead! Brutally, incredibly murdered, almost within sight of his own mansion-house; slain in broad daylight inside the boundaries of his wide industrial and farming empire. The date was December 31, 1843. The great man's death rocked the State of Rhode Island. Someone would pay — and pay quickly, his influential followers vowed. And they were right. Someone did!

But as often happens when emotions run high, after tempers had cooled and better judgment replaced indignation, a number of prominent citizens weren't at all sure they had accused the right man. So it was that many a man's sleep was disturbed by the nagging doubt of a troubled conscience.

Beyond doubt the Sprague killing generated one of the most spectacular and farcical trials of the nineteenth century. Of greater import still was the public outcry that followed, and which ultimately paved the way for the abolition of capital punishment in Rhode Island and the establishment of a more humane examination and judgment of accused slayers. The "Smallest State" was no longer sure that the archaic law demanding "an eye for an eye" was infallible.

The Sprague lineage was fully as impressive as the family wealth. Early Rhode Island history records in 1684 one Jonathan Sprague, a Baptist minister, who in the year 1703 was elected Speaker of the Providence General Assembly. The family could also boast a connection by marriage to Roger Williams. The first William Sprague established a pre-Revolutionary farm near the Knightsville section of Cranston where some years later the family homestead was to be built. His son, William, founded the A. & W. Sprague Company and his son, also William, was a Rhode Island Governor from 1838 to 1839. Governor Sprague's brother, Amasa, a murderer



Amasa Sprague

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victim at age 46, had been the active head of the Sprague holdings, a part of which stands today as the Cranston Print Works.

Amasa's son, still another William, served as Governor in 1863. Known as the "War Governor," he led the first Rhode Island Regiment and served valiantly at the bloody Battle of Bull Run. Later he became a United States Senator and married Kate Chase, the tempestuous daughter of Lincoln's Secretary of the Treasury, Salmon P. Chase.\* Another son, Amasa, II, carried on the family fortune until the 1870's when the Sprague holdings suddenly collapsed.

With this background in mind it is not surprising that at the time of his murder Amasa Sprague had become prominent and influential. Described as a huge man, blessed with "great physical and mental powers," he was said to be "active and genial, reckless of personal danger," and his violent death was undoubtedly due in part to this quality.

Following his father's death Amasa had taken charge of the Print Works and surrounding farms. William, a career politician, while a silent partner in the family business, was content to leave the active direction in the capable hands of his brother. The wisdom of this decision became apparent in 1840 by which time the Sprague holdings had mushroomed to include textile mills and farms throughout the state. The big mother plant, however, remained in the section of Cranston then called, "Sprague Village."

To man his growing empire, Amasa Sprague imported hundreds of sturdy Irish immigrants. Among the first arrivals was Nicholas S. Gordon who, instead of working at the main textile plant, opened a small candy shop near the village schoolhouse.

Nicholas was a short man, spruce and wiry; good-natured and popular with neighborhood children. His small business prospered until in six years' time he was able to build a larger store near the Print Works where, in addition to staple foods, he sold liquor to Sprague employees. At once the sale of alcohol created an acute absenteeism problem at the plant, and led to a bitter feud between Sprague and Gordon.

In retrospect, most investigators agree it would have been wiser had Gordon been "bought off." But Sprague was uncompromising and resolute, and insofar as Gordon was concerned, vindictive. The great industrialist made no attempt to conceal his contempt for his diminutive adversary. This was made clear by an incident which took place a few months prior to the fatal assault when Sprague, in the presence of bystanders, had taken Nicholas by the coat collar crying out, "Get out of my way, you damned Irishman!" He then thrust Gordon violently aside.

Accordingly, one school of thought maintained that this humiliating act provoked the slaying. The theory gained added weight when it was recalled that shortly after the incident, Nicholas had provided funds for the passage of his brothers, John and William, from Ireland to America.

The coroner estimated that the crime took place between two and four o'clock on a Sunday afternoon as Amasa Sprague was walking through snow-covered fields from the mansion to one of his nearby stock farms. Heading westward by the Dyer schoolhouse, he swung left through Hawkin's Hole and passed close by the home of Abner Sprague, a relative, who saw the big man making his way along the icy footpath. Next, he crossed a footbridge \* where his body was found in bloodstained and trampled snow, little more than a mile from Sprague Manor.

In less than two days' time the three Gordon brothers were charged with the crime. It was generally thought that John and William had come to this country for the express purpose of slaying their brother's enemy.

