

American Homicide Supplemental Volume (AHSV)

**Distinguishing Homicides from Natural Deaths,
Accidental Deaths, Suicides, and Feigned Deaths (DH)**

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Definition of Homicide

In *American Homicide*, all deaths that resulted from willful assaults are termed homicides, except those that occurred in open warfare. That includes assaults that were legally justified or not meant to cause death, such as those committed in self-defense or in the line of duty by law enforcement officers. Deaths caused by criminal negligence, however, including automobile-related fatalities, are not classified as homicides, because there was no willful assault.

Difficult Cases: Murders by Stealth, Missing Persons, Human Remains, Hoaxes, and Legal Chiarivaris

Homicides of adults were usually easy to distinguish from natural deaths, accidental deaths, and suicides. Most involved violence, and friends and relatives could often testify to threats or hostile exchanges between the murderer and the intended victim. However, murderers who targeted family members or lovers and killed by stealth presented authorities with significant problems. Before modern forensic techniques were developed, it was very difficult to prove homicide. Did someone get away with strangling the elderly Deborah

Boudle, burning her house to destroy the evidence, or did she die of smoke inhalation?¹ Did John Smith push his wife down the cellar stairs or did she fall?² Did Mary Dudley die in a sleigh accident, or was she strangled, and her body lodged under the overturned sleigh?³

Because authorities knew that murder was a possibility, they investigated deaths like these aggressively, examining the body and the area where the body was found and questioning as many witnesses as possible to ferret out possible motives. Their decisions took a suspect's reputation into account, but some people seem to have been given the benefit of the doubt. Investigators decided that the first of these deaths was probably an accident, despite initial suspicions about arson. The others were more problematic. The woman who was found at the bottom of the cellar stairs had "ghastly head wounds." There was a bloody club nearby (used, said John Smith, to kill chickens) and neighbors testified that the husband was "intemperate." Yet at the inquest it was decided, curiously, that there was not enough evidence to bind him over for trial. The evidence against the husband in the last case was largely circumstantial. Suspicions were aroused by testimony about his treatment of his wife and his infatuation with a young schoolteacher. Mary Dudley was disinterred, and the bruises on her neck were identified as resulting from strangulation. On this slim evidence Enos Dudley was hanged.

Some investigative techniques were undoubtedly responsible for the conviction of innocent people. In the seventeenth and early eighteenth centuries, it was commonly believed that fresh blood would flow from the corpse of a murder victim if the murderer touched or came near it. Thomas Cornell, whose mother's death was almost certainly accidental, was condemned in Rhode Island in 1673 in part because fluids oozed from his mother's charred corpse when he entered the room.⁴ In the nineteenth century some medical

examiners—like those in the Boodle and Dudley cases—claimed that they could tell whether a shattered skull had been broken before or after a fire, or whether discoloration of the skin had been caused by a bruise or by the settling of blood after death.

Poisonings posed particular problems. The symptoms of poisoning by various metals and organic compounds were well understood by the late eighteenth century, and toxicology manuals for coroners and medical examiners were widely available by the early nineteenth century.⁵ Yet as most authorities acknowledged, the symptoms of poisoning could be confused with the symptoms of natural illness, and vice versa. No reliable test for a small amount of any poison was available until 1836, when James Marsh, an English chemist, developed a technique that would reveal small traces of arsenic in human tissues. By the end of the nineteenth century, researchers had devised chemical tests for many poisons, but they were expensive, so coroners and medical examiners did not perform them very often, even when deaths were considered suspicious.⁶

In the nineteenth century murderers had ready access to a growing number of poisons. Some toxic compounds were medicinal, including narcotics like opium and morphine and anesthetics like chloroform. Others, such as cyanide (usually in the form of prussic acid) and mercuric chloride (corrosive sublimate), were used frequently in photography and metallurgy. The latter was also important as a disinfectant and fungicide. Still others were used to control pests in the home or garden, including arsenic (sold as Paris green or Rough on Rats) and strychnine.

Many of those who ingested poison were suicides. They took whatever was at hand, even if it guaranteed an excruciatingly slow and painful death. Some people accidentally overdosed on sedatives, or drank from mislabeled bottles, or ate garden vegetables

mistakenly dusted with weed killers. We can never know for certain how many people were victims of deliberate poisoning. The results of many postmortem toxicology tests were inconclusive, and positive results did not by themselves tell investigators whether a poisoning was an accident, suicide, or homicide.

State legislatures were concerned about the proliferation of poisons and their potential use in homicides. In the late 1840s and 1850s many states passed laws requiring druggists and other vendors to register sales of the most common poisons. They had to record the kind and quantity of poison sold, the date, the name of the purchaser, and the reason for the purchase.⁷ Virginia did not pass such a law until 1870, but in 1855 it forbade the sale of poison to free blacks.⁸ Sale of poison to a slave without written permission of a master or overseer had long been prohibited in the South.

