



GORE PLACE

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Image courtesy of @lin_zen

Our Leicester Longwool sheep in our new North Pasture

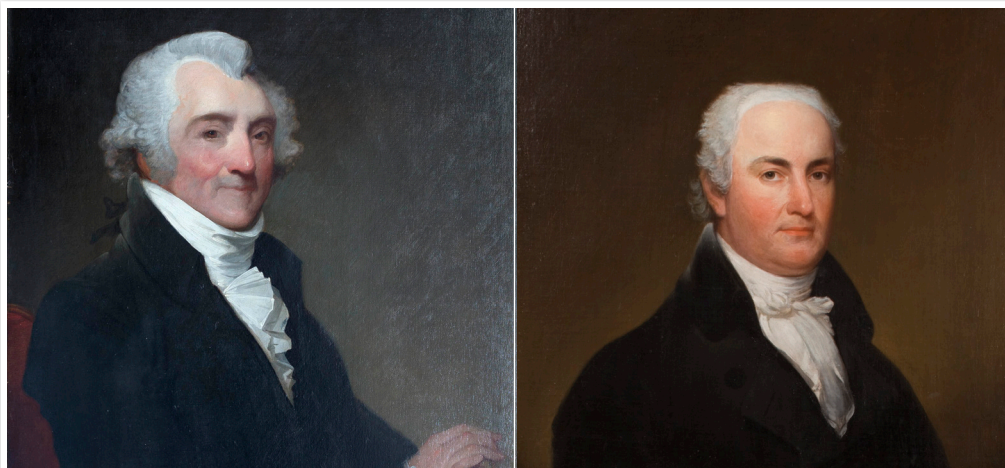
Share your memories and photos with us. Tag @goreplace on Facebook, Instagram, and Twitter.

In Memorium

We regretfully report the death of former Gore Place Board member David A. Lownes of Needham in May. David served as a Governor from 1980-2002. David had a passion for antiques but particularly Chinese porcelain and silver. David will always be remembered as a consummate gentleman who was generous with his time, wisdom and resources. David was skillful with whatever he tackled at Gore Place whether it was collections or facilities management. Gore Place was indeed fortunate to count David Lownes as a supporter.

THE AGRARIAN

THE NEWSLETTER OF GORE PLACE | FALL 2018 | ISSUE NUMBER 5



James Sullivan (left), lead prosecutor, and Christopher Gore (right), lead defense attorney.

Portrait of James Sullivan. Collection of the Massachusetts Historical Society. Portrait of Christopher Gore. Collection of Gore Place Society.

A Guilty Mind? Christopher Gore and the Trial of Thomas O. Selfridge

On August 4, 1806, shortly after 1 pm, Gore's fellow Federalist, Thomas O. Selfridge, walked out of his office in the Old State House in Boston and headed east on State Street toward the Exchange, where he often did business.

Elderly and infirm, shuffling slowly down the street, Selfridge felt the loaded pistol in his coat pocket. Before he could reach the Exchange, he stood face-to-face with young Charles Austin and shot him dead.

No one questioned that Selfridge killed Austin. Well over twenty bystanders witnessed the shooting and Selfridge immediately confessed at the scene. But was it murder, manslaughter, or self-defense? Selfridge's fate would rest not on what he had done but what he had intended.

Opening on December 23, the trial ran an unusually long four days. Each day crowds filled the courtroom. Since the "shocking event" in August, public interest had remained high. Gore—now Selfridge's defense attorney, along with another prominent Federalist, Samuel Dexter, Jr.—told the court, I feel "something like dismay, when I behold the effect of this excitement in the immense multitudes that crowd, that throng this place." He feared a fair trial could not be had and blamed newspapers for publishing a good deal about the shooting, much of it inaccurate, "to inflame the passions and cause such an agitation throughout this whole community."

Gore predicted to his friend Rufus King that many

would try to make this event a "party affair."

Eighteen-year old Charles Austin's father, Benjamin Austin, a leader in the local Democratic-Republican Party, had a "personal disagreement" with Selfridge that some thought was rooted in politics. The shooting fueled the already fiery debates ongoing between the Federalists and the Democratic Republicans.

Whether drawn to the trial by partisan politics, a sensational crime story, interest in the Commonwealth's developing judicial system, or a chance to hear Boston's best legal minds and orators, the onlookers would not be disappointed.

Solicitor General Daniel Davis began the trial with a routine review of the Grand Jury Indictment charging Selfridge with manslaughter, with killing Austin "feloniously, willfully, and in the fury of the mind." An unnecessary taking of life in the passion of the moment, manslaughter was a felony but a lesser charge than premeditated murder.

