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PREFACE

A Long Forgotten Murder

John Norton died unexpectedly on a trip to Los Angeles in the early spring of 1875. His young widow, Caroline, their two small children and a hired hand named Jack Cotton buried him in that city before returning to the family's home near Carpinteria, in southern Santa Barbara County. A few months later, neighbors discovered his decomposing body in a shallow grave on his own property, wrapped in bed clothes with the skull completely broken in.

Though Mrs. Norton and Jack Cotton finally conceded that her husband had been murdered, they offered vastly different accounts of who was responsible. Jack claimed his employer was killed by a shotgun blast to the head. He insisted that Mrs. Norton had hired two men to do the deed, and then enlisted his help in disposing of the body. Mrs. Norton told a different story. She claimed that Cotton had shot her husband while they were in Los Angeles because he desired to have her for his own wife. She could not explain how her husband's body found its way back to Santa Barbara County, however. To add to the confusion, the coroner's jury concluded that John Norton was not killed by a shotgun blast at all, but by the strike of a blunt object to the back of the head.

The Santa Barbara Daily Press declared that such a cold-blooded murder had few parallels in history and alluded to an immoral intrigue between the widow and the hired hand. The paper concluded that the evidence against the two was so convincing they would surely be brought to justice.¹ The paper's prediction proved true. Both Mrs. Norton and Jack Cotton were convicted of murder in the first degree, and sentenced to San Quentin for the remainder of their natural lives.

Newspaper accounts and surviving court records reveal that the trials established very few undisputed facts about the circumstances surrounding the murder. A careful reading of the testimonies as reported in the Santa Barbara Daily Press raises many more questions about the crime than it answers. The roles played by Mrs. Norton and Jack Cotton in the murder of her husband remain to this day wholly ambiguous and unclear.

This paper does not attempt to solve a long forgotten murder. Even if actual trial transcripts were available, it would be nearly impossible to reconstruct the events in such a way as to know if justice had been served in the convictions of Mrs. Norton and Cotton. Furthermore, at this late date, who really killed John Norton is an irrelevant question.

This paper utilizes the Norton case to illustrate how the prevailing middle-class values of the nineteenth century, often referred to as "civilized morality," manifested themselves in the treatment of female felons in California. It explains why, in the cases of women, estimations of propriety, chastity and domesticity were just as important in determining guilt as witness testimonies and material evidence. It also explores the extent to which a female felon's gubernatorial pardon might

¹ Santa Barbara Daily Press, June 3, 1875.

depend upon her demonstration of traditional female roles and virtues. In the final analysis, through its examination of the trial records and pardon files of other female felons, this paper reveals Caroline Norton's experiences in the California judicial system to be the norm, rather than the exception.

HARLOTS, VAGRANTS AND ADULTERESSES

The Historiography of Female Criminals

A review of the literature that focuses on female criminals in America exposes a near scholastic obsession with prostitution. Indeed, the subject has been examined in every conceivable setting, from Marion Goldman's Gold Diggers and Silver Miners: Prostitution and Social Life on the Comstock Lode to Lucie Cheng Hirata's Free, Indentured, Enslaved: Chinese Prostitutes in Nineteenth Century America. The few authors who resisted the literary temptations of courtesans have tended to concentrate instead on the social control aspects of female criminal justice, which is to say, how incarceration was used to impose a particular value system on women.

The historiographical essay that follows addresses two specific subjects within these broad fields: the antiprostitution and female reformatory movements. It first examines the motives and implications of both movements, then explains how these two subjects can help us understand the trial and pardoning processes for women in nineteenth century California.

Civilized Morality

To understand the ideological basis of the reformatory and antiprostitution movements, it is first necessary to understand nineteenth century notions of "civilized morality". Certainly the leaders of both campaigns were deeply committed to this value system.

In The Response to Prostitution in the Progressive Era, Mark Connelly defined civilized morality as a "system of moral and cultural values, sexual and economic roles, religious sanctions, hygienic rules and idealized behavioral patterns that emerged in the Jacksonian period."¹ At the core of this implicit code were two fundamental beliefs. First, a belief that through the exercise of will and conscience, a person could control and repress the unruly and base sexual instincts. Second, and closely related to the first, was the belief that civilization and progress, as well as personal economic and social advancement, depended on this control of the dangerous sex drive.² This value system prohibited premarital sex, proclaimed monogamous marriage to be the only permissible context for sexual intercourse, and declared that even within marriage the only purpose of sexual relations was procreation. Adherents of this moral philosophy led various crusades throughout the nineteenth century aimed at protecting American citizens from their own licentiousness. The women's reformatory and antiprostitution movements were two such campaigns.

Reformatories for Women

During the latter half of the nineteenth century, in response to pressures from middle-class women reformers, several states introduced new judicial policies regarding female "criminals". These statutes were not aimed at the female felons already housed in the state's custodial prisons

¹Mark Thomas Connelly, The Response to Prostitution in the Progressive Era (Chapel Hill: University of North Carolina Press), 8.

² Mark Thomas Connelly, 8.

for men, but at a class of women not yet subject to state punishment: vagrants, unwed mothers, drunkards, adulteresses and the otherwise sexually promiscuous.

Formerly these misdemeanants, if prosecuted at all, had served nominal time in local jails or paid fines for their transgressions. Beginning in the late 1860's, however, middle-class women who had been abolitionists and health care workers during the Civil War turned their attention to new forms of social meliorism, joining campaigns against sexual immorality, delinquency, and crusades for suffrage and temperance.³ Some became interested in rescuing female criminals, particularly those who they believed had not yet sunk into the pit of confirmed criminality. Through a series of institutional experiments, the female reformatory was born. Its purpose: to reclaim young, "fallen" women and restore them to the dignity of nineteenth century "true womanhood."

One of the earliest assessments of the female reformatory movement was Eugenia C. Lekkerkerker's Reformatories for Women in the United States (1931). Considering its publication date, it is unsurprising that this lengthy volume reads more like an advertisement for reformatories than a serious historical inquiry. To Lekkerkerker, women's reformatories were a natural extension of the penal system: women required special care, and reformatories provided it. She seems not to recognize the disparity in offenses committed by men in reformatories as compared to women in reformatories. While she concedes that "reformatory treatment, however well constructed, will always contain some injurious elements for those subjected to it which in many cases may outweigh the beneficial ones," she reasons that "the reformatory is, generally, the least injurious, and the richest in possibilities for constructive treatment."⁴

Lekkerkerker's enthusiasm for the institutions and their philosophy is barely concealed, and her work is extremely short on meaningful analysis. For instance, she explains the high incidence of negro inmates as the product of "inadequate cultural adjustment of the negro race to modern Western civilization."⁵ She also speaks cheerfully of the adoptions of inmates' children, an issue later scholars found steeped in controversy and heartache. She cannot be blamed too much for these analytical deficits, however, for her perspective was indeed short. Still, Reformatories for Women was one of the very first attempts to assess the institutions and their inmate populations.

A much more critical analysis of the reformatory system came from Nicole Hahn Rafter. Her essay "Chastizing the Unchaste" (Social Control and the State, 1983), characterized the women's reformatory movement as an implicit attempt to formalize and intensify the punishment of (working-class) women who refused to conform to certain (middle-class) standards of female propriety.⁶ She found the roots of the reformatory crusade in the industrial transitions of the late nineteenth century and the tenets of "civilized morality".

³ Nicole Hahn Rafter, Partial Justice: Women, Prisons and Social Control (New Brunswick: Transaction Publishers, 1990), xxvii.

⁴ Eugenia C. Lekkerkerker, Reformatories for Women in the United States (Groningen: J.B. Wolter's Uitgevers, 1931), 5.

⁵ Eugenia C. Lekkerkerker, Reformatories for Women, 199.

⁶ Nicole Hahn Rafter, "Chastizing the Unchaste: Social Control in a Women's Reformatory" in Stanley Cohen and Andrew Scull, Social Control and the State, (Oxford: Basil Blackwell Ltd, 1983) 306.

In the ideal world of civilized morality, masculine and feminine roles were sharply defined. The transfer of production from home to factory, particularly after the Civil War, reinforced these separate spheres for men and women. Increasingly, middle-class women found themselves isolated within the home while their husbands worked outside of it. "Their labour was devalued and a premium came to be placed on feminine characteristics such as domesticity, demureness, purity and piety."⁷ This value system separated women by social class from one another. Middle-class women were likely to have servants and other amenities in their homes. In their leisure time they could take up causes like temperance and prison reform. According to Rafter, however, the dignity of "true womanhood" proved much more elusive for working class women, and it was the members of this group who most frequently found themselves incarcerated.

Inside reformatories, inmates were inundated with a domestic routine that included cooking, cleaning, and waiting on table. At parole, women were sent to work as servants in middle-class homes. Rafter argues that this emphasis on domestic training not only provided a cheap source of labor for middle-class families, but also effectively discouraged any hope an inmate might have had of moving beyond the home. Parolees who refused to work diligently at their given positions, or returned to their former habits or friends, were returned to the reformatory. Chronic transgressors were sent permanently to institutions for the feeble-minded, the theory being that the feeble-minded never improve.⁸

Nicole Hahn Rafter's 1990 book, Partial Justice: Women, Prisons and Social Control, incorporated most of her earlier essay, but emphasized the inherent double standard that reformatories perpetuated. "In the course of saving fallen women, the founders of women's reformatories institutionalized a double standard, one that made it possible to incarcerate women for minor offenses for which men were not subject to lengthy punishment by the state."⁹ She found that the reformatories established for men tended to focus on the young; offenders not yet hardened beyond hope, but nonetheless convicted of serious crimes. "Women's reformatories, on the other hand, came to incarcerate misdemeanants-offenders who, in the relative mildness of their crimes, had no counterparts in state prisons for men."¹⁰ Lekkerkerker had characterized female reformatories as flawed but useful. Rafter, on the other hand, questioned the very necessity of such institutions and lamented the legacy of the differential treatment they provided women.

