

TALES OF THE OLD WEST

Charity Lamb

On a warm Saturday evening on May 13, 1854, the Lamb family were having supper in their cabin nine miles east of Oregon City along the Clackamas River in Oregon Territory. Nathaniel Lamb was seated at his place at the head of the table and he was entertaining the children with a story about a bear that he had just killed. Around the table were the children: Abram, age thirteen; Thomas, age nine, and Mary Ann, age nineteen. Two other sons, William and John, may also have been seated at that supper table. The record is unclear as to their whereabouts. In the corner, in a crib was Presley the youngest son. Charity, the wife and mother, was up and about and should have been preparing and serving the food. Instead she picked up an ax from the woodpile, walked behind her husband and chopped the back of his head with the ax. He fell to the floor and she chopped him again. Both blows penetrated his skull and into the brain. Either blow would have been fatal. Charity became the first recorded murderess in Oregon.

Charity and Mary Ann then fled the cabin and went to a neighbor's home. Nathaniel, who was not quite dead was left squirming in pain on the kitchen floor. He struggled to his feet and stumbled into the yard. He told Abraham to fetch the Smiths, their nearest neighbor. By the time they arrived Nathaniel was in a coma. Dr. Presley Welch was called to the scene to treat Nathaniel. Nathaniel would die two weeks later on May 20, 1854.

The Oregon State Archives documents report that Charity was born in 1814. Other sources say she was born in 1818 and possibly in North Carolina. It is not known where, but Charity had some schooling, and could read and write. Very little is known about her early life. It is believed that she married Nathaniel Lamb, a farmer, in 1837, and their oldest child Mary Ann was born around ten months later. By 1850 they were living in White, Missouri with four children. In 1852, the family began a five-month journey on the Oregon Trail and eventually settled about 10 miles up the Clackamas River from Oregon City, where they received a land patent to 318 acres. By 1854, the family had six children; Mary Ann and five sons.

News of the killing reached the pioneer public one week later. The reaction was outrage. A headline in the May 20, 1854, *Oregon Weekly Times* called it "Revolting Murder": *We have to chronicle one of the most cold blooded and atrocious scenes ever enacted in Oregon—that of a wife murdering [sic] her husband, while taking his supper she stepped up behind him with a heavy axe, and struck him in the head. Wishing to make sure of him, she struck him again, breaking his skull. After committing this inhuman deed, the monster took to the woods, but was brought back the same night. Lamb was an industrious and quiet citizen, and had a good claim, which he had improved considerably with his own hands.*

The *Oregon Weekly Times* gave two sources for its account: Philip Foster, a distant neighbor, and Nathaniel, the victim, who had given a deposition while on his deathbed. The *Weekly Times* offered a motive for the "cold blooded and atrocious" deed: *It seems that this woman and her daughter had determined upon eloping with a man by the name of Collins, who last summer lived in that neighborhood. He is supposed to be in California, and they had become impatient in waiting for him, and had written a letter to him stating that they were ready to go wherever and whenever he might direct. This letter was discovered by Lamb this spring, and consequently, was not forwarded. This Collins, we learn, last summer, seduced a man's wife in that vicinity—and a divorce has been obtained—and a very reasonable presumption obtains that he had seduced both this murderess and daughter.*

