

## Mystery in History: If They Don't Convict, Kill, Kill Again by Douglas Harrell

**O**n September 25, 1935, 36-year-old Ava Appelgate returned home to Baldwin, Long Island, after spending six days in the hospital. The next morning she was again taken violently ill, and she died the following day.

Mrs. Appelgate's sudden demise aroused no suspicion in the attending physician. However, after receiving a letter containing old newspaper clippings, police burst into the church at her funeral and seized her body.

In those days, everyday household items such as cleaning products, cosmetics, and even health tonics contained substances that could be deadly in sufficient doses. If you wished to collect on a life insurance policy, gain an inheritance, or remarry, you had dozens of poisons readily available in the medicine cabinet or utility room. In most jurisdictions, investigations of suspicious death were handled by politically appointed coroners with no medical qualifications, so there was a good chance you would get away with it too.

### A change in practice

This all changed in New York City with the creation of the office of chief medical examiner in 1918. Every suspicious death was rigorously examined to determine if it was due to natural, accidental, or homicidal causes. In charge was the eminent pathologist Dr. Charles Norris. He was assisted by a brilliant young analytical chemist, Dr. Alexander Gettler, and a small staff of medical and chemical professionals. Although created for New York City, officials in the outlying counties of New York and New Jersey soon began requesting assistance in their most difficult cases.

The local autopsy concluded that Ava Appelgate had died of acute nephritis, but when her kidneys and other vital organs arrived in Dr. Gettler's laboratory, he found they were riddled with arsenic—three times the lethal dose, some still undigested. Gettler concluded the poison had been delivered slowly over days or weeks, with the final, fatal dose administered mere hours before death. Gettler also identified the source. Ava's stomach contained soot, an inert filler in the Rough on Rats brand pesticide whose advertising claimed rats "don't die in the house." People, it seemed, were a different story.

In an ironic twist of fate, the prime suspect was Mary Frances Creighton, a woman Gettler helped exonerate 12 years earlier in a courtroom in Newark, New Jersey. At that time, she and her husband, John, were on trial, accused of murdering her 18-year-old



brother, Charles. Prosecutors alleged they had done it for Charles' \$1,800 trust fund and a \$1,000 life insurance policy. Twice in the weeks before his demise, Charles had visited the doctor complaining of stomach pains. On the afternoon of April 20 his doctor deemed him recovered, but hours later Charles was taken violently ill and died. An anonymous letter alerted the authorities to these events, and to the sudden deaths of Mr. Creighton's parents in 1920 and 1921, with whom John and Mary had been living at the time.

The autopsy had found fatal quantities of arsenic in

Charles' body. The defense did not request the services of Gettler in this trial. It would appear they did not believe testimony by the foremost toxicologist in the country would help their case. Without calling a single defense witness, John and Mary were acquitted largely due to her innocent appearance and her status as a new mother—she had given birth to a baby boy in jail.

### More suspicious deaths

Days later, Mary Creighton was indicted for the murder of her mother-in-law. The woman's body had been exhumed during the first trial, and found by the local examiner to contain fatal levels of arsenic. Gettler was hired by the defense to do an independent analysis. Gettler earned his fee. His superior methods demonstrated conclusively that the vast majority of the substance found was actually bismuth, an innocuous ingredient in the woman's stomach medicine (now known as Pepto-Bismol). The state, he testified, was basing their case on a test that was incapable of distinguishing the two metals. For the second time in three weeks, Mary Creighton was acquitted of murder.

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Douglas Gaines Harrell is a recovering chemical engineer who has taken up mystery writing as a second career. Hard at work on his first novel, he has taken time out to write several short stories inspired by local history, published in anthologies by Cat & Mouse Press of Rehoboth Beach, Delaware. Visit him at [www.douglasharrell.com](http://www.douglasharrell.com).

## Mystery in History, continued

When Ava Appelgate died, a Nassau County detective who knew of Creighton's sinister past in Newark initiated an inquiry. In murder cases, investigators seek to establish two things: motive and opportunity. The domestic arrangements of Mary Creighton provided the latter. To save money during the Depression, Everett and Ava Appelgate had been living for nine years with John and Mary Creighton in the Creighton's two-bedroom bungalow. The couples each had a bedroom, and their daughters, 15-year-old Ruth Creighton and 12-year-old Agnes Appelgate, shared an attic room. Twelve-year-old John Creighton, who had been born during his mother's first murder trial, slept in an enclosed porch.

