

# TURNPIKE TALES

by Jim Ford

## **"TURNPIKE TALES" #22**

*(Historical items from the "Madison Bouckville Antique Week" region)*

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The Madison-Bouckville area has been rich in history from the arrival of the first settlers to the present day. As an addition to the website, we have decided to share some of that history in order that the patrons who travel to the Madison-Bouckville Show will have a better understanding of our truly unique region.

### **Hitchcock The Murderer**

Madison County was formed from Chenango County on March 21, 1806. The Town of Madison, where the murder took place, was a portion of the Town of Hamilton at the time of the formation of the county, as were the Towns of Lebanon and Eaton. The Town of Madison was separated from Hamilton on February 6, 1807. This is the story of the first murder trial in the new Madison County. The trial was held in Cazenovia.

Alpheus Hitchcock was born on 7-21-1769 at Springfield, Hampden County, Massachusetts and died on 9-11-1807 at Cazenovia, Madison County, New York. Alpheus was the son of Phineas Hitchcock (1-5-1734 to 1-1786) and Elizabeth Stebbins Hitchcock (12-30-1733 to 10-21-1774). Alpheus Hitchcock married Belinda (Lindy) Bailey (1770 to 4-5-1807) on 3-4-1792.

In the early spring of 1807 Alpheus Hitchcock was conducting a singing school in Madison Center and generally impressing the ladies round the countryside with his good looks. He had become obsessed with one of his students, Lois Andrus, the pretty daughter of a neighbor.

During the first few days of April in 1807, Madison Center experienced a terrific snowstorm and on Sunday, the 6th of April, when the storm had abated, all the residents turned out to clear the roads. Hitchcock was one of a party trying to make a path between Madison Center and Madison Four Corners, as the Village of Madison was known at that time period.

(The severe storm and the deep snow, of which Hitchcock had helped to clear from the roads, was for many years after referred to as "The Great Hitchcock Snowstorm.")

Having finished their labors, they dispersed to their homes, but before returning to his, Hitchcock stopped at the village drug store, kept by Dr. Samuel Barber and the first to be operated in the Town of Madison, where he bought a small quantity of arsenic. His wife, the former Belinda Bailey, had been known by neighbors to be in good health. During the evening in question, Hitchcock placed the arsenic in a cup of tea and gave it to her. At 10 o'clock that night, the woman lay a corpse in their home.

Owing to the unusual attentions he had been paying the young lady in question, together with some other peculiar circumstances, Hitchcock had at once been suspected of murder by his neighbors.

There appears to be no immediate evidence as to why the Coroner did not issue a verdict of death from natural causes, but he did not. However, his suspicions were aroused when he was informed that the Hamilton Masonic Lodge had appointed a committee to investigate rumors that Alpheus Hitchcock had poisoned his wife. Mr. Hitchcock was a prominent member of the Lodge. He was found guilty by the Lodge and expelled. Members of the Lodge were first to enter complaint to the Coroner and this caused his arrest.

At that time he professed himself as being not guilty. Hitchcock was brought from Madison to the jail in Whitestown to await the trial proceedings.

He was brought before the Grand Jury on the 3rd of July. This was the first session of the Madison County Oyer and Terminer ever held in this county and was presided over by Judge William W. Van Ness of the State Supreme Court, Peter Smith, Judge of Madison County and Elisha Payne and David Cook, Assistant Justices. (Oyer and Terminer refers to a commission set up by a judge. Oyer means to hear the evidence and Terminer means to determine or judge the evidence.) There was enough evidence to convene court proceedings.

The court convened in the Town of Sullivan in a small schoolhouse near the David Barnard home, but it became necessary to adjourn court to the barn of Sylvanus Smalley because there was such a huge crowd of the curious who wanted to hear the proceedings.

The Grand Jury which would indict Hitchcock was composed of Jonathan Morgan, Foreman; Timothy Gillett, Jr., Isaac Ingersoll, Isaac Morse, Samuel Thomas, Jabez Abel, Elisha Starr, Timothy Brown, Elisha Palmer, Samuel Marsh, George Dalrymple, Erastus Cleaveland, Wright Brigham, Daniel Petrie, Abraham Mattoon, Ephraim Bliss, Robert Avery, Barry Carter, James D. Coolidge, John Marble, Elisha Farnham, Allen Dryer, Jr., Elisha Severance, and Dennison Palmer.