Reconstructing the murder scene as it was believed to have taken place, Sprague, having crossed the bridge was then shot in the left arm. He fell to his knees, but his

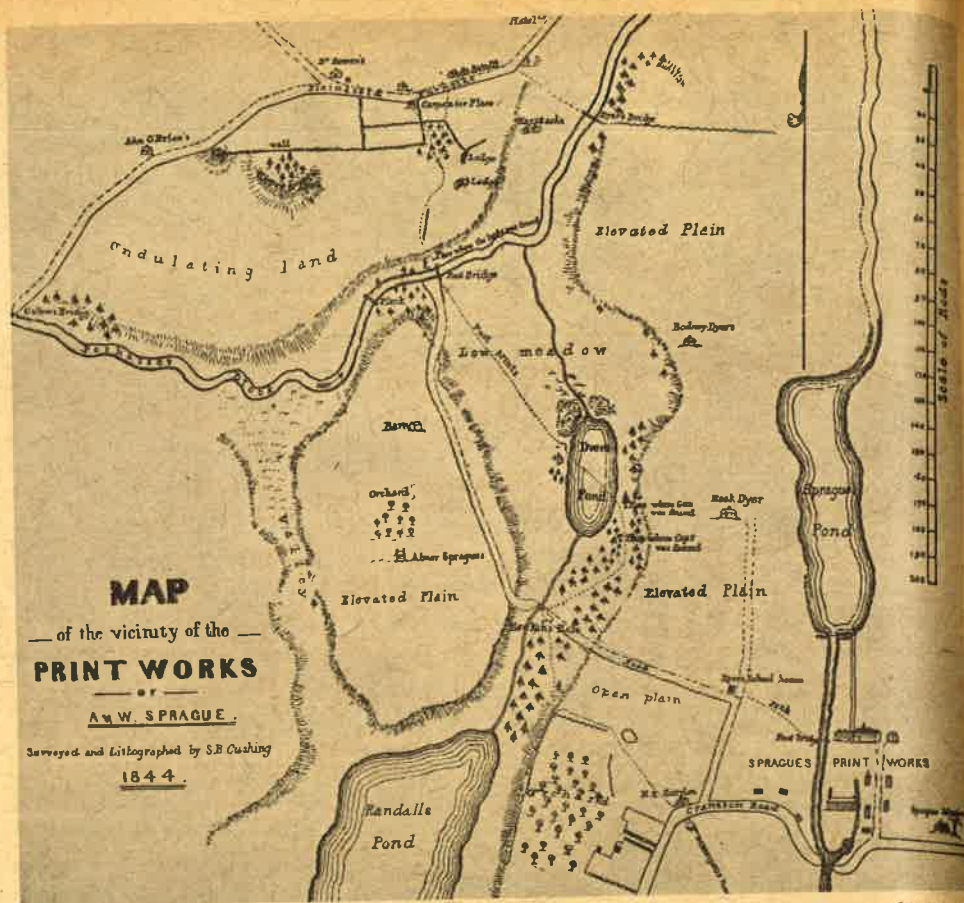


*The murder took place in broad daylight.*

\* See reference to "So Fell The Angels"

\* See map showing murder locale.





This map, scaled in 1844 following Amasa Sprague's murder, shows the homes, places of business and spots where evidence was found as well as the location near the footbridge where the body was discovered.

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great strength enabled him to rise and run back across the bridge toward the safety of nearby dwellings. Tracks in the snow revealed that a powerful dog may have attacked him and dragged him down at this point. This conjecture, however, was never fully established, although lacerations on the victim's throat might have been inflicted by sharp studs similar to those on a dog's collar. It seems likely that the dog's role, if any, was to delay the fleeing victim until the real killer was able to complete the assassination.

Still another theory, one that later cast doubt upon the brothers' guilt, had it that the real culprit was, in fact a laborer called, "Big Peter," a very "large and powerful man." Big Peter," a friend of the Gordon's, disappeared mysteriously immediately after Sprague's slaying. His flight and whereabouts seemingly should have warranted more investigation. This aspect of the case was never explained, despite the fact that it might have later influenced the jury and might conceivably have exonerated the accused.

While accounts differ sharply as to the day the body was found, the facts indicate that the discovery was made by a domestic employed in the Sprague home late that same afternoon. It seems unlikely that Sprague could be missing overnight without his family instituting a search. Reviewing this, Michael Costello, the servant, said at the trial, "I was on my way home nearing the footbridge. The first thing I saw was blood. The path was slippery, so I was looking down to watch my footing. Once I saw the blood I looked ahead and there was a man on his hands and knees. His face

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was buried in the snow. He didn't move. I looked at him. I didn't want to go near him so I walked over to the house — the Carpenter house belonging to Mr. Sprague. There was a man drawing water outside the house, and I told him there was a man by the bridge who was in a very bad way, and I thought he ought to be taken care of."

