

History on Trial
Episode 25: Charity's Crime
Territory of Oregon v. Charity Lamb
Researched and written by Mira Hayward

PROLOGUE

As he walked home on May 13th, 1854, Nathaniel Lamb was presented with a vision of loveliness. All around him, spring was unfurling; dormant plants poked their heads from the soil to greet the sun, covering the world in green. Oregon winters can be dreary, but all those grey, rainy days pay off.¹

Thirty-four year old Nathaniel was returning from a hunt, accompanied by two friends and his eldest son, thirteen year-old Abraham. They'd managed to get a bear. Even split three-ways, this was a good haul of meat, and Nathaniel had claimed one of the bear's paws too, as a trophy.² The paw would add some character to his family's cabin, which, like most pioneer dwellings, was a barebones affair. But it was sturdy enough to have gotten the Lambs - Nathaniel, his wife Charity, and their six children - through the last eighteen months, since they'd arrived in the Oregon Territory. Though with only two rooms, quarters likely felt tight, especially since the arrival of baby Presley.

Reaching the cabin, Nathaniel unloaded his share of the meat from the wagon, and carried it into the back room, passing by Charity, who was cooking at the fireplace. The table was set for supper, so Nathaniel set the meat and the paw down and took his seat. His sixteen-year-old daughter, Mary Ann, went to look at the bear paw, while her five younger brothers, who ranged in age from thirteen year old Abraham to baby Presley, sat down to eat.³

The perfect end to the perfect day, it seemed: the family snug inside their cabin, gathered around a warm meal, as the sun sunk behind the Douglas firs and bigleaf maples, its last rays illuminating the Lambs' property, hundreds of acres of lush Oregon land that, after only three more years of occupancy and improvement, would belong to the Lamb family outright, and secure their future on this new frontier of the United States.⁴

¹ Personal experience!

² Ronald B. Lansing, "[The Tragedy of Charity Lamb, Oregon's First Convicted Murderess](#)," *Oregon Historical Quarterly*, vol. 101, no. 1 (Spring, 2000), 40.

³ Testimony of Abraham Lamb, Thomas Lamb, and Mary Ann Lamb. All testimony, unless otherwise noted, comes from "Trial of Charity Lamb, for the Murder of Husband, Nathaniel J. Lamb," *The Weekly Oregonian*, September 30, 1854, page 1. Since the testimony is summarized in this report, the quotes may not be verbatim.

⁴ William G. Robbins, "[Oregon Donation Land Law](#)," *The Oregon Encyclopedia*, last updated August 17th, 2022.

But that future would never come. Because as Nathaniel Lamb bent over his supper, his wife, Charity, rose from her seat, grabbed an axe, and slammed it into the back of his head.⁵

Welcome to History on Trial. I'm your host, Mira Hayward. This week, the *Territory of Oregon v. Charity Lamb*.

ACT I

To understand what happened that night in the Lamb cabin, we need to travel back nearly twenty years and 3,000 miles, to July 14th, 1836, the day that eighteen year-old Charity Robbins married 16 year-old Nathaniel Lamb in Randolph County, North Carolina.⁶

Young marriages were not uncommon in Charity and Nathaniel's world. Their parents had all married in their teens.⁷ Nathaniel's mother, Susannah, was only 13 when Nathaniel was born in 1820. Nathaniel was the first of 18 children that Susannah would bear over the next 27 years, before divorcing her husband in 1850, claiming that he was an alcoholic who'd abandoned the family and spent all their money.⁸

Her mother-in-law's story might have served as a cautionary tale to Charity Lamb, but by the time Susannah filed for divorce, Charity and Nathaniel were long gone from North Carolina. Their first child, Mary Ann, had been born in North Carolina in 1837, a year after their marriage, but by 1840, when their second child, Abraham, arrived, the family had moved to Illinois. Their next three children, Thomas, William, and John, were all born even further west, in Missouri.⁹

But even that frontier was not far enough for Nathaniel Lamb. Not long after the birth of the Lambs' fifth child, John, in 1851, Nathaniel decided to take his family to the Oregon Territory. The Donation Land Claim Act of 1850 allowed white married couples to claim 320 acres of land in the territory, free of charge, provided they arrived on the land before 1854, and lived on and worked the land for four years.¹⁰

⁵ Testimony of Thomas Lamb.

⁶ [Charity Robbins and Nathaniel Lamb Marriage Certificate, July 14, 1836](#), in "North Carolina, County Marriages, 1762-2011," via *FamilySearch*; [Charity Robbins](#) and [Nathaniel Lamb](#), *FamilySearch*.

⁷ [Nathan Lamb](#), [Susannah Green](#), [Abraham Robbins](#), and [Ann Pratt](#), *FamilySearch*. Abraham Robbins was the eldest of the four, aged 21 at the time of his marriage.

⁸ [Susannah Green](#), *FamilySearch*.

⁹ [Mary Ann Lamb](#), [Abraham Pratt Lamb](#), [Thomas P. Lamb](#), [William H. Lamb](#), and [John H. Lamb](#), *FamilySearch*.

¹⁰ Robbins, "Oregon Donation Land Law."

The Lambs were some of the estimated 3-400,000 Americans who traveled the Oregon Trail between 1840 and 1860.¹¹ It was an arduous, multi-month journey of more than 2,000 miles, requiring settlers to face a litany of dangers, from bad weather to wagon accidents to disease – as anyone who’s played the Oregon Trail computer game knows, dying from dysentery: all too easy!