Antiprostitution

Alarm over prostitution assumed many forms during the progressive era, 1890-1920: state and local vice commission reports; lurid exposes of "white slavery"; United States Supreme Court decisions; federal and state legislation and reports; and activities of boards of health.¹¹ All of these manifestations of interest and concern constituted the response to prostitution, or antiprostitution.

⁷ Nicole Hahn Rafter, "Chastizing the Unchaste: Social Control in a Women's Reformatory," 306.

⁸ Nicole Hahn Rafter, "Chastizing the Unchaste," 295.

⁹ Nicole Hahn Rafter, Partial Justice, xxviii.

¹⁰ Nicole Hahn Rafter, Partial Justice, xxviii.

The antiprostitution campaign was a close relative of the reformatory movement, both in ideology and in its focus on women. In addition to being steeped in nineteenth century morality, the antiprostitution campaign contributed to the development of an enduring judicial double standard. Through the court system, the campaign became a sort of moral clearinghouse for an entire array of sexually "deviant" young women, prostitutes among them.

Concern about prostitution existed in America as early as the eighteenth century. But it was not until the first two decades of the twentieth century that prostitution emerged as a major national issue, precipitating an outburst of concern quite unlike anything before.¹²

In 1911 the Chicago Vice Commission published one of the first civic reports on the various forms of vice. The Social Evil in Chicago proposed to "inquire into conditions existing within the limits of the city with reference to vice of various forms."¹³ Obviously, prostitution was among these forms of vice, but the Commission never offered a more precise definition. In addition to the work of professional prostitutes, the Commission included under the enormous umbrella of "clandestine" prostitution virtually every premarital or nonmonogamous female sexual activity.

In his Response to Prostitution in the Progressive Era (1980), Mark Thomas Connelly commented that each definition of prostitution advanced during the progressive era could have been applied, with rough accuracy, to a professional streetwalker, a sexually active or promiscuous young woman, or a married man or woman engaging in an extramarital affair.¹⁴ Such ambiguity did not trouble progressive antiprostitution crusaders, however, whose agenda was meant to include many women besides professional prostitutes.

Connelly found the antiprostitution leaders, like the founders of the reformatory movement, deeply committed to a quickly antiquating value system. Reformers variously described a prostitute as a woman with an "insane impulse for the unrestrained gratification of the sexual functions of the body," or as a "woman who satisfies the physical side of the sexual desire of man without regard as to whether the passion is associated with admiration and respect."¹⁵ Connelly claimed "these ambiguous definitions of prostitution...indicate that the emergence of a new sexual ethic, which contravened the ideals of civilized morality, was as important an impetus to antiprostitution as were the brothels and segregated districts so highly visible in American communities."¹⁶ Further proof of antiprostitution's commitment to civilized morality, he said, can be seen in its consistent use of such words and phrases as "duty," "obligation," "procreation," and "respect" in definitions of prostitution-the so-called "linchpins" of civilized morality.

Connelly was by no means the only scholar to recognize the strains of civilized morality and middle-class values in the antiprostitution movement. Ruth Rosen wrote in her book, The Lost

¹¹ Mark Thomas Connelly, The Response to Prostitution in the Progressive Era, 5.

¹² Mark Thomas Connelly, The Response to Prostitution in the Progressive Era, 5.

¹³ Chicago Vice Commission, The Social Evil in Chicago, 3.

¹⁴ Mark Thomas Connelly, The Response to Prostitution in the Progressive Era, 18.

¹⁵ Mark Thomas Connelly, The Response to Prostitution in the Progressive Era, 18.

¹⁶ Mark Thomas Connelly, The Response to Prostitution in the Progressive Era, 19.

Sisterhood (1982), that reformers tended to view prostitutes as "fallen" women who either inadvertently slipped, or were dragged against their will into the profession. Thus, "prison officials tried to instill proper middle-class feminine and domestic values...on the belief that proper training in feminine domesticity was an essential precondition for redemption."¹⁷ Rosen pointed out that what reformers failed to recognize was that, to prostitutes, their work was simply that--a viable way to earn a living. Training in domestic labors inside reformatories and jails was wasted on women who had no intention of returning to menial labor for subsistence wages.

Rosen also recognized antiprostitution's concern for women other than professional prostitutes. She explained how the "scientific" term of the day, feeble-minded, was used to explain the behavior of all classes of sexually active females, from professional prostitutes to sensual teenagers. Besides implying mental deficiency, feeble-mindedness often referred to [a woman's] refusal or failure to conform to middle-class values and behavioral patterns.¹⁸ Shocked by a growing generation gap, nineteenth century families and reformers increasingly turned to the state for help in reorientating young women with acceptable female roles and aspirations. The female reformatory frequently provided this service.

In the process of legislating these middle-class values, the antiprostitution campaign also perpetuated a standard of justice that viewed the transgressions of women as more serious than those of men. It was the prostitutes who were prosecuted, not their male customers. Likewise, the sexual deviations of young women transformed into a criminal act. Meanwhile, the behavior of the boys they consorted with was dismissed as the recklessness of youth. Increasingly, the courts reflected the middle-class' impression that voluptuous young women needed "treatment" and "reformation." Young men, on the other hand, needed to grow up.

This double standard manifested itself economically as well. "In general, the effects of such moral reforms were social repression and social control of the laboring poor."¹⁹ In truth, women were more likely to enjoy the comforts of the middle-class as prostitutes. "The wages earned as an unskilled domestic or factory worker rarely compared with prostitutes's former incomes."²⁰ But reformers rarely grappled with such troubling questions as the future livelihood of prostitutes. Ruth Rosen very adequately summed up the priorities of antiprostitution leaders by remarking that "the problems of eradicating visible evidence of prostitution and quelling the fear of the "Great Scourge" of venereal disease were urgent and visible; the fate of poor women was not."²¹ Thus, any exceptional treatment working-class women received within the judicial system was not only acceptable, but perhaps even necessary for the greater good of society.

¹⁷ Ruth Rosen, The Lost Sisterhood: Prostitution in America, 1900-1918 (Baltimore: Johns Hopkins University Press, 1982) 21.

¹⁸ Ruth Rosen, The Lost Sisterhood, 23.

¹⁹ Ruth Rosen, The Lost Sisterhood, 28.

²⁰ Ruth Rosen, The Lost Sisterhood, 31.

²¹ Ruth Rosen, The Lost Sisterhood, 32.

The scholarly literature on the antiprostitution and female reformatory movements suggests a paradox of sorts. For all their insistence on middle-class conformity, the founders of the campaigns clearly had no intentions of elevating their subjects to middle-class economic and social standing. Rather, under the guise of eradicating the "social evil" of prostitution, and through their use of female reformatories, middle-class progressives sought to preserve the moral and economic status quo in the face of a rapidly changing society.

How can these subjects help us understand the treatment female felons received in late nineteenth century California? Trial records and pardon files from California suggest that a preoccupation with traditional female virtues existed, not only in the cases of prostitutes and misdemeanors, but in the cases of felons as well. The so-called linchpins of civilized morality: "decency," "honor," "respect," "duty," and "obligation," appear frequently in the records of women. In everything from judges' admonishments to parole recommendations, traditional female roles and characteristics are either alluded to, or explicitly described. Trial records and newspaper reports reveal that women were usually chastised in the courtroom by judges and prosecutors for their moral failings. Letters and documents contained in pardon files, on the other hand, often praise convict women for their exemplary feminine behavior while incarcerated. This trend suggests that for felons, like prostitutes, proper middle-class feminine and domestic values were an essential precondition for redemption.

The following pages narrate the story of a convicted murderess, Caroline Norton. They also examine, though in considerably less detail, the experiences of several other female felons. Collectively these women's records support the conclusion that the experiences of female felons, in late nineteenth century California, were shaped significantly by prevailing middle-class values and attitudes towards women.

MURDER, IMPROPRIETY AND THE PAPER

True Womanhood in a Court of Law

Santa Barbara County was a modest but burgeoning agricultural region in the late 19th century when John Norton left it for the great beyond. Less than half of the county's 15,000 inhabitants resided in the town of Santa Barbara, the others being scattered over the vast countryside.¹ By 1874 approximately 28,000 acres of enclosed lands were under cultivation, primarily fruit and olive tree orchards, barley and corn fields.

Crime reports in the Santa Barbara Daily Press usually consisted of a list of those apprehended the night before for public drunkenness and disorderly conduct. Assaults, property disputes and larcenies also occurred with some frequency, but the following was a more typical crime report:

Rafael Pico was brought before the Police Judge this morning on a remanded charge of entering the house of Mr. De la Guerra and causing a disturbance there. C. Gray appeared for the defendant and stated that the matter had been settled with Mr. De la Guerra, and that that gentleman was quite satisfied. Mr. De la Guerra corroborating this, His Honor dismissed the case with \$3 costs, on the condition that Mr. Gray give Pico a sermon in Spanish and admonish him to be a "better boy" in the future, and be careful how he appeared again before His Honor.

extra space ← Santa Barbara citizens were proud of their growing metropolis. They boasted of the tri-weekly steamer line which passed through the city's port, their six-horse daily line of stages running south to Los Angeles and north to San Francisco, and anxiously looked forward to the coming of the railroad.² But compared to a city like San Francisco at that time, Santa Barbara was a quiet place. ✓

The relative uneventfulness of the town no doubt contributed to the intense interest created by the Norton murder trials. Mrs. Norton's relationship to the deceased as well as her supposed relationship with Cotton made the case even more enticing to the public.

