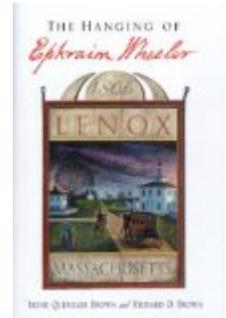


Irene Quenzler Brown, Richard D. Brown. *The Hanging of Ephraim Wheeler: A Story of Rape, Incest, and Justice in Early America.* Cambridge and London: Harvard University Press, 2003. 388 pp. \$17.50, paper, ISBN 978-0-674-01760-3.



Reviewed by Randolph Roth

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In February, 1806, Ephraim Wheeler was hanged in Lenox, Massachusetts, for the rape of his thirteen-year-old daughter, Betsey. Ephraim proclaimed his innocence to the very end, but he was almost certainly guilty. According to his daughter, the principal witness against him, he had first tried to seduce her with promises of presents. When that failed, he tried to rape her, but his first attempt was unsuccessful. He succeeded on his second attempt, on June 8, 1805.

Ephraim had decided that morning to leave his wife, Hannah, and take their children with him. The Wheelers, who had been living with Lucy and Bill Martin, Hannah's sister and brother-in-law, quarreled after the Martins moved the Wheelers' bed into a shared bedroom. Lucy Martin, who had just given birth, wanted more privacy. Ephraim saw that he and his wife would have none. Hannah told him "it was Martin's orders, and that we must sleep there for the future." Ephraim was furious. "I told her it was my room, and my bed, and it should be brought back" (pp. 145-46). When Hannah took the Martins' side, Ephraim picked up a bayonet and hit her with it.

Bill Martin rushed in and threw Ephraim out of the house. Ephraim then declared his intention to leave.

Ephraim drove Betsey and her younger brother, Ephraim, Jr., into a remote neighborhood and stopped. He ordered his son to stay in the wagon while he went into the woods with Betsey, ostensibly to gather a medicinal herb. Betsey, suspecting her father's purpose, asked not to go, but her father insisted. She asked if her brother could go along, but her father denied that request as well. When he had taken her a distance into the woods, Ephraim ordered Betsey to lie down. She refused, so he threw her down. She struggled, and both were badly scraped and bruised. In the end, however, as Betsey told her mother, her father "had to do with her."

These events came to pass for complex reasons, as Irene and Richard Brown show in their remarkable book. The Browns tell the story from multiple perspectives: first, from the public perspective of the trial; second, from Betsey's point of view; third, from Hannah's point of view; and finally, from Ephraim's point of view.

The trial pitted two of the best defense lawyers in Massachusetts, John Hulbert and Daniel Dewey, against the state's accomplished attorney general, James Sullivan. Each gave his all, but in the end it came down to whether the jury believed Betsey's story. The story that her brother told was consistent with hers, but her brother did not see the crime itself. He testified about Betsey's distress, her injuries, and her words to him. Betsey's mother had examined her daughter's wounds the day of the crime and could verify that Betsey had been raped, but she could not testify in court against her husband. The local justice of the peace, Robert Walker, solicitous of Betsey's feelings and deeply affected by what he saw and heard, failed to ask a jury of matrons to examine Betsey. That left the prosecution without the physical evidence that was usually necessary to prove that a rape had been committed. Had Ephraim had character witnesses who could have vouched for him, he might have escaped conviction or been found guilty of a lesser charge, like attempted rape or aggravated assault. No one, however, would stand up for him. Ephraim's lawyers tried to poke holes in Betsey's story, especially her failure to mention, until well after the crime, the fact that her father had tried to rape her before. They tried to prove that Ephraim's estranged wife had concocted the story in a desperate effort to maintain custody of her children. They failed, however, to shake the jury's faith in Betsey, nor could they counter Judge Theodore Sedgwick's final instructions to the jury. He told the jury that Betsey's willingness to speak now about her father's previous attempts was a sign of her "integrity"--her determination to tell the court everything about her ordeal. After less than an hour of deliberation, the jury found Ephraim Wheeler guilty.