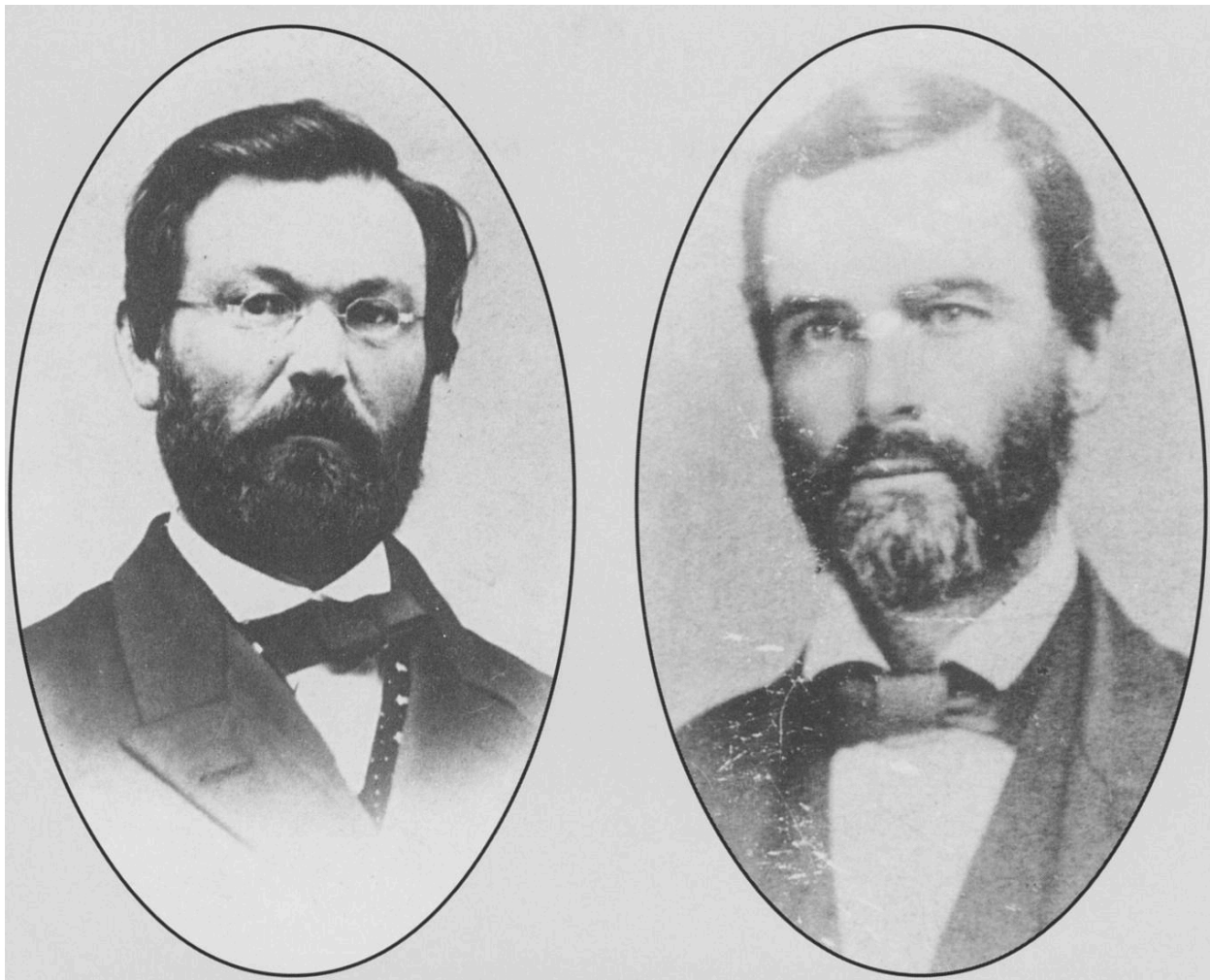
Having portrayed Nathaniel as a cuckold and Charity as a faithless wretch, the disgusted writer concluded: *The subject is revolting to our feelings, and we will drop it.*"

On Monday, July 10, a grand jury issued two separate murder indictments—one against Mary Ann and the other against Charity. One day later Mary Ann was on trial in the U.S. District Court in the County of Clackamas for having taken part in the murder of her father. Judge Cyrus Olney would preside over the trial. Mary Ann had no attorney and Judge Olney appointed Milton Elliot and James K Kelly as her legal counsel. The indictment was read and Mary Ann pleaded not guilty. A jury of twelve men was selected and sworn in. Women were not allowed to serve on juries at that time in Oregon's history.

