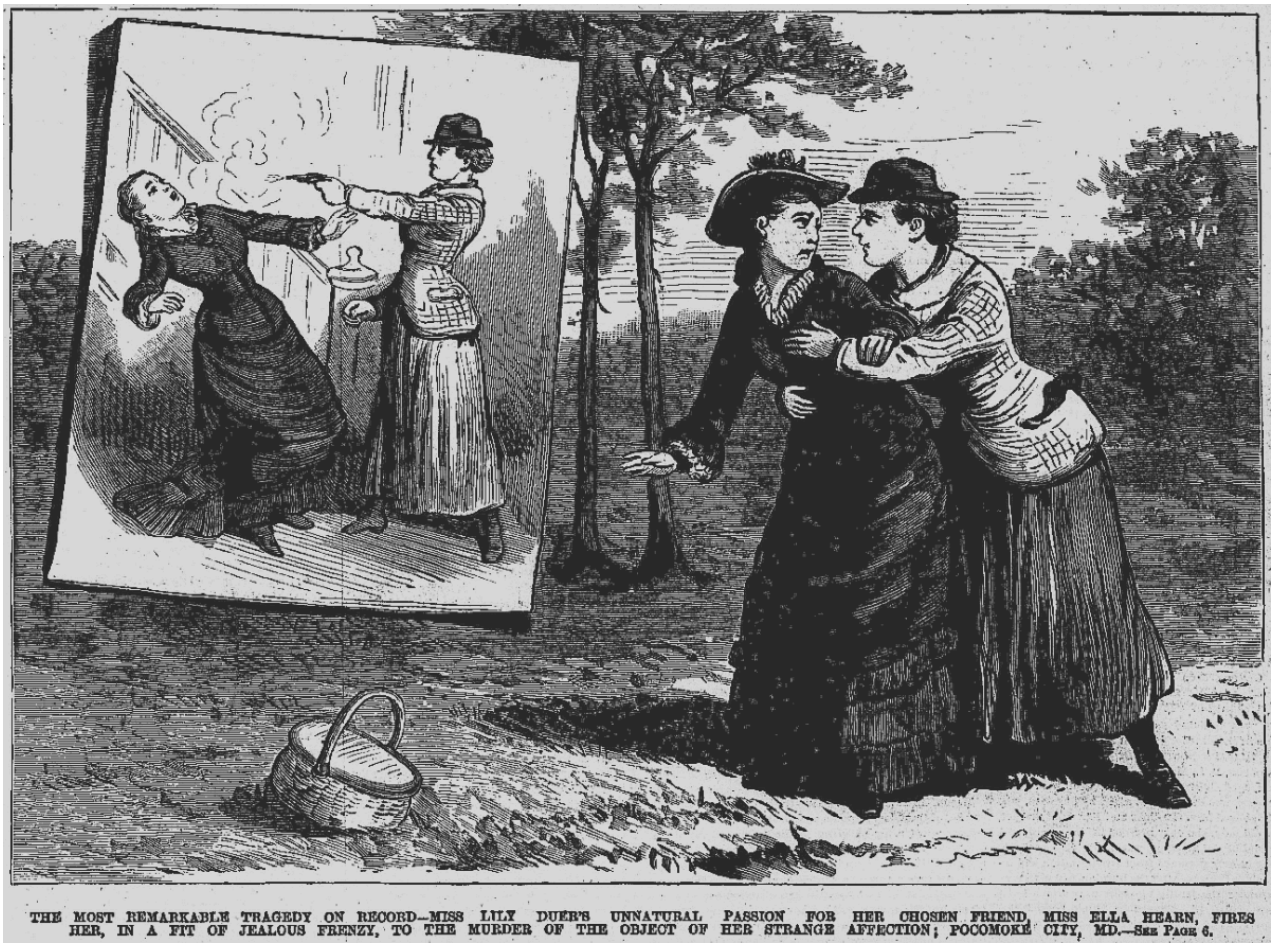
Lillian Duer and Ella Hearn – An Introduction

By Ben Egerman

The following is a draft of a section from a book I have been slowly working on about this case. If you are interested in knowing more (especially if you work for a publisher), please feel free to reach out to me at ben.egerman@gmail.com.



THE MOST REMARKABLE TRAGEDY ON RECORD—MISS LILY DUER'S UNNATURAL PASSION FOR HER CHOSEN FRIEND, MISS ELLA HEARN, FIRES HER, IN A FIT OF JEALOUS FRENZY, TO THE MURDER OF THE OBJECT OF HER STRANGE AFFECTION; POCOMOKE CITY, MD.—SEE PAGE 6.

