APPROVAL SHEET

Title of Thesis: The Use of Gender During the E.G. Wharton Trial

Name of Candidate: Heather Marie Steven
Master of Arts, 2014

Thesis and Abstract Approved: Michelle B. Scott

Dr. Michelle Scott
Professor
Historical Studies

Date Approved: 12/1/14

Name: Heather Marie Steven.

Degree and date to be conferred: M.A., 2014.

Secondary education: Parkway North High School, St. Louis, Missouri, 2001.

Collegiate institutions attended:

University of Maryland, Baltimore County, Fall 2009 – Fall 2014, M.A. in Historical Studies, 2014.

Goucher College, Fall 2005-Spring 2009, M.Ed, 2009.

Goucher College, Fall 2001 – Spring 2005, B.A. in History with Secondary Education Certification, 2005.

Major: Historical Studies

Professional positions held:

High School Teacher. Broadneck High School, Annapolis, Maryland (2008-Present).

High School Teacher. Glen Burnie High School, Glen Burnie, Maryland (2005-2008).

ABSTRACT

Title of Document: THE USE OF GENDER DURING THE E.G. WHARTON TRIAL.

Heather Marie Steven, Master of Arts, 2014

Directed By: Dr. Michelle Scott, Department of History

In 1871, in Baltimore, Maryland, Mrs. Elizabeth Wharton was accused of poisoning General Ketchum and arrested. The trial became a sensation in the national press, with newspapers across the country publishing daily updates on the trial. The primary reason for the attention surrounding the case was Mrs. Wharton's social status. She was extremely wealthy and well-connected in Baltimore society. After her arrest, rumors surrounding other potential victims began to surface, and many suspected her to be guilty.

An examination of Wharton's trial proceedings and the surrounding press coverage reveals a defense built primarily upon Victorian notions of femininity, and ultimately the literal power of "true womanhood" in nineteenth century American jurisprudence. Despite overwhelming evidence of her guilt, Wharton's acquittal as an upper class white woman whose virtue was seen as "beyond reproach" differs significantly from contemporaneous cases of black or lower class women who were convicted of similar crimes, and largely lived beyond the definitions and protections of "true womanhood."

THE USE OF GENDER DURING THE E.G. WHARTON TRIAL

By

Heather Marie Steven

Thesis submitted to the Faculty of the Graduate School of the
University of Maryland, Baltimore County, in partial fulfillment
of the requirements for the degree of
Master of Arts in Historical Studies
2014

ProQuest LLC.
789 East Eisenhower Parkway
P.O. Box 1346
Ann Arbor, MI 48106 - 1346

Dedication

This paper is dedicated to my family.

For my husband, James Steven, who has been supportive throughout my graduate work and encouraged me to finish this paper.

For my son, Jonathan, who puts everything in perspective.

Acknowledgements

I wish to acknowledge those who have helped me along the way:

Dr. Michelle Scott for being flexible and encouraging while helping me refine my writing.

Dr Anne Rubin and Dr. Denise Meringolo for providing feedback and comments.

Lawrence Hashima for proofreading and giving helpful suggestions throughout the writing process.

Table of Contents

Chapter 1: Introduction

Mrs. Elizabeth Wharton was one of the wealthiest socialites in Maryland on the eve of the Gilded Age. She was well-connected and beautiful, and it would seem very unlucky. Her husband Major Henry Wharton suddenly fell ill and died. Many family friends reached out with condolences and loaned the widow money until she could get her estate in order. Shortly afterwards her son died under similar circumstances. Death surrounded Wharton and her neighbors, servants, family members, and friends suddenly fell ill and died too.

One afternoon Mr. Eugene Van Ness, Mrs. Wharton's accountant, came to visit and became sick, but recovered. Another visitor, friend of the family General William Scott Ketchum, came one day after Mr. Van Ness to collect on the money Wharton borrowed from him after her husband died. He became sick suddenly after drinking a milk punch served by Mrs. Wharton and died. The punch and a glass of beer offered by Wharton were tested and turned out to have poison in them. The autopsy of General Ketchum showed that a lethal dose of tartar emetic, which Wharton purchased just before his visit, was the cause of his death. Mrs. Wharton acted suspiciously according to many witnesses and claimed to have paid off her debt to General Ketchum earlier. Never before in the history of Maryland was a woman of Wharton's social standing charged with a crime as serious as murder.

In 1871 Mrs. Elizabeth Wharton stood trial for poisoning General Ketchum and Mr. Van Ness. The Wharton case captivated readers for months, with stories published every day about her in *The Baltimore Sun, The New York Times,* and *The Philadelphia Enquirer.* Mrs. Elizabeth Wharton's wealth and high social standing

made her trial especially appealing to the public. Several of Wharton's friends and acquaintances wrote into the newspapers in her defense.[1] After Wharton's arrest, multiple accusations of murder surfaced from others who knew her well. The press, particularly *The Baltimore Sun, The New York Times,* and *The Philadelphia Enquirer* speculated that she had perhaps poisoned her late husband, her brother-in-law, niece, nephew, multiple family members and friends, and even her own son in order to collect on his life insurance which was worth $35,000.[2] This was in addition to the two men Wharton was officially charged with poisoning. The state of Maryland charged Mrs. Wharton with the murder of General Ketchum, and the attempted murder of Eugene Van Ness, who fell ill around the same time.[3] Her poison of choice was tartar emetic, a substance known to be fatal if ingested, but rarely used and difficult to trace after death. The press suggested in many subtle ways that Wharton was a likely murderess because she did not conform to appropriate gender roles. Elizabeth Wharton was the first woman of her social rank to be tried in Maryland for murder. Though Wharton's high social standing initially created negative publicity, it also played a role in the jury's perception of her and the decision to acquit her on all charges. Wharton's legal team used gendered language to convince the jury that she was a proper woman incapable of murder. Her defense centered on her character as an upper class white woman and was a model for the defense of elite educated white women. Contemporaneous cases show that black and lower class women were often

[1] Mrs. Alcock, a friend of Wharton's whom she had previously been accused of poisoning wrote to the defense lawyer, Mr. Steele to clear her friends' name, stating that she had already been ill before she ate the clam soup. "Another slander against Mrs. Wharton disposed of." *The New York Times*, October 7, 1871.

[2] All of the deaths occurred suddenly and under mysterious circumstances. In fact a great many deaths and sudden illnesses occurred at Wharton's Hampton Place residence. "Mrs. Wharton," *The Philadelphia Inquirer*, July 17, 1871.

[3] The trial for the attempted murder of Van Ness began in 1873 and resulted in a hung jury.

convicted under similar circumstances because they were excluded from the protections of "true womanhood."

Historiography

The Cult of True Womanhood

During the nineteenth century, American women were expected to conform to traditional gender roles and put their role as mother and wife first. Women were considered to be the weaker sex and thus had to be protected by men, passed from the care of their fathers directly to their husbands. Images of idealized American womanhood became the central focus of many magazines, novels, religious literature and other writings for women. Narratives of the women's sphere described this idealized womanhood. Women were to remain in separate spheres from their husbands and dedicate themselves to domesticity. Keeping house, tending to her family's needs, and maintaining strong Christian morality were expected and became associated with the ideal woman, the so called "Angel of the Household." The term "Cult of True Womanhood" comes directly from such 19th century works and appears frequently in them.[4]

Barbara Welter was a historian writing during the women's liberation movement of the late 1960's and early 1970's. She studied American literature aimed at women and the ideals described therein and this domestic writing included instruction on proper behavior and character for women. Welter argued that the women's magazines and novels written for women in the 19th century displayed

[4] Barbara Welter, "The Cult of True Womanhood: 1820-1860," *American Quarterly* 18 (2) (1966): 151-174.

similar virtues over and over[5]. Female characters exhibited piety, purity, submissiveness, and domesticity. Welter termed these the "four cardinal virtues" which appeared frequently. Of these, piety was the core virtue by which women gained their strength.

Since Welter, most historians have agreed upon the presence of these virtues and the "separate spheres" ideology of the cult of domesticity in 19th century literature. Welter has become a staple of women's history, and has influenced countless historians. However, some have criticized Welter's approach. In 2002, the *Journal of Women's History* took a look back at Welter's 1966 groundbreaking work. Mary Roberts stated that we have "made a cult of the cult" of Welter's True Womanhood.[6] Nancy Hewitt noted that Welter's Cult of True Womanhood was that of white middle-class urban women, and thus obscured the experiences of minorities and the poor, who were actually in the majority.[7] Lower and middle-class women had to work outside of the home and often did not fit the model of femininity found in the sources Welter cited. The readership of the women's magazines and publications were typically upper middle class women Working class women would have to get jobs working outside of their homes to provide for their families. Even working women typically took "feminine" occupations and were often domestic workers—cooks, maids, and nannies. Immigrants and African American women would not have been covered under this image of ideal women either. Furthermore, Hewitt explained, Welter failed to describe the social upheavals of the 19th century as a context for the domestic writings.

---

[5] Ibid.
[6] Mary Louise Roberts, "True Womanhood Revisited," *Journal of Women's History* 14 (2002): 151.
[7] Nancy Hewitt, "Taking the True Woman Hostage," *Journal of Women's History* 14 (2002): 156-162.

Scholar Mary Ryan examined *Godey's Lady's Book* and *Lily of the Valley,* finding the same virtues of the cult of domesticity. Ryan traced the American magazine's sources of idealized femininity back to Queen Victoria. These virtues of ideal women borrowed from the British Victorian ideal of womanhood, but were uniquely American in their translation to the preservation of American society[8]. In addition to providing global context, Ryan described the domestic turbulence of 1800's America as well. The heyday of "True Womanhood" took place during a time of massive social upheaval. Antebellum reform movements, industrialization, westward expansion, and even the Civil War were happening simultaneously. In this context, it is understandable that readers would latch onto the narrative of a "traditional" idealized model of femininity. The "true woman" was respectable first and foremost. She held her household together through all of the upheaval. Her husband, who had to face this harsh world, protected her from it.

Nancy Cott also examined the question of women's perceptions of the separate spheres ideology. Cott questioned the overly simplistic language of Welter's article and emphasized the ambiguity of women's real life experiences, particularly during the origins of industrialization with rapidly changing gender roles.[9] One of the major questions historians have asked was whether these works of literature actually affected women's lives. Cott argues that women were able to use parts of the narrative of the ideal woman. The Cult of True Womanhood was not a concept imposed on women, but one that was manipulated by women. Women largely

---

[8] Mary Ryan, *Empire of the Mother: American Writing about Domesticity, 1830-1860.* (New York: Institute for Research in History and Haworth Press, 1982).

[9] Nancy Cott, *The Bonds of Womanhood: "Woman's Sphere" in New England, 1780-1835.* (New Haven: Yale Univ. Press, 1977).

accepted and propagated the image of the home as a safe haven that women sought to maintain and this enabled them to form bonds.

Historians examining the writings of the "cult of domesticity" have largely accepted Welter's assertion that there are certain feminine core values evident in 19th century writings. However, the departure lies in how much these writings actually impacted women in reality. It is unclear whether readers strove to emulate the models of femininity seen in literature in their day to day lives. In addition, these ideals and the magazines they were written in were designed for middle-class white women. Minorities or working class women were typically not addressed in these narratives and their daily experiences were probably very different.

The ideal of "true womanhood" was difficult to reconcile with the fact that women sometimes committed horrific crimes. In the case of women who substantially violated societal norms, they were often contrasted against the ideal woman. Minority women and the poor were excluded from the "cult of true womanhood" and viewed as susceptible to conduct unbecoming a woman. When a high-society lady was accused of something as unfeminine as murder, the case drew a lot of attention. This paper will build on the "cult of true womanhood" by examining how gendered language and the qualities of a true woman were used as evidence that a woman possessing the qualities of true womanhood could not be capable of cold blooded murder. The "cult of true womanhood" was a cultural belief system that could be manipulated to serve the needs of women like Wharton. Notions of femininity could both constrain women and also allow them freedom from conforming to proper behavior in some ways.

Throughout the nineteenth century, the notion of the separate spheres of the cult of domesticity was used to bar women from the public sphere. In many states married women could not hold property, enter into a contract, or file a lawsuit without her husband's permission. Critics of the early women's suffrage movement cited jury duty as a justification for barring women from political participation. If women were to vote, they argued, they would have to serve on juries and witness horrific testimony in gruesome murder trials.[10] These dangers of the public sphere would offend the sensibilities of any respectable "true woman" so men had to be careful to make laws designed with these delicate women in mind. Until recently the subject of women as criminals has not been written about extensively.

During the nineteenth century the law was exclusively controlled by white males. Women might be granted privilege within the legal system on the basis of being of "respectable" race and class, but they had no real agency in the courtroom. White upper class male lawyers controlled the narrative of the respectable woman and African American or working class women were multiply disadvantaged.

As an upper class white woman, Elizabeth Wharton had the privilege of affording a legal team with a good record of winning criminal cases and was permitted a lengthy forty three day trial to prove that she was not guilty. Contemporary cases of lower class women were much shorter and handled by court appointed lawyers. Black women especially did not have the luxury of sympathy from the jury on account of gender. Their lawyers did not use gendered arguments to

[10] Early twentieth century anti-suffragists would revive this argument. In 1914, the Omaha Association Opposed to Women Suffrage published a pamphlet stating that women would be "compelled to hear all the repugnant details incident to murder trials and trials for other crimes disclosing unspeakable wickedness. Jury service is abhorrent to every normal woman."

prove they were innocent because they were presumed to be guilty. Black domestic workers were the first ones accused any time a poisoning occurred in a household, including during the Wharton murder investigations.

Nineteenth Century Criminal History Works

Throughout the literature there remain few works that focus on the nineteenth century, revealing a significant gap in the literature. Many works on women and crime, particularly centered during the Victorian era deal with European rather than American crimes. Mary Hartman's *Victorian Murderesses: A True History of Thirteen Respectable French and English Women Accused of Unspeakable Crimes* (1976) describes twelve trials of females accused of murder in nineteenth century France and England.[11] Throughout all of the trials, the murders were described as "crimes of passion" even though most cases involved substantial premeditation. This fits with the Victorian notion of women being overly emotional and prone to hysterics. In the nineteenth century murderesses could be "respectable women" throughout their lives with a momentary lapse because that was something the fairer sex was prone to biologically.

In nineteenth century American history, few works deal specifically with female murderers. Many works use literary narratives and the treatment of fictional murders to generalize about the crimes and trials of nineteenth century female murderers. Jeanne Elders DeWaard's dissertation "The Crime of Womanhood: Ambivalent Intersections of Sentiment and Law in Nineteenth Century American

[11] Mary Hartman, *Victorian Murderesses: A True History of Thirteen Respectable French and English Women Accused of Unspeakable Crimes* (New York: Schocken Books, 1976).

Culture" (2003) deals with the portrayal of female criminals, particularly prostitutes, but also murderers, in fictional literature.[12] Sara Crosby's dissertation "Poisonous Mixtures: Gender, Race, Empire, and Cultural Authority in Antebellum Female Poisoner Literature" (2005) also examines literary depictions of women who poisoned, literally as well as figuratively, the men in their lives.[13] Adultery and murder is the main theme in Robert Ireland's "Frenzied and Fallen Females: Women and Sexual Dishonor in the Nineteenth century United States"(1992), which also draws upon literary sources and discusses female murderers very briefly.[14] Though all three works discuss female murderers tangentially, each largely finds that women accused of murder received different, oftentimes less harsh punishments than men. These works also reveal that the most common form of murder by a woman was by poisoning her victim, who was often a male and usually someone she knew well.

Poison as Murder Method

The Wharton trial and sentencing is consistent with the findings of histories of poison as a murder method. Testimony during the hearing revealed that poisoning was considered a feminine crime, and press coverage revealed that women received acquittals more often and when found guilty received lighter sentences than men.

General histories of poisons and poisoning cases abound, and poison was a rather common method of murder, as potential toxins were readily available for

[12] Jeanne Elders DeWaard, "The Crime of Womanhood: Ambivalent Intersections of Sentiment and Law in 19th Century American Culture" (University of Miami, 2003).
[13]Sara Lynn Crosby, "Poisonous mixtures: Gender, race, empire, and cultural authority in antebellum female poisoner literature" (University of Notre Dame, 2005).
[14] Robert M. Ireland, "Frenzied and Fallen Females: Women and Sexual Dishonor in the Nineteenth-century United States" *Journal of Women's History* 3.3 (1992):95-117.

purchase during the nineteenth century in America.[15] Arsenic was sold in drugstores across the country, and was commonly used for a variety of reasons such as treating food poisoning, asthma, or syphilis. It was sold for pest control and cleaning bronze as well. Poisoning symptoms often mimicked other illnesses, so many times went undetected.[16] This was also a time period when investigation of poisoning cases was a developing field. An important resource for this case is Randa Helfield's "Female Poisoners of the Nineteenth Century: A Study of Gender Bias in the Application of the Law" (1990), which examines quantitative data to show generalizations about the sentencing of female poisoners.[17] Helfield's thesis is that the males who controlled the legal system held deeply rooted gender stereotypes and the "presumption of innocence was stronger for women than men" (101).[18] Therefore, women who were convicted of poisoning were generally spared from execution. Helfield takes a holistic look at sentencing and female poisoning trials, but rarely describes individual trials.