Davis laid out the definitions and the differences between manslaughter and murder. Then he shocked the courtroom, announcing: the prosecution will prove it was murder! Selfridge had intended and planned to kill.

Led by Massachusetts Attorney General James Sullivan, the prosecution outlined its case: Selfridge had been warned that Benjamin Austin might send someone

Continued on front of the insert

This issue of *The Agrarian* features our ongoing research on the lives of the Gores. Turn the page to read more.



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Letter from our Board President

Dear Friends of Gore Place,

The first year of any relationship is often described as a year of adjustment. Thanks to our wonderful board and staff and the many friends of Gore Place, my adjustment as your new board president has been very smooth. Positioning Gore Place as a Boston landmark destination is our top priority. One of our strategies is to look for partnerships with new audiences. With that in mind, this fall we will

host a lecture with the French Heritage Society and a concert with Musicians of the Old Post Road. You can find more information on these two exciting events elsewhere in this newsletter.

To be a Boston landmark destination we must be a unique community resource. Visitors must find joy at Gore Place! This year we now have the Gore sheep in their very visible new pasture, we have replaced the mechanical lift to the mansion with a handsome new access ramp and we have nearly completed the restoration of the laundry area of the west wing. We strive for an authentic and enjoyable experience in whatever we do. You can turn to us when you want to know more about the early 19th c. in Boston!

Growing our donor base continues to be one of my top priorities and what fun I have had meeting new Gore Place friends! I encourage you to join us in spreading the word far and wide about our wonderful museum. We're humble enough to say we honestly can use your help; we genuinely appreciate it!

Sincerely,

Thomas Thaler

540 CAMPAIGN UPDATE

This important fundraising campaign for accessibility at Gore Place includes improvements throughout the estate. To date, we have installed the four-acre pasture fence on the north meadow and the mansion access ramp, added exterior lighting, and completed the first floor accessible bathroom along with various improvements to the laundry room in the mansion. Project activities remaining include the completion of two Gore era staircases and a museum shop space in the mansion and finally, the badly needed restoration of the cottage. The cottage project is extensive and will extend over the winter into the spring. Fundraising is ongoing. Please contact Susan Robertson at susanrobertson@goreplace.org if you are able to help. Thank you.



The new ramp provides access to the mansion's first floor.

Photo by Eric Workman | TMP Images

SPRING INTO SUMMER, AN EVENT TO BENEFIT GORE PLACE

Friends of Gore Place enjoyed dinner and dancing to the sounds of Bo and Bill Winiker and a private viewing of *Be Inspired*, a celebration of floral design in June. Mark your calendars for next year's Spring into Summer party on Wednesday, June 12, 2019!



All Spring into Summer photos by Eric Workman
TMP Images

The party was fit for Christopher and Rebecca Gore in their Great Hall!



Guests made their way to dinner after cocktails in the mansion.



Guests enjoyed dinner on a beautiful evening in the tent.

Noteworthy

French Heritage Society Lecture Monday, September 17 at 6:30pm

Curt DiCamillo, Curator of Special Collections at the New England Historic Genealogical Society, will give an illustrated lecture, "The Cock & Lion: French Design in British Historic Houses." Gore Place will co-present this event with the Boston Chapter of the French Heritage Society. Champagne reception in the mansion to follow. For tickets and more information, please call the office at 781-894-2798.

Pleasure Gardens of London: A 30th Anniversary Celebration Concert

Sunday, September 23 at 3pm

The Musicians of the Old Post Road open their 30th anniversary season with a free concert at Gore Place, featuring the music of 18th century England performed on period instruments. Limited tent seating. Visitors are welcome to bring their lawn chairs.

Welcome to our new volunteer coordinator!

Gore Place volunteer, Dory Codington, joined the staff in July as our new volunteer coordinator. Dory is a historian focusing on early American history. We are pleased to say that Catie Camp will continue as a volunteer as her time allows. Spring was busy for our volunteers. In April, the Sheepshearing Festival had a record number of enthusiastic volunteers. Thank you to all who assisted! We could not manage this event without your help. Throughout the year, our volunteers assist with concerts, programs, gardening, tours and even driving the tractor. To join our team of volunteers, please write to Dory at volunteers@goreplace.org.



Photo by Eric Workman | TMP Images

Handmade for the Holidays Shopping Party

November 28 and 29, 5-8 pm

Finish all your seasonal shopping at Handmade for the Holidays! Members receive 10% off. Shop three rooms of handmade gifts in the 1806 mansion. Ceramics, paper goods, woodwork and more to complete your shopping lists!