But for Charity Lamb, the dangers of the trail came from a more proximate source: her husband. Nathaniel had never been a kind husband, nor a law abiding one: later, Charity would recount how he’d stolen a horse and an ox while they lived in Missouri, and threatened his family with death if they turned him in.¹² Their son, Abraham, described his parents as frequently quarreling; their daughter, Mary Ann, said, quote, “My parents have quarrelled all their lives.” But things got worse as they headed west. “On the plains,” Mary Ann Lamb later testified, “he threatened her, and she carried the gun all day ahead of the [wagon] train, through fear he would kill her with it.”¹³

Miraculously, all the Lambs survived the Trail – as far as we know. In the autumn of 1852, the family arrived in Oregon, and staked their claim. The land they chose was just north of the Clackamas River, southeast of present-day Portland.¹⁴

Though remote, the land was lovely; Frank Branch Riley, who later owned the plot, described it as, quote, “a picturesque high mountain meadow; with far-flung, breathtaking panoramas of the valleys of the Clackamas River and Eagle Creek—an environment of scenic loveliness and tranquility; and an improbable setting for a horrendous story of violent hate and assassination.”¹⁵

Perhaps not so improbable for Charity Lamb. She later told the family’s hired hand, Dwight Muzzy, that she, quote, “did not like,” the land.¹⁶ It was very remote: The Lambs’ nearest neighbors, the Smiths, were half a mile away; after that, there was no one for two miles in any direction. The nearest town, Oregon City, was nine miles away. Legal historian Ronald Lansing describes Charity as, quote, “snared in a land far from friends, family, and familiar places.”¹⁷

¹¹ William L. Lang, “[Oregon Trail](#),” The Oregon Encyclopedia, last updated September 25, 2024.

¹² Testimony of Presley Welch.

¹³ Testimony of Abraham Lamb and Mary Ann Lamb.

¹⁴ Charles K. Gardner, “[Township No. 2. South Range No. 3 East. Willamette Meridian](#),” survey, August 13, 1855; [Charity Lamb and Heirs of Nathaniel J. Lamb \(Clackamas County, Oregon\), homestead patent no. 3367](#), Bureau of Land Management, General Land Office.

¹⁵ Frank Branch Riley to *Oregon Historical Quarterly*, letter, April 22, 1969, via “Charity Lamb” file, Oregon Historical Society, Portland.

¹⁶ Testimony of Dwight Muzzy.

¹⁷ Lansing, 53.

And Nathaniel's abuse was intensifying. Not long after their arrival, in the winter of 1852, Charity fell ill and took to her bed. When Nathaniel commanded her to get up, she could not; so he picked up a stool, and said he would move her by force. The next spring, he threw a hammer at her head, striking her in the forehead and leaving a scar. Charity was likely pregnant with the couple's sixth child, Presley, at the time. After Presley's birth, Charity believed Nathaniel tried to poison her. Later that year, when Charity didn't help Nathaniel carry a log into the house, he punched her; when she fell into the snow, stunned, he kicked her repeatedly. Their children witnessed all of this.¹⁸

But worse was still to come. Sometime in late 1853 or early 1854, a man named Collins came into the Lambs' life. Little is known about Collins, including his first name. But his reputation, apparently, was concerning; according to the *Oregon Statesman*, in the summer of 1853, Collins, quote, "seduced a man's wife and a divorce [was] obtained."¹⁹ Now, Collins had his sights set on Mary Ann Lamb, a round-faced sixteen year old with lustrous dark hair.²⁰ Charity, perhaps hoping to get her daughter out of their violent home, supported Collins's suit; Nathaniel did not. Eventually, he threatened to kill Collins if the man kept showing up at their house.²¹

Later, rumors and reports would claim that both Mary Ann *and* Charity were in love with Collins, but we have no evidence of this. The only thing we know is that in the spring of 1854, Mary Ann, with the help of her mother, tried to get back into contact with Collins. Charity wrote the letter on her daughter's behalf; Mary Ann then hid the letter in the front of her dress, waiting for a chance to mail it. But on Saturday, May 6th, before she could get the letter off, her father discovered it.²²

Nathaniel erupted, furious at his wife and daughter's betrayal of his commands. "You will not live at my expense longer than a week," he bellowed at Charity. He would kill her the next Saturday, he told her, and take their sons and leave.²³ Nine-year-old Thomas Lamb later explained that it was only a matter of logistics that Nathaniel did not kill Charity and leave that very day, quote, "He said he was going to take us boys along, because he was not going to let her raise us [but] that he was waiting for the cow to have a calf, so that he could take the baby along, and have milk for it.-- That is what he waited so long for."²⁴

¹⁸ Testimony of Thomas Lamb, Abraham Lamb, Mary Ann Lamb, Presley Welch, and Dwight Muzzy.

¹⁹ "Revolting Murder." *The Oregon Statesman*, June 6th, 1854, page 3.

²⁰ [Mary Ann Lamb](#), *FamilySearch*.

²¹ Testimony of Presley Welch.

²² Testimony of Mary Ann Lamb.

²³ Testimony of Mary Ann Lamb.

²⁴ Testimony of Thomas Lamb.

For the next week, Charity awoke each morning and wondered if it would be the day she would die. At one point, Nathaniel seemed to relent - he told her to leave, if she wanted. But then he told her that if she left, he would follow her and, in their thirteen-year-old son Abraham's words, quote "settle her when she didn't know it." Nine-year-old Thomas put it more plainly: "She said she didn't know what to do, for he was going to kill her, and if she ran off he would follow her and kill her anyhow."²⁵

Nathaniel toyed with Charity, pretending to change his mind once more, and telling her to go. Charity snatched her bonnet and hurried out the door, but before she reached the gate, she heard her husband's voice. "I'll drop you before you get out of sight," Nathaniel said. His rifle was aimed straight at her. Charity came back.²⁶

On Friday evening, with one day left in the week Nathaniel had given Charity to live, Mary Ann and Thomas saw their father point his gun once more at their mother. When he saw that they were watching him, Nathaniel turned and shot his gun into a tree instead.²⁷

The next morning, the 13th, before Nathaniel and Abraham left on the hunt, Abraham noticed that his mother appeared, quote, "tolerably uneasy." She pulled Abraham aside and told him that his father, quote, "was going to kill [her and Mary Ann] and take us boys and go to California."²⁸

The family's hired hand, thirty-four year old Dwight Muzzy, was working near the cabin that day, and came in for breakfast and lunch. He said Charity looked downcast and dejected. At lunch, she pulled Muzzy aside and said she had something to tell him, something that must be kept a secret, quote, "She believed Lamb was going to leave; she knew it, because he was making preparations; he had sold his mare, and she knew he had got money for it; he was going to California, and [would] take the boys with him;" Muzzy said he hoped it wasn't true, but Charity insisted it was. "You think you have a friend in Lamb," she told him, "but you are very much deceived." Her husband was not a good man. She told Muzzy about all the times he had abused her - the hammer he'd thrown at her head, the time he'd tried to poison her, all the threats he'd made to her life. Now, Charity told Muzzy, he was going to kill her and Mary Ann.²⁹

²⁵ Testimony of Abraham Lamb and Thomas Lamb.