A handful of historians have examined in detail specific cases of nineteenth century American female murderers, as this paper will do. In 1867, J.E. Butler published a book in Maine about the trial of Jane Swett, whose family was well-to-do and very influential in the state.[19] Swett was accused of poisoning Dr. Charles Swett, her philandering husband. Butler did not examine the influence of gender or social standing in Mrs. Swett's trial, but was very thorough providing details about the

---

[15] C.J.S. Thompson, *Poisons and Poisoners: With Historical Accounts of Some Famous Mysteries in Ancient and Modern Times* (New York: Barnes and Noble Books, 1993).
[16] Ibid., 24.
[17] Randa Helfield, "Female Poisoners of the Nineteenth Century: A Study of Gender Bias in the Application of the Law" *Osgoode Hall Law Journal* 28(1) (1990): 53-101.
[18] Ibid., 101.
[19] J.E. Butler, *Trial of Jane M. Swett of Kennebunk, for Homicide*. Biddeford, Maine: Butler and Plate, Book and Job Steam Printers, 1867.

poisoning and trial, during which the defense lawyer seemed to use Swett's gender and social position to show that she was a lady and incapable of committing such acts.

The trial of Hannah Kinney in 1840 has been written about by historians and is very similar to the Wharton case. Mrs. Kinney was accused of murdering her third husband with arsenic and was acquitted, despite rumors she had also disposed of her second husband in the same manner. John Lawson's *American State Trials: A Collection of the Important and Interesting Criminal Trials Which Have Taken Place in the United States, from the Beginning of our Government to the Present Day* (1916) examines state trials from the colonial times until World War I[20] and published an account of the Kinney case. Another chapter of the *American State Trials* collection surrounds Lucretia Chapman's very similar spousal poisoning case in 1832.[21] Dawn Keetley's "Beautiful Poisoners: 'Rappaccini's Daughter', Hannah Kinney's 1840 Murder Trial, and the Problem of Criminal Responsibility"(1998) argues that the reason Mrs. Kinney was acquitted is because of her femininity. In fact, the all-male jury returned the verdict within three minutes.[22] Keetley finds that her beauty and the fact that the victim was Kinney's husband were major factors in the

[20] John D. Lawson ed. "The Trial of Hannah Kinney for the Murder of George T. Kinney, Boston, Massachusetts, 1840." In *American State Trials: A Collection of the Important and Interesting Criminal Trials Which Have Taken Place in the United States, from the Beginning of our Government to the Present Day*, 17: Vol. 17 (St. Louis: F. H. Thomas Law Book Co., 1916).
[21] John D. Lawson ed. "The Trial of Lucretia Chapman for the Murder of William Chapman, Andalusia, Pennsylvania. 1832." In *American State Trials: A Collection of the Important and Interesting Criminal Trials Which Have Taken Place in the United States, from the Beginning of our Government to the Present Day*, 6:99-396. Vol. 6 (St. Louis: F. H. Thomas Law Book Co., 1916).
[22] Dawn Keetley, "Beautiful Poisoners: "Rappaccini's Daughter," Hannah Kinney's 1840 Murder Trial, and the Problem of Criminal Responsibility (illustrated)." ESQ 44.3 (1998):124.

jury's decision. Keetley does not, however, examine the role of the press or the significance of Kinney's social class in this case.

Candace Scovell Broughton's dissertation "Gendered Justice: Emma Wimple and the Story of Murder Hill" (2004) develops the story of another spousal poisoning. Mrs. Wimple was a poor rural woman who was five months pregnant during her trial. She was ultimately found guilty, but keeping with the findings of other scholarship, her punishment was light, which Broughton argues was due to the fact Wimple was both a woman and pregnant.[23] Broughton discusses Wimple's social status at length, and uses her position in society and status within the community to explain the reactions of the jury and townspeople, all of whom seemed to believe that Wimple was guilty even before the trial. Though Mrs. Wimple's case was well-known in her town of Little Valley, New York, her case was not highly publicized outside of the town.

Media and Crime Coverage

Historians have written about nineteenth century female poisoning cases from the feminist perspective increasingly in the past decade. Recent scholarship also examines the confluence of other factors such as social class and race in these women's trials. However, not many historians have written about the press coverage of such trials. Elizabeth Wharton's trial was covered daily in major newspapers and publications up and down the east coast. The fact that female murderers were rare,

[23] Candace Scovell Broughton, "Gendered justice: Emma Wimple and the story of Murder Hill" (State University of New York at Buffalo, 2004).

and the unexpectedness of such a violent crime being perpetrated by women, goes a long way towards accounting for the public's curiosity.

The relationship between female criminals and press coverage has not been written about extensively, particularly in American history and in the nineteenth century. In *Dangerous to Know: Women, Crime, and Notoriety in the Early Republic* (2008) Susan Branson traces the history of two women, Ann Carson, a female criminal, and Mary Clarke, Carson's biographer, who also lived together briefly in Philadelphia.[24] Branson finds that both women had to step outside of traditional gender roles and work in non-feminine occupations in order to maintain their households, despite the fact that both were married and from middle class backgrounds. Carson's criminal activities included counterfeiting and kidnapping with the purpose of maintaining an acceptable standard of living. The main source of information regarding Carson's publicity was not historical newspapers, but Carson and Clarke's own book. The scope of works such as *Dangerous to Know* may be limited to the stories of individual women, but are valuable as they often use those experiences to generalize about the condition of women in the early nineteenth century.

The role of the press in covering American crimes became increasingly important during the twentieth century with the advent of the radio, television, and other forms of media. A good work that shows the way publicity shaped public perceptions and focuses on gender role as well as social standing is Paula Uruburu's *American Eve: Evelyn Nesbit, Stanford White: The Birth of the "It" Girl and the*

[24] Susan Branson, *Dangerous to Know: Women, Crime, and Notoriety in the Early Republic*. (Philadelphia: University of Pennsylvania Press, 2008).

Crime of the Century (2008).[25] Evelyn Nesbit was not herself a murderer, but got caught up in a murder trial when she became entangled in a love triangle. Though she was not responsible for the murder, the press coverage of the event was immense and Nesbit was heavily criticized by the media. Were women like Nesbit presented fairly in the press? Were they portrayed negatively, not so much for their crimes, but for deviating from appropriate gender roles of the time?

Judith Knelman's *Twisting in the Wind* (1998) deals with nineteenth century British women who were on trial for murder. However, her work focuses on the press, and the sensationalized and lurid accounts publicized of the murders. Knelman describes, and literally illustrates through court sketches, how these women were depicted as ugly or masculine (p. 20), but notes that over time, press coverage changed dramatically and ultimately depicted the murderesses as beautiful and feminine.[26] Knelman also makes the intersection of class and gender discrimination the center of her argument on the motives of female murderers. Her work agrees with other historians that, though women who murder were looked upon negatively, their punishments tended to be much lighter than those given to male murderers in the nineteenth century. Knelman's unique contribution is in looking at how the press depictions changed over time.

An examination of the Wharton case will show that press coverage was widespread, and that depictions of Wharton changed over time within a few months. I chose this case because the beginning of the Gilded Age period in Maryland is rich with intersections of gender, class, and race. Wharton was a well-to-do socialite, and

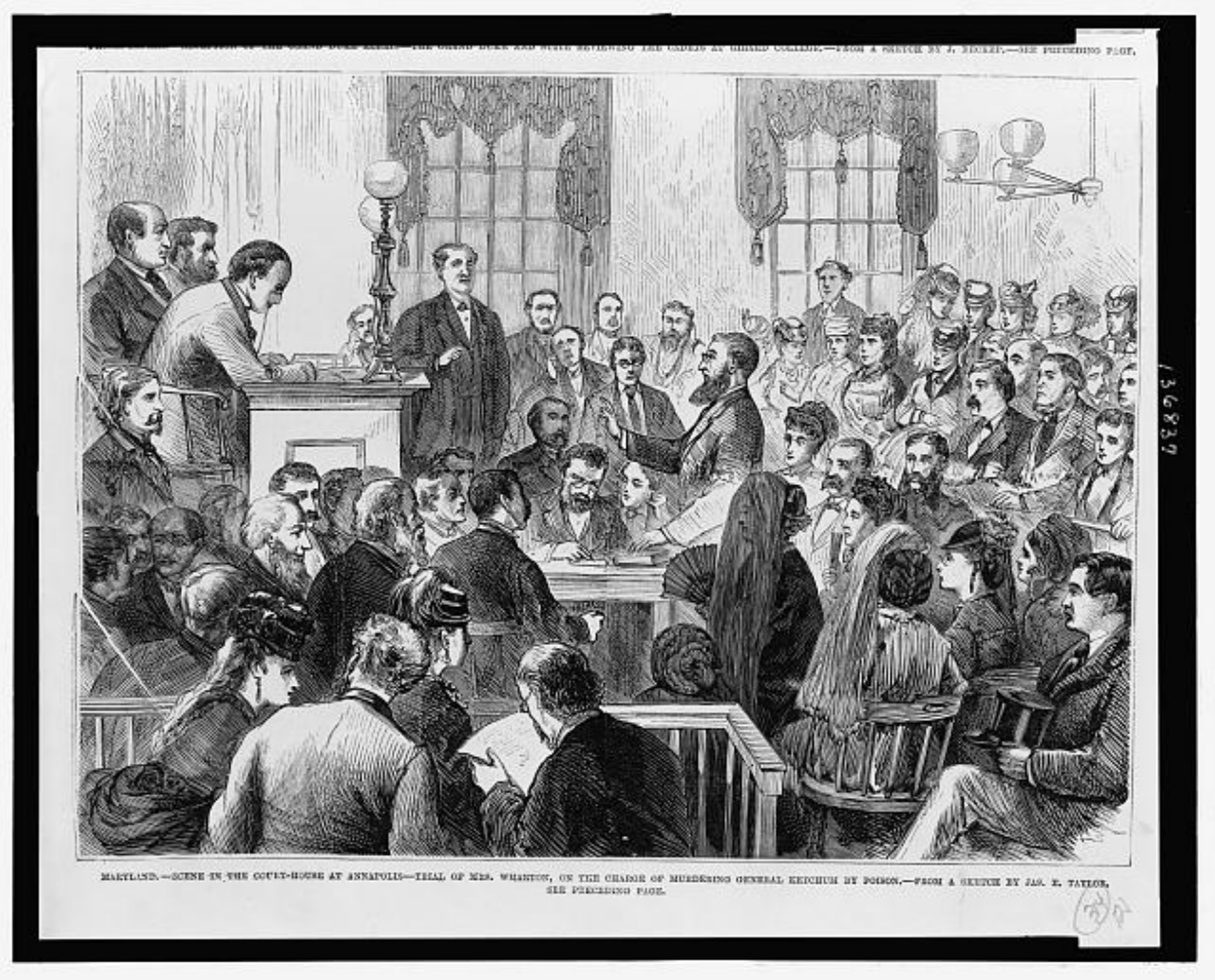
---

[25] Paula Uruburu, *American Eve: Evelyn Nesbit, Stanford White: The Birth of the "It" Girl and the Crime of the Century* (New York: Riverhead Books, 2008).
[26] Judith Knelman, *Twisting in the Wind* . (Toronto: University of Toronto Press, 1998).

she played up her femininity during the trial, even using the press to her advantage under the advice of legal counsel. The medical testimony is telling about the time period as well. The jurors were confused by the conflicting reports given by medical examiners, doctors, and chemists. Forensic science was a brand new field at the time, and medical evidence was just being brought to bear in the court systems.

This thesis will contribute to the historiography by centering on the publicity surrounding Wharton's case and comparing it to other cases. Mrs. Wharton's upper class position is another unique facet of the paper, as much more has been written about working class women who poison their victims. The paper will not just be a narrative of an extraordinary case, but also an analysis of female poisoners based on gender, class, race, and media. I will argue that Wharton's legal team used her social status as an upper class lady as her primary defense. She was acquitted despite substantial evidence of her guilt because she was a lady, but other women were hanged for the same crimes primarily because as working class women they could not claim the same privileges as Wharton.

Chapter 2: The Wharton Trial



Maryland - Scene in the Court-House at Annapolis - Trial of Mrs. Wharton on the charge of murdering General Ketchum by poison
Library of Congress Prints and Photographs Division LC-USZ62-136837

Facts of the Case

Mrs. Elizabeth Wharton knew General W. S. Ketchum for many years as he was a friend of her late husband who was also an officer and a fellow graduate of West Point. After the death of Major Wharton, the two families remained close and

Ketchum regularly lent money to Mrs. Wharton. Her debt to him in 1870 at the time of his death totaled $2,600.[27] Mrs. Wharton had always made her payments promptly, but was unable to make her next semi-annual installment as she was leaving for a vacation in Europe and did not have the money to pay at the time. General Ketchum came to her home in Baltimore before she left to ask her to pay her next installment before departing for her cruise.

When General Ketchum arrived at Mrs. Wharton's home on June 23rd 1870 it was already filled with guests, who were the friends and family of Mr. Eugene Van Ness, who lay ill in Mrs. Wharton's guest room. Mr. Van Ness was Mrs. Wharton's accountant and a friend of the family and had suddenly fallen ill, complaining of stomach pains while he was at Mrs. Wharton's residence on June 21st, just two days prior to Ketchum's arrival. General Ketchum was greeted by Mrs. Wharton and ate and drank food she gave him and immediately fell ill. He too stayed upstairs and vomited several times when Mrs. Wharton dispatched a physician to her home. Dr. S. C. Chew prescribed medicine to both men, which was filled, and both men reported feeling better.[28] On June 28th General Ketchum drank some tea with the prescribed medicine administered by Mrs. Wharton and once again fell violently ill, this time dying immediately. His family demanded a post mortem examination which revealed the presence of tartar emetic in his stomach.[29] With this discovery, Eugene Van Ness'

[27] This was disputed by Mrs. Wharton, who claimed that she had paid her debt already and that General Ketchum was becoming forgetful and careless with his books. All evidence showed that she had not paid her debt."The Wharton Trial." *The New York Times*, January 20, 1872.
[28] This too was disputed by various witnesses; one of Wharton's relatives, Mrs. Nugent claimed that Ketchum had been progressively worse since the doctor visited.
[29] General Ketchum's brother-in-law was the Paymaster General at the time of his death and initiated the examination on the insistence of Mrs. Ketchum who thought that Mrs. Wharton was acting strangely. Defense wanted to throw out this exam, claiming that it was not done under the coroner's inquest.

wife took a glass of beer that was offered to her ailing husband directly from Mrs. Wharton on the date that General Ketchum died and had the contents examined.[30] The reason that Mr. Van Ness did not drink the glass of beer when it was offered was when he took the first sip of it, his throat and mouth burned. He told his wife that "she must be trying to poison me," which some witnesses asserted must have been a joke. The beer was found to contain 15 grains of tartar emetic, which Mrs. Wharton admitted to recently purchasing.[31] White sediment consistent with tartar emetic was also found in a milk punch that Mrs. Wharton served to all of her guests the same night, June 28th. Several complained of stomach upset and an odd taste. Suspicion was first directed at Ellen Dederick, one of Mrs. Wharton's black domestic servants. During her testimony, Mrs. Van Ness explained that such an act of poisoning was thought to be beneath the conduct of a lady, so naturally they suspected the help.[32] Tartar emetic was a substance that was commonly used in small quantities when a person was ill to induce vomiting and rid the body of toxins. Though it was a poison, tartar emetic was readily available and sold in drugstores without a prescription.[33] A bench warrant was issued immediately for Mrs. Wharton's arrest.

Baltimore Society in the 1870's

Mrs. Wharton was born into a wealthy family in Philadelphia. Her maiden name was Miss Elizabeth Nugent and her father was a successful merchant, the wealthiest in the city.[34] Her brother, Dr. Nugent, was a well-known physician

---

[30]. "The Wharton Trial." *The New York Times*, January 18, 1873.
[31] The Trial of Mrs. Elizabeth G. Wharton Reported and Published by *The Baltimore Gazette,* 11.
[32] "The Wharton Trial." *The New York Times*, January 18, 1873.
[33] The Trial of Mrs. Elizabeth G. Wharton Reported and Published by *The Baltimore Gazette,* 66.
[34] "The Alleged Poisoner." *The New York Times*, July 18, 1871.

practicing in Philadelphia at the time of the trial, but he was not listed among the visitors in Annapolis.[35] Elizabeth was reportedly quite beautiful when she was young. She married Lieutenant Harry Wharton, who advanced in the military through the ranks of Captain and then Major. The Whartons were well-connected in Baltimore and also in Washington D.C. Mrs. Wharton did not visit Philadelphia or the Nugent family often after she was married.

In the first reports outside of Baltimore, Wharton was described only as one of the wealthiest, most influential, highly respectable women in Baltimore.[36] All of the parties involved in the case were well-known in Baltimore society. When Mrs. Wharton was arrested it was reported that she "has been held in high esteem in the best circles here, and it is not generally believed that she can be guilty of the charges against her."[37] All of the families who served as witnesses were well-to-do and considered high society.

General Ketchum and Eugene Van Ness were acquaintances of the Wharton family for several years. General Ketchum was a good friend of Major Wharton and Mrs. Wharton. He visited their home in Baltimore frequently and continued to do so even after Major Wharton's death.[38] Mr. Eugene Van Ness was also a close friend of the Wharton family and visited the Hamilton Place residence frequently. Both men were visiting Mrs. Wharton with the intent to stay at her home for a few days at the time of the poisoning.[39]

---

[35] "The Baltimore Tragedy." *The New York Times*, July 14, 1871.
[36] "The Baltimore Tragedy." *The Baltimore Sun*, July 13, 1871.
[37] "Washington." *The New York Times*, July 14, 1871.
[38] The Trial of Mrs. Elizabeth G. Wharton Reported and Published by *The Baltimore Gazette,* 8.
[39] The Trial of Mrs. Elizabeth G. Wharton Reported and Published by *The Baltimore Gazette,* 9.