A Guilty Mind? Continued from page 1

to attack him. He loaded his pistol to prepare. But this was not for self-defense. Selfridge, the prosecution argued, set up the murder. In the morning papers, he had called Benjamin Austin “a coward, liar and scoundrel” to provoke a situation where he could kill while claiming self-defense. All this was the outcome of an old grudge between the two men. The prosecution asked to present evidence of the ongoing quarrel.

Gore and Dexter strongly objected on several points. The defendant cannot be tried on an unindicted murder charge. The defense had prepared to fight manslaughter not murder. And regarding what occurred before the shooting, Gore argued, the manslaughter charge made that irrelevant.

Even Judge Parker was unsure how to proceed. After lengthy arguments, surprisingly the defense agreed, and the Judge allowed as evidence the history of the quarrel. Gore and Dexter had concluded that full disclosure could help and not hurt their client’s case.

For the defense, the “whole story” was self-defense. Gore had summarized his view informally to Rufus King: the son [Charles Austin], after arming himself with a cane, “was undoubtedly set on by the father to beat the man, who was feeble and in no degree a match for the son at cudgeling.” There on State Street, Selfridge believed his life was in imminent danger; to save himself it was necessary to shoot.

The jury heard over two dozen witnesses. Some said Selfridge shot Charles who then struck Selfridge several times with his cane, crushing Selfridge’s hat and inflicting a deep wound to the older man’s head. Others say it was Austin who struck the first blow. Still others said the blow from the cane and the shot from the pistol happened simultaneously.

The prosecution, the judge, and the defense agreed it was impossible to say who struck the first blow. All agreed Charles had approached Selfridge with his walking stick up, as if to attack. The defense portrayed Charles as the aggressor who waited on State Street, Selfridge’s usual afternoon path to the Exchange, and ran quickly to intercept him, a heavy, new cane in hand.

Still, there was that loaded pistol in Selfridge’s pocket. Was it a sign of a guilty mind, of premeditated murder? Gore spent considerable time countering the prosecution’s argument that the pistol showed intent. First, it was not unlawful to carry a loaded pistol, and like many other gentlemen, Selfridge often carried one, especially for protection. The quality of the act of shooting, Gore contended, “must be determined according to the intention and motive of the agent, at the moment of acting.” In the Selfridge case, self-defense.

Daniel Webster was among the crowd to hear final arguments. Soon to be judged one of the nineteenth century’s greatest orators, he commented on the speakers. Of Dexter for the defense, he said, I “never before heard anything that could be called oratory, in comparison to his speech, he was up for 3.5 hours.” But Dexter’s usual soaring rhetoric had gone off track and into arguments not related to the legal questions at hand. Judge Parker directed the jury to ignore much of what he had said.

On the other hand, Gore laid out a precise and targeted argument for how the facts supported self-defense. His presentation, Webster said, “was remarkably impressive and eloquent. He really is the most courtly, polished speaker I ever heard.”

It took the jury only 15 minutes. Verdict: not guilty. Jury deliberations were not recorded,

and no one can say how these twelve men decided the case. But in the 168-page trial transcript there is a clue to what one juror found telling.

The Jury Foreman, 72-year-old Paul Revere, a well-respected citizen, businessman, and Revolutionary War Patriot, interrupted witnesses only a few times during the four-day trial.

He wanted to clarify the direction in which Selfridge walked: Given his trajectory, where would Selfridge have ended up if not intercepted by Austin? If Austin had not left the sidewalk and gone out to meet Selfridge in the street, how far apart would they have been when Selfridge walked by Austin? The answer was, Selfridge would have gone directly to the Exchange, coming no closer than about 12 feet as he passed by the young man standing on the sidewalk in front of Mr. Townsend’s store.

Revere’s questioning likely helped other jurors to see Selfridge as a man going about his regular business, who understandably feared for his life when attacked by Austin.