The Santa Barbara Daily Press covered the developments inside the courtroom extensively. The paper's reports catered to the public's interests and played on their sensibilities of right and wrong. Its reporting consistently emphasized the alleged love affair between the defendants and the sinister mannerisms of Cotton. The newspaper juggled the roles of court reporter and jury and in the process revealed much about prevailing attitudes toward women, marriage and murder. Its reports found Caroline and Jack guilty of impropriety, adultery, poor judgment and deceit--but not necessarily of murder.

The first report of the murder appeared in the paper on June 3, 1875, two months after the supposed commission of the crime. The Daily Press headline read "Atrocious Deed--A Cold Blooded Murder--A Man Butchered by His Wife and A Hired Man and Buried in the Sand." The

¹ Albert Camarillo, Chicanos in a Changing Society (Cambridge: Harvard University Press, 1979), 31, and Santa Barbara Daily Press, Saturday, August 28, 1875.

² Santa Barbara Daily Press, Saturday, August 28, 1875.

paper went on to describe the family as "the husband (the murdered man), his wife (one of the murderers), two children and a hired man by the name of Jack Cotton, who was the arch bloodthirsty villain."³ After a brief discussion of the events leading up to the discovery of the body, the paper commented that the children of the dead man were supposed by some to have also been murdered by Cotton in order to destroy all clue to his whereabouts. It also noted that while in San Francisco and Stockton a short time after the murder, the suspects registered themselves at various hotels as Jack Cotton and family. Lest anyone mistake Cotton for an upstanding citizen, the Press made sure to mention that some twenty years before, while working as a sailor, Cotton had made smuggling his business up and down the Santa Barbara coast. "He is a hardened wretch and is known throughout the state as a complete villain."⁴ In closing, the paper flatly predicted that the evidence against the couple was so complete and convincing that they would surely be brought to justice.⁵

Cotton's trial opened Friday July 30, 1875 to a courthouse "packed with a motley crowd." Judge Sepulveda presided. The prosecution first tried to establish the series of events leading up to the discovery of the body. According to the testimony of Norton's neighbor, A. Bailard, Jack Cotton had come with the Norton family to the Carpinteria area in November of December of 1874. During the early part of April 1875, Cotton and Mr. Norton had made a trip to Los Angeles and the lower counties. It seemed Norton intended to buy some property there. A few days after their departure, Mrs. Norton received a dispatch from San Buenaventura from her husband, which told her of his sudden illness, and asked her to come to his aid. The following day she took the stage to Los Angeles with her children. She returned a week later with her children and Cotton.

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During the middle of May, Bailard ran into Cotton on the road. Cotton explained to him that Mr. Norton had died near Los Angeles of inflammation of the bowels. A few weeks later, after Cotton and Mrs. Norton had departed on a steamer bound for San Francisco, Bailard conducted an investigation of the Norton property. He explained that the many rumors of foul play as well as differences in Cotton's statements compelled him to investigate the matter more closely. He had also received a letter from John Norton's sister in Santa Clara who wished to know more of the specific circumstances surrounding her brother's death. Mr. Bailard recalled how the search party, after having looked through the dead man's fields without success, noticed that the base of the mound they stood on seemed as if it had been formed by human hands and not by the wind. A shovel and ramrod confirmed their worst suspicions and the body of John Norton was exhumed.

Mr. Daly, the new owner of the Norton farm, took the stand next. He testified that after the disappearance of Mr. Norton, he often saw the widow Norton with Mr. Cotton. He also related a few of the grim discoveries he had made about his new home. His testimony, and the subsequent testimony of his wife, seem nonsensical on first reading, but some meaning can be extracted from them. Mr. Daly testified that "When I took possession of the house I found a lot of straw...and a mean of matter that looked like cabbage and which smelt bad; I afterwards found bloodstains on

³ Santa Barbara Daily Press, June 3, 1875.

⁴ Santa Barbara Daily Press, June 3, 1875.

⁵ Santa Barbara Daily Press, June 3, 1875.

the floor.⁶ His wife also testified that they had found a lot of cabbage, straw and matter that smelt bad, like decaying flesh, in Cotton's room, as well as blood spots on the floor. It seems likely that the material Mr. and Mrs. Daly identified as "cabbage" was in fact straw saturated with blood which would naturally begin to smelt after a very short time. Though it is not clear from either of their testimonies the exact location of Cotton's room in the house, the straw could have come from a mattress or pillow. Cotton could have even shared his quarters with some animals, although this seems less likely.

John Shultz next testified that he last saw Norton in the early part of April. He subsequently saw Cotton who explained to him that Mr. Norton had died near Los Angeles of inflammation of the bowels. Mr. Norris, the deliverer of the dispatch to Mrs. Norton, then took the stand. He recalled how Cotton had offered to sell Mr. Norton's team of horses to the station keeper at Simi Valley for only \$250.00, but he (Norris) had discouraged him from the purchase. "I thought there was something wrong," he testified, "the team and wagon were worth \$500.00."⁷

John Pfyster added that he had seen Mrs. Norton after her return from Los Angeles about the 15th or 16th of April. "She told me J.C. Norton died near Los Angeles; she seemed to feel very bad; she was crying; she wanted me to see Mr. Bailard and try to dispose of the property." He finished by mentioning that after Mrs. Norton's return he saw her everyday, usually with Cotton.

Mr. Pfyster was apparently not the only one to observe Cotton and Mrs. Norton together. C.M. Morris, a man who was apparently not acquainted with the family, testified not about the circumstances of the murder, but about his observations of Mr. Cotton and Mrs. Norton together. He saw the couple returning from Los Angeles with the children right after John Norton's death: "From their conduct (I) judged Cotton to be Mrs. Norton's husband."⁸ In a modern court of law, such testimony would have been inadmissible because of its irrelevance to the crime. However, ~~to~~ in a nineteenth century courtroom, the testimony was not only admissible and relevant, but very revealing. ✓

The Daily Press did not limit its reporting to a summation of witness testimonies. It also provided colorful descriptions of each defendant's mannerisms and disposition. During the testimony of state's witness Mrs. McClosky, for instance, a clump of hair covered in mud was introduced as evidence. The hair presumably belonged to Mr. Norton, as the witness claimed to have found it at his grave. The paper noted that "When the hair was exhibited, Cotton changed color several times, dropped his eyes, pulled his mustache, moved around in his seat and appeared very uneasy."⁹ The paper obviously saw in this reaction further proof of Cotton's guilt.

The prosecution's closed its case against Cotton with the testimony of E. McDevitt, a detective from San Francisco. McDevitt first met Cotton in the Reno jail and brought him to San Francisco for extradition and prosecution in Santa Barbara. He explained that while on the road,

⁶ Santa Barbara Daily Press, July 29, 1875.

⁷ Santa Barbara Daily Press, July 30, 1875.

⁸ Santa Barbara Daily Press, July 30, 1875.

⁹ Santa Barbara Daily Press, July 30, 1875.

Cotton voluntarily struck up a conversation with him regarding Norton's death. The defense attorneys objected vehemently to the admission of McDevitt's testimony, probably because Cotton had chosen not to testify on his own behalf. His attorneys no doubt realized how damaging McDevitt's testimony would be without any rebuttal from Cotton. Judge Sepulveda quickly overruled the defense, however, and McDevitt proceeded to relate the version of events he claimed to have heard from Cotton.

McDevitt testified that Cotton told him two men had come around the Norton property a few weeks before the murder. Mrs. Norton had asked Cotton if he knew them. She wanted to know if she could trust them. Cotton told her that he wasn't sure, but that he thought one was a gambler and would do anything. Several nights later, well past eleven o'clock, one of the men came and called Mr. Norton out of the house. It was a moonlit night and Cotton reportedly saw one of the men take a shotgun out of his (Cotton's) room and heard a shot two or three minutes after. Cotton then explained to McDevitt that he didn't go out to investigate immediately because he was afraid, but found courage around three o'clock and went outside. He found Mr. Norton lying near the stable with a shot in the back of his head. Cotton wrapped him in sheets and bedding and buried him the next night "by the side of a hill a short distance from where it was found."¹⁰ Having delivered this blow to the defense, Mr. McDevitt left the courtroom.

The prosecution recalled Mr. Bailard, the man primarily responsible for the discovery of the body and a close friend of the Norton family. He testified that a short time after the disappearance of Mr. Norton, he had money in his possession which belonged to Mrs. Norton. Mr. Bailard claimed to have paid it to her, and in his presence she paid Cotton \$140.00 in gold coin. She said she owed him that amount but did not elaborate on what she owed him for. The prosecution then rested their case and the defense declared they had no testimony to offer.

During closing arguments, defense attorney Hatch labored to show that the people had failed to make out a case "in any particular" so far as Jack Cotton was concerned. After the dinner recess, defense attorney Francis closed the case for Cotton. According to the paper, Francis indulged in some very rough language with regard to one of the state's witnesses (McDevitt, no doubt). His main argument was that the people had failed to establish the fact that the crime had been committed in Santa Barbara County. Curiously, he never mentioned the fact that the prosecution had hardly succeeded in establishing Cotton's guilt beyond a reasonable doubt.

The following morning the jury notified the sheriff that they had agreed upon a verdict: guilty of murder in the first degree. They recommended life imprisonment. According to the paper, at no time during that morning had Cotton manifested any concern as to the outcome. "During the reading of the verdict by the foreman of the jury, he as calmly placed a quid of tobacco in his mouth, as if he were only a spectator in the court room instead of a man who might the next moment be sentenced to die upon the scaffold."¹¹

¹⁰ Santa Barbara Daily Press, July 30, 1875.