²⁶ Testimony of Mary Ann Lamb, and statement of Charity Lamb, via *The Weekly Oregonian*, September 30, 1854, page 1.

²⁷ Testimony of Thomas Lamb and Mary Ann Lamb. Mary Ann remembers this occurring on Friday evening; Thomas Lamb remembers this occurring on Saturday morning.

²⁸ Testimony of Abraham Lamb.

²⁹ Testimony of Dwight Muzzy.

Dwight Muzzy does not seem to have believed Charity Lamb. He never said so outright, but his actions reveal his ambivalence: after Charity poured out her fears to Dwight, she asked if he would return to the cabin later that night. He said he would not.³⁰

Charity pushed, but carefully, reminding Muzzy that she'd done his laundry. Wouldn't he need to come back for a clean shirt? "I said not," Muzzy recalled. Then he left her, alone.³¹

Several hours later, Nathaniel's hunting companions, William Cook and David Deardorff, dropped Nathaniel and Abraham off at the cabin, then continued on towards the Smiths' house. After stopping for a few minutes to chat with Benjamin Smith, the two men set off again.³²

They'd made it only a few hundred yards before they heard Benjamin Smith call them back. Abraham Lamb stood at Smith's side, panting – he had just run there, carrying the news that his father was dead.³³

Smith and Cook and Deardorff and Abraham ran back to the Lamb cabin, passing Charity and Mary Ann Lamb, who were running in the opposite direction. When Charity saw Abraham, she paused, and cried out to him: Take care of the baby! Then she ran off.³⁴

At the Lamb's, the men found Nathaniel sprawled outside, his head a bloody mess. As they bent down to pick him up, they drew back in shock: Nathaniel Lamb was still alive.³⁵

ACT II

Doctor Presley Welch was quickly summoned to the Lamb cabin. What he saw did not make him optimistic. The top of Nathaniel's skull was split by a five-inch long gash that penetrated two inches into his brain. The bone was also damaged in the back of the

³⁰ Testimony of Dwight Muzzy.

³¹ Testimony of Dwight Muzzy.

³² Testimony of William Cook and Mr. Deardorff. Deardorff's first name was not recorded in the paper, but I believe he was likely David Harrison Deardorff, who owned land nearby—see [David H. and Lucinda A. Deardorff \(Clackamas County, Oregon\), homestead patent no. 2474](#), Bureau of Land Management, General Land Office. If not David, it was likely his father or one of his brothers—see [Deardorff family tree](#), via *FamilySearch*.

³³ Testimony of William Cook and Mr. Deardorff.

³⁴ Testimony of William Cook and Mr. Deardorff.

³⁵ Testimony of William Cook and Mr. Deardorff.

skull. Even though Nathaniel was alive now, Doctor Welch knew he would not remain that way for long.³⁶

Having done all he could do for the patient, Doctor Welch set out towards the Smith's, the direction Charity had last been seen heading. He found Charity inside the Smith's cabin, sitting in a bed. She asked about her husband; Welch told her his wounds were mortal. Charity seemed surprised, quote, "She said she did not mean to kill the critter," Welch recalled, "that she only intended to stun him until they could get away."³⁷

Even despite Welch's report, Charity did not seem convinced that her husband would die. When one of the Smith's sons returned home from the Lamb cabin, he found Charity smoking her pipe. Her first question for him was whether her husband would be able to come find her and kill her. The boy replied that he did not think so, and that Nathaniel would not live long.³⁸

Charity asked the same question of everyone who came to the Smith house that night. Would her husband be able to come after her? After hearing over and over again that he would not, she finally went to sleep.³⁹ The next morning, she told the Smiths that she needed to go home and feed her children breakfast. Nathaniel was still lying in the other room, alive, when she arrived, but she did not go in to see him. When told by Doctor Welch that Nathaniel wanted to see her, Charity, quote, "refused to go in where he was, saying that he would certainly kill her." Only after repeated assurances from Doctor Welch that Nathaniel was, quote, "entirely helpless," did she agree.⁴⁰

By now, infection was setting in; Nathaniel was delirious and mumbling to himself. But when Charity said, "Nathaniel, I am here," he seemed to become lucid, and asked her, "Yes, dear, I see you are. My dear, what did you kill me for?" Charity began listing all the ways Nathaniel had abused her; he denied all of it.⁴¹

When Doctor Welch later asked Charity why she had done it, she told him about her son Abraham, saying, quote, "There is a boy, thirteen years old, who has never been inside of a school house or meeting house. I could not think of having my children raised by such a man." She described Nathaniel's criminal past and his violent actions. Doctor Welch told her that the law would probably come for her nonetheless; Charity seemed

³⁶ Testimony of Presley Welch and Forbes Barclay.

³⁷ Testimony of Presley Welch.

³⁸ Testimony of Mr. Smith. Which of Benjamin and Elizabeth Smith's sons ([Smith family tree](#) via *FamilySearch*) testified is unknown. Ronald Lansing believes it was Samuel (Lansing, 54) but I was unable to confirm.

³⁹ "The Lamb Murder Trial," *The Oregon Weekly Times*, September 30, 1854, page 1.