(The Town of Sullivan was chosen as the site of the trial because the community of Cazenovia in that township of Madison County was a more settled area than any other. Cazenovia did not, however, officially become the county seat until 1810. The county seat was then moved in 1815 to Morrisville, a more central location in the county, and finally, to Wampsville in 1907, where it is located today. Wampsville was on a major railroad line and also was chosen to end the dispute between Oneida and Canastota, each of which wanted the county seat to be in their community. Wampsville is half way in between.)

## LEGAL TERMS:

- Grand Jury means a group of citizens that are selected to hear evidence against an accused person and to decide if that evidence is substantial enough to bring an indictment and warrant a trial. The Grand Jury usually has a maximum of 23 members.
- A Petit Jury is the group of 12 citizens chosen to hear the evidence at the trial of the accused and to decide guilt or innocence from the evidence presented.
- Oyer and Terminer refers to a commission set up by a judge.
- An Indictment is a formal accusation by a Grand Jury, initiating a criminal case.

Upon hearing the evidence presented, the Grand Jury handed down an indictment. The indictment read: "The people against Alpheus Hitchcock, is indicted for the willful murder of his wife as per the evidence given before this body." The Grand Jury, upon hearing that evidence, recommended that trial be held.

Upon arraignment, the prisoner, through his counsel Thomas R. Gould, issued a plea of "Not Guilty" and threw himself upon the county for a trial.

The court forthwith adjourned until 6 o'clock the following morning when it reconvened. The hour was a little unearthly and two constables were each fined three dollars and one juror fined two dollars for non-attendance, possibly for oversleeping. (The names of the two Constables were Griffin Watkins and John Leet. Eli F. Hill was the juror.)

The Petit Jury for the trial was composed of: Jeremiah Gage, Ebenezer Caulkins, John Anguish, Jabez Crocker, Thomas Marvin, David Barrett, James Tucker, James Gault, Caleb Allen, Amos Hill, John Barber, and Joseph Smith.

(As with the Grand Jury, the Petit Jury seemed to have had one extra person chosen to serve. In the case of the Grand Jury, the 24th person was not needed, but in the case of the Petit Jury, the juror fined, Eli F. Hill is not listed among those who served on the jury at the trial.)

We can only guess at the arguments for the defense, which must have had holes in them large enough to drive a team of horses through. But it is pretty certain that the prosecuting attorney for the county, Nathan Williams, had both the law and the evidence overwhelmingly on his side. There were fourteen witnesses for the People and only three for the prisoner. It must have been a lurid trial, too, for it was no secret that Mr. Hitchcock had fallen in love with his student, Miss Andrus.

Witnesses sworn for the People were: Prudence Stacy, Elijah Putnam, Samuel Barber, Betsey Barber, Levi Love, Asa B. Sizer, Jonathan Pratt, Ezra Woodworth, Susannah Woodworth, Francis Guitteau, Moses Maynard, William B. Simmons, Abraham W. Sedgewick, and Lucy Bailey.

Witnesses for the defense included: Isaac Goodsell, Ephraim Clough, and Jacob Phelps.

Among the witnesses for the People was Dr. Samuel Barber, the one who owned the drug store and it must have been on his testimony that Mr. Hitchcock lost his case.

The jury returned a verdict of "guilty," whereupon the court sentenced Alpheus Hitchcock to be hung on Friday, the ensuing 11th of September, between the hours of one and three o'clock. This sentence was carried out, and he was hung in the Village of Cazenovia, the gallows being erected at the east end of the village on Nelson Street. This was the first execution in Madison County. Jeremiah Whipple was Sheriff.

Awaiting adjustment of the noose, Hitchcock requested the hymn, "Show Pity, Lord – O Lord Forgive," be sung to his favorite tune, "Brookfield." His wish was granted.