

CASE OF CHARLES F. FREEMAN, OF
POCASSET, MASS.

TRIED FOR THE MURDER OF HIS CHILD.—SENTENCED FOR LIFE TO
THE MASSACHUSETTS STATE HOSPITAL, DANVERS.

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On the night of May 1st, 1879, Charles F. Freeman, of Pocasset, a small village in Massachusetts, killed his youngest daughter, a little girl of whom he was very fond, under the influence of the delusion that the Lord had commanded him, as he commanded Abraham, to sacrifice his beloved child. The next day he summoned the Adventists, of whom he was the leader, and all the prominent people of the place, to hear some great tidings that he was to announce. Twenty Adventists only appeared, and he convinced them that the child was to rise on the third day. The fact of the homicide became publicly known the following night, and Freeman and his wife were arrested and sent to jail. By the third day, all the Adventists but Freeman had recognized their delusion. Several weeks later, Mrs. Freeman came to share her husband's delusion, and since that time her mind has been but the reflex image of his thoughts. Freeman was indicted by the grand jury, and his wife was set free. At a special session of the Supreme Court in January, 1880, medical and other testimony was brought to prove insanity, and he was declared not in a condition to plead to his indictment. Judge Morton returned him to jail, not being able to commit him to an asylum during vacation of the court, but he was sent to the Danvers Lunatic Hospital by Governor Long. In May of the same

year, Freeman was brought before the Supreme Court, in regular session, and was ordered to the Danvers Hospital by the court without trial, to remain until the further order of the court.

May 1st, 1883, Freeman was again brought before the Supreme Court for a hearing upon the question of his sanity, that he might be released from custody. Dr. Goldsmith, Superintendent, and Dr. Gorton, Assistant Physician, of the Danvers Lunatic Hospital, and Dr. C. F. Folsom testified that, in their opinion, Freeman had not been insane at any time during the previous year. Dr. Park, Superintendent of the Worcester Lunatic Hospital, and Dr. Munsell, the medical examiner who saw Freeman just after the homicide, and Dr. Pines testified that, in their opinion, Freeman was not then insane. Freeman described the rather remarkable process of his recovery in his examination, which was as follows:

Mr. Taber—Will you state briefly your life at Pocasset, immediately previously to May 1, 1879?

Witness (after a long pause)—I should very much prefer not to go back to that time, unless it is absolutely necessary. I am willing to answer any questions which may be asked me, and to give all the information in my power about this matter; but if I can do this without going into the details of these things I should like to.

“Well, I will ask you whether, four years ago, you now realize that you were insane?”

“I was an insane man.”

“Do you remember the fact of your being in jail?”

“I do.”

“And that you were here in the court about three years ago?”

“I do, sir.”

“And that you were sent to the asylum?”

“I do, sir.”

“Did you, at that time, realize that you were insane?”

“I did not.”

“Will you state to the court how soon it became apparent to your mind that you were then insane?”

“ Within two years from the present time, I think.”

“ Can you give us any of the reasons or causes which led you to find that that you had been insane? ”

“ One reason I was enabled to distinguish between my natural feelings and the feelings that animated me previous to May 1, 1879, was because I never had had any experience with insane persons. I never had met any that were considered insane, except a few harmlessly crazy people. When I got to Danvers I found a condition of things there with which I was wholly unfamiliar. I found people there who saw God and had communications with Christ (here the witness exhibited much emotion), who believed that they were with Christ, who believed that they had special revelations, who interpreted signs. The question arose in my mind, knowing, as I did, that these men were insane, unreliable men, many of them filthy and others treacherous, knowing them to be insane, the question arose in my mind whether I also was not insane. Being desirous of arriving at the truth in the matter and finding out exactly my position [here the witness, whose voice had been growing hoarse for some moments, burst into a sob,] I was ready to concede to the truth and allow what had passed to go and accept what was the truth, even though it condemned all my life. [Here the witness could not control his sobbing and wept for several moments. He soon recovered, however, and remained calm, and almost cold through the rest of the examination.] When I thought I was in the truth I was ready to make any sacrifice for it; and when I saw my error, I have been ready and willing to acknowledge it, whatever the punishment it brought to me, and whenever I found in the asylum that any opinion that I had formed was contrary to an opinion previously held, I always called the doctor's attention to it. In that way he has been able to follow me, step by step, through what he calls my convalescence. I was sent to the insane hospital, and, as I have just stated, I saw my error, and I regret it as the most dreadful act that was ever perpetrated. I feel that I have been victimized. I do not blame any person or persons, but I consider it an unfortunate affair from the beginning, and for which perhaps no one person has been responsible. I have been asked repeatedly if I have ever felt remorse. I can not conceive of an honest man feeling remorse if he acts up to the very highest conception of his duty at the time, and I certainly did. I never believed in anything of that sort, and never believed in any religion that demanded anything of this sort of me. It was an experience quite new to me. I never