Sometimes these new laws helped a state build a strong case against a suspect; sometimes they did not. A man who purchased poison might have killed himself because he was depressed over his wife's adultery, for example, but it was possible that his wife might have administered the poison to him so that she could remarry without scandal or loss of property. Jurors, coroners, and state's attorneys had to deal with a number of such cases and were hard pressed to decide what had happened.⁹

Under the circumstances, when historians attempt to count murders by stealth all they can do is weigh probabilities and defer to the judgment of coroners and grand jurors while noting that they may have been wrong.¹⁰ The number of ambiguous cases is not large enough to change the shape of long-term trends in homicide, even for such rare events as the murders of adult relatives or adults in conjugate relationships (spouses, lovers). But the

existence of such cases and the likelihood that some murders by stealth never came to light means that the number of murder victims is probably understated.

The same holds true for cases in which persons went missing under suspicious circumstances or in which remains were unearthed in unlikely places. The great majority of missing persons were found and most suspicious remains turned out to be ancient or non-human. On occasion, however, missing persons or people buried out of place did turn out to have been murdered, which raises the possibility that others were too. These cases are not included in the homicide totals in *American Homicide*, but they have been included in the homicide worksheets created by the author, so other scholars can pursue them and include them if they wish in the homicide counts. These cases are too few and distributed too randomly to change the long-term trends in homicide, but their inclusion would raise the homicide rate.

Of course, some initial reports of homicide turned out to be false, but such cases were contested from the start, either because the evidence was ambiguous or because the story was sensationalized to sell papers or make a political point. For instance, the *Rutland Courier* reported in July, 1864, that Edmund Hayes of Poultney, Vermont, had been stabbed to death after a bar fight by William Cooree, a Copperhead Democrat. The report, which was calculated to stir up hatred against Irish immigrants who sympathized with the Confederacy, proved false. There was no inquest, no case file, and as the *Courier's* competitor, *Rutland Herald*, reported the following month, no body: Hayes was alive and well. The *Courier* was simply being partisan and anti-Democratic.¹¹ A similar hoax was perpetrated in 1870 when Charles Champaign went missing from a Vermont logging camp and was “found” chopped to bits and decomposing a mile away. Later reports revealed that

he had fled to Canada to avoid his debts and had conspired with friends to kill a bear and make its carcass look like his remains.¹² The regularity with which such reports were contested shows that authorities and competing media were not gullible, and that they investigated cases in which the truth was in doubt. False reports of homicide and homicide hoaxes, however, are included in the homicide worksheets created by the author.

False accusations of homicide surfaced with some frequency when the spouse of an individual who had committed adultery or was suspected of adultery committed suicide or died suddenly of natural causes. It was common in such cases to launch an investigation and hand down an indictment, even if there was no evidence of homicide or the evidence weighed against it. A typical case involved Horace Allen and Susan Weeden of Rutland, Vermont, socially prominent citizens whose spouses died within a few months of each other in 1860. Allen and Weeden had been widely suspected of adultery at the time of their spouses' unexpected and nearly simultaneous deaths. Friends, neighbors, and authorities were convinced that the timing was not coincidental, so Allen and Weeden were jailed and indicted for poisoning their spouses, even though the results of the prescribed toxicological tests were not yet available. Two months later, those results exonerated Allen and Weeden—no poison was found in the body of either alleged victim and both deaths were ruled natural. Rutlanders were not apologetic, however, about having used the legal system to manifest their disapproval about Allen and Weeden's conduct right, and they were right about Allen's and Weeden's feelings for each other—they married in 1862.¹³ These cases have been classified in the worksheets as "legal chiarivaris"—as efforts to use the legal system, in absence of evidence of homicide, to express public indignation at the conduct of adulterers or suspected adulterers.

Classifying cases: Homicides, Probable Homicides, Possible Homicides, Uncertain Cases, and Non-Homicides

Cases that are included in the homicide totals in *American Homicide* have been classified as “certain,” “probable,” or “possible” homicides, depending on the quantity and quality of the evidence and the degree of confidence that contemporaries had in the evidence.

“Certain” homicides: The great majority of violent or suspicious deaths that appear in the historical record can be classified confidently as homicides or non-homicides. In most instances, contemporaries were certain that a homicide had been committed and the evidence is conclusive, even for scholars today. Such cases are classified in the Historical Violence Database spreadsheets and worksheets as “certain”.

“Probable” homicides: There is a high degree of probability that most of the remaining cases of suspected or reported homicide were also homicides. In these cases, contemporaries were convinced that a homicide had been committed and the evidence is substantial. These cases are classified as “probable.” Cases were also classified as “probable” if a single, uncontested report of a homicide appeared in a reliable local newspaper, because such reports were invariably sustained if additional evidence was available.

In a minority of cases, however, the surviving evidence is incomplete or inconclusive.

These cases are not numerous enough to alter long-term trends in homicide rates (Table 1), but they must be addressed.