¹¹ Santa Barbara Daily Press, July 30, 1875.

Monday August 2, 1875, Cotton was brought into court for sentencing. According to the Daily Press he looked more villainous than ever and wore the expression of a hardened criminal as he threw himself recklessly into a chair. After listening stoically to his sentence, Cotton asked if he might speak. The judge answered affirmatively and Cotton announced to a shocked courtroom that he had some property that he wanted back. "It is in the prisoner's hands," he claimed, "that is, the would be Mrs. Cotton's." The excitement such a proclamation would have extracted from the courtroom cannot be underestimated. In this statement, all of the public's most immoral suspicions seemed confirmed. The couple's supposed adultery was a significant part of the case against them. Prosecutors hoped to prove their involvement with one another at least as much as they sought to prove their involvement in the crime itself. In the public's mind, Cotton's declaration was substantial proof that Mrs. Norton was likewise guilty.

Judge Sepulveda informed Cotton that his was a matter for out of court and Cotton was immediately removed. Once downstairs Cotton reportedly gave vent to many oaths. "It is only for a time that I'll be in San Quentin," he roared, "a change of politics will fix me. When the next Democratic Governor is in office Jack Cotton will be free!"¹² Jack's sentence was in fact commuted by Governor Waterman, a democrat. However, twenty-five years and three other democratic governors passed in the interim. He was shackled and taken to the county jail for transport on the next boat north to San Quentin.

While Cotton pondered his predicament from inside a county jail cell, Caroline's attorneys searched for a fair and impartial jury. By the adjournment of the afternoon session only three jurymen had been secured. The names of those excused from service were published in the Press along with the reasons for their dismissal. Each claimed to have read the papers. W.S. McCloud and J.M. Hunter had also talked with witnesses. Charles LaSalle, Lester Bishop, and R.F. Stevens had not only read the papers, but were also opposed to capital punishment. Thirteen out of seventeen admitted to having already formed an opinion based on what they had read in the papers.¹³ Based on this sample, the assumption that twelve disinterested men, entirely ignorant of the crime, eventually tried the case certainly becomes problematic.

In a county as small as Santa Barbara the pool of prospective jurors was not great and was usually limited, by practical considerations, to those who lived in town. According to California law at that time there were many qualifications to jury service as well. Trial jurors were almost exclusively white, male property owners. Fluency in English was essential, thereby excluding most, if not all, of the 1500 Mexicans living within Santa Barbara city limits. The pool was further drained by those men eligible for exemption based on their occupation. Judges, lawyers, politicians and ministers were all exempt, as were teachers, doctors, druggists, mail carriers and express agents. Railroad engineers, brakemen, motormen and conductors as well as officials of almshouses, hospitals and asylums could also evade service.¹⁴ In spite of these obstacles, a panel

¹² Santa Barbara Daily Press, August 2, 1875.

¹³ Santa Barbara Daily Press, July 31, 1875.

¹⁴ Lawrence Friedman and Robert Percival, The Roots of Justice (Chapel Hill: University of North

was finally selected and testimony in the first of Mrs. Norton's two trials began on Tuesday August 3, 1875; Judge Murray presided.

She may not have realized it at the time, but Mrs. Norton faced a trial in every way different from the one Cotton experienced. Though she was indicted for the same crime as the man Cotton, Mrs. Norton's guilt was presumed greater, her transgression more odious. Nineteenth century attitudes toward female criminals were deeply affected by a belief that the consequences of falling into delinquency were more dreadful for a woman than for a man. This was particularly true if the fall were sexual in nature. Such a lapse blasted all hope of redemption.¹⁵ Trial records and newspaper accounts of Mrs. Norton's trials illustrate this inflexible double standard. Both had allegedly participated in the murder, but Mrs. Norton had also presumably thrown aside home and hearth for the gratification of her passions. Such actions made her a veritable pariah of Victorian womanhood.

Testimonies during Cotton's trial focused on the series of events leading up to the murder and material evidence gathered at the scene. Her juries considered basically the same facts, but witnesses at her trial seemed to emphasize her behavior with Cotton after the fact. This was particularly true during her second trial which was necessitated when her first jury failed to agree upon a verdict. Her version of the events remained consistent throughout both.

Mrs. Norton's version of the murder claimed that her husband and Cotton had gotten into a dispute over Cotton's wages. They settled the difference, however, and departed for Los Angeles in the early morning hours of April 7, 1875. A few days later she received a dispatch from San Buenaventura from her husband telling her of his sudden illness and asking her to come to his aid. She left for Los Angeles the following Sunday on the stage.

She apparently arrived in Los Angeles without incident and had been slumbering for several hours at the Pico House when Cotton came to the door of her room. It seems incredible that she should have been in the same house with her seriously ill husband for several hours without having seen him, but Mrs. Norton insisted that she had. She testified that "Cotton came and knocked at my door, I let him in, he said my husband was dead; he died below Los Angeles of inflammation of the bowels; finally he said he had shot him. I asked him why he did it; Cotton said, 'I am determined to have you; you shall not get out of my hands,' he had a shotgun and a pistol; I was afraid of him."¹⁶ She then testified that Cotton kept watch over her continuously and carried guns. He threatened to "put her light out" if she told anyone. Though she admitted they travelled together as husband and wife to San Francisco, Stockton, Fresno and Reno, she did so against her will. She testified that Cotton told her he had 101 men employed watching her, making sure she told no one of the crime. The prosecution offered her no sympathy on that account, however. The District Attorney during the first trial wasted no time in pointing out to the jury the doubtfulness of such a

Carolina Press, 1981), 55.

¹⁵ W. David Lewis, "The Female Criminal and the Prisons of New York, 1825-1845," in Eric Monkkonen, *Crime and Justice in American History* (Munich: K.G. Saur Publishing, 1992), 475.

¹⁶ Santa Barbara *Daily Press*, Wednesday August 4, 1875.

situation. "She believed Cotton's story that he had 101 hounds watching her: he a poor hireling who had not five cents to his pocket, he have (sic) 101 men employed!"¹⁷ The prosecution contended that in any event, the prisoner had had more than ample opportunities to expose the crime to close friends, such as Mr. Pfyster, without any real threat to her personal safety.

To further discredit the possibility that Mrs. Norton travelled with Cotton against her will, the prosecution introduced a photograph of the couple into evidence. It was taken, according to Mrs. Norton, at Sellick's gallery in San Francisco at Cotton's insistence. She testified that in it he had a pistol in his pocket which he continually threatened to use.

The photograph, described by the Daily Press as "her leaning lovingly on his shoulder," certainly made her story appear somewhat curious in the eyes of the jurymen. The District Attorney pointed out that despite the desperate circumstances under which the photograph was supposedly taken, Mrs. Norton's appearance and expression were pleasing, her hands placed affectionately on Cotton's shoulders. Mrs. Norton even left the photographs at the gallery for her sister to pick up and keep.¹⁸

The photograph was extremely valuable to the prosecution's case against Mrs. Norton. This is evidenced by the fact that the photograph never surfaced during Cotton's trial. Clearly it was used during her trial as evidence of her romantic involvement with Cotton. The fact that it had nothing to do with the murder of Mr. Norton supports the conclusion that Mrs. Norton was primarily on trial for her indecent behavior with Cotton after the fact. In his closing remarks the District Attorney all but admitted this curious judicial reality. He curtly stated that by "her manner, conduct, conversation and actions with this man, Cotton, the accused is likewise guilty."¹⁹

If the photograph didn't cast sufficient doubt on the prisoner's chastity in the eyes of the jurymen, Cotton's testimony surely finished the job. He appeared in person during the first trial. By the time of the second, however, he had already been transported to San Quentin, so his testimony from the first was read to the jury. In the former case, Cotton explained to an astonished and silent courtroom that the photograph was in fact taken at Sellick's gallery in San Francisco, but at her insistence, not his. "She bought a silk dress and wore it when they (the photographs) were taken."²⁰

Cotton went on to tell how Mr. Norton was killed by a shotgun blast on the morning of April 6, 1875. His testimony on this point proved somewhat ambiguous. It is, however, clear that he was sticking to his original story that Mrs. Norton hired the two men who killed her husband. Cotton explained the night of the murder in this way: "I heard a shot gun; I went into her room; she said, 'Oh my God, Jack, I thought they had missed him; two men came to the window and said they would do no more.'" Apparently, Mrs. Norton was at first under the impression that her hired assassins had botched the job. She came to Cotton in a panic, but the men came to the window and reassured her that the murder had been successful. ✓

¹⁷ Santa Barbara Daily Press, Monday, August 23, 1875.

¹⁸ Santa Barbara Daily Press, Monday, August 23, 1875.

¹⁹ Santa Barbara Daily Press, Monday, August 23, 1875.

²⁰ Santa Barbara Daily Press, Tuesday, August 3, 1875.

Cotton then admitted his own involvement in the crime: helping Mrs. Norton dispose of the body the following night. "Mrs. Norton and myself got a shovel and we buried him...it was a quarter past eleven in the night (the following night, April 7, 1875) when we buried him." He ended his testimony, as well as any hope Mrs. Norton might have had for acquittal, with an appalling confession that on the very night they buried her husband, "[he] occupied Mrs. Norton's apartment."²¹

Mr. Bailard, Mr. Wilson, Mr. and Mrs. McClosky, Mr. and Mrs. Daly and Mr. Pfyster were central witnesses all three of the trials. They all lived in the same general area as Norton, just south of Carpinteria in an area known as the Rincon, and all of the men had participated in the search for the body. Careful examination of their testimonies reveals subtle but significant differences in their versions of the events depending on the defendant. It also exposes an increasing preoccupation with Mrs. Norton's demeanor with regard to Cotton, and with her failings as a dutiful wife and moral woman.