aspired to be a preacher, and I was quite satisfied to live a quiet life at home with my wife. I never aspired to go into politics or hold office, and for that reason I do not think it can be said about me that I wished to be a great man and gain notoriety. I never remember praying for Abraham's faith, or to be like Abraham. I do not think any person can be found to say that I ever wished to hold any position previous to going among the Adventists in Pocasset. I have never since written to a single person in Pocasset except once to Mr. Foster Howe on business matters. I shall probably never go to Pocasset again. I have no desire to go there. I have no desire to join any association of religionists. I think I have had sufficient of religious experience to last me during my natural life. Not but I feel that I should lead a conscientious and pure, and perhaps I may term it a holy, life. That I intend to do—to lead an honest life, but at the same time, I do not intend to return to any life approaching that of my past life, or to anything which would lead me to such a fearful conclusion as previously. It would be a very hard thing for anybody to induce me to return to such a life."

"What would you do if released?"

"I should accept the first position which was offered me, provided it was respectable. I wish for nothing but to earn enough to support my wife and child, and I would not mind how menial or low my occupation was, if respectable."

Attorney General Sherman—I want to ask you a few questions. You spoke about having a dislike to call back the past unless it was necessary. Is it anything more than that you do not wish to call up remembrances?

"That is all."

"Then you have no fear that it would have an effect upon you?"

"No, sir." I do not care to go into details, because it would affect me very sensibly."

Witness, in reply to Mr. Sherman's questions, went on to state that he was brought up in the town of Natick until he was sixteen years of age, when he enlisted. Previously he had made short visits and stayed on farms in Vermont, New Hampshire, and Maine. He went through the whole war, after which he remained in Natick till he was twenty-one, when he went to Lynn a short time and returned to Natick. Then he was engaged in the shoe business in Lynn and was married. In 1871 he went to Pocasset, where he had a small farm and carried the mails from the station to the post-office. He remained in Pocasset five years.

Mr. Sherman—When did you experience religion?

“I was converted, as the term is, in the Second Methodist Church in the town of Natick when I was twenty-one years of age.”

“From that time forward were you interested in religion? Did you consider yourself a religious man?”

“I did.”

“Was there any relapse or backsliding?”

“No.”

“When did this interest increase?”

“I don’t think I ever experienced in my life any revival feelings, as they are termed, until the Pocasset revival.”

“When was that—before the trouble?”

“About fifteen months.”

“And your interest increased continually until the time of the trouble?”

“It did.”

“I won’t go further than this—you then conceived the idea that certain duties were required of you, over and beyond what you had previously done?”

“Yes.”

“Did that appear to you gradually, or in some sudden mysterious manner?”

“No. It was the religious teaching and discipline of the church.”

Witness proceeded to state that he was a member of the Methodist Church and took care of the meeting house; he finally discontinued his attendance with the Methodists and joined the Adventists. The cross-examination was then continued as follows:

“Do you remember having a dream which has been spoken of?”

“Yes.”

“When did that happen?”

“About fifteen months before the trouble.”

“You felt that you had a certain duty to do and that certain tests were being put to you?”

“I did.”

“And you complied with all these literally?”

“I did.”