TALES OF THE OLD WEST

The prosecutor was Noah Huber and the case he prepared and the physical evidence must have been weak as the case was heard and a verdict of not guilty took less than a day.

Charity went to trial on July 13 and Judge Olney assigned her the same two lawyers that had defended Mary Ann. She had quality representation. Elliot was a former prosecuting attorney and Kelly had a prominent career on the frontier as a territorial legislator, law codifier, and military leader.



James K Kelly on the left and Judge Cyrus Olney on the right

After reading aloud the indictment charging Charity with premeditated murder, a crime punishable by death, she made no plea. Instead, her lawyers argued that the indictment was "irregular." The record reveals no more than that. The severity of the possible sentence required that the lawyers on both sides needed the advantage of more time to adequately prepare their cases. Judge Olney ordered Charity committed to the county jail until the next court term, two months away. Her children were scattered. Some of her sons were placed with the family of Joseph Church, and some of them were placed with the L. A. Lacey family. Mary Ann was now free, and the baby had to be put in the care of a wet nurse.

There was some resentment in the community over Mary Ann's acquittal and Charity's delay. On July 14, 1854, the day after the special term of court ended, the *Oregon Spectator* railed against the lack of justice in the two cases. In an editorial the paper said: "*The editorial exploded with disconnected, name-calling invectives: 'There was a greater lack*

TALES OF THE OLD WEST

of knowledge, less law, less justice, less common sense, and more sham, humbuggery, &c., exhibited in the acts of the Court the present week." The editorial continued with an attack on Huber: *"there was a disposition on the part of the prosecuting officer to rush along with the [Mary Ann's] trial without due preparation, and without making an effort beyond the mere form to secure the conviction After the evidence was all given, the prosecuting attorney arose and plead [sic] for the fair murderess with a zeal that showed conclusively that the counsel for the defense feared no opposition."*

The *Spectator* editorial ended with sarcasm: "If Cyrus Olney as Judge and Noah Huber as prosecuting attorney, compose the head and tail of the September term, ... the old woman will be cleared too! Think of it ladies! and if any of you feel disposed to walk up behind your husbands or fathers and chop their heads open, why, just "pitch in!"—You are safe in doing so!"

Charity spent the next four months in jail and for some of that period she was transferred to the Hillsborough (present day Hillsboro) over 30 miles by wagon away from Oregon City. No reason for the transfer is known. It was an expensive transfer as the Clackamas County paid approximately three hundred dollars for guards and board from about May 20 to September 7. On Monday, September 11, 1854, Charity was back in court and her trial began. The September 30 *Oregonian* described Charity's appearance this way: *"The prisoner was brought into court, carrying an infant in her arms. She was pale and sallow, and emaciated as a skeleton, apparently fifty years of age, though probably a little younger. Her clothing was thin and scanty, and much worn and torn, and far from clean, and her child looked exactly like the child of such a mother. She had a sad, abstracted and downcast look, and appeared to take no interest in the proceedings."*

The *Weekly Times* reported her age at around 45 but that was probably because of the hard life she had lived on the frontier and being in confinement for four months. She was likely about 40-years-old.

The trial would last six days and that was an unusually long time for a trial at that period. The indictment was read aloud and this time she pleaded not guilty. Eighteen men had been summoned for jury duty and the lawyers challenged twelve of them. The sheriff had to go into the crowd of onlookers and select twenty more prospective jurors. The lawyers tried to determine if courtesy to the fairer sex and to motherhood would cloud the duty of the jury. Judge Olney would not allow that line of questioning and ruled that that they could ask if the juror would be "biased in favor of the prisoner." The prosecutor wanted to challenge one juror because he had doubts about convicting someone that could be sentenced to hang. The judge did not allow the challenge because he was doubtful, not certain.

