

Robert MacGregor

MICHIGAN

BAD AXE is the county seat of Huron County, Michigan. It is about six miles from the town of Ubly, Michigan, where lived the ill-fated Sparling family. In 1907 this family, living on a small farm, consisted of Mr. and Mrs. John Wesley Sparling and their children, Peter, Albert, Scyrel, May, and Ray. In 1908, Father Sparling died. In July, 1910, Peter died; in May, 1911, Albert; and in August, 1911, Scyrel. This left only Mrs. Sparling, May, and the youngest son, Ray.

These developments did not pass unnoticed in the small communities of Ubly and Bad Axe, especially since the family doctor of the Sparlings was a Canadian who had incurred local ill will by sending some of his patients to Canadian hospitals instead of patronizing the one in Bad Axe, of which the local folks were proud. This physician's name was Robert MacGregor, a man about thirty-five years old. During the illness of Scyrel, the last one to die, Dr. MacGregor called into consultation Drs. Herrington and Conboy of Bad Axe. They apparently noticed symptoms in Scyrel which indicated that possibly the boy was being slowly poisoned. Dr. Conboy conferred with Prosecuting Attorney X. A. Boomhower, at Bad Axe, and, as a result, Mr. Boomhower called upon Dr. MacGregor at Ubly and told him that if Scyrel died there would be a post-mortem and an investigation into the case. After a conference between the prosecuting attorney and Drs. Conboy and MacGregor, it was decided that the boy should have a nurse to watch him. Miss Gibbs was obtained by Dr. MacGregor. Scyrel had fallen ill on August 4, 1911. Dr. Herrington had been called into the case on August 5, and Dr. Conboy on August 7. The prosecuting attorney took notice of the matter on August 8. Dr. Holdship also was called into the case, but Scyrel continued to grow worse and he died on August 14, 1911.

That night Drs. MacGregor and Holdship held a post-mortem, by lamplight, concluding that death had resulted

from cancer of the liver. The authorities, however, were not satisfied with this report, and sent certain portions of the organs to the University of Michigan for examination by Dr. Vaughn and Dr. Warthin, who was head of the pathological department. They both found traces of arsenical poisoning, and their conclusions as to the symptoms of the poison upon a dying person agreed with the observations of the attending physicians. It appeared to the authorities, therefore, that Scyrel had died from taking arsenic. The question remained—Was the arsenic present as a result of criminal acts, or, as Dr. McGregor explained, were the arsenic deposits left from overdoses of patent medicines which Scyrel had taken, as had his brothers, for an unfortunate diseased condition from which they were suffering?

The investigation was exhaustive. Dr. MacGregor had become the family physician for the Sparlings in 1907. Upon the death of John Wesley Sparling, in 1908, the doctor became a very intimate friend and adviser to Mrs. Sparling, even on business matters, and was known to call at the Sparling home on many occasions. In July, 1909, the four Sparling boys were insured for \$1,000 each in the Sun Life Insurance Company, for which Dr. MacGregor's father was an agent in London, Ontario. In January, 1910, three of them were insured for small sums in the Gleaners Insurance Company. Dr. MacGregor was the local examining physician and consequently passed upon the health of the boys for this insurance. Shortly thereafter, the boys exhibited the beginnings of their fatal illnesses.

While the circumstances surrounding Scyrel's death were being investigated, the body of Albert was exhumed and a post-mortem performed. The internal organs were sent for examination to the University of Michigan. Traces of arsenic were found, and Drs. Warthin and Vaughn gave their opinion that Albert's death was caused in substantially the same way as Scyrel's.

An examination of Dr. MacGregor's books showed that, after the investigation was started, he made certain changes to regularize his accounts with Mrs. Sparling. His explanations were not very satisfactory. He was reported, also, to

have made various statements which were interpreted to mean that he certainly knew that the boys were poisoned; and other facts were disclosed showing that he had received, presumably in payment of his professional services, part of the money collected on the insurance policies of the deceased boys. Furthermore, MacGregor and his family were living in a home purchased by Mrs. Sparling.

In view of these circumstances, Prosecuting Attorney Boomhower, on January 22, 1912, filed an information charging Dr. MacGregor with the murder of Scyrel Sparling. Mrs. Sparling and Nurse Gibbs were separately charged as accomplices. The case, as might well be expected, caused great excitement in Huron County. Ugly public opinion is reported to have believed MacGregor innocent of the murder charge (though he had not used the best of discretion in his relations with the Sparlings), but the opinion of much of the county was unfavorable.