This tendency is especially obvious in the testimony of Mrs. Daly. During the first trial, Mrs. Daly identified herself as the wife of the new owner of the Norton farm. "I know this woman," she testified. "I have seen Norton and his wife many times. I saw this woman about the 15th or 20th of April, Cotton was with her. She (Mrs. Norton) spoke of Mr. Norton's death, of his dying below Los Angeles. Mrs. Norton appeared to be calm when speaking of [her husband]."²² The picture of a calm and collected widow speaking of her recently departed husband was surely not a familiar one to the members of the jury. Victorian women were presumed to be more fragile, emotional and delicate than men. It was implicitly expected that Mrs. Norton would mourn conspicuously over her loss, not appear daily in the company of a hired hand. Mrs. Daly's testimony was damaging indeed.

Mrs. Daly's testimony during the second trial, however, proved more scandalous still. In that case she related how "When I went to her house about the sale of the property, [I] was alone in the room with her; cannot say how long this was after her return from Los Angeles; said she (Mrs. Norton) would not remain alone until she went to her father's house, but that Mr. Cotton, a man whom she had known for some time, would stay with her; she spoke as though she thought there was no harm in it."²³ It was quickly brought up by the defense that in the former trial the extent of this conversation was not revealed. More specifically, Mrs. Daly had not mentioned before that Mrs. Norton admitted to living with the man Cotton even in the absence of her husband. Mrs. Daly simply explained that "in my former evidence I was inexperienced, and only replied to each question as it was asked, but now understand the case better and so have stated my evidence more fully." Defense objections to Mrs. Daly's embellished testimony were overruled by Judge Murray.

Mrs. Hewett also appeared on the witness stand late in August, having not testified at Cotton's trial, or at Mrs. Norton's first trial. Mrs. Hewett testified on behalf of the prosecution, not about the murder, but rather about the defendants' sleeping arrangements at her boarding house in

²¹ Santa Barbara Daily Press, Tuesday, August 3, 1875.

²² Santa Barbara Daily Press, Tuesday, August 3, 1875.

²³ Santa Barbara Daily Press, Saturday, August 21, 1875.

Santa Barbara. She explained that she lived in the Ortega House in Santa Barbara and had seen Mrs. Norton at her house about the first of May. "Cotton was with her; Mrs. Norton told [me] that her husband had gone to Los Angeles to get work and had died there; she stayed there (at the Ortega House); Cotton stayed there too; Mrs. Norton's room was on the first floor, Cotton's was on the second floor; his bed was not occupied the first or second nights."²⁴

Mrs. Hewett's testimony illustrates, perhaps better than any other, the offenses Mrs. Norton was tried for. Her participation in the murder was negligible, but her subsequent behavior with Cotton was intolerable. The courtroom was an adequate reflection of a prevailing middle-class attitude that considered the sexual lapses of married women as reprehensible as even the most serious of crimes.

The prosecution, in closing Mrs. Norton's second trial for the state, declared that "[they] believed that Cotton is the actual murderer, but this woman was his accomplice although she was not actually present when the deed was done which ended Norton's life."²⁵ With such an admission on the part of the prosecution, it is curious that a lesser charge was not filed in Mrs. Norton's case. One cannot help but wonder whether Mrs. Norton would have been put on trial for murder in the first degree had her relationship with Cotton after the murder not been so conspicuous.

The prosecution cannot be blamed for capitalizing on the prisoner's chastity, however. The justice system of the late nineteenth century, like the social system, drew sharp distinctions between men and women. Judges and attorneys approached cases differently depending on the sex of the defendant, and as Mrs. Norton's case proved, witnesses often did the same. Mrs. Norton's own lawyer, Mr. Gray, utilized her petticoats in his closing remarks to the jury. He pointed out that though Cotton and Mrs. Norton together were accused of killing Norton with their own hands, there was not even a shadow of evidence showing that the woman knew that John Norton was to be killed. The attorney must have felt compelled to somehow explain the chastity of his client, since her purity was viewed as a legitimate indicator of her guilt. He exonerated Mrs. Norton for her behavior with Cotton by declaring that the trial of Cotton had showed what a horrible, degraded nature that man possessed; and it was this demonic man who had robbed the defendant of her honor and her home.²⁶

Though the jury in Mrs. Norton's first trial had deadlocked between a conviction for murder in the first degree and accessory to murder after the fact, her second jury was able to agree: guilty of murder in the first degree. Like Cotton's jury, they recommended life imprisonment. Before pronouncing sentence, Judge Murray admonished Mrs. Norton, not for her part in the murder of her husband, but for her moral failings as a woman. "It is incredible that an ordinarily intelligent christian woman should allow the slavish fear of death to conquer shame, affection, duty, respect for law, religion and humanity." He then admitted the significance of her relationship with Cotton to her conviction. "I am forced to admit that there has been sufficient testimony adduced to

²⁴ Santa Barbara Daily Press, Saturday, August 21, 1875.

²⁵ Santa Barbara Daily Press, Monday, August 23, 1875.

²⁶ Santa Barbara Daily Press, Monday, August 23, 1875.

warrant the verdict. Your subsequent conduct pleads strongly against you."²⁷ Having already denied a defense request for yet another trial, the judge remanded Mrs. Norton to the custody of the sheriff until her transfer to San Quentin.

On Tuesday, September 14, 1875, the Santa Barbara Daily Press reported that Mrs. Norton had taken passage on the steamer Ancon on her way to San Quentin. "It is a strange coincidence, to say the least of it, that the Ancon should be the steamer by which this unhappy woman should proceed to her life-long dwelling place. It was upon the Ancon that she and Cotton went to San Francisco in the first place; they returned by the same vessel to take their trial here; Cotton went up on her after his trial, and now Mrs. Norton has completed her journeys by the same vessel." More ironic, however, was the fact that Mrs. Norton was sent to San Quentin, not for the murder of her husband, but for activities with Cotton that most likely took place aboard that very ship.

²⁷ Santa Barbara Daily Press, Friday, September 10, 1875.

FELONIES, PARDONS AND THE PUBLIC SPHERE

Female Petitions for Gubernatorial Pardon

The Board of State Prison Inspectors reported in early 1855 that of the 520 convicts taken into the California State Prison up to November 1854, 138 had been discharged on the expiration of their terms of sentence and 75 had escaped and not been retaken.¹ For the two hundred or more convicts who remained, gubernatorial pardon provided the only legitimate means of early release. Pardons were not easy to obtain though. During the formative years of the prison, escape was probably even a better gamble. Still, many prisoners petitioned for pardon.

Pardons required money, lawyers, and relatives to write letters of support.² Prison records reveal between 1851 and 1880, women were far more likely to be pardoned out of prison than any group of men. Eighteen percent of the female inmates in San Quentin during those years eventually received pardons. White males were the next closest group with ten percent pardoned. Indians fared the worst. Of the 133 Indian offenders booked, only one and a half percent, or two people, received pardons.³

Scholars have formulated, and prison records support, several explanations for the preponderance of female pardons and commutations of sentence which are worth noting here. It seems that pragmatic considerations were paramount to any concerns for the community or the ends of justice. Women were a practical nuisance in an all-male prison environment. There were too few of them at any one time to fill a wing of cells, yet they had to be isolated to prevent sexual mischief.⁴ Periodic pregnancies and other lewd scandals proved that celibacy was impossible to enforce at all times. Even if women managed to avoid the advances of male prisoners, they still had the lasciviousness of the guards to contend with. Prison records indicate that trusted convicts and guards frequently used female convicts as prostitutes.⁵

¹ Report of the Committee Relative to the Condition and Management of the State Prison, Senate Session 1855, p 1, California State Archives, Sacramento.

² Clare V. McKanna, "The Ethnic Experience in San Quentin," *The Pacific Historian*, Volume 31, Number 1, 28.

³ Clare V. McKanna, "The Ethnic Experience in San Quentin," 28.

⁴ Nicole Hahn Rafter, *Partial Justice: Women, Prisons and Social Control*, (New Brunswick: Transaction Publishers, 1990), xxvi.

⁵ Report of Committee Relative to the Condition and Management of the State Prison, Appendix, Assembly Journal, 1855, Document No. 25. See especially the testimony of former guard William H. White, p.20; State Prison Engineer Thomas Young, p.23; Prison Contractor Thomas D. Johns, p.27; E. Buckley, p.28, Police Officer Joseph B. Wing, p.33.

Besides the immorality of the prison environment, governors had the needs of female convicts' children to consider. Some women were pregnant when they entered prison, others became pregnant while serving their sentences. Prison officials barely succeeded in feeding and keeping track of their male convicts, much less looking after the needs of women and newborns. If executive clemency failed to materialize for an expectant mother, prison officials were forced to look after her the "best" they could. During one summer at the New York State Penitentiary at Sing Sing, eight women and five infants were confined day and night in a room eighteen feet square. Shocked inspectors finally succeeded in securing the pardon of two of the mothers, but one infant was already dead by the time its mother was released.⁶ Governors and prison officials preferred to avoid this type of liability by excusing the mother from her sentence. Nellie Handly was one such case in California.

Nellie, an eighteen year old convict from San Joaquin County, entered San Quentin in February 1876. She had served six months of her two and a half year sentence for grand larceny when Dr. Wellman confirmed her pregnancy. It seems that at the prison, Captain McAllister relied on convict Newt Morgan to supervise the trade of prison made goods. In exchange, Morgan was allowed to frequent faro games off prison grounds and had access to the female convicts' exercise yard. Morgan's liberties resulted in Nellie's pregnancy as well as her quiet pardon out of prison.⁷ In this way, prison officials averted scandal and avoided the tedious business of caring for an unwanted infant.

