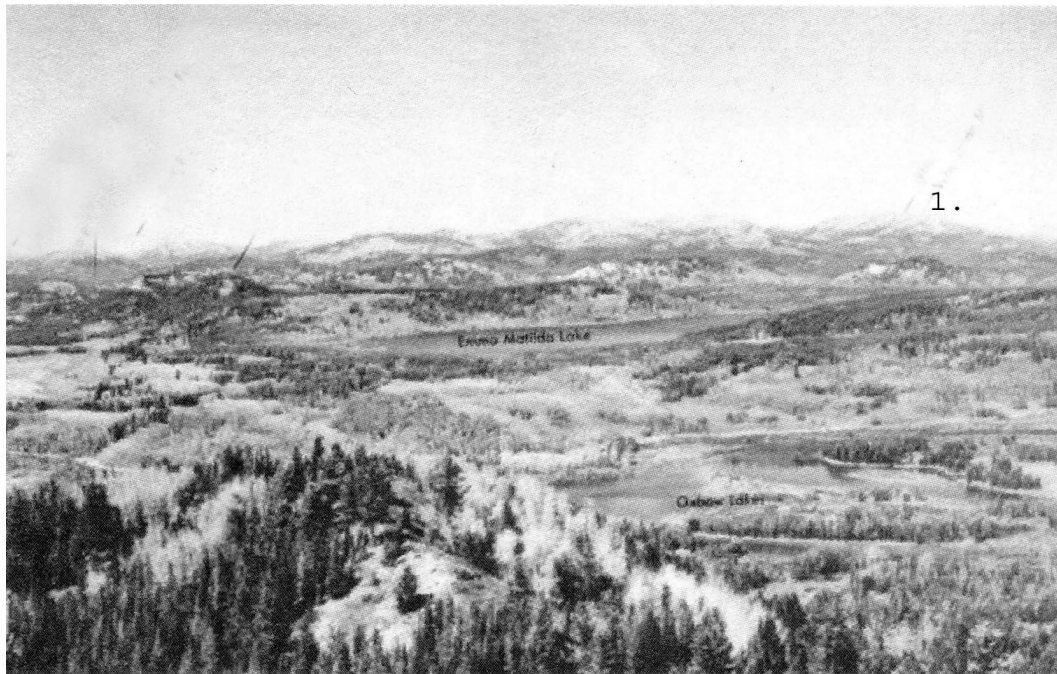


## Preface

This is the story of the 1890 death of Robert Ray Hamilton in Jackson's Hole, Wyoming. Hamilton was a great grandson of Alexander Hamilton and son of Civil War Major General Schuyler Hamilton. In Wyoming not much is known of Robert Hamilton. More has been written of his eccentric partner John Dudley Sargent, but even that is sparse. At the time, Hamilton was the center of a major sexual scandal. Thus, the circumstances of his death were more than a nine day wonder and became fodder for newspapers for years following his death. There ensued some sixteen years of costly lawsuits between members of his family over who should inherit his estate. It was as if Hamilton put a curse upon those seeking a part of his legacy.

The writer became interested in Hamilton while researching the naming of Signal Mountain in northern Jackson Hole for the [wyomingtalesandtrails.com](http://wyomingtalesandtrails.com) website.



**View of Whetstone Mountain (1.) from Signal Mountain.**

The research led to an obscure fountain on Riverside Drive in New York City and from there to newspaper archives and multiple court decisions in New York, Salt Lake City, and elsewhere. It is primarily from those archives that this book is written.

This effort is respectfully dedicated to the memory of Mick originally from Laramie, Wyoming, whose bark was worse than his bite.

## **Chapter 1**

### **The Gathering Storm**

In September, 1890, word was received of the death of a wealthy former New York State Assemblyman, Robert Ray Hamilton, on a hunting trip in the American West.



**New York Assemblyman Robert Ray Hamilton**

At the time, Assemblyman Hamilton was the center of a major scandal reported world-wide. Nationwide, American

newspapers titillated their readers with the sordid details of an alleged fraudulent marriage to a lady declared to be a "common prostitute," along with stories of switched babies, and a brutal attack with a dagger on the baby's Irish wet-nurse. Newspapers as far away as Tasmania, New Zealand, and South Australia repeated the details. Prior to Hamilton's supposed death, stories appeared in the press about a sinister conspiracy by associates of Hamilton's "wife" to murder Hamilton and steal his fortune.

Some doubted that Hamilton was indeed dead but believed that he had faked his own death. Thus, the *New York Sun* dispatched a physician and one of its star reporters to Wyoming to disinter the body. Others believed that it was murder. Maybe Hamilton was killed by outlaws. The valley in which Hamilton died was infested by murderous outlaws. As late as 1920 Jackson's Hole bore a reputation as a refuge for criminal elements. A wire-service story repeated in many small-town newspapers described the area:

"In the old days Jackson and Jackson's Hole were the rendezvous for a goodly portion of the entire west. Whenever a serious crime was committed between the Mississippi river and the Pacific coast it was pretty safe to guess that the man responsible for it was either at Jackson's Hole or was headed to it. There he joining others for mutual protection, and respectable citizens knew better than to risk their lives in such company. The outlaw element lived and stole and killed about as it pleased." See Gilman, Mont. *Times-Optimist*, June 4, 1920.