Dr. MacGregor was tried before Judge Watson Beach in the Circuit Court for Huron County at Bad Axe. The defendant entered a plea of not guilty. He was defended by Joseph Walsh and George M. Clark, and the prosecuting attorney was assisted by special counsel, E. A. Snow. The trial was held in April, 1912. The prosecuting attorney called witnesses to establish the circumstances developed by his investigation, weaving a net of circumstantial evidence around the defendant. The testimony of the experts from the University of Michigan made a deep impression upon the jury, as did testimony implying too close a relationship between Dr. MacGregor and Mrs. Sparling. Dr. MacGregor took the stand in his own defense and testified at length in regard to the many circumstances brought out against him. The jury did not believe him and returned a verdict of guilty. On June 10, 1912, Judge Beach pronounced a sentence of life imprisonment in the state prison at Jackson.

An appeal was taken to the Supreme Court of Michigan, which affirmed the conviction on January 5, 1914, and denied a rehearing on June 4, 1914. Many of the assignments of error related to the expressions of belief by the prosecuting attorney in his argument to the jury. While the Su-

preme Court refused to reverse the judgment on this ground, it commented that "certainly the course pursued by the prosecutor was improper and not to be commended." It is fair to say that the state's prosecution of MacGregor was exceptionally vigorous. The convicted physician went to the state prison at Jackson to serve his sentence.

The charges against Mrs. Sparling and Nurse Gibbs were never prosecuted, and were nol-prossed. Mrs. Sparling had always said that her husband and sons died from natural causes, an opinion which was interpreted by the authorities as an attempt to protect Dr. MacGregor.

IN a very short time, appeals on Dr. MacGregor's behalf were presented to Governor Ferris, and the Governor instituted a thorough examination of the case. On November 27, 1916, he granted a full and unconditional pardon to Dr. MacGregor on the ground of his innocence. The Governor took the unusual course of having the prisoner brought to Lansing by the warden of the prison and of handing the pardon to him personally. On the day that this was done, Governor Ferris gave this statement to the press:

For more than two years I have been investigating this case, and have had assistance from some of the best authorities in Michigan, and I am firmly convinced that Dr. MacGregor is absolutely innocent of the crime for which he was convicted, and I am satisfied that in sending him to prison, the state of Michigan made a terrible mistake.

The records pertaining to this investigation are considered confidential, hence it has been impossible to ascertain the grounds upon which Governor Ferris became so firmly convinced. This is unfortunate, especially in view of the fact that some persons still believe that MacGregor was guilty.

Upon gaining his freedom, Dr. MacGregor was joined at once by his loyal wife to start life over again. They made a short visit to relatives in Canada, and then returned to Jackson, where he was promptly appointed as the official physician to the state prison. He held this position until the time of his death in 1928 at the age of fifty-two.

THIS case of circumstantial evidence is baffling, because the grounds upon which the Governor reached his conclusion of innocence are not disclosed by the authorities at Lansing. This is an injustice to Dr. MacGregor and to the public, who have a right to know the facts and the basis of MacGregor's vindication. He appears to have been the victim of honest, but overzealous, prosecution, and of a combination of circumstances. The chief circumstance which pointed to his innocence—the trifling amount of the insurance, of which he got only his fees—appears to have been given little weight. Community opinion, based on extraneous grounds, such as his patronizing Canadian hospitals, may unconsciously have played its part with the jury. On a question of veracity and inferences, prejudice is always a material factor. The experts may have been correct in their finding of traces of arsenic, but it is quite probable that Dr. MacGregor's explanation of their origin was the correct one. Fortunately, only life imprisonment was meted out, so that the error was still susceptible of partial correction; but the five years of the doctor's suffering could hardly be compensated. Toward this end, no effort appears to have been made.

BIBLIOGRAPHY

1. Transcript of proceedings in Circuit Court of Huron County, April, 1912.
2. *People v. MacGregor*, 178 Mich. Rep. 436-476, 144 N.W. 869 (1914).
3. *Governor Ferris' Report to the 49th Legislature of Michigan* (January, 1917), p. 2.
4. *Detroit Free Press*, November 28, 29, 1916.
5. Acknowledgments: Mr. X. A. Boomhower, Bad Axe, Mich.; Mr. Joseph Walsh, Port Huron, Mich.; Mr. Harry H. Jackson, Jackson, Mich.