Frequently, women left children behind when they entered prison. Some children might have had relatives to care for them. Others were not so fortunate. Belle Butler was a nineteen year old seamstress supporting her two young orphaned brothers when she was sent to San Quentin for eighteen months for assault with intent to commit murder. Citizens of Nevada County sympathized with Butler's tragic situation. "Mercy toward her and her orphan brothers demands your Executive Clemency," they wrote. Governor Henry Haight pardoned Butler after nine months.⁸ California had few resources to deal with the needs of dependent children. Pardons, often with the stipulation that convict mothers leave the state, relieved a non-existent social welfare system of this unbearable responsibility.

Ellen Gibbons was another woman forced to abandon her children. Ellen had been pardoned out of the New York State Penitentiary at Sing Sing before coming to California in 1869. Her shopping sprees through San Francisco residences resulted in two sentences to San Quentin for

⁶ W. David Lewis, "The Female Criminal and the Prisons of New York, 1825-1845," in Eric Monkmonen *Crime and Justice in American History*, (Munich: K.G. Saur Publishing, 1992), 488.

⁷ Kenneth Lamott, *Chronicles of San Quentin: The Biography of a Prison*, p.110-113, and San Quentin Prison Registers 1851-1880 and File No.2708 in Application for Pardons, Historical Case Files 1851-1880, California State Archives, Sacramento.

⁸ San Quentin Prison Papers, File #2648, Letter from citizens of Nevada County, California to Governor Henry Haight, California State Archives, Sacramento.

grand larceny in 1870 and 1877. Despite her record, she received pardons for both. A desperate letter contained in her pardon file, written by her aging mother, helps to explain her astonishing success in securing clemency.

I have only one child left to me in my old age, and she poor woman is in the State Prison for a term of (5) five years. her name is Ellen Gibbons. it is almost two years since her arrest. it is a very long time to me. she was all the help I had left to me, and was both capable and willing to work for me and her three children. they are all girls, and are just the age when they need most a mothers (sic) watchful care...if your Excellency will commute her time to one year I will promise and she will sign papers to the effect that she will leave the state of California and never enter it again. (all emphasis and lower casing in original)⁹

Governor Perkins granted Ellen her third pardon April 8, 1880 because, he wrote, "I am authentically informed that the defendant is a woman of very weak intellect, barely responsible for her actions, and naturally depraved, the mother of three children...I have granted this pardon on the condition that she leave the State immediately never to return."¹⁰ Mrs. Gibbons apparently kept her mother's promise as her name thereafter disappeared from the prison registers.

There were other factors which figured prominently in female pardons, but have heretofore been overlooked by criminal historians. A convict's demonstration of traditional, middle-class, feminine virtues was one such consideration. Scholars have already noted that in the cases of prostitutes and petty morality offenders, conspicuous middle-class moral and domestic values were prerequisites for release. However, they have not examined this trend in the cases of felons. The references to nineteenth century "true womanhood" appear so frequently in the pardon files of female felons from California, that this subject deserves closer scrutiny.¹¹

In practice, governors probably cared very little about a woman's virtues. Who brought the case to their attention, and which constituents were behind it were more important considerations than the integrity of prisoners. "Pardon files, prison records, and local court documents suggest that the basis of obtaining justice in nineteenth-century California had a direct relation to financial resources and community influence and acceptance."¹² This unfortunate fact is substantiated by a brief examination of the records of a few prisoners who enjoyed executive clemency.

⁹ San Quentin Prison Papers, File #3703, Letter from Mary Dooley to Governor Irwin, August 10, 1878.

¹⁰ Governor George Perkins, San Quentin Prison Papers, Executive Pardon, California State Archives, Sacramento.

¹¹ "True Womanhood" describes the ideal, middle-class female role of the nineteenth century. Piety, purity, chastity, physical frailty and domesticity were all important features of this role. True womanhood is a fundamental aspect of civilized morality; the terms are very closely associated with one another, and are used interchangeably at times in this essay. Because of the broadness of the term civilized morality, and since I am mainly considering women in this paper, I prefer the term true womanhood to describe this feminine role.

¹² Mark Robert Ellis, "Poor Man's Justice: Vicente Garcia and the Nineteenth Century California Justice System" (Master's Degree Thesis, California State University, Northridge, 1993), 2.

In his "Poor Man's Justice: Vicente Garcia and the Nineteenth Century California Justice System," Mark Ellis relates the stories of three Anglo men from Ventura County who received pardons. Each fits well the profile of a prisoner with as many economic resources as community ties.

Frederick Sprague was originally sentenced to death for the murder of T. Wallace More, but had his sentence commuted to life imprisonment and then reduced again to an eight-year term. Sprague's position as leader of the Sespe Grange, as well as his bulging billfold, seemed to have helped his case considerably despite his obvious guilt. "Although Sprague, almost without a doubt, murdered Thomas Wallace More, he spent only eight years behind bars. Certainly his community influence and able defense saved him from the gallows and later handed him his freedom."¹³

Another case involved a popular hotel keeper who murdered his wife during a heated argument. John D. McCoy received an eight year term for the killing and had served barely two years when Governor Robert Waterman granted him a pardon at the request of his many friends and family members.¹⁴ Yet during this same period, 1880-1890, four Hispanics from Ventura County applied for pardon as well. All four requests fell on deaf ears in Sacramento.¹⁵ These cases support the conclusion that money and influence frequently translated into early release from prison.

The fact that governors gave scant consideration to a female felon's virtues does not take away from the significance of such righteousness being alluded to in pardon files. Parole boards, wardens, prison officials and average citizens depended on piety, domesticity, chastity and Christianity to assess a woman's rehabilitation. In the pardoning of females, true womanhood was at least as important a consideration as the number of years she had already served in prison.

More appalling than a woman's crime, in some instances, was her seeming rejection of the traditional feminine role. This was obviously true in Mrs. Norton's case, as her trials clearly revealed. Her pardon file also demonstrates a significant preoccupation with her character and capacity for domesticity.

The first two documents in her file are letters from former wardens of San Quentin. During the years of her sentence, Mrs. Norton served in both of their homes as a domestic servant and nanny. Mr. Ames had this opinion of her:

During the time that I was Warden of the Prison she served in my family as nurse and general servant and was entrusted with the care of my infant children...the daily opportunities I had to observe her character and disposition under extraordinary circumstances, strengthened my previous belief in her innocence. She is a good woman and ought to be given her liberty.¹⁶

¹³ Mark Robert Ellis, "Poor Man's Justice: Vicente Garcia and the Nineteenth Century California Justice System," 25.

¹⁴ Mark Robert Ellis, "Poor Man's Justice: Vicente Garcia and the Nineteenth Century California Justice System," 25.

¹⁵ Mark Robert Ellis, "Poor Man's Justice: Vicente Garcia and the Nineteenth Century California Justice System," 26.

¹⁶ San Quentin Prison Papers, File #6676, Letter from J.P. Ames to State Board of Prison Directors,

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pages' notes

Mr. Johnson had a similar impression. He explained that Carrie had also served in his house in the capacity of nurse and house-keeper. He then claimed that:

No one could have behaved with more becoming propriety. I can speak not only, in this matter, for myself and family, but for very many persons who saw a great deal of her during my administration, and can say that we all unite in the sincere belief that she is a good woman, and that it would have been impossible for her to have participated in the murder of her husband.¹⁷

What is most significant about these men's testimonials is that in their eyes, Mrs. Norton's good character and domesticity indicated her innocence and worthiness for release. Their letters make no mention of the facts of the case. It seems that in prison, as at her trials, Mrs. Norton was judged almost solely on her demeanor.

The San Quentin Parole Board arrived at the same conclusion regarding her innocence. "From our own personal knowledge of the person, we believe it utterly contradictory, unnatural and impossible that such a crime could have been committed by such a person."¹⁸ They unanimously recommended her pardon to Governor Hendricks.

Charles Hull, a San Quentin Prison official, stopped just short of correlating Mrs. Norton's character with her innocence, but he made no less of an issue of her womanly virtues. After interviewing several Santa Barbara citizens who knew Mrs. Norton personally he remarked that "she has always been noted for her gentleness of manner and kind-hearted consideration for everyone with whom she came in contact." He also acknowledged that, at the time of the trial, "a strong prejudice existed in the minds of the people against her caused by her own foolish conduct in leaving the State with Cotton."¹⁹ His is the only allusion in Mrs. Norton's file to the possibility that she did not receive a fair and impartial trial. Every other affidavit cited her exemplary feminine character as the reason she ought to be released.

Good conduct was an important consideration in the pardoning of men also, but it manifested itself differently than in the cases of women. A male convict's good behavior was sufficiently attested to with a simple certificate signed by the warden. Petitioners tended to avoid the descriptive details, so obvious in the files of women, of a man's particular disposition.

Prison officials often urged the pardoning or early release of women who were seriously ill. Sick women were an unbearable drain on prison resources. Officials were anxious to unload them on wealthier family members or friends. Lucinda Castro de Dean, a prostitute, was a member of one of the oldest and wealthiest California families. She was serving a term in San Quentin for

February 19, 1884.

¹⁷ San Quentin Prison Papers, File # 6676, Letter from James Johnson to State Board of Prison Directors, February 18, 1884.

¹⁸ San Quentin Prison Papers, File #6676, Recommendation of commutation from San Quentin Parole Board, February 23, 1884.

