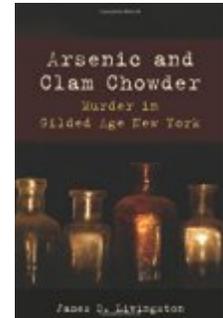




**James D. Livingston.** *Arsenic and Clam Chowder: Murder in Gilded Age New York.* Albany: State University of New York Press, 2010. Illustrations. vi + 205 pp. \$19.95, cloth, ISBN 978-1-4384-3179-6.



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**Commissioned by** Christopher R. Waldrep (San Francisco State University)

On August 30, 1895, Evelina Livingston Bliss, a member of New York's patrician Livingston family, ingested arsenic, and a day later she died, likely at the hands of her ne'er-do-well daughter, leading to one of the most sensational and salacious murder trials in late nineteenth-century New York City. Author James D. Livingston, a distant cousin of the victim and the killer, recounts the murder of Bliss and particularly the trial of her daughter, Mary Alice Livingston, who seemed destined to become the first woman executed in the state's electric chair. A physicist by training and an amateur historian by avocation, the author provides a colorful, fast-paced narrative, written in the true-crime genre.

Occurring in the heyday of newspaper wars and "yellow journalism," the Livingston case commanded the attention of New Yorkers, as the nearly seven-week trial featured liberal doses of sex, greed, and murder, all involving one of the state's leading families. The mother of three illegitimate children and pregnant with a fourth when Bliss died, Mary Alice Livingston, who had already

seen the inside of local courtrooms during breach-of-promise lawsuits against two of her children's fathers, was fast running out money and dependent on her stepfather's charity at the time of the crime. A trust held more than eighty thousand dollars in Mary Alice Livingston's name, but she would not receive her inheritance until her mother, who disapproved of her daughter's lifestyle, was dead. Two days after learning that her stepfather would no longer support her, Mary Alice Livingston instructed Gracie, her ten-year-old daughter, to deliver a pail of clam chowder to her mother--Gracie's grandmother. After eating the clam chowder, Bliss became sick and immediately speculated that the food had been tainted by relatives wanting her money. The physician who treated Bliss also suspected that his patient had been poisoned. A chemical analysis of the contents of Bliss's stomach revealed massive amounts of arsenic, and the police soon arrested Mary Alice Livingston, whose immoral lifestyle, privileged background, and unflappable demeanor cast her nicely in the role of the murderous villain. The

discovery and courtroom presentation of Mary Alice Livingston's lurid letters to assorted lovers, some seemingly also revealing her plan to dispatch her mother and thus gain access to her inheritance, added to the courtroom spectacle. A bevy of influential New Yorkers, including the moral reformers Charles Pankhurst and Anthony Comstock, attended portions of the trial and contributed to the circus-like atmosphere.

James D. Livingston, the book's author, meticulously reconstructs Mary Alice Livingston's life, various misdeeds, and likely crime, relying largely on newspaper coverage of the lengthy trial. He describes the courtroom proceedings in copious detail, providing extended quotations from testimony as well as from documents presented in the case, most of which were published courtesy of the newspaper war between Joseph Pulitzer and William Randolph Hearst. Other newspaper editors, however, also joined the fray and reprinted love letters, interviewed friends and acquaintances of Mary Alice Livingston, offered theories for the murder, and polled mock juries, adding to the media feeding frenzy and generating rich and sometimes scandalous source material for the book's author. To piece together the story, Livingston consulted an impressive range of New York City newspapers as well as online, searchable nonlocal newspapers. He also drew material from historical studies of the era to provide depth.