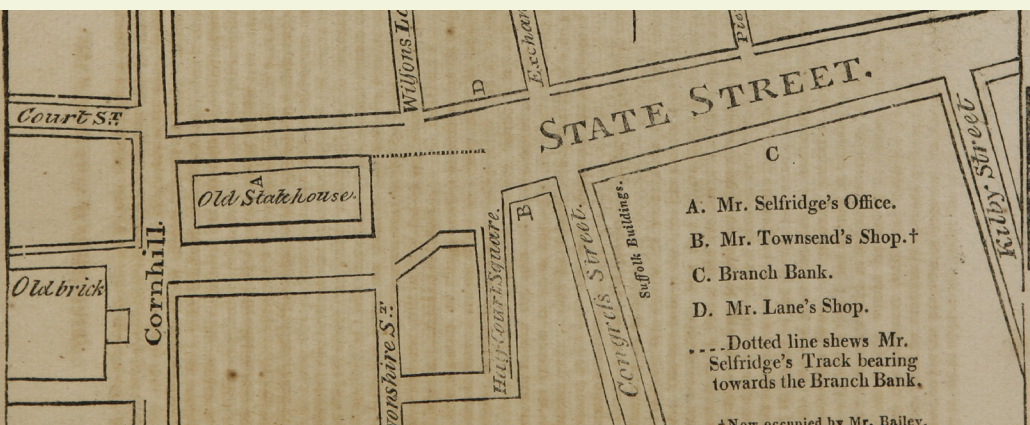
Today, legal scholars and historians judge the trial to be one of the most important in the history of American criminal law. “The trial set far reaching standards of legal principles in murder and manslaughter cases relating to the self-defense plea,” according to historian Jack Tager. “The case was cited well into the late 19th century.”¹

We know about one lawyer in 1859 Illinois who benefited from the precedents Gore helped establish through his careful work and eloquent pleading during the Selfridge trial. Author Dan Abrams, in his 2018 bestselling book on Abraham Lincoln², describes Lincoln’s search for legal precedent to support a client’s self-defense plea. One night during the murder trial, not knowing exactly what he might find, in his office Lincoln “dug through piles of law books on the floor until he found what he was looking for.” Selfridge v. the Commonwealth, “the first attempt in the new America to use self-defense as a justification in homicide.” This could work. He won the case, his last before he became President.

¹ Jack Tager, “Politics, Honor, and Self-Defense in Post-Revolutionary Boston: The 1806 Manslaughter Trial of Thomas Selfridge,” *Historical Journal of Massachusetts*, 37, no. 2, (Fall 2009): 85, 104.

² Dan Abrams and David Fisher, *Lincoln’s Last Trial: the Murder Case that Propelled Him to the Presidency*. Toronto: Hanover Square Press, 2018, 154-155.

Researched and written by Diann Ralph Strausberg, Historian.



One of the earliest known crime scene maps, published in the 1807 Selfridge trial transcript.

The Austin-Selfridge Feud: An Unfortunate Turn of Events

On August 4, 1806, Thomas O. Selfridge shot and killed Charles Austin. (See lead article for details of the ensuing trial). But, what led to the shooting in the first place? Whether the story of this feud could be admitted as evidence was debated in court. At the prosecution's request, it was.

Selfridge shot Charles Austin. Yet, his quarrel was with Austin's father. The circumstances leading to the shooting might seem absurd if not for their deadly consequences.

By 1806, two political parties had emerged in America, The Federalists and the Democratic-Republicans. As leader of the Democratic-Republican Party in Boston, it was the elder Austin's job to raise money for party candidates.

Austin organized an Independence Day dinner for July 4. The plan was simple. The public would buy tickets for food and drink to be provided by a local tavern keeper named Eager who would receive a percentage of the ticket sales. It had worked many times before. However, this time the Tunisian ambassador was in town, a rare site in early 19th century Boston. Crowds gathered wherever he went. When he attended Austin's dinner, the crowd of curiosity seekers followed him into the tent pushing their way past the ticket sellers.

The rowdy crowd ate and drank everything in sight but paid nothing.

When the fiasco was over, Eager presented Austin with a bill for all the food and drink consumed by ticket holders and gatecrashers alike. Austin refused to pay the full amount insisting he would pay only the agreed percentage of ticket sales and no more. Not satisfied, Eager sought the advice of the prominent lawyer Thomas Selfridge. Selfridge doubted a jury would hold Austin responsible for the money owed since he had entered the agreement on behalf of a third party. Still, Selfridge encouraged Eager to sue.

Eager agreed and took Selfridge on as his lawyer. What happened next sealed young Charles Austin's fate.

As Selfridge was preparing the lawsuit, Eager, without Selfridge's knowledge, agreed to settle with Austin. Why he did not inform Selfridge of the arrangement remains a mystery.

The whole affair might have ended there, but Selfridge got word Austin was spreading stories about, "That Federalist Lawyer" and his frivolous lawsuit. Austin claimed Selfridge was pressing a lawsuit to embarrass the rival Democratic-Republican Party.