There was nothing unusual about Mrs. Wharton borrowing money from General Ketchum. After her husband's death several friends offered to lend her money until she was able to access the life insurance money. However, Mrs. Wharton was in the habit of borrowing money quite frequently after the death of her husband. One newspaper reported a rumor that Mrs. Wharton asked some wealthy friends for money who did not extend the offer and that she was rejected. Allegedly Mrs. Wharton asked to borrow ten thousand dollars from an unnamed wealthy citizen of Baltimore with the promise of paying one thousand in interest as soon as she could access her own money.[40] Several of the witnesses in the trial were owed small sums of money by Mrs. Wharton, who may have been unable to keep herself in the lifestyle she was accustomed to after her husband passed away. Following Major Wharton's death, General Ketchum lent money to Mrs. Wharton on several separate occasions. She always paid him back on time and the records of her accountant, Mr. Van Ness, also confirmed that she had previously borrowed large sums and paid them off.

The Trial

Mrs. Wharton had the best attorneys money could buy procured for her by her friends immediately after her arrest. Defense attorneys, Mr. Nevitt Steele and Mr. Alex Hagner, were appointed by the Honorable Andrew K. Syester, the acting Attorney General of Maryland who led her defense team. Mr. Revell was the lead prosecutor. Her friends also took care to keep details of the case secret from the press at the time of her arrest.[41] Key facts of the case were not published in the newspapers

[40] "The Alleged Poisoner." *The New York Times*, July 18, 1871.
[41] "The Baltimore Tragedy." *The Baltimore Sun*, July 13, 1871.

until it came out in the trial reports, such as the fact that Mrs. Wharton was the one who served the punch or that it had a white residue at the bottom. Supposedly her friends were worried about "exaggerated or injurious" reports being printed in the news.[42]

Still, her legal team could not prevent other former friends and family members from writing directly to the press with their suspicions. Mrs. J. Wharton, Elizabeth's sister-in-law, wrote the *Times* and the *Sun* stating that her daughter and husband were fatally poisoned by Elizabeth Wharton after she borrowed $2,500 from the family.[43]A neighbor came forth stating that she too lent money to Mrs. Wharton, and when she went to her house to collect the sum, she fell violently ill and began vomiting. When a doctor was called, he allegedly told her to go home because there had been "enough death and illness in this house already."[44] The press and public opinion seemed very much against Mrs. Wharton immediately after the arrest. From mid- July through August new charges were printed daily that she had poisoned some other acquaintance, neighbor, or family member after borrowing money. She was even accused of refusing to pay women in her employ, sending them home instead with poisoned food or drink, which was presumed to have killed at least one seamstress. Her own pastor had to ask the church congregation at Grace Episcopal Church to suspend their judgments against her and let the court decide her guilt or innocence.[45]

---

[42] The Trial of Mrs. Elizabeth G. Wharton Reported and Published by *The Baltimore Gazette.*
[43] "Mrs. E. G. Wharton." *The New York Times*, July 25, 1871. "The Wharton Trial." *The Baltimore Sun*, July 25, 1871.
[44] "The Wharton Trial." *The Baltimore Sun*, July 18, 1871.
[45] "Further Rumors Respecting the Charges Against Mrs. Wharton." *The Baltimore American*, August 2, 1871.

The trial lasted forty-three days and was well-attended by many of the highest-ranking members of society from Baltimore, Annapolis, and Washington, D.C. Women especially crowded the courtroom, showing "intense interest" even during the "monotonous" and "tedious" days of medical testimony.[46] Even substantial snow storms did not dampen the public interest in attending the Wharton trial. Over one hundred witnesses were called, many were medical experts, and many more were character witnesses for Mrs. Wharton, who testified that her reputation was beyond reproach.

The Prosecution's Arguments

The prosecution sought to establish Mrs. Wharton's motive in the murder. General Ketchum lent Mrs. Wharton $2,600, as he was close with her late husband in the military during their fighting in the Civil War. Mrs. Wharton failed to make the last payment and was planning to leave the country for an extended vacation in Europe immediately after she met with General Ketchum. He carried the note of her debt with him to her house, but it was never found after he died. All of his other debt notes were found meticulously in order. Mrs. Snowden testified that she had seen Mrs. Wharton at the fireplace suspiciously burning what appeared to be the note of debt.[47] After his death, Mrs. Wharton also lodged a $4,000 claim against Ketchum's estate. She approached his grieving eldest son within days of his father's death stating she paid off her debts and gave the General several government bonds totaling that amount to hold for safekeeping before his death; the claim was thrown out as having

[46] The Trial of Mrs. Elizabeth G. Wharton Reported and Published by *The Baltimore Gazette,* 15, 156.
[47] The Trial of Mrs. Elizabeth G. Wharton Reported and Published by *The Baltimore Gazette,* 38.

no basis.[48] She then left the house without paying proper respects to the ladies of the house who were still in mourning, saying that her purpose in visiting was one of business.[49]

Several witnesses were called who were present in Wharton's home during the alleged poisoning. Mrs. Chubb, a friend of General Ketchum's who went with him to visit Mrs. Wharton at the time that he died, testified that Wharton was acting strangely before she administered his medicine. Mrs. Wharton took the medicine out of the room and mixed it so that no one else could see it. Mrs. Chubb and two other witnesses, Mrs. Snowden and Mrs. Hutton, stated that the medicine looked odd in color and consistency and was not the same yellow jasmine tincture that they saw the doctor give Ketchum earlier. Doctor Williams specifically stated that his dose must be administered no earlier than one o'clock. Mrs. Wharton began insisting that she administer his medicine at noon and asked to administer it five times between noon and one o'clock. As she administered the medicine, Ketchum immediately reacted, convulsing and screaming "Don't, don't!" while scratching frantically at his own throat until it bled. Immediately afterwards, Mrs. Wharton took the teacup she mixed his medicine in and cleaned it out, which the witnesses supposed she did "so that there was no evidence" of the poison.[50] According to Mrs. Hutton, after her arrest, Mrs. Wharton also tried to bribe her into lying under oath about the administration of Ketchum's medicine. She testified that "she endeavored that I not speak with anyone about the medicine administered to General Ketchum."[51]

---

[48] "Examination of Witnesses." *The New York Times*, December 7, 1871.
[49] "The Wharton Trial." *The New York Times*, December 12, 1871.
[50] "The Wharton Trial." *The New York Times*, January 24, 1872.
[51] The Trial of Mrs. Elizabeth G. Wharton Reported and Published by *The Baltimore Gazette,* 16.

Most of the prosecution's testimony came from expert witness Professor William E. A. Aiken of the University of Maryland, who examined the body of General Ketchum and found 20 pellets of tartar emetic poison. Mrs. Wharton purchased two quantities of tartar emetic on the day that General Ketchum died and over 60 pellets the week before, claiming that she spilled the previous dose. When questioned, Mrs. Wharton made contradictory statements about her whereabouts and the quantities of tartar emetic she had purchased.

The prosecution argued that Mrs. Wharton did not behave in the manner expected of a woman of her station. The question that was asked several times during the closing argument was "did Mrs. Wharton act as an innocent woman"?[52] Mrs. Wharton seemed quite anxious and demanded that she be the one to administer General Ketchum's prescribed medicine. She became pushy and demanding to the other women in attendance according to Mrs. Snowden, even breaking Mr. Snowden's watch because she wanted to give Ketchum the medicine early. In the immediate aftermath of General Ketchum's death, Mrs. Wharton, rather than showing the concern that one may expect a woman to show when a long time friend dies, registered no emotion. She instead asked repeatedly about her trip to Europe, and was concerned that this would delay her trip. Once the investigation began and even after she was in jail Mrs. Wharton asked authorities to release her and allow her to leave the country for Europe.[53]

[52] The Trial of Mrs. Elizabeth G. Wharton Reported and Published by *The Baltimore Gazette,* 166.
[53] "The Baltimore Tragedy." *The New York Times*, July 14, 1871.

The State's Attorney was very well aware of the significance of Wharton's gender in the case and that it might weigh heavily on the minds of the jurors. In his closing statement, Mr. Revell asked that they not be afraid to find a lady guilty.

> Although a woman is the accused, sympathy cannot govern you, but you must steel your hearts against merciful considerations and be guided by the evidence and justice. A woman has no more claim to mercy than one of the masculine sex, because when she once falls from the exalted position in which God her maker placed her and intended she should reign supreme, she falls like Lucifer, never to return.[54]

The prosecution described Mrs. Wharton as an "artful and designing woman" who was cold and calculating.[55] Revell questioned Wharton's character as a respectable Christian woman.

In the courtroom, Wharton's motherhood became a prominent symbol. The cult of domesticity and pure womanhood demanded that women be virtuous and upright so that they could raise their children well.[56] With her daughter by her side, Mrs. Wharton appeared to be a good mother and her attorneys cultivated that image. Newspaper reports commented that Miss Wharton's "filial devotion to her mother was as rare as it was beautiful."[57] However, it was mentioned in the courtroom by two witnesses and in the press several times that Wharton had two other sons and a daughter who had died suddenly under mysterious circumstances, mirroring the symptoms of General Ketchum.[58] Discussion of any death other than General Ketchum's at Wharton's Hampton Place residence were disallowed during her trial.

---

[54] The Trial of Mrs. Elizabeth G. Wharton Reported and Published by *The Baltimore Gazette,* 166.
[55] The Trial of Mrs. Elizabeth G. Wharton Reported and Published by *The Baltimore Gazette,* 167.
[56] Barbara Welter. "The Cult of True Womanhood: 1820-1860," *American Quarterly* 18 (2) (1966): 155.
[57] "The Wharton Mystery." *The New York Times*, August 17, 1871.
[58] "The Case of Mrs. Wharton." *The New York Times*, September 23, 1871.

The Defense's Case

The defense team did not rely on evidence in their case, but appealed to gender norms, and their basic argument was that a pious respectable woman like Mrs. Wharton would never be able to carry out the heinous crimes of which she was accused. The defense presented no physical evidence, and no witnesses to the crime except to serve as character witnesses. The rebuttal to the prosecution's evidence was merely an attempt to discredit the expert witnesses, rule various pieces of evidence as inadmissible, and state that all of the evidence was circumstantial. Most of the trial for both the State's Attorney and the Defense Attorney was competing claims made by medical or chemical experts and readings from chemistry textbooks on the symptoms of poisoning. The defense gave no opening statement beyond Mr. Steele stating that the jury would no doubt render a verdict of acquittal once they heard the case.[59]

At the beginning of the trial, the defense team did little to cast doubt on Mrs. Wharton's guilt. Mr. Revell mounted a solid case, and based on the testimony of the witnesses at the Wharton residence, there seemed to be no other plausible explanation for General Ketchum's death but that Mrs. Wharton had poisoned him. One flaw in the prosecution's case was that it relied mainly on forensic experts, who presented confusing, and often conflicting, medical testimony from many expert witnesses. This was especially problematic given that forensics was a relatively new field and the use of forensic experts in courtrooms was a recent development in the mid-nineteenth

[59] The Trial of Mrs. Elizabeth G. Wharton Reported and Published by *The Baltimore Gazette.*

century.[60] Though the medical experts like Dr. Aiken who testified in the Wharton trial were considered to be the best in their field, they were not accorded much respect by the public. Dr. Aiken was asked repeatedly whether his cleaning staff may have had access to the contents of General Ketchum's stomach as though that access alone proved that his testimony was invalid.[61]

The press routinely commented during the twenty four days of medical testimony that the case was uneventful, hard to follow, and dragged out. Still, the courtroom was filled each day with spectators. The defense used the confusion surrounding the medical testimony to their advantage, arguing that it was possible General Ketchum was not poisoned. Mr. Steele brought in a toxicology expert to testify for the defense, Professor Reese, who stated that though he had not examined General Ketchum, he could easily have died from a previously existing disease.[62] Two other experts testified that he could have contracted spinal meningitis, and that could have been the cause of his quick demise.[63] The defense also pointed to the fact that General Ketchum took his own vial of laudanum and opium to ease his suffering and that he may have overdosed on these by mistake. The prosecution called this assertion pure speculation and "a hypothetical case".[64]

During the state's presentation of evidence, the defense pointed to the constant presence of Miss Nellie Wharton, Elizabeth's only daughter, who attended her mother day and night. Nellie remained by her mother's side each day of the trial and spent

---

[60] Deborah Blum, *The Poisoner's Handbook: Murder and The Birth of Forensic Medicine in Jazz Age New York.* (New York: Penguin Books, 2010), 3.
[61] The Trial of Mrs. Elizabeth G. Wharton Reported and Published by *The Baltimore Gazette, 66.*
[62] "The Wharton Trial: Continuation of the Examination of Medical Experts" *The New York Times*, January 3, 1872.
[63] "Mrs. Wharton's Case." *The New York Times*, January 9, 1872.
[64] "The Wharton Case." *The New York Times*, January 16, 1872.

each night in her mother's prison cell. Defense lawyer Mr. Steele stated that all sympathies were with Miss Wharton and that her character was such that "no accusing word can be whispered against her" regardless of the prejudices that surround her mother.[65] Despite the fact that Nellie had nothing to do with the case, Steele stated that this type of devotion spoke volumes about the type of lady the accused Mrs. Wharton was. He directed the jury to look at Nellie Wharton who clung to her mother and see that if Mrs. Wharton were found guilty they would "bury her in a common grave with her mother."[66]

Once the prosecution rested its case, the defense built their case on the testimony of Wharton's friends. The character witnesses brought in after the medical witnesses testified that Mrs. Wharton was a kind Christian woman.[67] The first witness, Miss Mayer, testified that Wharton had an excellent reputation as a "generous lady."[68] Another, Dr. Simpson, testified that she was "perfectly correct and proper; no lady enjoyed a higher reputation."[69] Colonel Wallace gave the same opinion, stating that Wharton's reputation extended to all classes of people.[70] One after another, over forty witnesses were called. Each witness stated that he or she knew Mrs. Wharton for years and used the same three words over and over to describe Mrs. Wharton: amiable, kind, and humane. Mr. Steele did not ask the witnesses about these three traits, but without fail each witness, from female friends

[65] The Trial of Mrs. Elizabeth G. Wharton Reported and Published by *The Baltimore Gazette*, 64.
[66] Ibid., 150.
[67] Ibid. Her devout Christianity was mentioned by three female witnesses called by the defense: Mrs. Jennifer Mayer, her servant Susan Jacobs, and her own daughter Nellie Wharton.
[68] Ibid., 77.
[69] Ibid., 126.
[70] Ibid., 129.

to high ranking military men used those same words as if they were coached.[71] Other adjectives were also used to describe Mrs. Wharton: loyal, gentle, upright, religious, charitable, and affectionate. All were the characteristics of a true woman, one whose propriety was beyond reproach. Mr. Neilson stated that "her reputation as a lady was such as very few women have ever enjoyed; it was as high as it can be."[72] After each character witness was called, Mrs. Wharton's attorney asked whether he or she considered Wharton capable the crimes she stood accused of, and each time the State's Attorney objected.