National Police Gazette, July 7, 1879, page 9

On November 5, 1878, Lillian Duer shot her "constant companion" Ella Hearn in Pocomoke City, a small town on Maryland's Eastern Shore. Ella was 18 and Lillian was 20, and both came from well-respected middle class families. Both were attractive and well-liked, and Lillian was

known for being well-read, intelligent, and a prolific and talented writer. At the same time, she was also described by some of her neighbors as 'eccentric,' a 'mad cap,' and was said to be interested in more traditionally masculine activities, including showing off her marksmanship and taking female friends out for target practice; she was known to carry a revolver with her at all times. According to Lillian, the shooting was a tragic accident–she had been examining her pistol when it had accidentally discharged, hitting Ella in the jaw.

But the following month, as Ella lay on her deathbed, a different version of the shooting started appearing in newspapers. Ella's family and those close to them announced that she had told them that the shooting was intentional, and claimed that a delirious Ella had cried out, "Don't do it, Lilly, I'll marry you!" They said that Ella had been trying to put more distance between the two of them, but to no avail. Rumors began circulating that the shooting had followed an argument about whether Ella was in love with another woman, while claims appeared in regional papers that Lillian had previously written love letters and proposed marriage to women. Jason Hearn, Ella's father, told a reporter that he was exploring legal options against Lillian, a threat he made good on following his daughter's death when he asked the town magistrate to summon a coroner's jury–a panel of doctors to determine the cause of Ella's death–and the magistrate obliged. Several doctors conducted an autopsy, and the jury heard from the Hearn family, Lillian, and other caretakers who had tended to Ella before she died. After hearing from witnesses, the jury found Lillian responsible for Ella's death. She was placed under a $2500 bond and her trial was set to be heard the following May at the Worcester County courthouse in nearby Snow Hill, where she would be tried for murder.

Even as the coroner's jury convened, news of the shooting had broken in papers across the country, and almost immediately articles raised questions about Lillian's behavior and the nature of her and Ella's relationship. One day after Ella's death, a newspaper in Baltimore published claims (which were then republished verbatim in the *New York Times*) that Lillian had been seen wearing men's clothing, but said that "so frequent and strange… are her eccentricities of character, that this was supposed to be another of her 'freaks.'"[1] A day after the coroner's jury made its report, the *New York Herald,* a leading newspaper, ran a lengthy story announcing a "Strange Story of Love and Morbid Jealousy," alongside an editorial that began, "The freaks of human nature which give us womanly men and manly women are among the most curious and occult, because it often happens that there is little or no exterior guide to the psychic anomaly. Miss Lillian Duer appears to be a case in point."[2]

Over the course of the next year, as the mystery of Ella and Lillian's relationship and the shooting was pored over, hundreds of articles would be written presenting the case in gripping terms or offering an "explanation" for Lillian's masculinity and deviant sexuality. But as the trial started, narratives quickly shifted as other factors were increasingly seen as responsible for Ella's death and as both onlookers and reporters were pulled into the legal drama of the case. No fewer than six nationally circulated newspapers sent reporters to Snow Hill, and their reports describe in some detail a pitched battle between an ambitious prosecutor and high-profile defense team, the outcome of which was reportedly sympathy for the defendant by observers. In June of 1879, when a jury found Lillian guilty only of the lesser offense of manslaughter and the presiding

[1] A Young Girl Shoots Her Lady Friend. (1878, December 9). *New York Times*, p. 2. Retrieved from https://www.newspapers.com/article/the-new-york-times/135300377/
[2] Lily Duer's Passion – Remarkable Tragedy. (1878, December 13). *New York Daily Herald*, pp. 6–7. Retrieved from https://www.newspapers.com/article/new-york-daily-herald/135080684/

judge ordered her to pay a fine of $500, papers that were covering the trial noted the outrage even of many of Lillian's early detractors that she had been convicted of anything. But editors and writers who had not followed along with the case reacted with near-universal scorn, anger, and mockery at what they saw as the court's leniency and "the low cost of a young woman's life in Maryland."