The two carried on a heated dispute through intermediaries. Selfridge demanded Austin retract his charges. Austin replied he had verbally retracted to any who would listen, but Selfridge insisted a public apology be published in one of Boston's many newspapers. Austin refused.

Selfridge had three options: sue, thrash Austin, or call him a liar in print. A lawsuit was too slow, and he was too frail to fight. He took the third option.

On the morning of August 4, 1806, Selfridge's article appeared as did Austin's counterattack. Friends warned Selfridge that Austin might employ some "bully" to accost him. That morning, Austin's eighteen-year-old son Charles bought a stout cane. That afternoon, Selfridge and Charles met on State Street.

Charles, a student at Harvard College, told friends he would have to wait until after graduation to seek "satisfaction" for Selfridge's public attack on his family name. To do so while still a student would lead to expulsion. Perhaps the chance encounter with Selfridge changed his mind.

Researched and written by Diann Ralph Strausberg, Historian, and Thom Roach, Director of Programs and Interpretation, Gore Place

Walking Stick or Weapon?

Twenty-five witnesses testified in the Selfridge trial. The testimony of a local cane maker included an odd detail. According to Jack Tager in his article on the manslaughter trial of Thomas Selfridge:

"A cane maker, from whom (Charles) Austin purchased walking sticks weekly, testified that in the morning Austin bought a heavy cane from him, asking if it was a strong one. Austin usually bought smaller, lighter staffs."

The defense sought to portray Austin as the aggressor; walking sticks were sometimes used as a weapon, and this unusual purchase occurred on the morning he was killed by Selfridge.

But, "purchased walking sticks weekly?" How many walking sticks did a Harvard student need?

In the early 1700s, as the habit of wearing a sword declined, the habit of carrying a walking stick increased.

In the 18th and 19th century, a gentleman's walking stick was more than a simple aid in getting around. It was a fashion accessory, a status symbol, and, sometimes, a weapon.

It was not uncommon for a gentleman to own several walking sticks or "canes," each having a particular purpose: to carry while walking in the streets, to accompany evening wear, for use when walking in nature, for example.

As a Harvard student, Charles Austin attired himself as a gentleman's son, keeping up with current fashion, perhaps to excess. Was the stick he purchased the morning of August 4 to be just another fashion accessory or a weapon?

Perhaps the purchase of a strong cane on what would prove to be the last morning of his young life was simply an unfortunate coincidence in a most unfortunate affair.

Sources for *A Guilty Mind?*, *The Austin-Selfridge Feud*, and *Walking Stick or Weapon?*

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Webster, Daniel. Daniel Webster to Thomas W. Thompson, December 26, 1806. Letter. Rauner Special Collections Library, Dartmouth College.

Upcoming Programs—Join Us!

Tot Time at the Farm

September 19 and October 17, 10 am

Concerts in the Carriage House

September 25, October 9 and 23, November 13 and 27, January 8 and 22, February 12 and 26, March 12 and 26, 7:30 pm

Moonlight Tours

September 28, November 2 and 23, January 4 and 18, February 1 and 15, March 1 and 15, 7:30 pm

Indoor, Front-Carry Babywearing Tour

October 2, November 6, December 4, January 8, February 5, March 5, 10 am

Tot Time at the Nature Playscape

October 10, November 14, December 12, January 9, February 13, March 13, 10 am

Frightful Fridays

October 12, 19 and 26, 7 and 8:15 pm

Fiddlers on the Farm

October 21, 2–5 pm

“Evening in December”

Annual Holiday Party

December 5, 6:30 pm

Santa Teas

December 15, 10 am and 1 pm;
December 16, 1 and 3:30 pm

Holiday Tea in the Mansion

December 15, 4 pm

Music for the Holly Days

December 18, 7:30 pm

Snowshoe Rentals

January 2 through March 30,
M–F, 10 am to 3 pm; Sat, 12–3 pm

Edgar Allan Poe:

Master of the Macabre

January 19, 3 and 5 pm

Annual Book Sale

January 19 through 25, 10 am to 3 pm

Advance tickets required for some programs.
Please check our website, goreplace.org,
for complete information.



Image courtesy of Maureen Cotton Photography

Host your next event at Gore Place!

After many years of planning, we are very pleased to report that our restored 1793 Carriage House is now a busy place for gatherings of all kinds. Its location on our beautiful agrarian landscape makes it a particularly pleasing destination for your guests. The building is fully heated and air conditioned and holds up to 125. We hope that you will consider it for your next formal or informal gathering. Please call our rentals manager Linda DeFranco at 781-894-2798 x11 to make your arrangements.



FIFTY ACRES & THREE CENTURIES

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