Further, the defense mentioned repeatedly throughout the trial the ills and horrible effects the long imprisonment and trial had on a lady of Wharton's standing. The defense asked several times for Wharton to be released from prison before the trial or to be moved if she must be imprisoned because she was exposed nightly to the shrieks and cries of the poor in the prison, which prevented her from sleeping.[73] She was ultimately removed to the tower of the prison in Annapolis and given access to a private stairway to the tower and a private carriage so that she would not have to come into contact with other prisoners. She had her meals delivered at her own expense by Black's Restaurant and also hired a servant for her quarters.[74] Mr. Steele clearly stated that it was not Mrs. Wharton herself asking for these accommodations, rather that she begged him for no preferential treatment owing to her class.[75] Mrs. Wharton was repeatedly described in the press as being perfectly composed, never showing signs of crying during the trial, and maintaining her dignity. The press stated

[71] Ibid.
[72] Ibid., 130.
[73] "The Wharton Mystery." *The Baltimore American*, August 17, 1871.
[74] "The Wharton Trial." *The New York Times*, December 11, 1871.
[75] "The Case of Mrs. Wharton." *The Baltimore American*, August 5, 1871.

that she "appeared as a woman accustomed to disciplining her feelings and the exercise of perfect control."[76]

After the thirty-seventh day of testimony, closing statements began. The State's Attorney, Mr. Revell, stated that the jury must steel their hearts and give a fair verdict and she "deserved no clemency simply because she is a woman."[77] In his closing statement to the jury the Defense Attorney, Mr. Steele, stated that Mrs. Wharton had been through the worst thing that any "true lady" could go through. He said that given her long imprisonment and the nature of the accusations against her, he doubted that Mrs. Wharton could ever be happy again.[78] Her legal team and the press described Mrs. Wharton as being frail and in ill health owing to the trauma she experienced and a previous health condition.[79] Her attorneys used the phrase "victim of circumstance" repeatedly during the proceedings. Mr. Steele concluded by asking members of the jury to think of their daughters, wives, and sisters and the treatment they would have for the women in their lives. He remarked on Mrs. Wharton's good name, stating that "it might as well be expected that a stream would flow up a hill as that a woman of such character would commit a crime."[80]

During the trial, the press published letters directly from Wharton's attorneys using gendered language to support Mrs. Wharton as more charges were brought to light. The attorneys claimed that she was of "pure character" and carried herself with

[76] "The Poisoning Case." *The Baltimore Sun*, July 17, 1871.
[77] The Trial of Mrs. Elizabeth G. Wharton Reported and Published by *The Baltimore Gazette,* 149.
[78] "The Wharton Trial." *The New York Times*, January 23, 1872.
[79] No specific illness was mentioned, but several times it was alluded to that she was frail and weak. The press speculated that she was suffering from a liver ailment. "The Baltimore Tragedy." *The New York Times*, July 14, 1871.
[80] The Trial of Mrs. Elizabeth G. Wharton Reported and Published by *The Baltimore Gazette,* 158.

grace and humility.[81] Her friends and supporters also wrote that she was a woman with impeccable manners and all that knew her knew that she was incapable of such a crime.[82] The court reporters wrote that "for the first time in the history of Maryland has a woman of Mrs. Wharton's social rank been called to answer the charge of murder."[83]

Female poisoners are typically not the kind of woman that the prosecution portrayed Mrs. Wharton to be. Females accused of murder in the nineteenth century were often guilty of other transgressions and violations of gender norms before they were accused of being poisoners.[84] Poisoning was considered a feminine crime. It was less confrontational and there were many more accounts of women using poison than otherwise physically assaulting their victims. During the Gilded Age, *The Baltimore Sun* reported dozens of cases of alleged poisoning committed by women in Maryland, and only two instances of women shooting their victims. Even earlier, during the antebellum time period, literature on female poisoners became somewhat fashionable, selling many copies. Dime novels for women were published and gained popularity in the 1850's. Of those that targeted a female audience, the primary storyline was romance, but many also featured sensationalized accounts of murder, particularly

[81] "The Case of Mrs. Wharton." *The New York Times*, September 23, 1871.
[82] "The Case of Mrs. Wharton." *The New York Times*, September 18, 1871.
[83] Ibid.
[84] Crosby finds that women accused of poisoning were often accused of sexual deviance and deceit first, and these became narrative archetypes. The female poisoner became a symbol in many literary works of the antebellum era.
Sara Lynn Crosby. "Poisonous mixtures: Gender, race, empire, and cultural authority in antebellum female poisoner literature." University of Notre Dame, 2005.

when the romance soured between the characters.[85] Scorned females often turned to poison and most of the time in these stories the victim was her husband or lover.[86]

Books on poisoning featured almost exclusively female murderers, characterized as inherently dangerous to men, deceitful and insidious.[87] These commercial and entertaining short stories, like those of the cult of true womanhood, typically included morals that reflected proper gender roles.[88] The perpetrators were generally women who were on the periphery of society because of their low social class or their inability to adhere to gender norms.[89] These women were fallen women, and were often sexually promiscuous. By all accounts, Mrs. Wharton was none of these things.

Wharton had been described by acquaintances as being odd at times, but she was not considered dangerous by her friends who resented her being seen as a common criminal.[90] Murder and crime had become associated with the poorer classes of Baltimore in the press for years. The newspapers initially stated that the public was shocked that such a crime was associated with someone of the refinement and education of Baltimore's upper society.[91] Moreover, unlike the infamous female

---

[85] http://chnm.gmu.edu/dimenovels/the-american-womens-dime-novel#women The American Women's Dime Novel Project has a database of novels and a description of the history of the dime novel.

[86] Popular titles from the database include *A Beautiful Fiend, A Daughter of Darkness, A Fatal Past, Could He Have Known, Her Husband's Ghost, His Perfect Trust,* and others. These stories were all published between 1870 and 1920. The genre continued to be very popular and ultimately sold well among working-class women.

[87] Women were thought to be especially prone to using poison in domestic situations. One nineteenth century reporter stated that "This method of death has always been a favorite one in the female mind" as cited in Ann Jones. *Women Who Kill*. (Boston: Beacon Press, 1996), pg. 103.

[88] Papke, David Ray. *Framing the Criminal: Crime, Cultural Work and the Loss of Critical Perspective, 1830-1900*. (Hamden: Archon Books, 1987) 21-32.

[89] Ibid.

[90] "The Wharton Trial" *The New York Times*, July 18, 1871.

[91] *The Baltimore Sun* and *The New York Times* both reported these phrases in their editorials on July 16th and July 18th 1871 respectively.

upper class poisoners of most literary works or from history like Lucretia Borgia, Wharton's motive was not passion, jealousy, or revenge, but was merely financial.[92] Much speculation over Wharton's actual net worth and assets played out in the press. Even those who knew her well ascertained that she was well off due to her lavish spending, and could not speak to the source of her wealth.[93]

Experts

In 1871, courtrooms were a male-dominated world. All of the jurors were male, all attorneys, medical witnesses, judges, were male. The interpretation of laws in court rulings and even the formation of laws to which women were subjected excluded them from the process entirely. Other groups of course were also disenfranchised. The law was a white, male, middle-class construct.[94] Though Mrs. Wharton was upper class, the privilege that gave her depended entirely on her lawyers' abilities to convince the jury that she was a respectable woman. Her fate rest entirely in the hands of the men she entrusted to her defense.[95]

The view of women and their position in the legal system was paternalistic. Women were supposed to be protected under the law. Women were also thought to need protection from themselves, for it was well known that they were inherently

[92] The Baltimore Borgias became Mrs. Wharton's title in the press from other cities."The Baltimore Borgias." *The New York Times*, July 18, 1871.
[93] Wharton did not own her Eutaw Street estate, which was instead willed to her daughter. The $35,000 life insurance policy was believed to have been used to pay off her already large debt. She did collect $25 a month from her husband's pension, but that was her only source of income.
[94] A Cheree Carlson. *The Crimes of Womanhood: Defining Femininity in a Court of Law.* (Chicago IL: University of Illinois Press, 2009), 4.
[95] Mrs. Wharton commented several times that she had the utmost confidence in her legal team., who she declared were respectable gentlemen. The Trial of Mrs. Elizabeth G. Wharton Reported and Published by *The Baltimore Gazette.* 6, 31.

more prone to insanity.[96] The differential treatment of women in the legal system during all periods of American history and particularly in the nineteenth century has become well documented by feminists and female criminologists.[97] Insanity was believed to be a variant or alternative behavior commonly seen in women.[98]

One week into the trial, Wharton's defense team attempted to declare her temporarily insane at the time of the alleged poisoning. Wharton read about it in the papers and was distraught, begging her daughter to write the press. She was adamant that she was not insane at any point in her life.[99] Insanity was, in the nineteenth century, both a medical and a legal question. In the courtrooms, lawyers and psychiatrists often conflicted over the definitions of insanity.[100] Typically lawyers held more authority than medical professionals in deciding whether a client was insane or mentally fit to stand trial. Lawyers could also generally find a medical witness who was amenable to help make their case. However, as the nineteenth century went on, the role of doctors in legal matters grew enormously as did the specialization within the medical field.[101] Issues of medical jurisprudence increasingly involved issues of insanity into the twentieth century as a shift occurred

---

[96] See for example the cases of Elizabeth Parsons Ware Packard, Mary Harris, and Mary Todd Lincoln in
A Cheree Carlson. *The Crimes of Womanhood: Defining Femininity in a Court of Law.* (Chicago IL: University of Illinois Press, 2009).
[97] Carol Smart. *Women, Crime and Criminology: A Feminist Critique*. (London: Routledge, 1976).
[98] Ibid., 43. Smart uses case studies to document the number of females as defendants and the number or convictions and acquittals using data from court records. Women were twenty times more likely than men to use a plea of insanity in the United Kingdom during the early twentieth century.
[99] "The Case of Mrs. Wharton." *The Baltimore American*, August 5, 1871.
[100] Alan Rogers. "Murders and Madness: Law and Medicine in Nineteenth-Century Massachusetts." *Proceedings of the Massachusetts Historical Society.* Volume 106 (1994): 54-56.
[101] James Mohr, *Doctors and the Law: Medical Jurisprudence in Nineteenth-Century America*. (Baltimore: Johns Hopkins University Press, 1996), 57.

placing more credence in the hands of physicians in determining insanity than lawyers.[102]

Though Mrs. Wharton refused to be examined by a doctor for insanity, there were signs from her early life that many without medical degrees interpreted as possible indicators of her mental state. As a girl, Miss Elizabeth Nugent (Wharton's maiden name) was born into wealth and was known to be a lavish spender. She quickly became the belle of Philadelphia society. As a teenager, she was forcibly admitted into an asylum by her father stemming from an imaginary engagement.[103] She planned her wedding to a Mr. Williamson, bought a dress, and sent out invitations to friends and relatives. When the date of the wedding arrived, the groom did not show. He was sent for that night by the Nugent family and explained that he was unaware of any marriage or engagement with Elizabeth.[104] She fabricated the story entirely and her family was humiliated. Her father decided to admit her into an asylum involuntarily. She ran away and married Lieutenant Wharton in Baltimore without notifying her family.[105] He later became a Major and the Assistant Paymaster of the US Army. No problems in their marriage were ever reported or known to their friends. Her father assumed that she had been temporarily insane like his sister had been for protracted periods.[106]

The press reported that friends and her attorneys worried that immediately after the murders Mrs. Wharton exhibited signs of insanity again. She registered no

---

[102] Ibid., 64.
[103] She was placed in the Asylum for the Insane outside of Philadelphia "The Case of Mrs. Wharton." *The New York Times*, September 23, 1871.
[104] "The Alleged Poisoner." *The New York Times*, July 18, 1871.
[105] *The Philadelphia Enquirer* states that Wharton spent time in the Asylum, while *The Baltimore Sun* and *The New York Times* reported that she ran away before she was placed in the Asylum. All papers are dated July16- July 18 1871 just after the first reports of her arrest.
[106] "Mrs. Wharton." *The Baltimore Sun,* July 16, 1871.

emotion whatsoever when charges were pressed or when she was arrested. Further, she began writing odd correspondence to friends. The week that the bench warrant was issued, she offered to pay two male friends large sums of money to marry her and take her away to Europe.[107] No medical experts were called to testify to the sanity of Mrs. Wharton or her ability to stand trial. Her lawyers decided not to use the insanity defense.

Toxicology

The history of toxicology and its use in nineteenth and early twentieth century courtrooms has become a burgeoning field of study for historians. Until that time, few tools existed for detecting poison in a human body.[108] Metallic poisons were the first to be isolated in corpses and began to be used as evidence in court cases around 1840.[109] The field of toxicology was still in its infancy in the United States in the 1870's. During the Wharton case, the preeminent toxicologist, Professor Aiken, largely used the appearance of General Ketchum's organs in determining cause of death. He argued that the brownish color of the stomach coupled with spots on the liver were consistent with poisoning, but could not be sure which type of poison without testing. The first test performed was a test for the presence of arsenic or a metallic poison. When ingested, whether slowly or abruptly, arsenic leaves little traces of metal which are visible under a microscope and reactive with other metal

[107] As reported in "The Alleged Poisoner." *The New York Times*, July 18, 1871.
[108] Blum, Deborah. *The Poisoner's Handbook: Murder and The Birth of Forensic Medicine in Jazz Age New York.* (New York: Penguin Books, 2010), 1-2.
[109] Ibid, 2.

substances.[110] Most of the gains in identifying new types of poisons and chemically isolating or testing reactions within bodies came out of Europe and were copied in America.[111] The first copies of English translations of the findings of the most renowned father of toxicology, Orfila, first were published in Philadelphia and Baltimore in the 1840's.[112] His findings on poison, and specifically a list of the symptoms that might accompany the death of a person who had been poisoned, were read by both the prosecution and defense attorneys at the Wharton trial. Though medical experts are common witnesses today and their professional opinions are well respected, that was not the case during Wharton's trial.

Tartar Emetic is a metallic poison made up of tartrate of potassa and antimony. It is poisonous when ingested, but was not a common method of poisoning in the 1870's with fewer than two in five hundred cases of poisoning stemming from tartar emetic.[113] Arsenic remained the most common and easily traceable method of poison, and as a result very few doctors had any experience with other types of poison.[114] Newspaper coverage from the *Baltimore Sun* contemporary to the Wharton case reported frequently on the use of arsenic for apparent suicides. According to the expert witnesses in the Wharton trial, ten or fifteen grains of tartar emetic are enough to produce certain fatality. However, forensic experts were a new field in the courtroom during the 1870's. Medical experts' techniques for identifying poison were rudimentary. For example, on day seven of the trial, Dr. Aiken testified that he tasted

---

[110] Ibid., 85.
[111] Ibid., 3.
[112] James Mohr, *Doctors and the Law: Medical Jurisprudence in Nineteenth-Century America*. (Baltimore: Johns Hopkins University Press, 1996), pg. 25.
[113] Miscellaneous. *Baltimore Medical Journal.* 1870. Pg. 65.
[114] Dr. Aiken's testimony, The Trial of Mrs. Elizabeth G. Wharton Reported and Published by *The Baltimore Gazette.* Pg. 32.

the white residue left in the glass of beer offered to Mr. Van Ness. He then chewed a tablet of arsenic and a tablet of tartar emetic to compare the biting bitter metallic taste.[115] He also ruled out death by natural causes or pre-existing disease because when examined Ketchum's organs looked healthy. Later witnesses brought to the stand provided conflicting accounts of poisoning by tartar emetic stating that more poison would have needed to be ingested to have killed General Ketchum. Indeed, even deciding what constituted poison in the nineteenth century could be problematic as many innocuous substances could be toxic when ingested in large quantities.[116]

The first medical witness brought up to the stand was the doctor who treated and prescribed General Ketchum medicine. Dr. Williams testified that Ketchum's symptoms were not consistent with other types of poisoning such as laudanum or opium, and that he had no previous experience with tartar emetic, so prescribed yellow jasmine to soothe Ketchum.[117] The fatal dose of tartar emetic in this case was allegedly administered by Mrs. Wharton with the prescribed yellow jasmine. She sent for vials of both yellow jasmine and tartar emetic at the same time. Mrs. Wharton routinely took tartar emetic as an external treatment for pain in her breast. She mixed it into a plaster and dipped bandages into it which she applied to her chest until dry.

Dr. Samuel P. Chew was the next doctor examined. He contradicted Dr. Williams' previous testimony on how much tartar emetic would be fatal, saying that it

---

[115] The Trial of Mrs. Elizabeth G. Wharton Reported and Published by *The Baltimore Gazette.* Pg. 36.
[116] Even salt in sufficient quantities is toxic. Common remedies to poison were themselves poisonous too. An example was studied of a man who attempted suicide by arsenic. In order to guarantee his death, the man chased the arsenic with turpentine, which was believed to be what saved his life. Ian Burney. *Poison, Detection, and the Victorian Imagination*. Manchester: Manchester University Press, 2006. Pg. 68.
[117] Yellow jasmine was, itself, a known strong vegetable poison when administered in large quantities. However, it was often prescribed anyway as a sedative by medical professionals. *Baltimore Medical Journal* 1870.

varied greatly between individual cases.[118] The defense attorneys objected to Dr. Chew being able to express his opinion on the matter after he stated that in his professional opinion General Ketchum did not die of natural causes. The defense also attempted to discredit him as he had previously been fired from work as a chemist due to alleged incompetence. Professor F. T. Miles also was sworn in and again contradicted previous testimony in how many milligrams of tartar emetic constituted one grain.[119]The press expressed concern that the medical experts were confusing and offered conflicting testimony, which may confuse the jurors and the public generally.[120] During Professor Aiken's testimony, the questions put to the medical expert sounded almost like science was on trial rather than Mrs. Wharton.

The State called many experts, who ended up producing conflicting testimony. The lawyers quoted liberally from the *Baltimore Medical Journal.* In later editions, the *Baltimore Medical Journal* expanded to include a fold-out chart at the end indicating the groupings and ways to identify known poisons.[121] Still, the practitioner conducting the tests would need an extensive background in chemistry to be able to follow the charts, so the field and terminology was difficult for lay people to understand. Medical experts testifying were not given the same authority in the courtroom that they are today. In an attempt to discredit one of the expert witnesses, Mr. Steele the defense attorney stated that "medical science is constituted of a good deal of theory."[122] He also insinuated that the medical experts who served as

[118] "The Wharton Trial." *The New York Times*, January 12, 1872.
[119] "Trial of Mrs. Wharton." *The New York Times*, December 28, 1871.
[120] "Trial of Mrs. Wharton." *The New York Times*, January 10, 1872.
[121] James Mohr, *Doctors and the Law: Medical Jurisprudence in Nineteenth-Century America*. (Baltimore: Johns Hopkins University Press, 1996), pg. 46.
[122] "Fifth Day" *The Baltimore Gazette*, December 8, 1871.

witnesses had been paid off and were receiving a fee from the prosecutors.[123] At every turn, the defense attempted to discredit the expertise of the medical experts and even went so far as to call several of the professors and doctors "frauds".[124]

The press reported frequently on accidental poisonings throughout the nineteenth century. Doctor error, mistakes with prescriptions, and "incompetent druggists" led to many accidental deaths. [125] Public opinion and trust in the medical profession was decidedly low.