⁴⁰ Testimony of Mr. Smith and Presley Welch.

⁴¹ Testimony of Presley Welch.

surprised but resigned, telling the doctor, quote, “the worst they could do would be to hang [me], and [I am] willing to be hung in case he should die.”⁴²

Nathaniel did die, six days later, on May 20th, 1854. By then, the story of the murder had hit the papers. The *Oregonian*, who smugly wrote that Mrs. Lamb ought to be called “Mrs. Tiger,” claimed that, quote “the domestic peace of the family had been invaded by another man...and [the husband] had threatened an exposure of his faithless wife.”⁴³ Phillip Foster, a prominent local citizen who was one of the first white settlers in Oregon, added fuel to the fire when he told *The Oregon Statesman* that Charity and Mary Ann had both been in love with Collins and had killed Nathaniel when he foiled their plans to run off with their lover. Foster, who had also occasionally employed Nathaniel, called his neighbor, quote, “an industrious and quiet citizen.” The *Statesman* concluded that Charity was a monster.⁴⁴

Charity’s trial was initially scheduled for July, but due to an issue with the grand jury, it was postponed until September. Until then, Charity would be kept in the Oregon City penitentiary, where she was the only female prisoner.⁴⁵

While Charity sat in jail, the probate court decided what to do about the Lamb children and estate. Joseph Church, the local justice of the peace, had taken the Lamb children in temporarily after the attack. On May 27th, Church filed a petition to be named administrator of Nathaniel Lamb’s estate and guardian of his minor children. His petition was granted on June 6th, stripping Charity of her parental rights. Next, Church petitioned the court to allow him to sell the Lambs’ personal property in order to pay back Nathaniel’s creditors and his estate expenses. The probate court once again approved the petition, and Church sold all of the family’s belongings and livestock. Even if Charity managed to escape conviction, she would return to an empty cabin.⁴⁶

But not all hope was lost. The local court was treating offenders mercifully that summer. There was the arsonist, accused of burning down a barn, who was convicted but deemed by Judge Cyrus Olney to be, quote, “more an object of pity than resentment” and given the minimum sentence. There was the man who killed his neighbor’s ox, who the grand jury declined to indict, believing him to be insane. And then there was Mary Ann Lamb.⁴⁷

⁴² Testimony of Presley Welch.

⁴³ “Murder,” *The Oregonian*, May 20, 1854, page 2.

⁴⁴ “Revolting Murder.” *The Oregon Statesman*, June 6th, 1854, page 3; Lansing, 41; and M.J. Cody, “[Philip Foster \(1805-1884\)](#),” *The Oregon Encyclopedia*, last updated August 30, 2022.

⁴⁵ Lansing, 42-43, 45.

⁴⁶ Lansing, 68-69.

⁴⁷ Lansing, 43.

The day after the attack, Doctor Welch had asked Charity if Mary Ann had known of her plans to kill Nathaniel; Charity replied that Mary Ann quote, “was going to do it herself, but I told her I would do it.”⁴⁸ Mary Ann was subsequently indicted alongside Charity for Nathaniel’s murder. But at her trial on July 11th – the first felony trial of a woman in the Oregon Territory – the jury quickly found her not guilty, because, per the *Oregon Statesmen*, quote, “there was no evidence against her except the statements of her mother, which were ruled out by the court.”⁴⁹

Though a lack of evidence seems like a pretty good reason to acquit to me, not everyone was happy with Mary Ann’s verdict. The *Oregon Spectator* wrote a scathing editorial on July 14th, accusing Judge Olney and Noah Huber, the prosecutor, of taking it easy on Mary Ann.

“If Cyrus Olney as Judge and Noah Huber as prosecuting attorney, compose the head and tail of the September [trial],” the paper warned, “the old woman will be cleared too!”⁵⁰

Others weren’t so certain. A jury might be willing to look favorably on an arsonist or an alleged accomplice. But what about a killer?

ACT III

The opening of the *Territory of Oregon v. Charity Lamb* on September 11th, 1854, proved the *Spectator* right on at least two counts: Judge Olney and prosecutor Huber were back. This was not really a surprise: the territory had only three judges, each of whom oversaw large districts.⁵¹ Cyrus Olney covered the district that included the Lambs’ cabin.⁵² Thirty-eight years old, Olney was known as a, quote, “modest and unassuming gentleman.”⁵³

Noah Huber’s appearance was also not shocking: he was the district attorney after all. Elected to the position earlier that summer, the thirty-three-year old had been criticized by the *Spectator* for not prosecuting Mary Ann Lamb aggressively enough. Huber would show no such hesitation with Charity Lamb.⁵⁴

⁴⁸ Lansing, 48.

⁴⁹ “United States’ District Court, Clackamas County,” *The Oregon Statesman*, July 25, 1854, page 3.

⁵⁰ “[When will the next farce be played? In September?](#)” *Oregon Spectator*, July 14, 1854, page 2.

⁵¹ Cathryn Bowie, “[Oregon’s Courts Under the Territorial Government](#),” State of Oregon Law Library, last updated September 11, 2024.

⁵² [Revised Statutes of the Territory of Oregon](#) (1854), 63.

⁵³ Lansing, 46.

⁵⁴ “[Williams’ Address. Oregon Events from 1853 to 1865](#),” *The Oregonian*, February 15, 1899, page 9; [Noah Huber](#), *FamilySearch*; and “[Friend of Frank Huber Recalls Village Days](#),” *The Sunday Oregonian*, May 7, 1911, page 15.