To date, only one book has ever mentioned the case of Lillian Duer and Ella Hearn, Lisa Duggan's *Sapphic Slashers: Sex, Violence, and American Modernity*, which briefly discusses it as a precursor to the 1892 murder of Freda Ward by her estranged lover Alice Mitchell, the book's primary focus. Indeed, at the time of that murder, several articles investigated other "women who love women," with Duer cited in several instances.[3] But the case is remarkable in a number of ways, including its setting, its early date, and its outcome. Duggan tracks how narratives around what she terms "lesbian love murders" exploded in the 1890s and both influenced and were influenced by medical texts of psychologists and works of fiction for decades to come. Most of these cases are, much like Mitchell and Ward's, located in cities and not small rural towns like Pocomoke City–much of this is because of the bias in whose stories were more likely to be preserved in newsprint. These differences–as well as the ambivalent outcome–make the case all the more fascinating for its ability to contrast it to later similar cases. How did writers approach the subject differently over time? But beyond this, the Duer-Hearn

[3] I suspect this is mostly due to the difficulty of finding material and especially knowing what to look for: had it not been for the keen eye of a colleague who sent an article along, I would not have been aware of it even after having compiled research on hundreds of places related to LGBTQ+ history in Maryland.

case (and I hope this book) provides a rich and nuanced story that holds interest beyond its placement in the history of later and better attested cases like it.

The case offers a snapshot of a unique part of the country at a time when its relationship to the rest of Maryland, the South, and the Northeast were shifting. Maryland's status as the northern border of slavery had led to what historian Barbara Fields described as "two Marylands" prior to the Civil War. On the one hand, the Eastern Shore (as well as Southern Maryland) had previously an agricultural economy and society based largely on slave labor, while the industrial center of Baltimore and the growing railroad towns in the western parts of the state were primarily based on wage labor. Although the state avoided the upheaval and devastation of the war that occurred across the former Confederacy (and the planters who had been marshaled by state politicians to remain loyal to the Union were never suppressed as they were further south), the end of slavery fundamentally changed the relationship between these two Marylands. Economic factors were tying the Eastern Shore closer to the booming cities they were feeding, while the manufacture of canned goods, ships, and construction materials drew people to newly growing towns such as Pocomoke City. Without chattel slavery inextricably tying it to the South and an economy increasingly focused on selling goods in cities like Baltimore and Philadelphia, the Eastern Shore (much like Maryland as a whole) was becoming more integrated into the Northeast economy and culture, while retaining many aspects of its previous cultural identity and social structure.

Every part of the Duer-Hearn story speaks to the composition of this region and these economic and cultural shifts: journalists from Northeast cities expressed common assumptions towards the rural South, but were then surprised when people in Pocomoke City and Snow Hill did not

conform to those assumptions, with one describing the area as more akin to small-town New England. The extended Hearn family, many recently resettled in towns across the Eastern Shore and southern Delaware, formed a network which spread rumor and news of the shooting across the region and eventually to newspapers in Philadelphia and Wilmington. The Duers, meanwhile, managed to pull together a team of politically connected, well-respected lawyers from across the lower Eastern Shore, most of whom were from the pre-Civil War planter class and a part of a deeply intertwined political and legal environment still dominated by the former slave-owning patricians of the Old South. Both Jason Hearn and Littleton Duer, Lillian's father, were craftsmen tied to Pocomoke City's growing economy, with the former maintaining machinery for local lumber mills and the latter being a master carpenter building new homes as the town's workforce and wealth increased. The complicated social relations of all parties in the case created an opportunity for the people of Worcester County to consistently defy metropolitan writers' expectations that they would be ignorant and simple, and instead give the impression of a group that was engaged and capable of navigating and understanding a morally complex situation with nuance and sophistication.

Of course, the converse is true: if Lillian (or Ella) had been relegated to a less respectable social position due to class–or especially race–the response would have been fundamentally different. The willingness of people to show compassion, change their opinions, and think critically about the case as the trial progressed would likely not have been extended to a 'poor white,' and definitely not to a Black woman; likewise, the case would not have commanded the interest and attention it did had the victim not also been middle-class and white.

The attitudes towards Lillian, how they changed, and especially *why* they changed offer insight into how women accused of murder were viewed and treated both in court and in the media. As noted in the spectacular book *Murder Most Foul: The Killer and the American Gothic Imagination*, the idea of respectable women being involved in violent crime created a contradiction in a society that generally assumed such women were genteel and helpless. This contradiction was addressed similarly to well-known later cases of women accused of 'intimate murders'–most notably that of Lizzie Borden–by basing perceptions of Lillian on how well she could present herself as a respectable woman. If she was appropriately feminine, she could hardly be considered guilty; if her femininity was found wanting, she would be suspect. Numerous reports attempt to determine this question in order to tell readers how to approach that contradiction, looking at her clothing and appearance, her language, how she responded immediately after the shooting, even focusing on minute gestures and facial tics that could give away whether her performance of femininity was authentic or a ruse. Of course, most of Lillian's behavior could be read in a number of different ways, leaving it to reporters to divine their true meaning: was she silent because she was polite and proper, or because she was unfeeling and cold? Did she cry enough or too much?