Press Coverage

Trials of female criminals were typically sensationalized regardless of the crime committed, but nothing drew as much of a spectacle as when women were accused of murder. The 1870's were the very beginnings of yellow journalism, a time period when scandalous reporting became the way to sell newspapers. Coverage of female criminals was very lurid and included very specific details of the crime.[126] The newspapers and their readers were fascinated by women who violated gender roles in a manner so aberrant to their supposedly caretaking nature. Often this could be seen in the extreme polarity with which female criminals were portrayed in the press. Murderesses were typically either seen as beautiful sirens or ugly hags, and illustrations or graphic descriptions often accompanied the stories of these alleged

[123] "Defense of Mrs. Wharton: A Sharp Passage Between a Lawyer and a Doctor." *The New York Times*, January 6, 1872.
[124] "The Wharton Case" *The New York Times*, January 16, 1872.
[125] "Carelessness in Prescriptions," *The Baltimore Sun*, November 12, 1868.
[126] Knelman contends that press coverage of female murderers in England was controlled by the male power structure, and because these women violated patriarchal norms, they were portrayed in a sinister light. Judith Knelman. *Twisting in the Wind: The Murderess and the English Press*. Toronto: University of Toronto Press, 1998.

murderesses.[127] Wharton's press coverage was not so extreme in its depiction, but her physicality was commented on extensively.

Much attention in the press and apparently in the courtroom surrounded the appearance of Mrs. Wharton during the trial. By all accounts she had been a pretty woman her whole life. She wore a heavy black crepe veil during most of the trial. It was commented in all of the newspapers with great interest that her countenance was calm. When she did remove the veil, the press commented that her face was expressionless, but her "wan, pale cheeks testify to her agonized grief".[128] Her daughter, Miss Nellie Wharton, was present for every day of the trial and sat with her mother next to the witness box. She too wore a heavy black veil and was described several times in multiple accounts as being "devoted" and "dedicated" to her mother.[129] Daily each of the papers reported that Mrs. Wharton wore the veil, which prevented scrutiny of her expression, but that her posture suggested that she was calm and resigned.

The trial lasted forty three days and the jury remained sequestered over Christmas. Even when two of the jurors' parents died during the trial, they were not allowed to return home for the funerals. The court proceedings did, however, get postponed one day for the death of one juror's spouse.[130] The men on the jury were all carefully selected by the attorneys and the press reported that the men were all deemed well educated and a majority of them were farmers by profession.

---

[127] Ibid.
[128] "The Wharton Mystery." *The New York Times*, July 27, 1871.
[129] The Trial of Mrs. Elizabeth G. Wharton Reported and Published by *The Baltimore Gazette.*
[130] All of the jurors had to attend the funeral as they were ordered by the judge not to be separated. They all rode to the funeral in black carriages and were prevented from speaking to anyone. "The Wharton Trial." *The Philadelphia Inquirer*, January 8, 1872.

Throughout the trial, the well-to-do women of Annapolis were present during most of the trial. Wharton's friends from Baltimore came to court each day too. Notably, her friend Mrs. Neilson was always present next to the defendant's box for each day of the trial and was often accompanied by her husband and daughter.[131] Once the jury was ready to announce their decision, most of the women in the crowd left.[132] Some of the details of the case were gory; Ketchum ripped and tore open his own throat and stomach in his agony as he lay dying. The judge thought it best if the women left for the more delicate parts of the testimony.

Following the verdict, various papers across the country published their opinions on the Wharton case and verdict. Surprisingly, though many of the out of state newspapers were receiving via telegraph identical reports from their Baltimore correspondents, each newspaper presented a different view of the verdict. *The New York Times* accused the local Baltimore papers of writing "with excusable partiality for the lady prisoner" from the beginning and stated that the evidence against Mrs. Wharton, circumstantial though it might be, was very strong.[133] *The New York Tribune* found that when the medical experts testified "lay minds were at once confused and baffled."[134] *The New York World* stated that "the evidence which failed to convict Mrs. Wharton is just such evidence as suffices to convict other prisoners" and that it matters if a "man or woman" is being convicted.[135] *The Philadelphia Age* went even farther, clearly believing Mrs. Wharton to have been guilty:

---

[131] The Trial of Mrs. Elizabeth G. Wharton Reported and Published by *The Baltimore Gazette.* Pg. 3.
[132] "The Wharton Trial Ended." *The New York Times*, January 25, 1872.
[133] "The Wharton Trial: A Review of the Case in all Its Bearings." *The New York Times*, December 11, 1871.
[134] As cited in "The Acquittal of Mrs. Wharton: Opinions of the Press" *The Baltimore Sun,* January 26, 1872.
[135] Ibid.

> Another peculiar feature of this case was the testimony given to the character of the defendant. On this testimony, her counsel were able to argue that a lady of such excellent reputation must be incapable of poisoning anybody.[136]

Each of the newspapers seemed to support the verdict, however, given the circumstances of the trial.

Race

In the press, several comments indicated that Wharton was "no lady" even early in life.[137] Depending on the source, Mrs. Wharton was described as either "eccentric" or "delinquent". [138] One old friend wrote anonymously that the Philadelphia society did not associate with her family because of the dark hue of their skin, suggesting that Wharton was of African blood on her mother's side and this was the cause of her insanity. The letter concludes that "if it could be proved that she did inherit some African blood on her mother's side, this should tell greatly in favor of the insanity plea, as it is a well-known fact that the issue of the quadroon and white are more liable than others to become insane. This at least has become so frequently asserted that observation has compelled a recognition of its truth."[139]

This same letter stated that the young Elizabeth had a habit of behaving in a manner that "had she been born a poor girl would have consigned her to a jail cell".[140] She was thought on several occasions to have stolen from people's homes and from clothing stores as a young girl and already developed the habit of borrowing money from acquaintances when it was well known her father was very wealthy and was

---

[136] Ibid.
[137] "The Case of Mrs. Wharton." *The New York Times*, September 18, 1871, September 23, 1871.
[138] "The Case of Mrs. Wharton." *The New York Times*, September 23, 1871.
[139] Ibid.
[140] "Mrs. Wharton." *The Baltimore American,* August 26, 1871.

perceived to be a doting father happy to indulge her in her every whim.[141] The letter suggested that Wharton was indeed criminal and had received privileged treatment her whole life.

Under Jim Crow, one drop of black blood, however far back in one's family tree, meant that an individual was black. As a mixed race woman, Wharton would not have access to the privileges she enjoyed her whole life.[142] She would be barred from the high society that was so much of her identity. In Reconstruction Maryland, questioning Wharton's whiteness undermined her identity as a true woman. Black women were not above reproach; they were not considered too respectable to murder.

The first investigation made into General Ketchum's murder surrounded Wharton's domestic servants.[143] Both of the women in her employ that were in the home the night of the poisoning were interrogated by the doctor and by the grand jury. Suspicion centered especially on Ellen, a black domestic worker. She had access to the household food, and Dr. Williams testified that he was under the impression that her domestic had been using poison and that explained the number of sudden illnesses that happened in the Wharton household.[144] Wharton assured him that she had every confidence in her domestic workers and had a particularly close relationship with Ellen. Wharton's defense used this as further evidence of Mrs.

---

[141] Mr. Mulvaney, an old friend of Wharton's called the anonymous letter writer "no lady herself" and stated unequivocally that none of the events described were true. He seemed especially incensed about the claims of her race stating that she was as pure as any white in America and that her mother was of Irish descent. "The Case of Mrs. Wharton." *The Baltimore American,* September 22, 1871.
[142] Fear of mixed race marriage led many states to pass anti-miscegenation laws, which forbid marriage between a white and black couple. Many of these laws continued into the 1960's, when the *Loving v. Virginia* Supreme Court ruling found such laws unconstitutional. One of the major fears was that a black man would marry a white woman, but even a white man marrying a mixed race woman would not have been socially acceptable in the 1870's.
[143] "The Wharton Poisoning Case," *The Baltimore Sun,* December 22, 1871.
[144] The Trial of Mrs. Elizabeth G. Wharton Reported and Published by *The Baltimore Gazette.* Pg.12.

Wharton's upstanding character; in the closing remarks, Mr. Steele pointed out that she immediately cleared Ellen's name even though that meant Wharton herself would face inquest.[145]

Verdict

The charges that Wharton faced with regards to General Ketchum were murder in the first degree, carrying the possibility of execution if found guilty. Perhaps this harsh sentence was one factor in Wharton's acquittal. Women accused of all sorts of crimes were acquitted at a higher rate than men during the Gilded Age.[146] Their gender was thought to be a strong indicator of innocence, especially in violent crimes.[147] Furthermore, their sentencing was typically less harsh than men's.[148] Women were seldom executed, and only seven years before Wharton's trial, Mary Surratt, charged as a conspirator in the Lincoln assassination, became the first woman executed by the federal government.[149]

The jury took only one afternoon to make their decision. They unanimously found Elizabeth Wharton not guilty of the murder of General Ketchum. Despite the evidence of poison, Wharton's admission that she purchased tartar emetic, the strong motive for her to murder General Ketchum, and the testimony of witnesses in the home Mrs. Wharton was acquitted of murder. In the end, the conflicting accounts of

---

[145] The Trial of Mrs. Elizabeth G. Wharton Reported and Published by *The Baltimore Gazette.* Pg. 167.
[146] Randa Helfield, "Female Poisoners of the Nineteenth Century: A Study of Gender Bias in the Application of the Law,"*Osgoode Hall Law Journal* 28.1 (1990): 64.
[147] Ibid., 66.
[148] Ibid., 65.
[149] Though it does not specifically address gender in most of the cases, see Thomas McDade. *The Annals of Murder: a Bibliography of Books and Pamphlets on American Murders from Colonial Times to 1900*. (Norman: University of Oklahoma Press, 1961) for several good primary and secondary sources contextualizing Mary Surratt.

poisoning hurt the prosecution's case and the resulting lack of evidence along with her defense lawyer's appeal to traditional gender norms set her free.[150] Mrs. Wharton and her daughter remained in Annapolis at the residence of a friend awaiting the second trial. She never returned to her home in Baltimore near the Washington Monument.

There was a second trial regarding the alleged poisoning of Eugene Van Ness in 1873. The alleged motive in the Van Ness poisoning was also debt. Mr. Van Ness kept Mrs. Wharton's books and held her debt at the Alexander Brown and Sons Accounting Firm. In addition to the deceased General Ketchum, Mr. Van Ness was the only other person who knew about Mrs. Wharton's debt. The defense and prosecution teams were the same lawyers that argued the Ketchum trial. They also used the same arguments, strategy, even witnesses.[151] Since Van Ness had not died, the charges carried a sentence between two and ten years in prison if she were found guilty. The jury became deadlocked with all but two jurors voting Mrs. Wharton guilty. This second trial ended in a hung jury and Wharton was once again free.[152] No trials were ever brought forth on any of the other alleged murders.[153] Her eldest son's body was exhumed and an autopsy performed, but no conclusive evidence of poisoning was ever found.

---

[150] "The Wharton Trial." *The New York Times*, January 24, 1872.

[151] Professor Aiken remained the main medical expert for the prosecution and Professor Reese for the defense.
"The Wharton Trial." *The New York Times*, January 22, 1873.

[152] The jurors asked twice to be discharged from the trial and were refused. "The Jury in the Wharton Trial Still Out." *The New York Times*, February 1, 1873.

[153] In four years there were five mysterious deaths in Wharton's house and tens of victims of sudden illness.

During the second trial, Mrs. Wharton's devoted daughter Nellie married her first cousin Mr. Moore Wharton.[154] Immediately after she was released, Mrs. Wharton and her daughter moved in with Mr. Wharton near Philadelphia. Elizabeth resided in Pennsylvania and stayed out of the press for the rest of her life. Elizabeth Wharton died in 1890 at the age of 70.[155]

Though Wharton's high social standing caused more publicity, it also played a role in the jury's perception of her and the decision to acquit her on all charges. Mrs. Wharton's upper class standing trumped her odd behavior. As a wealthy woman, her claim to being a lady was strong enough to convince male jurors that she was not capable of the crimes committed. Contemporary female murder cases also suggest that gendered language was more effective for women of higher social standing, as they were acquitted more often than working class women. Class standing was a significant factor in convincing a jury of a woman's guilt or innocence.

[154] "The Second Trial of Mrs. Wharton." *The New York Times,* January 26, 1872.
[155] "Mrs. Wharton." *The Baltimore Sun,* May 19, 1890. No obituaries were printed in the *Baltimore Sun* or the other newspapers that I looked through. However, this brief article was located in Lauren Silberman. *Wicked Baltimore: Charm City Sin and Scandal.* (Charleston, SC: The History Press, 2011), pg. 133.

Chapter 3: Cases of Wharton's Contemporaries

Though female murder trials were not common, there were several other female poisoners on trial in the 1860s and 1870s.[156] There were thirty cases of murder by poisoning reported on by *The Baltimore Sun* between 1865 and 1877. Most of the defendants were women.[157] Mrs. Wharton's case was a unique one because many of the other females on trial were lower or middle class whereas Wharton was a wealthy socialite and the alleged motive for each of the murders was to hide a large debt. This, in large part, contributed to the wide media coverage of her trial.

I chose to examine cases of female poisoners between 1865 and 1876 because the beginning of the Gilded Age period was such a rich one. The United States experienced massive change and turmoil during Reconstruction. Intertwined with descriptions of the cases I will discuss from *The Baltimore Sun* were articles about universal suffrage and immigration. Maryland, in particular, faced a slew of other issues in the wake of the Civil War and its aftermath. Issues of race and class were very prevalent in the press coverage of other poison trials going on during the period of the Wharton trial. These cases will show Mrs. Wharton's case is not unusual in that her defense centered on her femininity, but that her claims to true womanhood were strong enough because of her social status to counteract the volume of evidence

[156] At the end of Wharton's trial, another woman was accused in Ohio of poisoning her husband, and the press compared the two women daily for almost two weeks in *The Baltimore Sun* and *The New York Times.*

[157] See Appendix B for a list of the cases reported on by *The Baltimore Sun.* This can serve as a guide for the cases referenced throughout this chapter.

against her, resulting in an acquittal. Newspapers treated female perpetrators differently based on class, social standing, and race.

Women and the Death Penalty

Women's roles in society were changing rapidly in the midst of the Gilded Age. Calls for universal suffrage and the fifteenth amendment allowing black males to vote gave rise to some demands for women's suffrage. Woman's suffrage advocates like Elizabeth Cady Stanton and Susan B. Anthony argued that if illiterate black men could vote white educated women should also be given the right. Women, of course, did not gain the right to vote until 1920. Since women had no say in the formation of laws, lawyers and judges sometimes argued that there ought to be some legal protection for women who violated those laws. In 1905, a law student wrote in to *The Baltimore Sun* arguing that very idea. He stated that men had an obligation to protect women even if they were convicted of a horrible crime because they were the weaker sex.[158]

Legally women were "protected" with different laws. Laws in Maryland for married women tended to be fairly restrictive. Whereas a single woman could own her own property and collect an inheritance, this property became the property of her husband when she married. Married women in Maryland could not hold a liquor license or sign legal contracts without their husband's signature.[159] Divorce laws were also different for men and women. In Maryland, an absolute divorce could only be granted in circumstances of adultery, abandonment, or impotence. Additionally men

[158] "A Plea For Female Murderers," *The Baltimore Sun,* February 2, 1905
[159] "Local Matters," *The Baltimore Sun,* February 16, 1875.

could request an absolute divorce on the grounds that their wife was not a virgin when they married, a provision added in 1847, or for lunacy.[160] A second type of divorce, a legislative divorce was easier to obtain, but resulted in a woman being legally bound to her ex-husband.[161] One example of a legislative divorce in Maryland from 1865 was the divorce of Martha Mackell from her husband for reasons of abandonment. The Judge of the Equity Court gave her full property rights to her father's inheritance, the property and home she inhabited during the marriage, full custody of the children, and the ability to use her maiden name. However, it was ruled that she was unable to remarry while her ex-husband was still alive.[162] Restrictive divorce laws probably led some women to rid themselves of a bad marriage through the use of poison. Divorce laws began to loosen in 1870, as petitioners could file for an absolute divorce under the grounds of cruelty or drunkenness as well.[163]

A significant shift in women's legal status occurred when a woman, Mary Surratt, was convicted as a co-conspirator in Abraham Lincoln's assassination and hanged. Mary Surratt became the first woman to be executed by the federal government in 1865 right after the Civil War.[164] This shows a significant shift in public opinion about women who commit or are accessories to murder. The crime of conspiracy to commit an assassination was serious enough that the gender of the

---

[160] Donna Young, "Divorce in Nineteenth Century Washington County, District of Columbia" http://www.law.georgetown.edu/library/collections/gender-legal-history/glh-summary.cfm?glhID=FFD92935-0DF5-C703-54ABDB9D47AC5163 (1985).
[161] Ibid.
[162] "Visitors to the President—The Application in behalf of Wire—His Life and Expected Execution—Sentence of General Briscoe—Property Restored—Divorces Granted—Masonic—Committals for Crime—Indictment Against the Mayor and Councils—Georgetown Matters—Markets & Etc.," *The Baltimore Sun,* November 10, 1865.
[163] Donna Young, "Divorce in Nineteenth Century Washington County, District of Columbia," (1985).
[164] Surratt was executed by the Federal Government under a military court. The only other woman ever to be executed by the Federal Government was Ethel Rosenberg during the Cold War.

defendant did not allow leniency. Surratt was a mother and her femininity was the primary reason that some in the press questioned whether it was appropriate that she be hanged. The judges found her guilty, but several signed a petition asking to commute her sentence and recommended mercy due to her "sex and age".[165] When the executioner had to remove Surratt's bonnet to place the noose around her neck, many in the crowd gasped in horror. The Southern newspapers, with their Southern belle image rooted firmly in the cult of domesticity, reacted against this brutal sentence for a woman by a military court.[166] Historians continue to question Surratt's role in the Lincoln assassination, though this has more to do with the evidence against her than her gender.[167]

The Surratt case marks a shift in sentencing for women. *The New York Times* noted that this case paved the way for future women's executions, stating that prior to Surratt's execution there had never been a woman executed since the American Revolution.[168]

> But the rule in this country has always been that, no matter how atrocious might be the crimes perpetuated by a woman, it was impossible to have any one of them brought to suffer the ordinary penalties of the law. It has been thought a favor and an honor to the sex to permit murderesses to assume a position among them equal to the best.[169]

---

[165] David DeWitt, *The Judicial Murder of Mary E Surratt.* (1895).
[166] Kate Larsen, *The Assassin's Accomplice.* New York: Basic Books, 2011. As discussed in the introduction, public opinion turned after the sentencing. Hundreds gathered to watch the execution and newspapers began to report the Surratt execution as an unspeakable crime against femininity.
[167] See Kate Larsen's *The Assassin's Accomplice.* Historical controversy surrounds her actual knowledge of or participation in the assassination plot, her sentencing under a military court after the war ended, whether President Johnson ever read the request for commuting her sentence, and even public opinion at the time about whether a death sentence for a woman at the time was appropriate.
[168] This assertion is false. Between 1776 and 1865, the Espy Files, accessible at http://web.archive.org/web/20080514035210/users.bestweb.net/~rg/execution/FEMALES.htm found 172 instances of females being executed. All but 3 were hanged (those 3 were slaves who were burned alive). The vast majority of these women who were reported as executed were slaves, but 23 were free women. Of those 21 were white and were either housewives or domestic servants. Most were executed for charges of murder.
[169] "The Execution of Women," *The New York Times,* January 22, 1866.