A possible motive emerged when, after an all-night interrogation, Ruth revealed she had been engaged in a sexual relationship with Everett Appelgate since the spring, leading him to be the first person arrested—not for murder, but on a charge of criminal assault. At first, Mary claimed ignorance of the affair. It was true Ruth sometimes accompanied Everett on trips he took to investigate benefit claims for the Nassau County Veterans Bureau, but she had suspected nothing. She strenuously denied any involvement in Ava's death.

### A confession

The next day, under further interrogation, Mary confessed. She first said she and Everett had jointly poisoned Ava. Within hours, she changed her story. She had known about the affair for months, and was upset at the "rumors" Ava was spreading around the neighborhood about Ruth. Mary was furious when Ava said to her face that Ruth was "no good," and she told investigators, "I then decided to do a very foolish thing."

She sent Everett out to buy rat poison on a pretext, and then gradually began poisoning Ava. When Ava didn't die in the hospital, Mary administered another dose the very night Ava returned home. When she still didn't die, Mary gave Ava the fatal dose the next evening. Mary claimed she had acted alone. She had only implicated Everett to "make trouble for him" to avenge the disgrace that was now attaching to her daughter due to their relationship. Speaking to the press, Nassau County District Attorney Martin Littleton remarked, "She hasn't expressed any nervousness, confusion, unhappiness nor indicated emotional upset of any kind...Her tenacity and ability to speak incessantly is the most amazing quality I have ever seen in my life." And Mary was just getting started.

In his interrogation, Everett admitted he had purchased the rat poison at Mary's request, but claimed he had no idea she intended to kill his wife with it. Prosecutors weren't impressed. They suspected he had wanted his wife out of the way so he could be with Ruth. It didn't help his case when, pleading guilty to the criminal assault charges, he added, "I wish to marry this girl."



Mary Creighton and Everett Appelgate.

### Charges of murder

On October 11, Mary Frances Creighton and Everett Appelgate were jointly indicted and charged with murder. Their trial commenced in January of 1936. Mary sobbed when Ruth testified about her relationship with Everett, but after that her ability to speak incessantly was on full display. Despite having previously described how she had tracked Ruth's periods and only allowed Everett to have sex with her when it was safe, she began asserting she had never known of Everett's sexual escapades with Ruth. It was true Ruth had spent

two nights in Everett's bed while Ava was in the hospital, but Mary insisted Agnes had been there, too.

As far as the murder, she now claimed Everett had acted alone. It was *he* who had sent *her* to get the rat poison, never telling her why. He had given her the gray powder to mix into Ava's milk, telling her it was stomach medicine. She had never suspected it was anything else. The next day, Mary's story changed again. She was forced to admit she had known it was rat poison when she fed it to Ava, but claimed she didn't think it would be fatal. Everett had concocted the scheme, and he was the one to blame. Mary's lawyer claimed Mary was powerless to resist Everett, who he described as "a man of steel."

Everett continued to claim ignorance, but was forced to concede he had long been aware of Mary's 1923 murder trials. It came out he had even contacted a journalist relative on her behalf about selling "her story."

After four hours of deliberation, the jury returned a verdict of guilty of murder in the first degree for both Mary and Everett, which carried a mandatory sentence of death. For the first time since her arrest, Mary was visibly shaken. During the months in Sing Sing, Mary was visited by her husband, John, but adamantly refused to see her children, Ruth and John Jr.

As her execution date approached, her physical and mental state declined. She first lost the ability to speak, and later the ability to walk. Doctors deemed it a case of "psychological paralysis." Mary's subconscious was stilling the incessant vocal cords that had sealed her fate and the legs that would otherwise carry her to it. At 11:04 on the night of July 16, Mary Creighton was wheeled into the death chamber and lifted into "Old Sparky." Moments before the current was switched on, she dropped the rosary beads she had been clutching. She died without having uttered a word.

After a brief statement proclaiming his innocence, Everett Appelgate died four minutes later. It was a shocking end to the sordid domestic drama that had electrified New York for almost a year.

This account is based on the book *The Poisoner's Handbook* by Deborah Blum, and news accounts in *The New York Times* from 1923, 1935, and 1936.