Judge Olney had appointed James K. Kelly and Milton Elliot, the same lawyers who had defended the arsonist, the ox-killer, and Mary Ann, to represent Charity. Kelly and Elliot's successes that summer hadn't been flukes; both men were experienced attorneys.⁵⁵ Elliot had once been a prosecutor, while Kelly, who also served as a territorial legislator, had played such a major role in drafting the territory's 1854 code of laws that it was sometimes known as the "Kelly Code."⁵⁶ Kelly and Elliot began the trial by providing Charity's plea: Not Guilty.⁵⁷

At Elliot and Kelly's side, Charity sat, listless, holding her infant son, Presley. *The Weekly Oregonian*, wrote that she looked, quote, "pale and sallow, and emaciated as a skeleton, apparently fifty years of age, though probably a little younger."⁵⁸ In reality, Charity was only 36.⁵⁹ Years of hard work, childbearing, and poverty – not to mention the four months in jail – had aged her. The conditions in the penitentiary could not have been good; the *Oregonian* further records that, quote, "her clothing was thin and scanty, and much worn and torn, and far from clean."⁶⁰

Unfortunately, the opening statements have been lost to time. But from the shape of Noah Huber's prosecution case, we can imagine what he might have said: Charity Lamb was a cold-blooded, remorseless killer, who had planned her crime.

Huber began by calling two doctors, Forbes Barclay and Presley Welch. Barclay had performed the post-mortem examination of Nathaniel and described the man's wounds to the jury, saying that the deep slice through his skull and into his brain was, quote "necessarily fatal," while the secondary skull penetration was "probably fatal" in its own right. Doctor Welch, who had tended to Nathaniel after the attack, concurred with Barclay.⁶¹

Huber next introduced Nathaniel's hunting companions that day, who described saying goodbye to him and then coming back to find him dying. William Cook described the graphic scene at the cabin, quote: "He lay in the front yard, bloody as a man could be....The table was standing, and seats around it, as if they had been eating supper. There was blood on a plate, on a chair and on the floor, and from there out [the] door."

⁵⁵ Lansing, 43.

⁵⁶ Bowie, "Oregon's Courts Under the Territorial Government," and "Kelly, James Kerr (1819-1903)," [Biographical Directory of the United States Congress](#).

⁵⁷ Lansing, 46.

⁵⁸ "Trial of Charity Lamb, for the Murder of Husband, Nathaniel J. Lamb," *The Weekly Oregonian*, September 30, 1854, page 1.

⁵⁹ Charity Robbins, *FamilySearch*.

⁶⁰ "Trial of Charity Lamb, for the Murder of Husband, Nathaniel J. Lamb," *The Weekly Oregonian*, September 30, 1854, page 1.

⁶¹ Testimony of Forbes Barclay and Presley Welch.

Cook had also seen the murder weapon, quote, “A narrow bit chopping axe...[with] blood and hair on it.”⁶²

There was little doubt that Charity was the one who had wielded this axe – Nathaniel himself had identified her as his killer, and Charity had openly admitted to her actions. According to Constable C.A. Cantonwine, who had taken Charity to jail, Charity had told him that, quote, “she was sorry she had not struck him a little harder and prevented his giving evidence against her.”⁶³

The prosecution argued that Charity’s motive for killing Nathaniel was related to the mysterious Collins, and Charity’s anger at Nathaniel for not allowing Mary Ann to marry him.

A neighbor, Joseph Jones, who spoke to Charity on the Monday following the attack, testified that Charity told him, quote, “she was afraid of [Nathaniel] on account of that letter [she had tried to write for Mary Ann to Mr. Collins], [which] was the reason she did it... that he had been mad at her ever since the letter, and she was afraid of him.” Doctor Welch said that Nathaniel and Charity had discussed the letter while he lay dying, and that Nathaniel had admitted that if Collins had, quote, “continued to cut up about my house, as he had done, I would have shot him.” Constable Cantonwine had asked Charity about Collins, telling her he, quote, “supposed that miserable Collins was the main cause of the difficulty,” to which Charity had replied, unconvincingly, that she, quote, “knew nothing about him.”⁶⁴

Huber also tried to preempt any defense claims of insanity. Philip Foster - yes, the same neighbor who told newspapers that Charity was having an affair with Collins - testified that he had visited Charity while she was in jail. “She appeared different,” Foster said, “She pretended not to know anything. I thought it feigned. At all other times she had appeared rational.”⁶⁵ Thank you, Philip Foster, your completely unqualified opinion on insanity is noted.

More concerning for an insanity defense was the testimony from the two doctors. Doctor Forbes Barclay, who had done Nathaniel’s post-mortem, had also treated Charity for unnamed issues while she was in jail; according to him, when he first visited her, she behaved strangely, quote: “she made no reply to my questions, appeared to take offense that I should talk to her, was very much excited..looked wild... appeared to have a slight fever. I thought she was pretending. She kept moving her feet and her hands to make a

⁶² Testimony of William Cook and Mr. Deardorff.

⁶³ Testimony of C.A. Cantonwine.

⁶⁴ Testimony of Joseph Jones, Presley Welch, and C.A. Cantonwine.

⁶⁵ Testimony of Philip Foster.

little noise. The jailor told her...to be quiet, and she obeyed. I think she was sane.” Doctor Welch concurred, saying, quote “I thought her a nice woman, but ignorant, --below mediocrity:--but if she was insane I did not perceive it.”⁶⁶

On cross examination, defense lawyers Milton Elliot and James Kelly tried to introduce some nuance to these men’s claims. Was it possible for someone to be rational in most cases, but insane in certain circumstances? Doctor Barclay admitted that it was, saying quote, “A person may be insane on a particular subject, as, that there is some danger impending over him, and be sane in all other respects,” but qualified his statement saying, “there would be premonitory symptoms, and other means of detecting it.”⁶⁷

Doctor Welch acknowledged, quote, “I never thought about that. I thought it strange she could do such an act, and be so indifferent to it. One may be insane on a particular subject, and rational on all others.”⁶⁸

Insanity was the first prong of the defense’s strategy. The second was self-defense. Abuse had come up during the prosecution’s case, such as when Constable Cantonwine said Charity had told him, quote, “of [Nathaniel’s] cruelties to her, and said she did it for fear of her life...[that] if she had not done it he would have killed her, that she did it to save her life.”⁶⁹