The New York Times' statement that the United States had never executed women before was untrue as there were over one hundred slaves executed in the United States before Surratt, but there were few white women who were put to death. After the Surratt sentencing, respectable white women, who had never been executed before, "could now join the thousands of men who had been sent to the gallows for murder."[170] The notion of executing black or poor white women was never contested before, or even noted by writers at *The New York Times,* but the shift after the Surratt case involved whether or not "proper" white women should be subject to the same scrutiny. The assumption shifted that execution could be an acceptable and even a proper punishment for women who committed serious crimes, but a woman's position in society still mattered. Upper class white women would still be given the benefit of the doubt that was denied to black or working class women.

Poisoning was a much more common cause of death in the nineteenth century than it is today. A variety of poisons were sold in drugstores and easily accessible. Arsenic, laudanum, and opiates were all considered medically beneficial when used in small quantities and were common ingredients in patent medicines designed to cure all sorts of ailments. Laudanum was often given to calm one's nerves and opiates were frequently used as a sedative or for general pain relief. Even metallic poisons like arsenic were used for pest control or other household needs and could be obtained without prescription readily and in large quantities.

Several cases of accidental poisoning were reported by *The Baltimore Sun* during the Gilded Age. A few cases involved children stumbling upon poison around

[170] Ibid.

the house or illiterate persons who could not read the label of a poison's container and mistook the vial for some other medicine. Overdosing was common as well. One reported case was that of Mrs. Hecht who went into a drug store seeking to buy two cents worth of laudanum. She went to a drugstore she did not usually frequent and because quantities were sold by price and not by weight or any consistent measurement, she purchased a larger amount than she intended.[171] Druggists occasionally mislabeled or otherwise made fatal errors in selling poisons at alarmingly high rates.[172]

During the Gilded Age in Maryland there were many reported cases of poisoning. During the 1870's, the *Baltimore Sun* reported weekly on "The Health of the City" and tallied how many deaths resulted from which ailments. Poison was commonly listed as the cause of death, but it was reported inconsistently. For example, in the case of a poison victim, the death may have been classified as poison, murder, asphyxiation, consumption, or even natural causes. Most times the coroner refused to hold an inquest, but if suspicion surrounded the death an investigation may be held and the stomach of the deceased may be examined for traces of poison. The vast majority of those deaths attributed to poison were accidental overdoses, sometimes due to medical error. Intentional poisonings were most often suicides. The newspapers reported on suicides frequently, and were typically very detailed in descriptions of the motives of the deceased. For example in 1867 a twenty four year old woman, Frances Simmons, was in the papers twice. She tried to buy arsenic at two different drug stores and when asked the purpose of the purchase replied that she

[171] "Carelessness in Prescriptions," *The Baltimore Sun,* November 12, 1868.
[172] "Suicide Prevented," *The Baltimore Sun,* August 22, 1867.

was "tired of life". She had no relatives and no prospects of marriage.[173] The females during this time who were reported as attempting suicide using poison were all unmarried. Being a so-called spinster placed a woman beyond the model of true womanhood. The majority of the cases of poisoning reported in Baltimore were suicides, which seemed rather common.

During this time, death by poison was so frequent that in 1874, Dr. Chancellor, the chairmen of the Baltimore City Health Committee, proposed a poison ordinance, which would forbid the sale of poison in Baltimore unless prescribed by a doctor. Specifically this ordinance targeted the high number of suicides. According to the statistics of mortality reported by the newspaper each week, at least two people a year successfully committed suicide using poison for each year of the 1870's. Several more were caught in time and saved through emetics and the use of stomach pumps. The proposal to require a doctor's prescription caused a lot of anger among the city's druggists, who suggested that Dr. Chancellor should forbid the sale of rope too because hanging was a common method of suicide.[174]

The measure was ultimately unsuccessful largely because of the backlash. The pharmacists and druggists stood to lose a lot of revenue if the sales of poison were restricted. During the Progressive Era, measures like those proposed by Dr. Chancellor, were adopted throughout the United States and poison was no longer sold in drug stores. The deaths of young children caused by accidental overdose of opiates or laudanum in children's cough remedies were also addressed by the passage of the

[173] "Local Matters," *The Baltimore Sun,* May 29, 1867.
[174] "Bold Robbery on Howard Street--A Large Lot of Coffee Stolen," *The Baltimore Sun,* November 19, 1874.

Pure Food and Drug Act in 1907. Today the government regulates medicines and active ingredients must be posted on the label.

During the motions for Dr. Chancellor's poison ordinance, experts testified that they had only very rough estimates of deaths by poison in Baltimore. The total number of deaths by poison was underreported and many may have gone unnoticed or listed under other causes. The United Kingdom had recently passed similar legislation, the Pharmacy Act of 1868, which allowed only licensed professionals to sell poisonous substances. Therefore supporters of the Baltimore poison ordinance cited mortality figures from a Report to the House of Commons in England entitled, "Returns from the coroners of England and Wales of all inquisitions where death was found, by verdict of jury, to have been caused by poison."[175] The report found that 513 deaths were caused throughout England in one year by poison. The victims were about equally male and female. The most common poison used was opium, and an unfortunate number of babies were killed by accidental overdose, accounting for about one seventh of the total poisoning deaths for the year. In Baltimore too many poison victims were infants based on the mortality records. The experts noted that even one drop of laudanum was enough to sometimes kill a newborn baby and physician prescriptions could prevent well-meaning mothers from accidentally overdosing children.[176]

Though Dr. Chancellor's report cited roughly the same number of male and female fatalities from poison in England, the focus was clearly on women as the agents of poisoning whether they were mothers attending their children, murderers, or

[175] "The Poison Ordinance," *The Baltimore Sun,* November 21, 1874.
[176] Ibid.

suicidal. The report used gendered language in describing the motives of suicidal female poisoners.

> Arsenic caused one hundred eighty four deaths. Of these there was one case of a girl disappointed in love, one of a girl in a fit of passion, one of a girl in a fit of jealousy, one of a girl who had robbed her employer, one of a girl subject to fits of despondency, one of a girl deserted by her lover, one of a wife separated by her husband. In eight cases arsenic was taken for the purpose of self-destruction by young women who had been seduced and were pregnant.[177]

These women were painted as emotional and irrational. They were victims not only of the instability the "weaker sex" was prone to, but also were often victims of the corrupting influence of a man. Male poisoners who committed suicide were portrayed as more methodical. The only motive presented for males was financial. They failed to provide for their families and "ten were by men embarrassed by debt."[178]

Mrs. Wharton's trial was, in part, so scandalous because her alleged motives were the same as the males from the report. The idea that a woman, particularly one of means, would kill to hide her debt was unseemly. It was methodical, cold, calculated, and inconsistent with her femininity. However, during the Gilded Age many women did poison for financial reasons. It was less surprising because they were of a lower class so the motive was there, and they were also not true ladies. The insane, non-white, or poor were portrayed in the press as fallen women and not included in that protection of true womanhood that Mrs. Wharton was able to claim.

Insanity was an exception to the model of true womanhood. As the weaker sex, women were thought to be vulnerable to insanity. Women made up the majority of residents in asylums and nineteenth century laws allowed husbands and fathers to

[177] Ibid.
[178] Ibid.

commit women involuntarily. During Gilded Age poison trials, insanity was discussed fairly often, and often used as a defense, particularly when there was no clear motive or when a woman showed no remorse. In January of 1866, Mrs. Martha Grinder was executed for poisoning four people, seemingly without motive. Mrs. Grinder was arrested outside of Pittsburgh in August of 1865 under the charge of "persistent and quiet poisoning." She used arsenic in a variety of foods that she served guests at her house. When her first victim, a young female neighbor fell ill, she continued to send food over which worsened her condition. When her mother was sent for, Mrs. Grinder poisoned food served to the young woman's mother as well. She also poisoned another neighbor's family and even a domestic worker she employed. In prison, Mrs. Grinder confessed to those four murders, but rumors surrounded her trial that she was responsible for at least eight deaths. Mrs. Grinder attracted attention in the east coast press. New York and Baltimore newspapers dubbed her "the Borgia of modern times" or "The American Borgia."[179] She was executed for her crimes and hanged in Pittsburgh. The most difficult thing about this case was the lack of motive for Grinder's actions. During the trial the press noted that she seemed unusually cool and composed and "unimpressed with [the] reality" of her situation.[180] Several papers reported that she may be insane, and her lawyers had her sanity investigated, but she was found competent. When she was hanged, *The New*

[179] The Borgia family was a religiously and politically powerful family from Renaissance Italy who rose to power through the use of bribery, theft, and murder by poison. They were frequently known to use arsenic poison on their enemies, which is the reference for Mrs. Grinder's nickname."The Execution of Mrs. Grinder," *The Baltimore Sun,* January 22, 1866.
[180] Ibid.

York Times compared her sentence to that of Mary Surratt, who was hanged one year earlier, and worried that female executions might become normal.[181]

Mrs. Wharton's sanity was questioned and at the beginning of her trial the newspaper reports speculated that her lawyers might use temporary insanity as her defense. Especially after revelations of Mrs. Wharton's stint in a mental asylum as a young woman and her imaginary engagement to a wealthy man in Philadelphia, newspapers reported that Wharton may well be insane and a homicidal maniac, a not uncommon accusation faced by women. "The frequency of homicidal mania in women is a startling phenomenon which possibly calls for other than exclusively physiological explanations."[182] Mrs. Wharton was outraged at the accusation and refused to allow her lawyers to insinuate that she may have been insane. As a wealthy woman, employing a highly paid legal team, Mrs. Wharton was able to spare herself from a medical investigation into her sanity. None of the press coverage of trials involving a male poisoner questioned his sanity, but many of the cases involving a female defendant did. Insanity was a gendered accusation. It was so often used in women's murder trials because women were presumed to be weak and susceptible to hormonal fluctuations that could render any woman crazy.[183]

Often women found guilty of murder went to insane asylums instead of the gallows. In one interesting antebellum case, the woman the press dubbed the "veiled murderess" was sentenced to hang, but served out a life sentence in various New

[181] "The Execution of Women," *The New York Times,* January 22, 1866.
[182] "Insanity and Homicide," *The Baltimore Sun,* June 24, 1871.
[183] A. Cheree Carlson, *The Crimes of Womanhood: Defining Femininity in a Court of Law* (Chicago IL: University of Illinois Press, 2009). 22-23.

York asylums instead.[184] Mrs. Henrietta Robinson spent several years in Sing Sing and ended up in the Auburn mental institution. Mrs. Robinson, repeatedly described in the papers as a beautiful woman even until her death at age 89, was the mistress of a politician. She was found guilty of poisoning Mr. Lanigan and another neighbor in New York. Like Grinder there was no definitive motive behind the murders. The trial was postponed repeatedly and once she was found guilty she was initially sentenced to death. However, she received a reprieve by the Governor of New York at the last minute.[185] Some suggested that her political connections spared her life, but the press reports on the horrors of the asylum painted Robinson as anything but lucky. The press discussed the "veiled murderess" often in the context of 1860s and 70s poisoning trials and interviewed her periodically until her death in 1905. They reported that she was unstable and engaged in "tantrums."[186]

Racial Influences

Another glaring exception to the women who could claim true womanhood were African American and poor women. The women put on trial officially charged with poisoning were overwhelmingly black and poor. Those who were found guilty were most likely to be domestic workers.[187] Throughout the nineteenth century several African American domestic workers were accused of poisoning their employers. Mary Zill, a free domestic servant, was charged with poisoning the family

[184] "Trial for Murder," *The Baltimore Sun,* June 12, 1855.
[185] "Commutation of the Sentence of Mrs. Robinson," *The New York Times,* July 28, 1855.
[186] "The Veiled Murderess," *The Baltimore Sun*, June 16, 1865.
[187] See Appendix A and B for racial and occupational breakdowns of women sentenced to death and people who were put on trial for poisoning.

of Patrick Dolan of Baltimore who she worked for in 1865.[188] The family recovered and Zill was arrested. The family of Dr. Hoffecken in Kent County was poisoned by a young domestic after he would not let her attend a festival while she was working.[189] Zill and the unnamed young woman working for the Hoffecken family are difficult to trace after the accusations. There are no existing court records for either woman and they are not named in the newspapers after the inquests. Domestic servants were more often identified by the last name of the family they worked for in the press. A nineteen year old domestic worker faced charges in the case of *State v. Susan Marshall* for poisoning a pot of tea consumed by two children of her employer, Mrs. Shupp. Until the trial the press covered the story in terms of the ordeals that the Shupp family went through and wrote little about Marshall, who also went unnamed. The trial went on for a few days and the case for the prosecution was long and included six witnesses, while "no testimony for the defense was given except as to character."[190] Marshall was found guilty and sentenced to ten years in prison though both children recovered quickly. The sentencing of persons found guilty of poisoning was consistently less for those whose victims recovered regardless of the gender, race, or class of the accused.

During the Gilded Age the penalty in Maryland for those found guilty of poisoning resulting in the death of the victim ranged from life in prison to death by hanging. Women typically received a recommendation for mercy in death penalty offenses even when found guilty. Mary Wallace, another African American domestic

[188] "Preparations for Congress- Members Coming Slowly- Visitors to the President," *The Baltimore Sun,* November 27, 1865.
[189] "More About the Wickedest Man in New York," *The Baltimore Sun,* September 21, 1868.
[190] "Letter from Hagerstown, Maryland," *The Baltimore Sun,* December 6, 1877.

worker in Maryland, was hanged for poisoning the infant child of a white family. At first no motive could be found since she did not work directly with the family of the infant. Then it was discovered that a woman she disliked was the baby's nurse. Wallace put poison in its milk. It was supposed that she did it because her enemy loved the baby or because as the nurse she would be the first blamed for the poisoning.[191] Twenty years before Wallace was hanged, another domestic worker who was unnamed and worked for the Bayne family, was hanged on the same gallows for the charge of poisoning the family she worked for too.[192]

Wallace's trial was brief and no medical experts were called in to defend her. Wallace's lawyers did not use gendered arguments to suggest that as a woman she was incapable of poisoning a baby. However after the jury returned the guilty verdict jurors did recommend mercy from the court in her sentencing. The press reported that jurors suspected that she must be either "an imbecile or insane" because she appeared uninterested in the court proceedings even during her sentencing.[193] The court sentenced her to hang anyway.[194] As a poor black woman, especially one who killed a white infant, Wallace was not the kind of woman who could garner sympathy because of her femininity.

When the victim was another black woman, sentencing was lighter for those found guilty of poisoning. In a different case black domestic Hannah Howard was found guilty of trying to murder another black woman, Mrs. Virginia Eddins, via

[191] "The Execution at Marlboro," *The Baltimore Sun,* February 11, 1871.
[192] Ibid.
[193] Ibid.
[194] Ibid.

poisoning over an ongoing feud.[195] She was sentenced to three years in prison because Eddins survived. Three other accusations of black women poisoning other black women were published in *The Baltimore Sun*, but had few details, rarely naming the accused or victim and none resulted in a trial. Inquests into suspicious murders were uncommon for black victims, and none were reported in the newspapers as resulting in an inquest by the grand jury.

Domestic servants were often the first blamed in instances of poisoning, even those who were white. They had easy access to the family's food and many were thought to be resentful or holding a grudge for perceived mistreatment by their employers. Low class women were not presumed to be incapable of committing a cold blooded murder for even the slightest provocation. The Scott family residing on Charles Street fell ill after eating a pie made by a white domestic, Mrs. Elizabeth Gaban. She was arrested despite having no evidence against her. The sole reason she was suspected of poisoning the family was that she was the only person in the home not sick.[196] She proclaimed her innocence throughout, but was jailed and too poor to post bail. Gaban, a fifty year old Irish woman, was told by the State's Attorney to stop speaking in court and go back to jail quietly. He told her that "if innocent her character would only appear the brighter after the result of the investigation became known."[197] After analysis of the pie by Dr. Aiken, the main chemical expert witness in the Wharton case and Baltimore's leading expert on poison, there was no proof of any poison and Mrs. Gaban was set free with an "honorable acquittal".[198]

---

[195] "Proceedings of the Courts," *The Baltimore Sun,* June 8, 1877.
[196] "Local Matters," *The Baltimore Sun,* January 16, 1871.
[197] "Local Matters," *The Baltimore Sun,* January 18, 1871.
[198] Ibid.