Faithful to the true-crime genre, the author rarely drifts from his sharp narrative focus—until the final chapter of the book. This accounts for the strengths and the relative weaknesses of *Arsenic and Clam Chowder*. On the one hand, Livingston tells a riveting story with energy and verve. The book is laudably free of academic jargon, and the narrative is accessible. The author also skillfully places Mary Alice Livingston's crime and trial in spatial and chronological context. He describes key sites—the hotel where the killer lived, the courtroom where the legal drama unfolded, and the infamous “Tombs” where Mary Alice Liv-

ingston was incarcerated during the trial—in vivid detail. Likewise, the author provides abundant chronological signposts for the reader, linking his story to broader current events, such as the opening of the Brooklyn Bridge and the dedication of the Statue of Liberty.

On the other hand, the author's effort to reach a general audience results in literary flourishes and rhetorical strategies that are likely to frustrate historians and their students, who need not be reminded, for example, that “there was then [during the 1890s] no Internet, no television, and no radio” or that the phrase “Gay Nineties” “carried no special reference to sexual orientation” (pp. 13, 24). Similarly, for all of Livingston's skill in mapping the physical setting of late nineteenth-century New York City, he writes about wealth, family life, licentiousness, criminality, forensic evidence, and courtroom proceedings without engaging or drawing from, even implicitly, the historical scholarship on class, gender, sexuality, criminal justice, and science. In addition, the author refrains from framing the topic in broader terms or from suggesting the larger, wider significance of the case. Furthermore, Livingston's decision to forego citations and instead to provide a brief section on sources at the end of the book results in a slimmer volume, though it often makes it impossible to identify the sources of quotations or to determine the evidence that led the author to draw inferences about motivation. But more than signifying major flaws in the book, these omissions represent missed opportunities, for a fuller examination of the social, cultural, and institutional context would have provided still greater subtlety and nuance to the author's engaging narrative.

Finally, *Arsenic and Clam Chowder* ends with an unusual chapter that strays from the trial. Although the evidence against the defendant appeared overwhelming, the jury found her not guilty. Livingston expresses surprise at the verdict and adds that “my personal opinion is that she

probably did" commit the murder (p. 160). He also offers a more precise assessment, explaining "my own degree of certainty that she indeed killed her mother is about 75 percent," after which the author argues that "reasonable doubt" and "degree of certainty" are regrettably subjective, are not amenable to mathematical precision, and are therefore ill suited to death-penalty cases (p. 163). Perhaps more relevant than his observations about the definition of uncertainty in modern life or about subjectivity and imprecision muddling conclusions regarding such issues as global warming might have been a discussion of assumptions about reasonable doubt, sexuality, crime, and scientific evidence in the 1890s. Numerous historical studies, for example, have demonstrated that prosecutors secured convictions in only a small minority of nineteenth-century homicide cases and that convictions of white and wealthy women defendants were rarer still. [1] Thus, the historical scholarship on the topic makes the not-guilty verdict less surprising than Livingston suggests. But despite including a few discordant rhetorical turns and missing a bit of historical context, Livingston has succeeded in writing a thoroughly engaging book. *Arsenic and Clam Chowder*, with its lively prose and careful attention to detail, might be effective in the classroom, where instructors can add the social and cultural context to Livingston's fine reconstruction of one of the most celebrated murder trials in late nineteenth-century New York City.

#### Note

[1]. For example, see Eric H. Monkkonen, *Murder in New York City* (Berkeley: University of California Press, 2001), 167; Eric H. Monkkonen, "The State from the Bottom Up: Of Homicides and Courts," *Law and Society Review* 24 (April 1990): 529; Jeffrey S. Adler, *First in Violence, Deepest in Dirt: Homicide in Chicago, 1875-1920* (Cambridge: Harvard University Press, 2006), 108-116; Jeffrey S. Adler, "It Is His First Offense. We Might As Well Let Him Go': Homicide and Criminal Justice in

Chicago, 1875-1920," *Journal of Social History* 40 (Fall 2006): 5-24; and Carolyn B. Ramsey, "Intimate Homicide: Gender and Crime Control, 1880-1920," *University of Colorado Law Review* 77 (Winter 2006): 101-190.

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