“And you believed at the time that you were doing God’s will?”

“I did.”

“Did you not, when these tests were being put to you, previous to the homicide, reason about it and discuss it?”

"Yes, some of them—for a short time. The most serious ones I reasoned over."

"You did not then take them as a matter of faith, but tried to consult them?"

"Well, I always have reasoned out these matters, according to my standard and views."

"Did it occur to you that in any of these things you would violate the law of the land?"

"I never did violate the laws, except in the final act."

"Did you ever discuss and consider that question, whether, if you did obey the will of God, you would be violating the laws of the land?"

"I did."

"Well, how did that affect you?"

"The conclusion would show that. It didn't affect me. I thought that we ought to obey God rather than man. And then, again, thought that, if I was serving the true God, he was able to deliver me out of my trouble, as he had Daniel and Jonah and a great many others, and that, in his providence, he would right it, and that it was none of my business."

"Do you ever discuss, even now, whether you were insane or not at the time?"

"No, sir. There is no question in my mind in regard to my being insane at that time."

"Do I understand that you have not any remorse?"

"I would like to have the word remorse defined. As I understand it, I have not any. I was in error, I have grief and sorrow and regret and all that. If that is remorse, I have remorse."

"I understand you. You thoroughly appreciate the great calamity which has befallen you and your family?"

"I do. I have realized it for a long time."

The last question put by Mr. Sherman was this:

"What was your idea when you heard the doctors in court testifying that you were insane?"

"My opinion then was they didn't know anything about it and I did."

Mr. Sherman—That is all.

The case was submitted without adjournment, and Judge Colburn said that there was no doubt of the fact that Freeman was no longer insane. He was then arraigned, the indictment was read, and Freeman pleaded

not guilty of murder. His counsel moved that he be discharged from custody upon his own recognizance. The Attorney General was willing that he be admitted to bail, but the judge did not think the case a proper one for discharge, even upon bail, and remanded Freeman to jail to await trial, which took place December 5.

Chief Justice Morton and Judge Field presided at the trial. The government was represented by the Attorney General and District Attorney Knowlton; the defendant by Messrs. Boardman and Taber. Freeman seemed self-possessed, although sometimes affected as the story of the homicide was told by the various witnesses.

Mrs. Freeman, a lady-like person in appearance, slimly built, neatly dressed, with a careworn look on her countenance, testified that her name was Harriet R. Freeman; has been married ten years; has had three children, only one of whom is now living. She continued, my husband was very kind to his children and to me, prior to 1879 he was always attentive to his business, and always provided me with all the necessities; a few years previous he had a sunstroke. In the winter of 1878 there was a revival in the Methodist church, and he became consecrated to God entirely, and from that time became an earnest, active Christian, so much so that in 1879 he began to neglect his business; his nervous system received a great shock in April because my sister's husband came home from sea, and was so enraged because his wife had accepted the doctrine of the second coming of Christ that he threatened to shoot my husband; it had a great effect upon his nerves, and troubled him greatly. He told me that he had seen visions, in one of which he heard voices; in another he had seen supernatural sights that signified to him the coming of the end of the world. On the night of the death of Edith

he did not sleep, and for several days he had not eaten anything; he spoke of a great burden he felt, such as Moses must have felt when he entered the temple. On that night I was awakened by Freeman, who said God had called upon him to make a great sacrifice; I saw him leave the room, and when he came back he had the child in his arms; it was dead; he walked the room with it and prayed and wept; he took it to bed with him, and kept it with him all night; the whole scene is like a terrible dream, which one remembers, but can't distinctly connect, and which, when I try to think of it, seems like an awful recollection.

Cross-examined—I was in full sympathy with him, believing it an eternal call, and I gave myself up to it unreservedly; I now most emphatically look upon it differently; I never thought for a moment he would ever injure the child; he had had other tests prior to this time, which had been encouraged by the church with which he associated; at one time he expressed a willingness to leave his family and go to a far-off country if God called him, and I agreed with him, because I thought God had called him; such things as these prevented me from distinguishing the natural from the unnatural. Witness then described the lightning seen by her and her husband on the night of the murder, which they both thought supernatural.