Baltimore had become well-known for expertise in poisoning cases. Dr. Aiken, Professor Tonry of the University of Maryland, and Dr. Tiffany, medical director at University of Maryland, who all served as expert witnesses in the Wharton trial, were called to testify as expert witnesses in out of state cases frequently throughout the 1870's. Livers and stomachs were often sent to the University of Maryland for analysis from out of state in cases of suspected poisoning.[199] Most of the cases came out of Virginia or Ohio. The farthest case was that of Mr. Wilson who was accused of poisoning his wife in North Carolina. Her body was exhumed and the stomach was sent to the University of Maryland for analysis.[200]

Class

Press coverage of working class female defendants typically suggested that the women were guilty. They received no leniency because of their gender. Mr. Daniel Smith and his mistress Ms. Chamberlain were accused of poisoning his wife Mrs. Smith in 1870. The motive for killing his wife was that they were hoping to be together legitimately. All parties were working class and were employed in a cannery in Chesterfield, Maryland. Mrs. Smith recovered and served as a witness in the trial. The press noted that Chamberlain conducted herself like a lady, and her appearance was described as "delicate, neat, and tidy."[201]However, Chamberlain was excluded from being considered a "true woman" by societal standards. She was a fallen woman. She had no education, was illiterate, and was having "criminal intercourse

[199] "Local Matters," *The Baltimore Sun,* May 31, 1872.
[200] "Local Matters," *The Baltimore Sun,* November 7, 1874.
[201] "The Poisoning Case at Chesterstown- The Particulars," *The Baltimore Sun,* November 8, 1870.

with Mr. Smith as proved by several witnesses."[202] Her conduct as a widow and lack of chastity or regard for the bonds of marriage figured prominently in the hearing and was thoroughly described in the news reports of the trial. Sexual promiscuity prevented a gendered reading of Chamberlain as a true woman. Though she was a mother of four, one an infant who stayed with her in jail, and though she confessed and swore that the poisoning was Mr. Smith's idea, she did not receive a more lenient sentence as a woman even after confessing her part in the crime. Both Ms. Chamberlain and Mr. Smith received the same sentence of fourteen years in jail.[203] They were seen as equals in the crime, and also in their adultery, but Ms. Chamberlain received more scorn in the media than Mr. Smith, whose background was not even discussed in the press.

Harford County was rocked by the details of the case of Mrs. Rowland who was arrested for the murder of her husband. Mr. Rowland, a farm worker, ultimately came to his death by blunt force trauma, but Mrs. Rowland had allegedly attempted to poison him four times in the past and he recovered. She took out a life insurance policy on her husband, and the contents of his stomach were sent to Dr. Aiken to verify whether or not arsenic was present. As with the Chamberlain case, Rowland was having an affair and much of her case revolved around her relationship with Mr. Weaver who was arrested as an accessory in the crime. During the court case, love letters taken from Weaver were read aloud to "corroborate her conjugal infidelity", which was also testified to by inn keepers and neighbors who reported that the two

[202] Ibid.
[203] Ibid.

stayed together as man and wife on several occasions.[204] Having an affair outside of the bonds of marriage made Rowland a target of the press and her case was moved to another county because of the prejudice she faced in Washington County. Despite her affair, Mrs. Rowland's lawyers insisted she was a lady and could have had nothing to do with such a physical attack. Mrs. Rowland fainted during the descriptions of Mr. Rowland's head wounds. During the trial her lawyers objected to "questions touching her character for chastity."[205] Ultimately Mrs. Rowland, Mr. Weaver, and an African American man named Carroll were all acquitted of causing Mr. Rowland's death.

Editorials lamented these "hidden murders."[206] Many poisons went undetected and if no one suspected poison as the cause of death, murderers could get away without an inquest being made. In addition, even with the advancements made in detecting poison if the victim's body were dug up and the grand jury raised charges, cases like Lyman's often ended in acquittal because the presence of poison was circumstantial evidence.[207] Rarely was there a witness who could connect the accused to the act of poisoning. Thus poisoners were disproportionately able to get away with their crimes. Also because juries were reluctant to dole out the death penalty to those found guilty, particularly women, some editorials lamented that as a society we valued the life of the guilty more than the lives of their victims.[208]

In addition to spousal homicide, cashing out a life insurance policy was a commonly reported motive in many trials of working class women, though it was reported that even Mrs. Wharton collected her son's insurance policy. In Baltimore

[204] "Murder Trial at Cumberland," *The Baltimore Sun,* May 1, 1869.
[205] "Murder Trial at Cumberland," *The Baltimore Sun,* May 3, 1869.
[206] "Hidden Murders," *The Baltimore Sun,* January 10, 1872.
[207] Ibid.
[208] Ibid.

Catherine Dushane was arrested on charges of poisoning her nephew in order to collect on his life insurance policy. Her sister-in-law accused her of poisoning her husband for the same reason. Dushane attempted to kill her sister-in-law as well, but her sister-in-law refused to drink the wine she offered her because it had a layer of white sediment at the bottom of the glass.[209] Mrs. Dushane was confined for three months in jail before ultimately being released by the Grand Jury because the evidence against her was limited to finding a bottle with white powder in the drain of her sink and her sister-in-law's testimony.[210] The so-called Locust Point poison case attracted a lot of attention too, and it was presumed that Mrs. Dushane was guilty.[211] By the twentieth century the idea of a woman poisoning a family member to collect on a life insurance policy was not very surprising and such cases were often reported in the press that a real life case in 1910 became the inspiration for a famous comedy "Arsenic and Old Lace." Like the Dushane case, most of the cases of poisoning reported by *The Baltimore Sun* were not fatal and many suspected cases were discovered before anyone ingested the poison. The majority of women accused of poisoning were charged with "attempted poisoning."

News Media and Contemporary Cases

During Mrs. Wharton's trial, the newspapers speculated heavily as to her motive and compared her to three other women who were accused of poisoning and on trial at the same time. Newspaper articles linked Mrs. Wharton's case with that of another female on trial for poisoning, stating that Mrs. Sherman likely suffers the

[209] "Local Matters," *The Baltimore Sun,* July 10, 1868.
[210] "Local Matters," *The Baltimore Sun,* September 9, 1868.
[211] Ibid.

same mental illness as Wharton.[212] One of the hallmarks of homicidal maniacs is that they possess no reasonable motive for killing. According to the article, "juries are all too ready to accept a plea of temporary insanity" from a woman because they are more predisposed to this type of illness and would be less likely to face a death penalty charge, thus letting the murderer go free.[213]

Just before Mrs. Wharton's trial, Mrs. Lydia Sherman was on trial for poisoning in Connecticut. She was charged with four counts of murder in the first degree, but many believed there were many additional victims. Mrs. Sherman was a working class woman, and her husband Mr. Sherman was a factory hand. She had been married a total of three times and each husband died of symptoms consistent with arsenic poisoning. Six of her own children and two of her step children died in the same manner. All of the bodies were exhumed and trace amounts of arsenic were found in the stomachs of each of Sherman's previous family members. It was ruled by a judge that in the charge of Mr. Sherman's murder no other evidence from previous suspicious deaths could be used.[214]

Popular opinion was divided on Mrs. Sherman's guilt, and the press cited a gender gap in public support for Sherman. "She has a great deal of maudlin sympathy on the part of the women who live in the neighborhood. The men believe her to be guilty, but doubt, of course, that she will be punished."[215] Press coverage tended to

---

[212] "Insanity and Homicide," *The Baltimore Sun,* June 24, 1871.
[213] Ibid.
[214] "The Sherman Poisoning Case—How Arsenic Poisons—Value of Chemical Tests—Contrast with the Wharton Case Etc.," *The Baltimore Sun,* April 22, 1872.
[215] "The New Loan," *The Baltimore Sun,* July 13, 1871.

point towards Sherman's guilt, particularly after arsenic poisoning was confirmed in each of Sherman's previous families.[216]

Mrs. Sherman's trial was postponed, and while awaiting trial she confessed and received a plea bargain. It was reported that Sherman's lawyers intended to argue that she was always an affectionate wife and mother.[217] It was noted that she had attended church regularly and had no motive to kill her family members.[218] After her confession, she changed her plea from not guilty to insanity.

Mrs. Sherman ultimately confessed to killing eight family members. The confession was published in the papers after her sentencing. She was only convicted of one count of manslaughter for the murder of her third husband Mr. Sherman. The jury found her guilty initially of first degree murder, but the death penalty was objectionable to the men on the jury so they reduced the charge to avoid the gallows.[219] She was sentenced to life in the state penitentiary.[220]

Mrs. Sherman's confession was not surprising to the press. Many seemed to infer that poisoning was a common method of ridding oneself of a husband, particularly among the lower classes.[221] It was said that Mrs. Sherman had "procured an arsenic divorce" in the papers after her sentencing.[222] She was further described as "an ignorant woman", an orphan with no education.[223] Sherman was illiterate and had to dictate her confession to her jailer. Working class women like Mrs. Sherman were

---

[216] "The Case of Mrs. Sherman, Charged With Four Murders—Her Approaching Trial," *The Baltimore Sun,* December 1, 1871.
[217] Ibid.
[218] Ibid.
[219] "Lydia Sherman, The Poisoner—Her Sentence and Confession," *The Baltimore Sun,* January 13, 1873.
[220] Ibid.
[221] Ibid.
[222] Ibid.
[223] Ibid.

excluded from the protection that Mrs. Wharton was able to take advantage of that ideal of womanhood provided by that particular reading of their character by the jurors or the press.

Ten articles from *The Baltimore Sun* directly compared the Sherman and Wharton cases. In addition, articles in *The New York Times, The New York Evening Post, The Philadelphia Enquirer,* and *The Washington Post* comparing the two were published. After Mrs. Sherman's sentencing, *The Baltimore Sun* stated that this was another example of a female poisoner receiving a lighter sentence on account of her gender.

Comparisons between the Wharton case and the case of Mrs. Angelina Buffenbarger from Ohio were also frequent in 1871. The case of the widow Mrs. Buffenbarger "has been published in newspapers around the country alongside similar accusations about Mrs. Wharton, charged in Baltimore with poisoning".[224] Mr. Buffenbarger was a wealthy octogenarian who married his twenty year old neighbor. He died under mysterious circumstances and immediately after her husband's death, Mrs. Buffenbarger (now Mrs. Colburn) ran off to New York with one Mr. Colburn who was her own age. Mr. Buffenbarger left the entirety of his estate to his young wife, and several of his relatives questioned the circumstances of his death and the legality of his recently amended will.

There was enough suspicion that an inquest was made and charges were filed. When the body was exhumed, distinct traces of arsenic were found in the stomach and liver.[225] At trial, the prosecution argued that Mr. Colburn had been intimate with

[224] "The Ohio Poisoning Mystery," *The Baltimore Sun,* August 10, 1871.
[225] "The Buffenbarger Case," *The New York Times,* August 11, 1871.

Mrs. Colburn before the death of Mr. Buffenbarger.[226] Witnesses testified that the Mr. Colburn visited her often and said he would wait for her.[227] Even the fact that Mrs. Colburn's mourning dress was trimmed in black lace instead of crape was brought into testimony to show that she was not behaving as a proper widow.[228] Public opinion seemed divided by class.

> Public opinion, so far as your reporter has been able to inform himself, has been thus far strongly in sympathy with Mrs. Colburn. The more intelligent and refined class of people here are almost universally in sympathy with her, and firmly believe in her innocence. There is another and weaker and less influential element who believe in the faithlessness of Mrs. Colburn to her marital vows to her first husband, and who believe firmly in her guilt.[229]

Mrs. Colburn's friends packed the courthouse, and the case drew a lot of attention in the western newspapers. In the east, coverage of the Buffenbarger poisoning trial ran mostly alongside reports of the Wharton trial.

Mrs. Colburn's lawyers claimed a relative injected the body of Buffenbarger with poison after his death to frame her and lay claim on her inheritance. Chemical experts testified that it was possible to introduce arsenic after death and cited the Orfila toxicology report frequently as was done in the Wharton trial. The judge, Justice Crabb, was so convinced of Mrs. Colburn's innocence that he dismissed the case following the medical testimony. Crabb stated that though there was overwhelming evidence of arsenic poison no one could say when the poisoning occurred and there was no link between Mrs. Colburn and the poisoning. "Unless this

[226] "The Buffenbarger Case," *The New York Times,* August 20, 1871.
[227] "The Buffenbarger Case," *The New York Times,* August 25, 1871.
[228] Ibid.
[229] "The Buffenbarger Case," *The New York Times,* August 20, 1871.

court is to presume that the relationship of the accused as wife to Buffenbarger is to be taken as sufficient evidence to her guilt the court must dismiss the case."[230]

In Virginia, the case of Mrs. Emily Lloyd was compared to the Wharton case and occurred during the preparations for Wharton's civil trial on the charge of poisoning Van Ness. Lloyd was accused of poisoning her four year old daughter. Like Wharton, Lloyd was accused of poisoning other members of her family years ago. It was speculated that Mrs. Lloyd had poisoned her husband, aunt, two sons, and two daughters.[231] Each family member died rather suddenly and immediately after Lloyd had purchased arsenic, as verified by receipts. Mrs. Lloyd claimed that the arsenic was used to kill rats in her home.[232] She was also described as a doting and very affectionate mother.[233]

The same medical experts who testified in the Wharton case were witnesses in the Lloyd case. Dr. Tonry found definitive traces of arsenic in Mrs. Lloyd's daughter's stomach. The prosecuting attorney, Mr. Kilgore, used gendered arguments in his opening remarks.

> The crime of murder is terrible when committed anywhere… but murder by a woman, that sex to whom in our chivalric devotion we are always accustomed to render honor, whose very weakness appeals for protection to every honorable man—to take it almost beyond the reach of credibility, murder by a mother.[234]

During the closing arguments, Kilgore again described the crime as especially reprehensible because a mother killed her own child.

---

[230] "The Ohio Poisoning Case—Acquittal of Mrs. Colburn—Scenes in Court—More Mystery etc.," *The Baltimore Sun,* August 28, 1871.
[231] "The Leesburg Poisoning Case," *The Baltimore Sun,* October 21, 1872.
[232] Ibid.
[233] Ibid.
[234] Ibid.

The defense questioned the expertise of Dr. Tonry in the opening statement, stating that there were many colleges in Virginia that trained chemical experts and wondering why Dr. Tonry had been sent from Baltimore to testify in Lloyd's case, and even stating that the prosecution bribed Dr. Tonry.[235] The defense also used gendered language, asking "Can a woman be guilty of such a crime? I will go further. Can a mother be guilty of such a crime? All of us are sons and we know a mother's love."[236] Several witnesses testified to the love of Mrs. Lloyd for her children, including an African American domestic worker named Delphi. The defense tried to prove that Delphi was the one who poisoned the children after the medical testimony given by Dr. Tonry.[237]

Mrs. Lloyd was a working class woman who worked as a seamstress and never received an education. She was described as plain, simple, and ordinary looking and was "considered by her friends a woman of weak intellect."[238] Lloyd was said to have "exhibited what some consider aberration of the mind. Indeed at several times during her life she has shown evidences of a disordered intellect, and it is understood that insanity will be set up as one, if not the main, defense in her case."[239] The press reported that "she may have developed into a monomaniac upon the subject of killing her children."[240]

Mrs. Lloyd was acquitted of the charges against her for the murder of her daughter. The jury stated that the main reason for the acquittal was the doubt cast on

---

[235] Ibid.
[236] Ibid.
[237] "The Leesburg Poisoning Case," *The Baltimore Sun,* October 30, 1872.
[238] "The Leesburg Poisoning Case," *The Baltimore Sun,* October 30, 1872.
[239] "The Leesburg Poisoning Case," *The Baltimore Sun,* October 21, 1872.
[240] "The Leesburg Poisoning Case," *The Baltimore Sun,* October 30, 1872.

the medical testimony and the fact that the domestic worker Delphi had access to the family foods as well and should be considered a more likely suspect than the mother of the child.[241] The newspapers compared Mrs. Lloyd's case to Mrs. Wharton's case, stating that "the alleged agency of afflicting death in both cases was the same; the accused were women, and widowed women, and in each case the public rumor was busy in attributing to the prisoner other and similar crimes." Character and relying on the ideals of womanhood were central to both cases, "both women had previously been of good moral reputation."[242]

In each trial involving a female defendant her appearance was discussed at length. Much of the description of each trial in the newspaper was focused on the physical characteristics of the defendant and these typically carried some judgment. In each case involving a wealthy white woman her beauty was remarked upon. The press described the dress and demeanor of the defendants. Upper class women were collected, self-possessed, and calm. Working class women were more often described as insane or in hysterics in the press. Defense attorneys tried to present their clients as women of good character, but the argument seemed more successful for upper class women.