Much of the testimony in Lillian Duer's case focused on the question of whether Ella Hearn died from poor medical care after the shooting and particularly the liberal usage of chloral hydrate, a painkiller and sedative. Parades of doctors were brought in to the courtroom to explain their understanding of the popular medicine and its effects on the body, with the *New York Herald* joking, "The air of the court room to-day was again redolent of chloral… the diffusion of the narcotic extended beyond the court room and also beyond the limits of Snow Hill and the

surrounding country, if we may judge by the commotion it has made among the public."[4] Much of the focus was on the drug and the injury's effects on the nervous system, and these doctors offered their views of how the nervous system operated within the body, its relation to shock, and how to properly treat female patients with 'nervous conditions.' The testimony of doctors capture a time when understandings of the relationship between the mind and the body were changing, and the approaches of a patriarchal medical field to women's bodies. And while reading medical testimony and works on the history of medicine can give the impression of a progression of ideas that existed independently and outside of the rest of society, occasional asides in articles hint at a complicated relationship that writers and onlookers had with rural medical professionals and the broader medical establishment.

For those interested in the history of LGBTQ+ people this case offers rare and important insight. The late 19th century was a crucial point in the history of sexuality in America as the emergence of psychology and sexology led to new ways of understanding gender and sexual deviance that followed newly minted categories such as "invert" and "homosexual." These ideas generally came from Europe, where the field had been established some ten to twenty years prior, and only began to emerge across the Atlantic around the time of the Duer-Hearn trial. The extent to which these ideas were adopted and shaped people's perceptions has been a point of contention for historians of sexuality, with books like *True Sex: Lives of Trans Men at the Turn of the Twentieth Century* arguing newspaper editors and journalists were more reluctant than previously assumed to base their ideas on new psychological theories and sought explanations elsewhere. Being early in this time of transition, the ways Lillian's gender deviance was explained show how these theories were adopted to varying extents based on the author and newspaper, as well as the

[4] NYH 61379

cultural touchstones writers used to imply sexual deviance at a time when few words existed to refer to it directly. These explanations also show a strong regional component as well, with writers in cosmopolitan New York City being far more willing to discuss female sexuality and gender deviance than their colleagues elsewhere, but seeing Lillian's gender deviance as more threatening. The approach of newspapers in smaller cities as well as rural areas shows varying levels of recognition of this emerging type of woman whose current name appears to be first applied in the American press in 1879 to Lillian Duer: the Lesbian.

Because the court case produced two conflicting narratives of Lillian Duer and her behavior, it's possible to see how believers in one or the other treated her deviance differently. The markers of nonconformity for a young, middle-class white woman are repeatedly brought forward and interpreted in different ways depending on the observer's beliefs about the case. Looking at these different reactions shows how these markers were either assimilated into a negative view of Duer as unnatural and threatening, rationalized by Lillian's supporters as simply benign eccentricities, or dismissed entirely as unbelievable. Each offers insight into what kind of behavior or trait was seen as suspect and how it could fit into various different ways of responding to sexual and gender deviance at a time when such deviance was only starting to be acknowledged among women, while deviance among men was becoming more visible in American cities. The way some writers connected these two–such as the *Herald*'s "womanly men and manly women"–brings together anxieties around the increasing visibility of gay male subcultures as well as increasing visibility of lesbians, and showed an identification of the two as varieties of a certain 'type' of person.

All of this unfolded in the pages of a booming newspaper industry where many editors followed the advice of the *Herald's* founder that the goal of a newspaper "is not to instruct but to startle and amuse."[5] Editors and reporters often mixed reporting together with rumor, moralizing, and at times outright fabrications in order to tell a lurid story that they believed readers would find interesting. A number of stories reprinted town gossip as it was told to a reporter or sent to an editor. While these articles need to be read with a grain of salt as to their truthfulness and several more as to their objectivity, they capture with some detail the kinds of stories that were circulating as people attempted to make sense of Lillian's behavior, the tragic event and the nature of two young women's intimacy.