Now, the defense introduced eyewitnesses to the abuse: the Lamb children. The three eldest children, Mary Ann, Abraham, and Thomas, all testified to Nathaniel’s cruelty, physical violence, and threats to their mother’s life. They spoke of the hammer and the scar it left on Charity’s forehead, of the stool Nathaniel had brandished at his sick wife, of the time he had knocked her down and beaten her as she lay in the snow, of how, according to nine-year-old Thomas, “He threatened the day before to kill her. He had threatened it before.” Dwight Muzzy testified that Charity had told him of this abuse on the day of the attack, and Doctor Welch recounted Charity’s answer when he asked why she and Mary Ann hadn’t simply run away while Nathaniel was out hunting, quote: “We might [have]; but we did not know where he was, and we might meet him, and he would kill us.”⁷⁰

On September 14th, the defense rested, and closing arguments began. Noah Huber’s closing, like his case, was to-the-point. “It is undeniable,” he told the jury, “that the deceased received his death from blows on the head inflicted by her with an axe. The only question was whether that killing was murder.” Huber said that it was. “No

⁶⁶ Testimony of Forbes Barclay and Presley Welch.

⁶⁷ Testimony of Forbes Barclay.

⁶⁸ Testimony of Presley Welch.

⁶⁹ Testimony of C.A. Cantonwine.

⁷⁰ Testimony of Thomas Lamb, Abraham Lamb, Mary Ann Lamb, Dwight Muzzy, and Presley Welch.

provocation was given at the time,” he argued, “but on the contrary, the act was unprovoked, deliberate, and premeditated.” As to the claim of insanity, Huber said that, quote, “the testimony of the physicians ought to settle that question.”⁷¹

Milton Elliot delivered the first defense closing argument. He began by discussing the death penalty, which he believed was wrong. But even if one supported the death penalty, he continued, it could not be administered hastily. “Our legislature has thrown around the life of the citizen a wall of protection,” Elliot told jurors, “... which must be overcome in every prosecution for murder in the first degree.” This wall of protection was the requirement of premeditation. And in this case, Elliot said, he had not, quote, “discovered an item of evidence of such a previous design.” Charity had acted impulsively, out of fear.⁷²

The only design that Elliot saw in this story was Nathaniel Lamb’s plot to destroy his wife. “Tyranny is odious and insufferable,” Elliot said, “but none so much so as domestic tyranny, whose victims are weak and helpless. His threats and even attempts against her life, show, not fancied, but real danger.” This danger, Elliot believed, might have driven Charity to the point of temporary madness, and, quote, “in the irregular and unguided action of a disordered intellect, without malice, or an intelligent purpose, she struck the fatal blows.” If the jurors had any doubt about the premeditation of the act, Elliot concluded, which he trusted they did, he urged them to find Charity not guilty of first-degree murder.⁷³

James Kelly’s closing argument focused on insanity. Charity Lamb, Kelly said, may have been sane in all other aspects of her life, but when it came to her husband, her mind was irrational. She thought obsessively, incessantly, about how Nathaniel Lamb might kill her. It consumed her mind. On May 13th, she was convinced that, quote, “the very time had arrived, when he was to terminate her life.” And so, unbalanced by fear and anxiety, Charity took action.⁷⁴

But that action had not been murder, according to Kelly. No, Charity had only intended to escape. Following Nathaniel’s threats to follow and kill her if she left, Kelly said, “There was but one safety and that was to disable him and prevent pursuit, until she could reach a place of security.” That the axe had buried deeper than Charity expected was due to the fact that she, quote, “did not, in her terror and trepidation, judge accurately how to use the instrument, and how hard to strike in order to stun without killing.” As evidence of this theory, Kelly cited the conversations Charity had had with

⁷¹ “The Lamb Murder Trial,” *The Oregon Weekly Times*, September 30, 1854, page 1.

⁷² “The Lamb Murder Trial,” *The Oregon Weekly Times*, September 30, 1854, page 1.

⁷³ “The Lamb Murder Trial,” *The Oregon Weekly Times*, September 30, 1854, page 1.

⁷⁴ “The Lamb Murder Trial,” *The Oregon Weekly Times*, September 30, 1854, page 1.

people after the attack, when she had believed that Nathaniel might still follow her. If she had planned to kill him, how could she still believe him alive?⁷⁵

Kelly finished by echoing Elliot's arguments about premeditation. There was, quote, "no such proof...no lying in wait, no preparing and arranging beforehand the means of death—no evidence, whatever that murder was in her mind before the time of its execution" Thus, he concluded, quote, "her life cannot be taken."⁷⁶

Noah Huber gave a rebuttal argument, but unfortunately the details have been lost; the Oregon Statesman writes, quote, "The prosecution replied at length; but we have not been able to condense his argument within our limits. He combated the position taken on the other side, and claimed a conviction of the highest degree."⁷⁷ Classic strategy.

With closing arguments finished, Judge Cyrus Olney instructed the jury. Focusing on self-defense, he told the jurors that, quote, "it is claimed...that she entertained the belief that the deceased was about to take her life...If the evidence convinces you that this belief existed in her mind, and was the motive of the act, she must be acquitted." Though Olney acknowledged that the prosecution, quote, "claimed [this motive] to have been insincere, and a mere pretense, to cover a deliberate murder," he followed that up by arguing that, quote, "the evidence does not even tend to prove, much less to establish, any other motive for the act; that she assigned it as the time as her reason and has never deviated from it; that her actions have been uniformly consistent with that idea; that she manifested it, not only to her family, but to Muzzy, and even to the deceased upon his death bed; that it reconciles all the evidence, clears up all mysteries, and places the whole case upon the only rational footing of which it is susceptible." The defense must have been cheering by the end of this statement. After then urging the jurors to make their own conclusions, and providing them with a list of possible verdicts, he dismissed them.⁷⁸

The jury was out for several hours, before returning with a question for the judge. The relevant statute in the Oregon Code of 1854 – the code that James Kelly had helped craft – stated that homicide could be justified, quote, "when committed in the lawful defence of such person... when there shall be a reasonable ground to apprehend a design to... do some great personal injury, and there shall be imminent danger of such design being accomplished."⁷⁹

⁷⁵ "The Lamb Murder Trial," *The Oregon Weekly Times*, September 30, 1854, page 1.