Although Costello saw Sprague daily he failed to recognize his employer, as did others who came to assist. Consequently, when Dr. Israel Bowen arrived on the scene and turned the body over all those present were horrified at what they saw. The victim's face was beaten and swollen almost beyond recognition. No one could believe that this was Amasa Sprague, the indomitable leader of the community, the man responsible for their livelihood. Following a brief examination, Dr. Bowen declared Sprague a murder victim and Coroner Robert Wilson held an inquest that same evening over the mangled body in the snow.

Attendance at the inquest was scant. It was a bitterly cold night and news of the slaying leaked out slowly. But New Year's day of 1844 found a group of "energetic men" on the trail of the assassin. The first important evidence found was a sliver of wood thought to be part of a gunstock. Blood and black hairs had adhered to it. Snow in the area was stained a dark sienna. Next, a searcher recovered the lock and percussion tube of a gun. This find pointed to a bludgeoning, prosecuting attorneys were later to contend, and would account for the maimed condition of the head. The discovery of the murder weapon revealed that the barrel had been bent; the lock and tube found earlier fitted exactly. The sliver of wood similarly fitted into the gunstock.

A vital, and as it turned out, damning discovery, was made by Walter Beattie and David Lawton, employees at the Print Works. After visiting the murder scene the pair took a short cut home. Crossing an open field they noted widely-spaced tracks left in the snow. While the trunk of John Gordon's body was comparatively short, he was rugged, broad of shoulders — and extremely *long-legged!*

An old coat belonging to Nicholas Gordon, which admittedly was often worn by John, was uncovered in a wooded area just east of the spot where the gun was found. On the coat, still clearly visible, was a dark stain which prosecuting attorneys later claimed was blood. Under the bed in John's room damp boots were found which John admitted were his own. A test revealed that the boots fitted the footprints left by the long-legged man. Another fact, including Nicholas's anger at the revocation of his liquor license following Sprague's protest before the Cranston Town Council, was recalled at the trial. But as future events were to bear out, the most incriminating evidence against John Gordon was written in the snow!

The brothers were indicted for the murder of Amasa Sprague at the March term of Superior Court in 1844. John and William were held for first degree murder; Nicholas was held as an accessory before the fact. Chief Justice Job Durfee presided, assisted by Associate Justices Staples, Hall and Brayton. Prosecuting attorney was Attorney-General Joseph Bake, assisted by W. A. Potter. Defending the prisoners was a battery of able attorneys headed by General T. F. Carpenter and Samuel Y. Atwell, aided by Samuel Curry and William Knowles.

The labor group, at the time predominantly Catholic, believed strongly that the Gordons were on trial to satisfy the powerful Sprague political influence. Lending fire to the legal battle was evidence introduced against the accused including the incriminating footprints, the wet boots and bloodstained coat, and the fact that the victim's money had remained untouched. This latter evidence, the state contended, pointed to a crime of revenge. It was also recalled that in July of 1843 Amasa Sprague had opposed the renewal of Nicholas Gordon's liquor license, and once the revocation was approved the shopkeeper, allegedly, was overheard to utter threats against his antagonist.

By the time all this data had been presented to the court, the case against the defendants appeared to be strong. The jury's verdict bore out this opinion. But a



recent re-examination of the transcript revealed that, while on the surface the facts appeared conclusive, all of it was, nevertheless, *circumstantial*. Incredibly, no one saw — or admitted having seen — the murder struggle take place!

Recapitulating the case for the accused, it should be recalled that the crime took place on a well-traveled path in mid-afternoon and in clear sight of nearby homes. Defense arguments also pointed out that the fight must have been prolonged for, although wounded in the arm, Sprague clearly had battled hard for his life. The Irish labor faction, the pro-Gordons, stoutly maintained the brothers' innocence, attributing their stand not as being against the cause of justice, but rather as opposed to what they felt was bias due to Sprague's state-wide influence. John Gordon's mother swore on the witness stand that her son had been with her at the time of the slaying. Obviously, the jury chose to disbelieve her for after a brief deliberation John Gordon was sentenced to hang on February 14, 1845. During the trial William and Nicholas Gordon had established iron-clad alibis for their whereabouts on the murder day. In consequence, the case against William was discontinued; the prosecution insisted, however, that Nicholas had incited John to commit murder. Hence, the storekeeper was scheduled to be tried as an accessory.