¹⁹ San Quentin Prison Papers, File #6676, Letter from Charles Hull to Governor Hendricks, February 22, 1884.

grand larceny when she became gravely ill with typhoid fever. Desperate to be relieved of their responsibility to a dying woman, prison officials persuaded Governor Pacheco to grant her pardon fifteen days before her sentence would otherwise have expired.²⁰ Her family connections no doubt helped in this matter.

The pardon file of Margaret Hibbard is less explicit than Lucinda's, but it seems she also worked as a prostitute before her commitment to San Quentin for grand larceny in 1866. Doctors described her illness, most likely a venereal disease, as "probably incurable." Mr. Pixley, a friend of Margaret's, begged Governor Low for clemency. "Confined to her sick bed, [she] will die if left unpardoned." Apparently Governor Low was unmoved. A few months later, a prison official wrote to the subsequent governor, Henry Haight. He explained that besides the woman's illness, she experienced fits of uncontrollable hysteria every three or four days. "All of this would be in great degree mitigated I believe by a discharge from this place. Her brother, who is a very respectable man living in New York City has sent money to her to afford her the means of coming to him in the event of her pardon."²¹ Obviously, more important than ensuring Margaret's criminal rehabilitation was placing financial responsibility for her on someone else and governors gladly assisted in that.

Another convict who fell ill during her confinement was Mary Newton, sentenced to an astonishing eight years in San Quentin for stealing \$7.50 from a woman on the street in Oakland in 1882. The Board of Prison Directors recommended her pardon to Governor Stoneman on account of the small amount of money involved, and because of her ill health and advanced age. To make her pardon even more likely, the directors pointed out to the governor that Mrs. Newton had friends "who are able and willing to send her home to England."²² Her pardon was granted in 1885 with the condition that she leave the state immediately.

For women who evaded serious physical illness, diseases of the mind proved just as useful in securing clemency. Ida Florence Werner was sentenced to life imprisonment for the shooting death of her husband. A letter supporting her pardon, dated 1905, described her situation in more detail. The author of the letter, Glenn O'Carreall, explained that Ida worked for him in his Mayfield Hotel, near Stanford University. "She was regarded and treated by my wife and children as one of our family. Her habits were of the most exemplary, her character above reproach." Ida's troubles started when she married a "drunken, worthless butcher" who squandered every dollar of her savings and abused her viciously. Mr. O'Carreall explained her irresponsibility for her crime this way:

²⁰ San Quentin Prison Papers, File #7204, Affidavit of Dr. P.W. Randall, September 15, 1875.

²¹ San Quentin Prison Papers, File #1905, Letter from Dr. Zaliaferro to Governor Henry Haight, February 11, 1868.

²² San Quentin Prison Papers, File # 10598, Letter from W. C. Hendricks Committee to State Board of Prison Directors, March 16, 1885.

...and in her innocence and ignorance she thought the only way to keep him from killing her was to kill him, and one night after he had been more brutal than usual, dethroned of her reason, she slipped out, purchased a cheap revolver, came back and shot him as he slept. It looks cruel in the face, but she is a very weak woman mentally, and as I say, saw no other possible escape for herself. Even to this day I do not believe she has a proper conception of what she has done.²³

O'Carreall's testimonial to Ida's feeble-mindedness, along with a letter of support from the powerful Journeymen Butcher's Protective and Benevolent Association, apparently were enough to persuade Governor Pardee. He granted Ida's pardon in 1905.

Ellen Gibbons, the notorious "Woman in Black," was another felon who was able to capitalize on her mental deficiencies. She was known as somewhat of an eccentric in her home town of San Francisco. She often dressed in unusual costumes. Sometimes she would go about the streets in slovenly attire, and at other times with her back deformed with a hump. Despite her unconventional behavior, Gibbons mingled in respectable social circles. Her friends never suspected her startling career as a house burglar.²⁴ She was sentenced to her second term in San Quentin in 1877. During her trial for grand larceny, the defense had entered a plea of "kleptomania". One doctor described this "moral insanity" to be "the consequence of nervous energies...located in the stress of monthly menstruation." Another claimed that the desire to steal was naturally "very strong and irresistible in females."²⁵ The same argument of mental instability was used in her petitions for pardon.

A letter to Governor Irwin, signed by leading citizens of San Francisco, described the source of her mental illness. "At the age of five years, and while on a voyage to this country in the year 1848, on ship-board, fell through a hatch way, receiving serious injuries to her head." Apparently that was not all that was amiss with Mrs. Gibbons. In 1868, at the age of 25, she had the misfortune of tumbling down a flight of stairs, again receiving very serious injuries. Petitioners explained to the governor that the combination of effects from both falls "cause her such great suffering, at times, that she is not accountable for her actions."²⁶ Another letter signed by friends explained to Governor Perkins that "there is no doubt of her being a Kleptomaniac and suffering from a diseased mind."²⁷ Apparently Governor Perkins was finally persuaded of her hopeless

²³ San Quentin Prison Papers, File #6685, Letter from Glenn O'Carreall to Governor Pardee, July 11, 1905.

²⁴ San Francisco *Chronicle*, September 4, 1869 and January 4, 1877, and Marianne Coffey, "Feminine Felons: True Womanhood in San Quentin, 1852-1880" (unpublished paper, California State University, Northridge, 1992, in the possession of the author), 1.

²⁵ San Francisco *Chronicle*, December 24, 1869.

²⁶ San Quentin Prison Papers, File #3703, Petition from citizens of San Francisco to Governor Irwin.

²⁷ San Quentin Prison Papers, File #3703, Letter from E. W. Kristy, S. R. McKee, et al, to Governor Perkins, February 26, 1880,

dementia. Ellen's three young daughters and aging mother also probably helped him make up his mind regarding her pardon.

Finally, financial resources and political influence always made the granting of executive clemency more likely. The pardon file of Amy Green illustrates that this held true for women as well as men. Amy was sentenced to San Quentin for two years for grand larceny in 1877. Her attorney, A.V.R. Paterson, campaigned seriously in Sacramento for her pardon. In a letter to her at the prison, he reassures her that her "friends have not forgotten their promises to you, or lost any of their interest in your welfare." He promised to proceed to Sacramento and circulate her petition for pardon among "some of our leading Democratic friends."²⁸ His interest in her case proved to be more than purely benevolent, however. In a subsequent letter to her he wrote: "If the pardon is granted I shall try and bring it down myself or at least try to meet you in San Francisco a day or two before you leave, for I want you to give me something for my trouble" (all emphasis in original).²⁹ Whatever Paterson's motivations, his efforts and connections proved successful. Governor Irwin granted Amy's pardon on April 12, 1878.

The importance of money and community influence is also revealed in the files of women who failed to receive clemency. Helen (alias Louise) Worthington was one such unfortunate felon. The details of Helen's crime are not completely clear, but it seems that while her husband was gone on an extended trip around the world, she engaged in an affair with another man. The man turned out to be somewhat of a scoundrel, though, and deserted her after a very short time. Mad with jealousy, she killed him.

A few months after the crime she bore her husband's third child inside the walls of San Quentin. When the child was a year old, Mrs. Worthington was transferred to the Alameda County Jail to await a new trial. After two years there, she was convicted of the murder again and sentenced to San Quentin for twenty-five years. She was forced to leave her by then three year old child behind.³⁰ Sympathetic San Francisco citizens, seemingly unacquainted with Helen, pleaded with Governor Budd to release her for the sake of her child. "She has a husband and three children, the youngest having been born within the walls of San Quentin. These little ones need her, and she pines for the opportunity to give them a mother's care, which we do not doubt she would lovingly bestow."³¹ A drawing of the orphaned little girl even appeared in the San Francisco Chronicle along with a lengthy article describing the plight of the mother and child. The feature's author turned indignant near the end and related the story of a concert hall singer and part-time prostitute who had shot her third husband to death only a few years before. According to the author,

²⁸ San Quentin Prison Papers, File #2436, Letter from A. Paterson to Amy Green, August 12, 1877.

²⁹ San Quentin Prison Papers, File # 2436, Letter from A. Paterson to Amy Green, September 24, 1877.

³⁰ San Francisco Chronicle, Sunday, January 17, 1897.

³¹ San Quentin Prison Papers, File #4670, Petition from citizens of San Francisco to Governor Budd, September 5, 1898.

that woman's powerful friends prevented her prosecution for the crime. "For precisely the same crime--murder because of desertion--one woman was sent to prison for a quarter of a century and the other was set free."³² The Governor remained unmoved, however, and Mrs. Worthington languished behind the bars of San Quentin until her parole eight years later. It seems certain that with more money and several influential people behind her cause, Mrs. Worthington would have enjoyed clemency.

Another unsuccessful pardon was requested by Mrs. Mary Von, sentenced to life imprisonment for the shooting death of her husband, George Bishop, in 1887. Mary had initially become acquainted with George through a marriage bureau. Their romance blossomed quickly, and George soon set Mary up in a house on the corner of Hyde and Sutter Streets in San Francisco. A few months later, George had a marriage contract drawn up and the couple lived together as husband and wife in the house.

The trouble started when George, frightened that a scandalous bigamy charge would be brought against him, decided to return to his first wife and their three children in New Zealand. He sold the house in San Francisco and all of its furnishings and arranged to take a steamer back to his homeland. Mary was left destitute by this decision, however, as George left no means for her support. Feeling greatly wronged, Mary met George at the port on July 1, 1887, to plead with him to reconsider. According to her, a struggle ensued over a gun he was carrying. George was shot in the leg. The wound at first seemed inconsequential, but he died the next day.³³

Mary admitted several times in her pardon file that she lacked both monetary resources and friends. She pleaded with Governor Pardee to grant her pardon on account of her ill-health and advanced age. "Please bear in mind that I am an old and broken down nervous wreck, for nineteen years of prison life has been no joke, of that I can assure you (all emphasis in original).³⁴

Joseph McLaughlin, George's real estate partner, signed an extensive affidavit regarding the case. In it he claimed that on George's death bed, he said he did not want Mary held for his murder. Joseph also explained his conviction that Mary never deserved the treatment she received from Bishop.³⁵ But Joseph, a real estate broker, probably had few friends and little influence with the governor. For both these reasons, Mary's pardon petition was systematically ignored in Sacramento. It is not known what became of the friendless Mary. She was still in San Quentin in 1906, when Governor Pardee officially denied her pardon application, at the ripe old age of 77.