Dr. C. F. Folsom, Dr. J. P. Brown, Superintendent of Taunton Lunatic Hospital, Dr. J. H. Denny, Dr. Peter Pines and Medical Examiner Munsell testified that in their opinion Freeman was insane at the time of the homicide. Freeman's counsel argued that there was no escape from the conclusions that Freeman committed the deed, and that he was insane. He closed with the prediction that the Attorney General himself could not do otherwise than urge a verdict of "Not guilty, by reason of insanity."

Attorney General Sherman said that it never was the duty of the commonwealth to press the conviction of a man where there was any doubt of his guilt. He confessed that the testimony was nearly all one way.

Chief Justice Morton said that never in his experience before in capital trial had he encountered a case where there was no conflict in the testimony. He then explained the provisions of the law regarding murder, stating that if the defendant was guilty at all he was guilty of murder in the first degree. The question was between that and "not guilty by reason of insanity." The Chief Justice stated the consequence of the latter verdict, and said that the governor and council, if they were asked to release Freeman, would consider not merely the question whether he was now sane, but whether it was safe for the community for him to go at large. Many parts of the testimony pointed strongly to the conclusion that the prisoner was not responsible when he killed his child. "It seems to us," said the Chief Justice, "in view of this testimony, uncontradicted and all one way, that any court or jury would be assuming a very grave responsibility who in the face of it would convict and sentence the prisoner at the bar for a capital offense, and therefore we willingly take the responsibility upon us of advising you that, under the evidence in this case, you should return a verdict of not guilty, by reason of insanity. We can do no more than advise you, as the responsibility of returning a verdict is with you."

The jury filed out of the court-room at twenty minutes past three, and in ten minutes returned with the verdict "Not guilty, by reason of insanity." The judge then pronounced his life sentence to the Danvers lunatic hospital.

The Freeman case is the fifteenth in which the plea of insanity has been successfully used in nearly a quarter of a century in Massachusetts, and during that time there have been about 225 persons indicted for murder in the State. The law in 1816 provided that if a person charged with murder or other crime was acquitted by reason of insanity, he should be committed to prison until restored to his right mind. In 1834 this law was so changed that the person would be committed to the State Lunatic Hospital at Worcester. Later, it was provided that when a jury acquitted on the ground of insanity they should so state, and if, in such case, the court considered that the going at large of the offender would be dangerous to the peace and safety of the community, he could be committed to the lunatic hospital, otherwise he must be discharged.

In 1862, the law was so changed that, if the jury acquitted on the ground of insanity, the court could commit the offender to a hospital if it considered him then insane, but if not, no matter how dangerous he might be, he must be discharged.

In 1873, the present law was enacted, under which, when a person is acquitted of murder or manslaughter on the ground of insanity, he must, regardless of his condition at the time of his acquittal, be committed to one of the lunatic hospitals for life. Since the passage of this law there have been four acquittals under it, including Freeman's. In one case a woman was the defendant; the other three were men. All of the four are now in the lunatic hospitals. There have, since 1860, been eleven cases in which the offenders have been committed to lunatic hospitals before trial, as being clearly insane and unfit for trial. In one of these cases the man, after remaining in the hospital several years, was tried, convicted of murder in the second degree, and sentenced to

the State Prison for life. He is now dead. Four died in the hospitals to which they were sent to await their trials; one, after a confinement of several years, was discharged by order of the court, and delivered to the overseer of the poor of his town, to be cared for by them, his insanity being of such a character that they could provide for him; one escaped, after remaining in the hospital nine years, and the remaining four are still in the hospital.

Thus far the governor and council have not exercised their power of discharging from a hospital a murderer sent there after an acquittal by reason of insanity.

If a person charged with manslaughter is acquitted by reason of insanity, he must be committed to a lunatic hospital for life, though, if convicted of manslaughter, his sentence might be merely a short term of imprisonment, and could not exceed twenty years. In no case, has any sane man escaped punishment by the Massachusetts law, so far as is known.