Perhaps the most significant counter-theory advanced by Gordon's friends contended that the long-missing, "Big Peter," had actually killed Amasa Sprague. This possibility not only became popular in the public mind, but served to throw an aura of mystery around the case. The defense of course could prove no such contention, yet neither could the state disprove it.

Gordon's supporters had provided funds to retain the best legal brains in the state. The sentence handed down in March by the Superior Court was at once appealed, carrying the case over to the October term of the Supreme Court. During this six-month delay Gordon was confined to a miserable cell in the old State Prison in Providence where conditions were so bad that many prisoners failed to survive their sentences. The cell walls were never dry and the resulting dampness caused many inmates to contract pneumonia or rheumatism. The food was poor; sanitary facilities were primitive. But the hardest burden which Gordon bore was the agony of awaiting an unknown fate.

The spring and summer of 1844 passed and the Supreme Court opened its October session. Gordon's counsel at once filed a motion for acquittal which was just as promptly denied. Following another waiting period, defense attorneys petitioned the General Assembly for a reprieve and commutation of sentence. The petition was debated in the House of Representatives where it was finally denied by a vote of 36 to 27. Still the defense refused to accept defeat. As a last resort Governor James Fenner was petitioned, but to no avail. After reviewing the evidence brought out during the trial he declined to intercede.

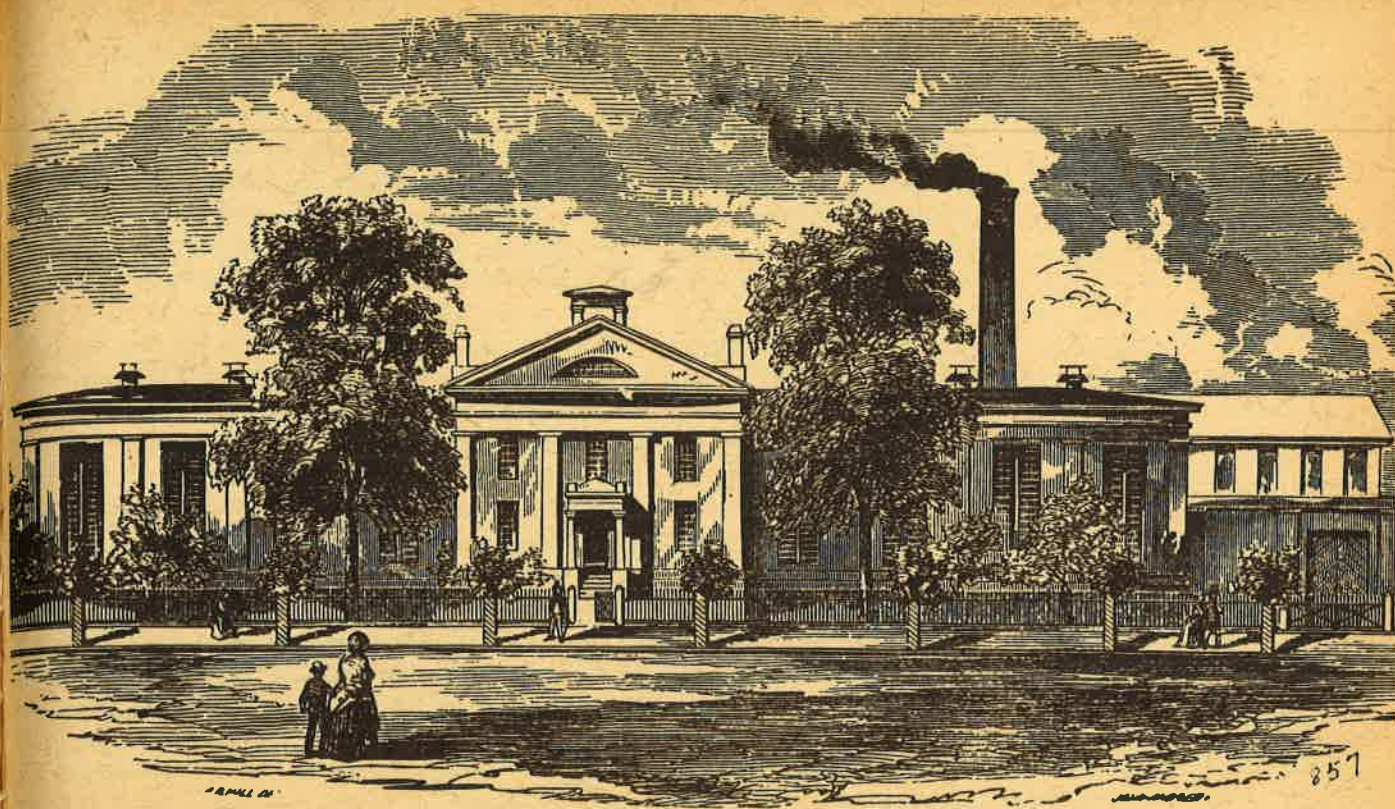
In his petition to the Governor, Gordon stated that he had first heard of the murder from a shoemaker whose shop adjoined Nicholas Gordon's home. John allegedly called at the shop where he heard talk of Sprague's murder. He then went to work at O'Brien's tailor shop where, he stated, doubts were expressed as to the truth of the report. The killing was confirmed, however, at noon when Nicholas came to the shop with definite news of the crime.