“Possible” homicides: Cases in which most contemporaries suspected homicide but the evidence is incomplete or inconclusive are classified as “possible.” These cases have been included in the homicide totals in *American Homicide*, because the initial suspicions of neighbors, acquaintances, and authorities proved to be correct in nearly every case when additional evidence came to light. I have learned through experience to trust coroner’s juries, even in cases where they could not compile sufficient evidence to bring an indictment against a particular suspect or disprove the possibility that a death was natural or accidental. Coroner’s juries got things wrong in cases classified in the worksheets as “legal chiarivaris,” but they never failed to uncover homicide hoaxes, and their suspicion or distrust of particular members of the community seldom compromised their judgment, except when alleged adulterers were suspected of murdering their spouses.

“Uncertain” cases: I have not counted cases, however, where the evidence as well as contemporary opinion was in doubt. These cases are classified as “uncertain.” A few of these cases, particularly suspected poisonings, may have been homicides, but most were probably deaths from other causes. Determining which ones were and

which were not would require additional evidence. Again, however, these cases are not numerous enough to alter the long-term trends in homicide rates (Table 1).

In sum, correspondents for local newspapers, coroner's jurors, justices of the peace, relatives, and neighbors generally had a good eye for determining the cause of death. Their initial suspicions were almost invariably confirmed when additional evidence became available, which is why the author has deferred to their judgment unless there was evidence to the contrary. Nearly every "uncertain" case proved to be a non-homicide when additional evidence was found, and nearly every "possible" case proved to be a homicide. That is why the author has followed the judgment of contemporaries in most instances, once he had examined the surviving sources. The evidence, however, is available in the Historical Violence Database, so that others researchers, especially historians who have knowledge of the forensics, criminal procedures, media, and customs of the past, can make their own decisions on how to classify each case.

A final note: cases in which it was stated that the victim "cannot recover" or "could not live" are not included, because such phrases were used routinely to describe people in critical condition, most of whom survived if they managed to live a day or two after the assault. These cases are classified as aggravated assaults or attempted murders. They will be posted at a later date when the worksheets for such assaults are polished.

The classification scheme in *American Homicide* is thus:

Certain (contemporaries certain of homicide, and evidence is conclusive)

Probable (contemporaries suspected homicide, and evidence is substantial)

Possible (contemporaries suspected homicide, although evidence is not conclusive)

Uncertain (contemporaries were doubt, and evidence is doubtful)

Do not count (homicide hoaxes, legal charivaris, proven not to be homicides, no evidence to suggest homicide, etc.)

These classifications appear in the worksheets and spreadsheets under the variable

“class.”

Table 1
Classification (Class) of Homicides of Adults¹

	Certain	Probable	Possible	Uncertain	Total
Georgia and South Carolina	470	70	2	6	548
Maryland and Virginia ²	402	134	55	13	621
Ohio	182	56	16	21	275
Illinois	55	57	0	1	113
Colonial New England	308	221	45	41	615
New Hampshire and Vermont	454	171	14	51	690
Chicago	230	10	6	0	246
Philadelphia	1111	0	0	0	1111

¹ The data are from the spreadsheets posted in the Historical Violence Database. Those data indicate the years covered in the data.

² The data from Maryland and Virginia include an additional 17 cases in which a person examined for homicide was not indicted and the reasons for the refusal to indict were not specified. As noted above, most of these cases were probably homicides that were considered justified on the grounds of self-defense or in which there was insufficient evidence to hold the suspect. They are included in the 621 total cases.

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Notes

¹ *New Hampshire Patriot*, 3 June 1886; and *Coos County Democrat*, 2 June 1886.

² *St. Johnsbury Caledonian*, 2, 9, and 16 January 1863, and 15 May 1868; and *Burlington Free Press*, 14 May 1868.

³ Grafton County, New Hampshire, Court files, State & Sessions, 1848-9; and *Granite State Whig*, 14 April and 11 and 25 May 1848, and 9 May 1868.

⁴ Crane 2002: 41-3; and Fiske 1998: 20-32, 37-8, 45.

⁵ See, for example, Orfila 1818; Christison 1829; Curran, et al. 1980: 10-11; and Eckert 1997: 21-3.

⁶ Havard 1960: 1-10, 37-66. See, for example, the failure in 1878 to conduct a postmortem examination on William Huntriss of Danville, Vermont. *Rutland Daily Herald*, 24 January 1878.

⁷ See, for example, General Statutes of the State of New Hampshire (1867: 512); General Statutes of the State of Vermont, 1862, 2nd ed. (1870: 690); Swan (1860) 1: 454; and Clarke, et al. (1861: 881-2).

⁸ The Code of Virginia (1860: 45) and Munford (1873: 362-3).

⁹ See, for example, Davis 1955; Giddings Trial 1866.

¹⁰ Havard 1960: 146-69.

¹¹ *Rutland Herald* (Vermont), 10 and 20 August 1864.

¹² *Burlington Free Press* (Vermont), 16 June and 8 July, 1870; and *Rutland Herald*, 16 and 18 June, 1870.

¹³ *Rutland Herald* (Vermont), 24 May and 14 June 1860; Rutland County Court docket book, March 1860 term; and Vermont Vital Records, Marriages, Pittsfield, Vermont, 1862. For further examples of legal charivaris, see Davis (1955) and Giddings Trial (1866).