The pardon files of men reveal a different spectrum of reasons for pardon. Illness or mental deficiency were not mentioned in any of the men's files used in this study. Significant factors in

³² San Francisco *Chronicle*, Sunday, January 17, 1897.

³³ San Quentin Prison Papers, File #6711, Affidavit of Joseph McLaughlin, June 20, 1895.

³⁴ San Quentin Prison Papers, File #6711, Letter from Mary Von to Governor Pardee, December 17, 1905.

³⁵ San Quentin Prison Papers, File #6711, Affidavit of Joseph McLaughlin, June 20, 1895.

the pardoning of men, besides money and community influence which have already been discussed, appear to have been innocence and consideration of time already served.

F.V Bonilla was serving a life sentence in San Quentin for murder when Governor George Stoneman commuted his sentence to thirty years. With time off for good behavior, he was released after seventeen years. The Superior Judges and County Officers from Los Angeles, Santa Barbara and Ventura Counties had all encouraged the governor to act because they believed that "the boy Bonilla was acting in defense of his father's life," and had already served sufficient time for such an offense.³⁶

In the case of Frenedad Germain, the entire jury wrote in support of his commutation because they believed he had received an excessive sentence. Frenedad was convicted of murder in the second degree in Santa Barbara County in 1877. At the time of his trial, his jury had recommended a sentence of ten years, but the judge inexplicably gave him life imprisonment instead. At the request of the members of the jury, as well as other citizens from Santa Barbara, Governor Stoneman commuted his term to fourteen years in 1886.³⁷ With time off for good behavior, Frenedad served nine.

Protestations of a male prisoner's innocence were usually accompanied by a discussion of some of the pertinent facts of the case, rather than character references. In the Commutation of Sentence order for Lui Tung, the State Board of Prison Directors explained their suspicion that Lui was "but a victim of a plot to screen the real murderer who is a member of one of the powerful Companies."³⁸ Lui's life term was subsequently reduced to four years. With credits for good behavior, he served nearly three.

Vicente Arias was convicted of murder in the second degree in San Luis Obispo County in 1871. His life sentence was reduced to a fifteen year term after the prosecuting attorney came forward with evidence "tending to show that the prisoner did not commit the murder, but that the crime was committed by a younger brother who has since died and who declared before his death that he was the murderer."³⁹ George Perkins was apparently satisfied of the truth of the brother's dying declaration, and Vicente was released after serving nine years.

What conclusions can be formed from this seemingly disjointed assortment of pardon files? The files of both men and women demonstrate that financial resources and political influence were paramount to all other considerations. Without proper representation in Sacramento, and money to

³⁶ California, Governor's Papers, Commutations of Sentence, Governor George Stoneman, Commutation of F. V. Bonilla, December 28, 1886, California State Archives, Sacramento.

³⁷ Governor's Papers, Commutations of Sentence, Governor George Stoneman, Commutation of Frenedad Germain, December 14, 1886.

³⁸ Governor's Papers, Commutations of Sentence, Governor George Stoneman, Commutation of Lui Tung, September 10, 1884.

³⁹ Governor's Papers, Commutations of Sentence, Governor George Perkins, Commutation of Vicente Arias, September 17, 1880.

pay for it, even the most deserving of cases was likely to be overlooked by the governor. Good conduct while incarcerated was also essential in securing clemency, however, such conduct was assessed by entirely different standards, depending on the sex of the convict.

Male prisoners' conduct was verified in pardon files by simple certificates of good conduct, signed by the warden, or brief sentences in letters from prison officials. The files of women, however, reveal a preoccupation with demeanor as a primary justification for pardon. Indeed, good womanly conduct and innocence are referred to interchangeably, as in the file of Mrs. Norton. It would seem from this that proper feminine conduct illuminated what trials could not.

The most remarkable aspect of women's pardon files, however, is their revelation of all manifestations of nineteenth century true womanhood, from maternal instincts to physical fragility. The pardons of female felons were unique in this consideration of illness, virtue, domesticity, mental stability, pruriency and pregnancy. In the middle-class world of civilized morality, the domains of men and women were carefully defined and thoroughly separate. Through their crimes, felons demonstrated their ability to successfully navigate the public sphere, a realm vehemently reserved for men. Wardens, prison officials and middle-class citizens relied on traditional feminine attributes, piety, purity, domesticity, and mental instability, as indicators of rehabilitation because they represented a woman's capacity and willingness to return to the private sphere.

The pardoning of female felons appears closely related, in practice, to the antiprostitution and female reformatory movements. Members of the middle-class played decisive roles in all three, and their consistent association of middle-class moral and domestic values with women's rehabilitation is conspicuous. Also, like the antiprostitution and reformatory movements, the pardons of female felons reveal a paradox of sorts. While statistically women enjoyed clemency more frequently than men, their pardons were more subjective. Character references were as important a consideration as time already served in prison. Furthermore, harsh prison conditions and inadequate medical care seriously aggravated illnesses. Women were often so gravely ill by the time clemency materialized that they may not have lived long after their releases. Finally, the price of pardon for many women was the permanent, demeaning stigma of mental impotence.

CONCLUSION

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Mrs. Norton: An Ordinary Fallen Woman

Though the trial and conviction of Mrs. Norton seemed extraordinary to the citizens of Santa Barbara County, she has been revealed as a very average female felon. Her conspicuous relationship with Cotton seriously exaggerated the magnitude of her crime in the eyes of her fellow citizens. Indeed, her adultery proved so appalling that she was tried almost exclusively on that count. Like other fallen women, Mrs. Norton was chastised in the courtroom more for her moral failings and sexual indecency than for her crime.

Mrs. Norton's pardon file was also not exceptional. Her commutation of sentence was granted, in 1884, for many of the usual reasons. A few letters emphasized her feminine demeanor and capacity for the roles of nanny, nurse and domestic servant. Another document mentioned her young son who was in dire need of a mother's care. And the petition for her commutation was signed by two legislative committees, a majority of the convicting jury, and the officers of the state prison. In her feminine virtues, maternal obligations and political influence, Mrs. Norton proved very representative of female felons who successfully petitioned for clemency.

The emphasis on true womanhood, in the courtroom and during the pardoning process, reveals the pervasiveness of civilized morality among the middle-class population during the late nineteenth century. As this paper has shown, this ideology, with its insistence on sharply defined male and female roles, significantly affected the judicial treatment of petty morality offenders, prostitutes, pick-pockets, house-breakers and murderesses alike. Devotees of civilized morality exhibited an evangelism during the latter half of the nineteenth century as they attempted to impose a quickly antiquating value system on a rapidly changing female populace.

AFTERWARD

A Murder Explained

*Bold and in Italics
no underline*

I first came across the Norton murder trials in 1992, while working as a research assistant to my graduate student mother. On several occasions since, she and I have discussed our own hypotheses about the murder and what actually took place that windy night in April more than a century ago. In earlier drafts of this paper, however, I purposely omitted such speculations because of their irrelevance to the topic. The members of my seminar easily persuaded me though, that it would be all right to include some type of explanation because of the inherent interest of the subject. What follows is only speculation, and should not be construed as particularly pertinent to the topic of this paper.

The idea of premeditated murder does not lend itself well to this particular case. If Cotton and Mrs. Norton had carefully planned the murder, they would have done a better job of covering it up. Rather, the circumstances of the murder suggest a crime of passion, committed unwittingly in the heat of the moment.

Mrs. Norton and Cotton were almost without a doubt carrying on some type of affair, and it probably began in Mr. Norton's lifetime. Though the two might have talked idly about being rid of her husband, it is doubtful they ever seriously contemplated murder to accomplish it.

The bloodstains on the floor in Cotton's room and the fact that Mr. Norton was found buried in his favorite woolen coat suggest that Mr. Norton might have caught his wife and hired hand in the act. My guess is that Mr. Norton came in early and unexpectedly from the fields that day and found the two together in Cotton's room. A fight between the two men ensued, and Mr. Norton was accidentally killed.

In a frenzy to conceal the deed, Mrs. Norton and Cotton wrapped the body in Cotton's bedding and stashed it away in the shed. They buried it the next night, and formulated the story of the trip to Los Angeles and the dispatch from San Buenaventura.

Though their devotion to one another seemed to crack under the court proceedings, there is ample evidence to suggest that the two were, at least at one time, in love with one another. A letter in Cotton's file, from Mrs. Norton to Cotton's sister-in-law, speaks volumes in this regard. Mrs. Norton writes:

I have read your letter to your brother and of corse (sic) I could not blame you for feeling bitter towards me but I think if you could see me and if he and I could talked (sic) and explain to you just how we were pleased and how we loved each other you would not think me so bad as the papers tried to make me out... I have a chance to write to him and he to me very often and we can see each other at a distance (across the prison grounds), and I hope if god spares ours (sic) our health that we may yet see happy days together and nothing will ever separate us again.

It is a matter of conjecture whether the two ever saw those happy days together outside the walls of San Quentin. Though both their sentences were commuted, six years passed between their releases.

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