After the doctors testified that the assault had happened and that Nathaniel was in fact dead and that a crime had been committed, Huber called thirteen year-old Abraham as a witness and he testified: (No attempt was made to correct grammar or punctuation in any of the testimony) *"I was present. He [Nathaniel] sat at the side of the table towards the door. I sat at one end, and she [Charity] at the other. My brothers were on the other side. She got up, I thought to get some bread at the fire. I was eating and didn't notice her. When I first noticed him he was falling out of his chair. She jumped outdoor and ran for the gate. He fell over and scrambled about a little, and got on all fours, and went outdoor. When he got his feet outdoor, he got up and ran half way to the gate, and asked what was the matter. He staggered around and ran and fell near the corner of the house. Tommy and I helped him up and got him some water. He told me to go to Mr. Smith's."*

Benjamin and Elizabeth Smith were the nearest neighbors, living a half mile due north of the Lambs. Abram continued: *"I don't remember where Mary Ann was. I think she was on the back side of the table. She jumped out of the door with mother."*

At the outset, there was a whisker of doubt about which of the two women had wielded the axe. In the days immediately following the killing, there had been some suspicion that

TALES OF THE OLD WEST

Mary Ann could have been the attacker or a co-conspirator. Both women had immediately fled the scene, and Dr. Welch testified that Charity had told him that Mary Ann "*was going to do it herself, but I told her I would do it.*" But Mary Ann swore at trial that she was not in the room when the fatal blows were struck: "*When he [Nathaniel] came home with the meat he ... laid it down and went into the front room and set down to the table. I staid [sic] in the back room looking at the meat and the bear's paw. Mother was standing in the front door. She came into the back room but didn't stay half a minute. I heard the children scream and went in. She was outdoor. He was near the door, on his feet, staggering, not down on all fours. He said something. I said "what"; and stopped to see what was done and started off with her.*"

To make a case for murder the prosecutor had to show that Charity intended to kill Nathaniel and to prove first degree murder he had to show that it was premeditated. Premeditation would require a motive and Huber would show motive through the introduction of the lover known only as Mr. Collins and a letter written to him by Charity and Mary Ann a week before the murder. The letter was discovered by Nathaniel before it was mailed and was never produced in court. Either Nathaniel or Mary Ann had torn it up.

Mary Ann testified about her father's discovery of the letter: "The letter was to be directed to Mr. Collins. I had it in my bosom when he [Nathaniel] discovered it, and I gave it to him. He attempted to read it, and mother took it away from him, if I remember right-no, I took it away myself. I tore it up."

If it was not a love letter it was at least a letter of strong affections and promises that Charity and Mary Ann would join him in California where he had gone and apparently left more than their two broken hearts behind. The *Oregon Weekly Times* described Collins as an interloper and amorist who had caused at least one other divorce in the immediate countryside. The Times also offered the likelihood that Collins had seduced both Mary Ann and Charity, although no evidence of seduction appeared at the trial. Mary Ann testified that her mother had written the letter for her. Dr. Welch also testified that Charity had told Nathaniel that she had written the letter for Mary Ann and that there was a love affair between Collins and Mary Ann; that she [Charity] favored the suit, and Lamb opposed it; that she was mortified and vexed about it, for Collins was so nice a man; that she could prove he was as nice a man as there was in Oregon.

Welch also overheard a conversation between Charity and her dying husband concerning Collins and the letter: She asked him why he had abused her and Mary Ann so much about Mr. Collins. She said, "I know you have been angry with us ever since you saw that letter. You drove Mr. Collins off in the night and threatened to shoot him." Said he, "I did; and if he had continued to cut up about my house, as he had done, I would have shot him." This letter and Collins affair came up several times.

Finally the defense offered testimony that Charity had shown a complete lack of remorse and was not saddened in the least by her husband's condition or his death.

Prosecutor Huber rested his case.

The defense only called three witnesses. A Mr. Muzzy who worked for Nathaniel, Tommy and Mary Ann. It was obvious as they took the stand that that the defense was that Charity had committed the crime "in a state of temporary insanity."

Mr. Muzzy's testimony was not at all what the defense was anticipating. "Mr. Lamb was planning on leaving the state, taking his sons with him. Mrs. Lamb appeared real happy to see him go. She didn't fret, neither, about losing her boys." Muzzy was immediately dismissed from the stand.