This was happening long before newspapers credited their authors, at a time when it was common practice for editors to run clippings or entire stories from other papers with little (if any) attribution. As such, the way these stories would then get transmitted from Pocomoke to the rest of the country could involve a long string of republications: a report from Pocomoke City might be sent by telegraph or mail to a city paper which would then publish some version of it, with copies of the paper sent by mail and summaries sent by telegraph to newspapers further afield. Those papers would then clip from these, publish, and send it further, continuing the process. In some ways, the practice of editors at the time resembles that of a modern social media user, finding articles and the observations of other curators and sharing it to their own subscribers, often adding their own commentary or highlighting particular parts according to their own opinions and tastes. Modern databases allow us to see this process and how the reports of this case radiated outward as they were shared and republished from sources in Baltimore, Wilmington, Philadelphia, and New York.

[5] *New outlook*. (1892). Outlook Publishing Company, Incorporated. p. 489.

This cycle of clipping and republishing wasn't editorially neutral: turning back to *True Sex* and its analysis of newspaper reports of trans men of the period, Emily Skidmore explains that editors would choose which elements of national stories to reproduce, adding or subtracting components of wire dispatches to appeal to their own audiences and reflecting their own editorial biases.[6] As a result, the way information about the case circulated could resemble an extended game of 'telephone': certain facts would subtly change, information would be cut out, other lines added as the story traveled. These changes generally followed a certain logic as the portrayals of Lillian became more two-dimensional and focused on her transgressions. Much like in Skidmore's study–which has served as a huge inspiration for this project–the somewhat surprising result is that local papers discussed those who defied the gender and sexual norms of the community more favorably and with more nuance than editors in major cities further away.

This book is arranged chronologically into three broad chapters that correlate to the periods with the most media attention on the case. The first covers the time period of the shooting, the accusations of the Hearn family, Ella's death and the coroner's jury, ending with the coverage of that jury's decision. It will attempt to draw out some of the history and social life of Pocomoke City and where the Duers and Hearns fit in it, investigate the ways newspapers discussed Lillian's deviant behavior and how these stories changed as they circulated through the national press, and how some explanations for her behavior related to new ideas coming from

[6] Skidmore, E. (2019a). *True Sex: The Lives of Trans Men at the turn of the twentieth century*. New York: NYU Press. p. 18

psychologists and sexologists. The second covers the time period of the grand jury and trial, and will discuss how newspapers described the trial and how their perceptions changed over its course; what journalists had to say about the region and people in it, what factors affected how Lillian was viewed, and will discuss the medical understandings of the body and women' s health that shaped Ella's and Lillian's fates. Finally, the last chapter will describe the legacy of Lillian Duer–the different responses to the verdict, what we can tell of Lillian's life after the trial, how the shooting and trial were referred to after the fact and the extent to which the story and its meaning changed over time.

The tragic story of Lillian Duer and Ella Hearn is one of surprises and improbabilities. Because of the social status of both women, because of the crime's setting, because of the successes of the defense at trial and more, most of the conflicts and contradictions that were brought up by the case were never truly resolved. Even after the verdict, writers remained unsure or uncomfortably split on whether Lillian was a respectable woman or a murderer, or if she was a deviant or 'normal'–both questions that would fundamentally change how she was viewed by the press, the courts, and society. The ambiguity and lack of resolution is a particular–and surprising–byproduct of some writers' willingness to cast aside some of the central questions that gave the case its explosive interest in the first place. In some ways, this reflects peculiarities and unique aspects of the case, while in others it likely reflects the case occurring before the language and more rigid understandings of sexuality were widely used in the United States.

The various articles from 1878 and 1879 provide a series of (somewhat blurry) snapshots of how people in Pocomoke City, Snow Hill, and beyond were making sense of Lillian and Ella's

romantic attachment and its horrible end. We also see the reactions and opinions of a series of intermediaries, mostly reporters and editors, as the story circulated throughout the US and Canada (and eventually to the UK and France). Beyond the story of two young women whose relationship ended tragically–whether accidentally or not–it tells a rich story of how two small Maryland towns' views of someone who bucked gender and sexual norms changed over the course of a shooting and trial that thrust them all into a national spotlight. Along the way, it reveals anxieties around young women's upbringing and education, around non-normative sexuality and femininity, and around the image of white society in the rural South as a paragon of traditional values. It intersects in fascinating ways with broader stories of a changing area only recently connected by rail and telegraph, of a competitive news environment and media economy eager to get breaking news at any cost, and of medical and legal attitudes towards women. And it sheds light on how regional and national voices viewed a unique part of the mid-Atlantic when something happens that is, as journalists often pointed out, exceedingly queer.