⁷⁶ "The Lamb Murder Trial," *The Oregon Weekly Times*, September 30, 1854, page 1.

⁷⁷ "The Lamb Murder Trial," *The Oregon Weekly Times*, September 30, 1854, page 2.

⁷⁸ "Trial of Charity Lamb, for the Murder of Husband, Nathaniel J. Lamb," *The Weekly Oregonian*, September 30, 1854, page 1.

⁷⁹ [Revised Statutes of the Territory of Oregon](#) (1854), 187.

The jurors wanted to know what imminent danger meant. Judge Olney explained that it meant danger that, quote, “appeared to be unavoidable. If the prisoner believed the deceased was then about to kill her, and that she could not flee without equal danger of being killed, the danger, to her mind, was imminent.” But despite his evident sympathy for Charity, he clarified further, saying, quote: “if she saw that danger, before he returned home, it was her duty to have gone away, and to have had measures taken to save her life, without taking his. That would be the duty of a sane person; and if you think she was sufficiently possessed of her mental faculties to be under the guidance of reason, she was not justified in remaining, or at least, not justified in killing until some demonstration was made against her.”⁸⁰

The jury left again, but returned only minutes later with a verdict.⁸¹

For the death of Nathaniel Lamb, the jury found Charity Lamb GUILTY of murder in the second degree, with a recommendation for mercy.⁸²

ACT IV

The next morning, Charity appeared in front of Judge Olney for sentencing. When Olney asked her if she had anything she wished to say, Charity defended herself, saying “I knew he was going to kill me.” “The jury think you ought to have gone away, in his absence,” the judge replied. “Well,” Charity said, “He told me not to go, and [that] if I went that he would follow me and find me somewhere; and he was a mighty good shot. He once gave me a chance to go; and I consented. I even gave up my baby and started. He told me to come back, or he would drop me in my tracks; and I had to come back. He threatened me very often. It had come to be a common thing. I did it to save my life.”⁸³

Judge Olney acknowledged her situation, and told her that the jury had recommended mercy in sentencing. But, he continued, quote, “the law gives the court no discretion.” The mandatory sentence for second-degree murder was life with hard labor. At this, *The Oregonian* records, quote, “[Mrs. Lamb] commenced weeping, and her babe crying, as the officer removed her from the bar.”⁸⁴

Two days later, Charity was delivered to the penitentiary in Portland. Again, she would be the only female prisoner. The male prisoners did construction and manufacturing jobs; Charity’s assignment was doing their laundry, and the laundry of the warden and

⁸⁰ “Trial of Charity Lamb, for the Murder of Husband, Nathaniel J. Lamb,” *The Weekly Oregonian*, September 30, 1854, page 2.

⁸¹ “Trial of Charity Lamb,” *The Weekly Oregonian*, September 30, 1854, page 2.

⁸² “Trial of Charity Lamb,” *The Weekly Oregonian*, September 30, 1854, page 2.

⁸³ “Trial of Charity Lamb,” *The Weekly Oregonian*, September 30, 1854, page 2.

⁸⁴ “Trial of Charity Lamb,” *The Weekly Oregonian*, September 30, 1854, page 2.

his family. The next record we have of Charity comes in 1859, when two visiting Quaker missionaries encountered her. When the missionaries, quote, “extended words of encouragement,” Charity responded that she had, quote, “not done anything wrong.”⁸⁵

She was not the only one to think so. In the summer of 1860, the *Portland Advertiser* newspaper advocated for Charity’s pardon and release.⁸⁶ But this campaign went nowhere. Though the jury in her case had recommended mercy, and though Judge Olney had told her that their recommendation would, quote, “be put upon record, and preserved for any future use that may be found to be proper,” no mercy was forthcoming.⁸⁷

Even if Charity had been pardoned, she would have come back to nothing. All her children were now in the custody of other families. In 1859, Joseph Church, the justice of the peace who had already auctioned off most of the Lambs’ belongings, had also sold the Lambs’ land. To proceed with the sale of this land, which, legally, was owned by Charity and her children – Church claimed that he was Charity and her children’s guardian. Ignoring the fact that Church had never been Charity’s guardian, and that Mary Ann Lamb was not a minor, probate Judge Robert Caulfield allowed the sale. On Christmas Eve, 1859, the Lamb’s 320 acres sold for \$195 - less than half its appraised value. Charity’s land, and her family, were gone.⁸⁸

In December 1862, Charity – now the longest-tenured prisoner at the penitentiary – was transferred to the Hawthorne Asylum, later called the Oregon Hospital for the Insane. In 1865, asylum investigators described seeing her, quote, “knitting as the visiting party went through the hall, face imperturbably fixed in half smiling contentment, apparently as satisfied with her lot as the happiest of sane people with theirs.” The inspectors do not seem to have spoken to her before forming this generous conclusion. Fourteen years later, in September 1879, Charity Lamb, aged 61, died of apoplexy – probably a stroke – in the asylum. She is likely buried in an unmarked grave in Portland’s Lone Fir cemetery.⁸⁹

Today, nearly two centuries later, the legal system still wrestles with many of the issues that arose at Charity Lamb’s trial. “For a battered woman who kills in nonconfrontational circumstances,” writes law professor Joan H. Krause, “the chief

⁸⁵ Lansing, 71.

⁸⁶ The article “Penitentiary,” *The Oregon Statesman*, August 7, 1860, page 3, mentions the *Advertiser*’s campaign. Unfortunately, records of the text in the *Advertiser* could not be located.