Defense Attorney Kelly was very gentle with nine-year-old Tommy Lamb. Tommy testified to his father's heavy drinking and his mean treatment to all of them, especially, to his mother. When asked if he saw his mother strike his father he replied, "Well, I seen Pa yelling and waving his arms and scaring Ma, first. Then Ma got the axe and chopped Pa hard—twice."

TALES OF THE OLD WEST

When Mary Ann took the stand everyone was hushed and in a gossipy anticipation. She testified to her father's brutality toward her mother and gave vivid details as to how her father had ordered her mother to leave and never return. She continued, "But, as Ma started to go Pa grabbed his rifle and said he would shoot Ma if she left." Then she told how in the previous winter he had knocked her into a snowbank and kicked her.

The defense made no mention of Mary Ann's affair with Mr. Collins; instead they hammered away at the father's mental and physical abuse of his wife. The audience was disappointed at the lack of salacious testimony.

In closing arguments Kelly and Elliott portrayed Nathaniel as a despicable man who drank too much and abused his family and that living with him in constant fear rendered her temporarily insane.

"We believe she killed her husband in self-defense and to protect the children from their wicked father. How could she possibly be guilty in her state of mind? How could she possibly be guilty in the eyes of God by acting for the preservation of herself and her family?"

The prosecution's final summation had a little different opinion of Charity.

"The accused is a deceitful, conniving woman who planned to flee into the arms her lover. Worse, she was planning to take her daughter along to live in shame. When her husband discovered her terrible plan of infidelity, she deliberately killed him. She willfully premeditated her heinous crime. Charity Lamb must be punished!"

The all-male jury was confused by all the contradictory testimony they had heard. Late in the morning they retired to begin their deliberation. The decision would not be an easy one. They did not have legal minds. They were mostly hard-working farmers who believed the husband was the head of the household. They also believed the husband should not treat his family in a brutal manner. But a philandering spouse needed very strong discipline.

The hours ticked away. They asked Judge Olney to clarify self-defense and when it would justify the taking of a life. His explanation led the jury to a conviction of second-degree murder and a recommendation for leniency.

Judge Olney did spare her life but sentenced her to hard labor for the rest of her life.

On September 18, two days after the sentence was decreed, Clackamas County Deputy Sheriff Septimus Huelat delivered Charity to the penitentiary in Portland, fourteen trail miles downriver from Oregon City. Receipt of the prisoner was signed by Joseph Sloan.

Records show that Charity was one of thirty-one prisoners who helped grade Portland's streets. Hard labor truly meant hard labor.

On December 2, 1862, she was taken to an asylum for the mentally ill. The asylum at Tenth and Asylum streets (present-day Hawthorne Boulevard) was almost directly across the Willamette River from the penitentiary. Dr. J. C. Hawthorne was a principal proprietor, and the place came to be known as the Hawthorne Asylum for the Insane. When Charity was led inside at the end of 1862, the asylum housed about thirty patients, four of them women. A family member would report that she was taken there as a convenience, not because of a mental condition. This is probably true as the male population of the prison was rapidly expanding and Charity was losing all her privacy.

Lamb died in 1879. The cause of death was recorded as apoplexy, likely a stroke or internal hemorrhage. She was most likely buried at the southwest corner of the Lone Fir Cemetery in Portland, just to the east of the Chinese railroad workers section, where researchers believe up to 132 patients from the mental hospital were buried. However, her name did not appear in cemetery records. Around 1930, the southwest corner was paved over to allow for Multnomah County to begin building on the property.^[12]

References: Charity Lamb—*Murder on a Summer Night* by Lee Ryland, *Real Frontier*, June 1970

The Tragedy of Charity Lamb, Oregon's First Convicted Murderess by Ronald B. Lansing in the *Oregon Historical Quarterly*, Vol. 101, No. 1 (Spring, 2000), pp. 40-7