The trial told only a small part of the story. The next chapter helps readers understand why Betsey, an unlettered servant who worked side by side with her mother, had kept her silence until the day of the crime, and only then found the courage to speak. Betsey was in the habit of taking

orders and accepting her lot in life. Like many children in abusive families, she had learned in the Browns' words "to keep her head down" and to conceal unpleasant truths for the sake of family "peace" (p. 111). Betsey knew, however, what her life would be like if she did not tell her mother about the rape. She would have to live with her father, who would rape her repeatedly. Had she been living at home with both her parents, she might have told no one, afraid of what her mother might say and afraid of breaking up her family. But her home was already broken. Her mother was her only hope, so she told her mother the truth. She repeated her story to the authorities, once her mother was allowed to sit by her side. When asked why she spoke out, Betsey said "I thought I had as lieve [as soon] die one way as another." "What Betsey meant," the Browns believe, "was that she might as well die of shame for disclosing her complicity with her father, limited as it was, as die of guilt by continuing to hide the truth" (pp. 122-23).

Hannah stood up for her daughter, just as she had stood up to her husband. She had left him several times before the day he left her. Hannah was a hard worker, but her husband was not, and he spent too much of what he did earn on drink. That is why they never had a place of their own. They moved from farm to farm, working as live-in help for strangers or for members of Hannah's extended family, who gave Hannah and her children considerable support during the difficult times in her marriage. Hannah's family viewed Ephraim as a ne'er-do-well and as an outsider: he was white and they were not. Though Hannah and her children were taken for white, most of Hannah's relations were mixed-race. They were descended from Europeans, Africans, and perhaps Native Americans. They were hard workers and had a solid reputation in western Massachusetts, where racial prejudice was not as virulent as elsewhere in the United States. But they were neither rich nor privileged, and they were not happy about having to support a failed white like Ephraim

Wheeler. From Hannah's point of view, the rape was the last straw. Expelling Ephraim from the family and protecting her daughter was an easy choice. She did not hate her husband; she and her children petitioned for clemency. She would not have minded, however, if he spent the rest of his life in prison.

Ephraim Wheeler, for his part, was a man who admitted his faults, even if he protested the criminal charges against him. He blamed his failings, however, on circumstances beyond his control. He was orphaned at an early age, apprenticed to a cruel master, cut off from his kin, and mistreated by most every one who came his way. His capacity for self-pity may have played a large role in driving him to incest. Despite his drinking and laziness, he felt entitled to a certain amount of gratification, including sex, and if he could not get it from his wife, he would take it from his daughter. It is possible, in the Browns' opinion, that Ephraim actually believed he was innocent: he may have convinced himself that his daughter had consented to have sex with him. He never said so; he claimed that he had never had sex nor sought sex with her. But as the Browns speculate, he may have thought so, which would explain his refusal to confess and his hope that he would end up in heaven.

The Hanging of Ephraim Wheeler concludes with excellent chapters on the denial of Wheeler's petition for clemency and on the execution itself. Neither was pro forma. No rapist had been executed in Massachusetts for a quarter century, and no white had been executed for rape since 1681. Wheeler was not singled out because he had married across racial lines, but because the Massachusetts legislature had pointedly, if narrowly, rejected a bill in 1805 that would have ended the death penalty for rape. Massachusetts, like many other states after the Revolution, revised its criminal laws substantially. It decreased the number of capital crimes and gradually replaced corporal punishment with terms in the state prison. The

Massachusetts Senate, however, refused to go along with the one-vote majority in the House of Representatives; it maintained the death penalty for rape. Thus Governor Caleb Strong had little room to maneuver. Despite his qualms about the death penalty in cases other than murder or treason, he refused to commute Ephraim Wheeler's sentence.

Finally, there was Wheeler's execution. It was a dramatic occasion. Wheeler refused to confess, which cast doubt upon the proceedings, and many townspeople had petitioned for clemency, including the sheriff, Simon Larned, who had to conduct the execution. Larned did his duty compassionately and professionally, but when he announced to the assembled crowd that clemency had been denied, the crowd was restless, even angry. Wheeler's death undermined what support was left in Massachusetts for executing rapists.

The story of Ephraim Wheeler is interesting in every way, and the Browns' beautifully written book makes the most of it. Their book is a micro-history, one that takes full advantage, analytically and narratively, of the genre's ability to engage a subject from multiple points of view. Of course, the book benefits from the Browns' expertise on domestic violence. But they wear their expertise lightly, and they are as fascinated by the occasions on which people did not act as contemporary psychological theory would have predicted as they are by occasions on which people acted in accord with theory. That is what makes this book revealing and rewarding. Like all good history books, it reveals to us things that we do not expect in past societies or in human nature, and thereby broadens our understanding of what to expect. It is an admirable effort and one well worth reading by professional and lay readers alike.

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