⁸⁷ “Trial of Charity Lamb,” *The Weekly Oregonian*, September 30, 1854, page 2.

⁸⁸ Lansing, 69-71.

⁸⁹ Lansing, 72; Hannah Erickson, “[The history of mental hospital patients buried at Lone Fir Cemetery](#),” *Metro News*, January 6, 2023; Laurel Paulson and Steve Wade, “Extracting Roots II: Charity and Justice,” *frying pan*, June 1979, 23.

obstacles to proving self-defense are the requirements that she *reasonably* believe[d] the threatened harm to be *imminent*, as the killing occurs in the absence of any ongoing physical attack.”⁹⁰

In the Lamb trial, the jurors seemed sympathetic to the idea that Charity feared for her life, but they could not get past the timing of the attack; was danger really imminent while Nathaniel Lamb ate his dinner? When they asked Judge Olney to clarify, he told them that Charity was, quote, “not justified in killing until some demonstration was made against her.”⁹¹ As Ronald Lansing writes, quote, “the instruction was a correct statement of common law as first set down by judges and as codified by Oregon’s territorial legislators...to kill in response to threat of distant harm, no matter how probable the threat and no matter how useless the protective alternatives, was not self-defense.” But, he continues, quote, “what if the threat of future harm is certain and escape is hopeless? Trapped by matrimony, parentage, vast wilderness, and culture, what was Charity to do?”⁹²

Understanding the situation of defendants who have killed their abusers in non-confrontational situations, writes legal scholar Marina Angel, requires a, quote, “reinterpretation of time, equal force, and the duty to retreat in light of the realities of abuse.”⁹³ At Charity Lamb’s trial, the only witnesses who tried to depict the realities Charity faced were her children. When Charity herself got a chance to explain her fears, it was too late; the jury had already pronounced her sentence.

In 1985, a North Carolina woman named Judy Laws Norman, after enduring twenty years of relentless physical violence and psychological torture at the hands of her husband, J.T. Norman, shot him in the head while he slept. *State v. Norman* is one of the most frequently debated cases involving self defense and intimate partner violence. There are a number of parallels between Judy Norman and Charity Lamb. In both cases, the abuse the women suffered escalated in the days before the killing. Both women’s partners threatened to kill them on the day in question. Both women attempted to leave, but were stopped by threats of violence and concern over leaving their children. In both cases, the legal system rejected the women’s claims of self-defense: the jurors in Charity’s case did not believe she met the requirement for imminent danger, while the

⁹⁰ Joan H. Krause, “[Distorted Reflections of Battered Women Who Kill: A Response to Professor Dressler](#),” *Ohio State Journal of Criminal Law*, vol. 4 (2007), 558.

⁹¹ “Trial of Charity Lamb,” *The Weekly Oregonian*, September 30, 1854, page 2.

⁹² Lansing, 66.

⁹³ Marina Angel, “[Why Judy Norman Acted in Reasonable Self-Defense: An Abused Woman and a Sleeping Man](#),” *Buffalo Women’s Law Journal*, vol. 16 (2007), 86.

judge in Judy's case did not allow her jury to consider self-defense. And both women were convicted; Charity of second-degree murder, and Judy of manslaughter.⁹⁴

But here, their stories diverge. Judy Norman appealed her case; ultimately, however, the North Carolina Supreme Court affirmed her conviction. But in 1989, Judy's defense attorneys circulated a petition for clemency in her home county. Thousands of people signed.⁹⁵ That July, Governor James Martin commuted her sentence to time served. Judy Norman was free. In an interview after her release, Judy said that she knew killing was wrong, but that people needed to, quote, "understand the situation." Then she said that she hoped to help other women avoid that situation.⁹⁶

Despite our focus this week on women who have killed their abusers, these cases are relatively rare. Far more often, the reverse is true. But for both parties, intimate partner violence can be deadly. A 2003 study by Jacqueline Campbell et. al. found that, quote, "The majority (67%–80%) of intimate partner homicides [in heterosexual relationships] involve physical abuse of the female by the male before the murder, no matter which partner is killed." "Therefore," the study continues, quote, "one of the major ways to decrease intimate partner homicide is to identify and intervene with battered women at risk."⁹⁷ Or as Judy Norman put it, help women avoid the situation.

In 1978, Laurel Paulson wrote an account of Charity's life and trial for *frying pan* magazine, which she ended with a rallying cry to action, quote: "There can be no Free Charity Lamb Committee. It's too late. Charity has been in her grave for almost a century. But there are other Charity Lambs. It's not too late to do something for them."⁹⁸

Thank you for listening to History on Trial. To see images of the people and places in this episode, check out our Instagram @historyontrial. My main sources for this episode were Ronald B. Lansing's article *The Tragedy of Charity Lamb, Oregon's First Convicted Murderess*, newspaper coverage of the case, and the Oregon Historical Society's project The Oregon Encyclopedia. Special thanks to the Oregon Historical Society's executive director Kerry Tymchuk, who first brought Charity's story to my attention, and to the Historical Society's Reference Services Manager Scott Daniels, who led me through the archives! For a full bibliography as well as a transcript of this episode with citations, please visit our website, historyontrialpodcast.com, where you can also subscribe to our newsletter.

⁹⁴ Martha R. Mahoney, "[Misunderstanding Judy Norman: Theory as Cause and Consequence](#)," *Connecticut Law Review*, vol. 51, no. 3 (June 2019), 671-767.

⁹⁵ Mahoney, 727.

⁹⁶ Mark Barrett, "[Norman Set Free](#)," *Asheville Citizen & Times*, July 8, 1989, pages 1, 7.

⁹⁷ Jacquelyn C. Campbell et. al., "[Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study](#)," *American Journal of Public Health* vol. 93, no. 7 (July 2003).

⁹⁸ Laurel Paulson, "Women and Justice: The Vindication of Charity Lamb," *frying pan*, January 1978, 17.