Regardless of social class there was some discussion of gender at the time of sentencing for each female defendant. Even for women who did receive the death penalty, some remark about leniency on account of the defendant's gender was publicly made. At the conclusion of the Wharton trial, her lawyers urged the jury to

[241] "The Leesburg Poisoning Case—The Trial of Mrs. Emily E. Lloyd for the Alleged Murder of her Daughter—Concluding Arguments of Counsel—Verdict of the Jury—Acquittal of the Prisoner," *The Baltimore Sun,* November 1, 1872.
[242] "The Acquittal of Mrs. Lloyd," *The Baltimore Sun,* November 5, 1872.

decide carefully for "it has the gravity of the issue of life and death, which particularly attaches itself to the trial of a woman."[243] This was a sentiment expressed in each of the cases of female poisoners, who it seems were frequently given preferential treatment under the law.

[243] The Trial of Mrs. Elizabeth G. Wharton Reported and Published by *The Baltimore Gazette,* 156.

Epilogue

Throughout her trial, gendered depictions of Mrs. Wharton were used by both her supporters and those who believed she was guilty. Her defense attorneys constructed a narrative that featured Mrs. Wharton almost as a damsel in distress, a "victim of her circumstances."[244] They called character witnesses who described her as a good mother, a faithful Christian, and a respectable lady above accusations of murder. This argument was the crux of Mrs. Wharton's case, and her defense relied solely on her claim to true womanhood and a lack of trust surrounding the chemical experts brought in by the prosecution. The press reported these gendered arguments and printed stories about Wharton's character daily.

The prosecutors also used gendered language to show that Mrs. Wharton acted suspiciously and did not behave in the manner one would expect of a lady of her social standing. Acquaintances wrote into the newspapers with peculiar stories about Mrs. Wharton suggesting she was a spendthrift who was deeply indebted and had perhaps poisoned family members before for financial reasons. The press speculated that Wharton was indeed insane and that had the defendant been a man he would have been hanged.[245]

Mrs. Wharton's case attracted nationwide attention. Newspapers covered the story daily and readers closely followed the details of the trial, which received far more press coverage than any other case of alleged poisoning during this time period. Despite the clinical nature of much of the testimony and the fact that the trial

[244] Trial of Mrs. Elizabeth G. Wharton Reported and Published by *The Baltimore Gazette,* 158.
[245] "The Acquittal of Mrs. Wharton—Opinions of the Press," *The Baltimore Sun,* January 26, 1872.

continued for a month and a half, the throngs of visitors to the Annapolis courthouse increased each day, as did the volume of letters to the editors of newspapers around the country from readers seeking details about the case. Mrs. Wharton's high social status and the sensational nature of the allegations fueled the frenzy of media attention surrounding her case. This was the first time in the history of Maryland that a woman of such a high social rank was tried for murder.

The newspapers remarked with alarm on the astounding rate of cases of women accused of poisoning. These women were rarely found guilty. *The Baltimore Sun* attributed this to the difficulty of proving beyond a reasonable doubt that the defendant was the one who poisoned the victim even if forensics could conclusively prove that they died of the poison.[246] Rarely would there be a witness to the actual administration of the poison so it would be very difficult to convince the jury because cases relied on circumstantial evidence. In addition there was a lot of sympathy given to accused women simply on account of their gender. Europe also had many cases of female poisoners, but women were found guilty and sentenced to death much more frequently. *The Baltimore Sun* editorial suggested that the American legal system should be harsher on female poisoners who were described as the most cold-blooded and dangerous types of murderers.[247]

The Wharton trial illustrates that lawyers often appealed to traditional gender roles, particularly when trying to convince male jurors of a woman's innocence. References to gender were made in each case of a woman accused of poisoning that I read when researching this paper. In cases of a woman who had been found guilty and

[246] "The Frequency of Poisonings," *The Baltimore Sun,* November 14, 1872.
[247] Ibid.

sentenced to death, many expected her sentence to be overturned simply because she was a woman. Often leniency was granted, sometimes even if the woman was lower class or African American. This is not just because of how gendered language was used in women's court cases. It is also about definitions of womanhood and their influences on who juries can envision as a criminal and who they can't make fit their preconceived notions.

Gendered arguments were more successful for women of higher social standing, who were acquitted at higher rates. In addition, wealthy women received lighter sentencing more often than poorer women in the cases I examined. Wealthy women could claim ideal womanhood easily, but many women could not fit this mold. The few women executed for murder during the nineteenth century were overwhelmingly domestic servants, who were often the first accused in cases of suspected poisoning. African American women were disproportionately executed too, particularly in the South. These women were excluded from a privileged reading of their femininity, and received such little press or sympathy that often the newspapers did not even print their full names or important information about their cases.

The Gilded Age was the backdrop for these poisoning cases. Intertwined in the newspaper reports on the arrests and trial records of female poisoners were accounts of the aftermath of the Civil War, industrialization, and immigration. Southern states were under military occupation throughout this time period, and the system of slavery had just ended. Slavery may have been over, but African Americans remained subjugated. New systems of sharecropping, segregation, lynching and intimidation formed quickly as whites sought to restore traditional race

relations. As a border state, Maryland was hit hard by Reconstruction. Amidst all of the societal upheaval of the time period, perhaps Marylanders clung to traditional gender roles for some semblance of normalcy.

Elizabeth Wharton's trial was significant because it marked the first time in Maryland that an upper class woman was brought to trial for murder charges. Mary Surratt's execution was a turning point in terms of who was eligible for execution because she was a "respectable" white woman, not a "fallen" or poor or African American woman. Wharton's defense was built on her character, playing up traditional notions of femininity, and cast in opposition to the types of women who could commit murder.

News media also treated female perpetrators differently based on class, social standing, and race. Upper class women like Mrs. Wharton were depicted as calm and collected during the trials and their good character was emphasized. Little coverage was dedicated to working class women. When newspapers covered their stories it was presumed working class women were guilty and were more likely to be described as insane.

Appendix A

Female Executions Between 1865 and 1877

Name	Date Executed	Age	Race	Occupation	Method of Murder	Victim	Victim Race	Place
Mary Surratt	7/7/1865	42	W	Landlady	Accessory to shooting	President	W	Washington, D.C.
Martha Grinder	1/19/1866	50	W	Housewife	Poison	Family members	W	Allegheny, PA
Bridget Dergan	8/30/1867	22	W	Domestic Servant	Stabbing	Her Mistress	W	Middlesex, NJ
Lena Miller	11/13/1867	40	W	Housewife	Poison	Husband	W	Clearfield, PA
Susan (no reported last name)	2/14/1868	13	B	Domestic Servant	Unclear	18 yr. old member of family who employed her	W	Henry, KY
Lucy Purnell	2/28/1868	--	B	Domestic Servant	Blow to the head	Male neighbor	B	Worcester, MD
Sarah Bradley	12/14/1869	--	B	--	--	--	--	Sussex, DE
Mary Wallis	2/10/1871	17	B	Domestic Servant	Poison	Infant member of family who employed her	W	Prince George's County, MD
Susan Eberhart	5/2/1873	19	W	Domestic Servant	Accomplice to Choking	Accomplice's wife	W	Webster, GA
Ann Hunt	5/1/1874	--	B	--	Poison	Female neighbor	B	Elbert, GA
America Burton	6/26/1874	--	B	--	Poison	Same neighbor	B	Elbert, GA
Alcee Harris	11/26/1875	24	B	_	_	Husband	B	Monroe, LA

This chart is an adaptation of the "Espy File," a database of executions in the United States between the colonial time period until present day. The most recent

update includes executions from 1608-2002 and can be found at http://www.deathpenaltyinfo.org/executions-us-1608-2002-espy-file. This list of executions was compiled by M. Watt Espy and John Ortiz Smykla and made available through the Inter-University Consortium for political and Social Research. The "Epsy File" is an incomplete work, and some executions may be omitted due to lack of court records or newspaper coverage on an execution.

The original file sorted by method of execution, but since all of the women during the Reconstruction period were hanged, I omitted that and added two columns about the victims. All of the women who were executed between 1865 and 1877 were found guilty of murder, so I instead created a column to reflect the method of murder. I also added one woman who was reported hanged, but not originally in the chart. I added some details that were missing in the original chart about the women and fixed any errors in age or occupation that I noted.

Appendix B

Trials of Accused Poisoners Reported by *The Baltimore Sun* Between 1865-1877

Name	Start Date of Trial	Age	Race	Occupation	Victim	Verdict/ Sentencing	Place
Martha Grinder (F)	10/27/1865	50	W	Housewife	Family members	Guilty of First Degree Murder-Hanged	Allegheny, PA
Mary Zill (F)	11/27/1865	--	B	Domestic Servant	Family who employed her	__	Baltimore, MD
Josephine Smith (F)	6/28/1866	13	W	--	Father	Charges were dropped	Gadsden, MI
Bridget Dergan (F)	5/21/1867	22	W	Domestic Servant	Her Mistress	Guilty of First Degree Murder-Hanged	Middlesex, NJ
Susan (no reported last name) (F)	1868	13	B	Domestic Servant	18 yr. old member of family who employed her	Guilty of First Degree Murder-Hanged	Henry, KY
No name reported (F)	1868	--	B	Domestic Servant	Family who employed her	__	Kent County, MD
Lucy Purnell (F)	1868	--	B	Domestic Servant	Male neighbor	Guilty of First Degree Murder-Hanged	Worcester, MD
Elizabeth Stang (F)	1/29/1868	15	W	--	Family members	Charges were dropped	Chicago, IL
Catherine Dushane (F)	9/9/1868	--	W	Housewife	Nephew	Acquitted of all charges	Baltimore, MD
Nancy Lyman (F)	1/22/1869	--	W	Housewife	Husband	Acquitted of all charges	Albany, NY

Mrs. Rowland (F)	5/1/1869	--	W	Farmer	Husband	Acquitted of all charges	Hagerstown, MD
Paul Schoeppe (M)	5/31/1869	25	W	Physician	Elderly wife	Guilty of First Degree Murder- Hanged	Carlisle, PA
Elizabeth Galler (F)	12/1/1869	--	W	Housewife	Husband	Acquitted of all charges	New York, NY
Susan Chamberlain (F)	11/6/1870	28	W	Cannery worker	Wife of her lover	Guilty of Attempted Murder- 12 years in prison	Chestertown, MD
Daniel Smith (M)	11/6/1870	--	W	Cannery worker	Wife	Guilty of Attempted Murder- 12 years in prison	Chestertown, MD
Hannah Howard (F)	1/16/1871	--	B	Domestic Servant	Female acquaintance	Guilty of Attempted Murder- 3 years in prison	Baltimore, MD
Elizabeth Gaban (F)	1/18/1871	50	W	Domestic Servant	Family who employed her	Acquitted of all charges	Baltimore, MD
Dr. Septimus T. Schuman (M)	07/21/1871	--	W	Physician	Patient seeking an abortion	Guilty of manslaughter- 2 ½ years in prison	Baltimore, MD
Mary Wallis (F)	1871	17	B	Domestic Servant	Infant member of family who employed her	Guilty of First Degree Murder- Hanged	Prince George's County, MD
Angelina Colburn (F)	8/10/1871	35	W	Housewife	Husband	Acquitted of all charges	London, OH
John Cameron (M)	06/21/1872	45	W	Farmer	Wife	Guilty of Second Degree Murder- 12 years in prison	Harrisonburg, VA
John Plater (M)	1/23/1872	--	W	Miller	Wife	Guilty of Manslaughter- 5 years in prison	Cambridge, MD

Emily Lloyd (F)	10/21/1872	--	W	Housewife	Her Children	Acquitted of all charges	Leesburg, VA
Lydia Sherman (F)	1/13/1873	47	W	Factory Hand	Neighbors	Guilty of Second Degree Murder- Life in prison	New Haven, CT
Elizabeth Wharton (F)	1/18/1873	40-50	W	Housewife	Male acquaintance	Acquitted of all charges	Baltimore, MD
Ann Hunt (F)	1874	--	B	--	Female neighbor	Guilty of First Degree Murder- Hanged	Elbert, GA
America Burton (F)	1874	--	B	--	Same neighbor	Guilty of First Degree Murder- Hanged	Elbert, GA
Mr. Wilson (M)	1874	--	W	--	Wife	--	Murfreesboro, NC
Alcee Harris (F)	11/26/1875	24	B	_	Husband	Guilty of First Degree Murder- Hanged	Monroe, LA
Susan Marshall (F)	12/4/1877	19	B	Domestic Servant	Family who employed her	Guilty of Attempted Murder- 10 years in prison	Hagerstown, MD

Bibliography

Primary Sources

Baltimore American and Commercial Advertiser

The Baltimore Sun

The Philadelphia Inquirer

Maryland Republican and State Capital Advertiser

The New York Times

The Trial of Mrs. Elizabeth G. Wharton Reported and Published by *The Baltimore Gazette.*

Baltimore Medical Journal: A Monthly record of Medicine and Surgery. Volume 1. October 1870.

Secondary Sources

Blum, Deborah. *The Poisoner's Handbook: Murder and The Birth of Forensic Medicine in Jazz Age New York.* New York: Penguin Books, 2010.

Bosworth, Mary, and Jeanne Flavin, eds. *Race, Gender, and Punishment: From Colonialism to the War on Terror*. New Brunswick, New Jersey: Rutgers University Press, 2007.

Branson, Susan. *Dangerous to Know: Women, Crime, and Notoriety in the Early Republic*. Philadelphia: University of Pennsylvania Press, 2008.

Burney, Ian. *Poison, Detection, and the Victorian Imagination.* New York: Manchester University Press, 2006.

Butler, J.E. *Trial of Jane M. Swett of Kennebunk, for Homicide*. Biddeford, Maine: Butler and Plate, Book and Job Steam Printers, 1867.

Carlson, A. Cheree. *The Crimes of Womanhood: Defining Femininity in a Court of Law.* Chicago IL: University of Illinois Press, 2009.

Cott, Nancy. *The Bonds of Womanhood: "Woman's Sphere" in New England, 1780-1835.* New Haven: Yale Univ. Press, 1977.

Crosby, Sara Lynn. "Poisonous mixtures: Gender, Race, Empire, and Cultural Authority in Antebellum Female Poisoner Literature." University of Notre Dame, 2005.

DeWaard, Jeanne Elders. “The Crime of Womanhood: Ambivalent Intersections of Sentiment and Law in 19th Century American Culture.” University of Miami, 2003.

DeWitt, David. *The Judicial Murder of Mary E Surratt.* Baltimore: John Murphy, 1895.

Hartman, Mary. *Victorian Murderesses: A True History of Thirteen Respectable French and English Women Accused of Unspeakable Crimes*. New York: Schocken Books, 1976.

Helfield, Randa. “Female Poisoners of the Nineteenth Century: A Study of Gender Bias in the Application of the Law.” *Osgoode Hall Law Journal* 28, no. 1 (1990): 53-101.

Hewitt, Nancy. “Taking the True Woman Hostage,” *Journal of Women's History* 14 (2002): 156-162.

Ireland, Robery M. "Frenzied and Fallen Females: Women and Sexual Dishonor in the Nineteenth-century United States," *Journal of Women's History* 3.3 (1992):95-117.

Keetley, Dawn. "Beautiful Poisoners: "Rappaccini's Daughter,” Hannah Kinney's 1840 Murder Trial, and the Problem of Criminal Responsibility (illustrated)." ESQ 44.3 (1998):124.

Knelman, Judith . *Twisting in the Wind: The Murderess and the English Press*. Toronto: University of Toronto Press, 1998.

Larsen, Kate. *The Assassin’s Accomplice.* New York: Basic Books, 2008.

Lawson, John, ed. *American State Trials: A Collection of the Important and Interesting Criminal Trials Which Have Taken Place in the United States, from the Beginning of our Government to the Present Day*, 17: Vol. 17 (St. Louis: F. H. Thomas Law Book Co., 1916).

McDade, Thomas M. *The Annals of Murder: a Bibliography of Books and Pamphlets on American Murders from Colonial Times to 1900*. Norman: University of Oklahoma Press, 1961.

Mohr, James. *Doctors and the Law: Medical Jurisprudence in Nineteenth-Century America*. Baltimore: Johns Hopkins UP, 1996.

Papke, David Ray. *Framing the Criminal: Crime, Cultural Work and the Loss of Critical Perspective, 1830-1900*. Hamden: Archon Books, 1987.

Roberts, Mary Louise. “True Womanhood Revisited,” *Journal of Women's History* 14 (2002): 150-155.

Rogers, Alan. “Murders and Madness: Law and Medicine in Nineteenth-Century Massachusetts.” *Proceedings of the Massachusetts Historical Society.* Volume 106 (1994): 53-81.

Ryan, Mary. *Empire of the Mother: American Writing about Domesticity, 1830-1860.* New York: Institute for Research in History and Haworth Press, 1982.

Scovell Broughton, Candace. “Gendered justice: Emma Wimple and the story of Murder Hill” (State University of New York at Buffalo, 2004.

Silberman, Lauren. *Wicked Baltimore: Charm City Sin and Scandal.* Charleston, SC: The History Press, 2011.

Thompson, C.J.S. *Poisons and Poisoners: With Historical Accounts of Some Famous Mysteries in Ancient and Modern Times*. New York: Barnes and Noble Books, 1993.

Uruburu, Paula. *American Eve: Evelyn Nesbit, Stanford White: The Birth of the “It” Girl and the Crime of the Century*. New York: Riverhead Books, 2008.

Welter, Barbara. “The Cult of True Womanhood: 1820-1860,” *American Quarterly* 18 (2) (1966): 151-174.

Young, Donna. “Divorce in Nineteenth Century Washington County, District of Columbia,” *Gender and Legal History Papers* (1985).