Prior to the Gordon case Judge Charles F. Stearns of the Providence Superior Court had observed at the close of his term as Attorney-General. "There ought to be a first and second degree of murder and manslaughter cases, thereby leaving to a jury the decision as to the extent of a man's guilt in cases of homicide."

Judge Stearns added that he suspected the tendency of the age was "toward sentimentalism rather than toward strict justice." Significantly, after the life sentence law for convicted murderers was imposed in 1852, roughly 35 percent of convicted murders were pardoned by the year 1910.

There can be no doubt that John Gordon went on trial in an atmosphere charged





*It was in a tiny cell of this prison in Providence where John Gordon was confined more than a year while defense attorneys fought to prove his innocence. This old print dated 1857 pictures an attractive exterior. Inside however the old institution was overrun with vermin and disease and many inmates contracted pneumonia or rheumatism and died before serving their terms.*

with religious and labor strife. The evidence, predominantly circumstantial, introduced throughout the trial denied the very basic point of law which compels the state to prove beyond a reasonable doubt that the accused did, in fact, commit murder. In light of modern law interpretation it appears doubtful that tracks in the snow, the stained coat and wet boots, the matching piece of the gunstock, together with all other evidence presented by the state were, in themselves, enough to warrant a just conviction. Certainly many Rhode Island citizens were of that mind, during and after the Gordon murder trial. Opinions alone are not sufficient to take a man's life, nor to sentence him to life imprisonment.

Apropos of this, Edmund Burke, a profound thinker, once observed while addressing the House of Commons in London that, "No man ought to be held liable for his opinions. Opinions," Burke added, "are subject to bias, influence of the press and a variety of unfair pressures." In the Gordon case the majority of public opinion at the time of the trial was manifestly prejudiced against the defendant. This was due in part to the strong anti-Catholic feeling that existed in Rhode Island at the time. When the jury retired to deliberate it took only one hour to return a guilty verdict. In many ways the trial was a remarkable travesty, distinguished principally by the prosecution's emotional cliches.

Finally, having exhausted the last possible legal appeal, at 11 o'clock on the morning of February 14, 1845, after spending more than a year in his prison cell, John Gordon was led to the scaffold. As he approached the gallows his last words were, "I did not shed any of Amasa Sprague's blood!" He then collapsed, and it was generally believed by those who witnessed the execution that he was dead before the trap fell.



The hanging did nothing to improve labor-management relations at the Print Works. Almost unanimously the laborites believed that their man had been a scapegoat, the most convenient victim, hand-picked to pay for the killing of a prominent citizen. Feelings ran high and when Gordon's body left the prison an angry procession of sympathizers said to be a mile long followed the casket to the graveyard.

Nicholas Gordon was recommitted to await judgment on the accessory charge. But following two trials, after which both juries failed to agree, the case was discontinued. Yet final vindication came too late, for while in jail Nicholas had contracted the dreaded inflammatory rheumatism, and by the time of his discharge he had become a hopeless invalid.

During the next seven years the Sprague-Gordon murder case was a prime topic for heated debate. Then in 1852 capital punishment was abolished in Rhode Island. The action was taken by a narrow margin in both Houses of the Legislature — by a scant three votes in the Senate. The new law did serve to appease those who felt that John Gordon had been a victim of judicial error and power politics.

So it is that in a very real sense the crime that changed the Rhode Island capital punishment law remains a mystery. For although a jury condemned him, and subsequent appeals to the Supreme Court, the General Assembly and Governor Fenner failed to alter that verdict, one wonders if, in Judge Stearn's words, "sentimentalism" rather than "strict justice" prevailed. Had Amasa Sprague wielded less influence in political circles would the verdict have been similar? Was John Gordon, in fact, the guilty man? Or was the mysteriously missing "Big Peter" the real killer?

The final truth, the identity of the man who beyond all doubt killed Amasa Sprague, will never be known.

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This is the historic Sprague Mansion at 1351 Cranston Street.