Or perhaps Hamilton was as popularly believed by many residents of the valley murdered by an eccentric partner motivated by old-fashioned greed and who himself was later accused of murdering one of his wives.

Following Hamilton's purported death, lawyers gathered like vultures over Hamilton's body. The courts became clogged with the perfect storm of lawsuits over the validity of

Hamilton's marriage, the validity of his will, and family fights over the little remains of his fortune after it was dissipated in the endless lawsuits all lovingly reported by the New York papers.

Hamilton in his will provided for an annuity to comfortably support his adopted two year old daughter for her lifetime. The relative named in the will to be the guardian declined and the courts named lawyers as guardians ad litem who were more interested in lining their own pockets. The greed exhibited was to the extent that by the time the daughter attained the age of seven she had been placed in a facility for homeless waifs. The facility took care of the children placed in their care, by shipping them out on "orphan trains."

Hamilton loved to ride horse back. In his will he left a bequest to construct a water fountain for New York's thirsty horses. Not reported was the lawsuit challenging Hamilton's bequest of a horse trough to the City of New York. Endless litigation ensued over every aspect of Hamilton's will and the bureaucratic requirements relating to the design of the trough. All combined to delay the final settlement of Hamilton's estate. Thus, the thirst of New York horses was not quenched until 16 years after Hamilton's purported death.

During the course of the storm formed by the confluence of the Greek tragedy of Hamilton and covetousness worthy of *Gullveif*, the Norse goddess of Greed and Avarice, other deaths under suspicious circumstances occurred. Witnesses and participants were declared insane. Members of Hamilton's family, inheritors of a fortune going back to the founding of the Republic, were declared insolvent or bankrupt. It was, as if from the grave, Hamilton had placed a curse on the recipients of his bounty. This, then, is the story of the death of Robert Ray Hamilton.



**A gathering storm over the Grand Tetons. In the foreground is the Snake River and Deadman's Bar.**

Along the western edge of Wyoming lie the Grand Tetons, rising 14,000 feet above sea level and 8,000 feet above the valley floor below. The mountains had received their names from early French-speaking trappers who perceived a resemblance to women's nipples and named the mountains *Les trois téton*. In the summer, warm moist winds push eastwardly across Idaho. The peaks of the Tetons force the warm air upwards. In the late afternoons and early evenings, the rising air cools and condenses as it crosses the peaks forming gathering storms. In the winter moist cold fronts come in from the Pacific and hit the Tetons. Snow in precipitous quantities fall on the slopes, creating ideal conditions for skiers, but terrible conditions for access to the valley.

In the summer, the snow melt feeds various tributaries which feed the Snake River flowing down the center of the

valley. At its upper end, the Snake is a calm, slow moving stream today suitable for tranquil moving float trips for tourists. Further down past the Town of Jackson, the river gathers strength, flowing through narrow canyons and over rapids joining the mighty Columbia which ultimately flows into the Pacific.

On the east side of the valley lies the Absaroka Range from which small creeks feed the Snake, the Yellowstone and Green Rivers. The Yellowstone joins the Missouri which in turn unites with the Mississippi flowing into the Gulf of Mexico. The Green flows southward into the Colorado and thence into the Gulf of California.

The valley is one of a series of isolated "holes" discovered by early mountain men in their search for beaver. One of those fur traders, David Jackson, wintered over in the valley and, thus, the hole and a lake at the northern end of the valley bear his name.

In the West, the winter of 1886-87 was the coldest in memory. Many of the giant ranches were put out of business when they lost most of their herds. A few such as the Two Bar survived. Others such as the N Bar N, the 76, the Niobrara Land and Cattle Company, and the EK lingered a year or two and then failed, throwing cowboys out of work.

A few of the idled cowboys turned to robbing stages, railroads and banks and then retreated to the isolated "holes" spread along the western portions of Wyoming, Colorado, and New Mexico. Brown's Hole in Colorado, the Mogollons in New Mexico, Robbers' Roost in the Canyon Lands of Utah, the Hole-in-the-Wall and Jackson's Hole in Wyoming were areas which harbored the outlaws and into which the law and the Pinkerton agents dared not go.

Beginning in the 1860's, a gold rush began in Montana to the north. As the various alluvial gold deposits began to be exhausted, prospectors looked southwards toward the Snake and some of its tributaries such as the Whetstone, Pacific and Pilgrim Creeks. Many of the prospectors were hardly better than the out-of work cowboys.





**Deadman's Bar, Snake River, Jackson's Hole. Deadman's Bar takes its name from three unsolved murders.**



**Panning for Gold in Jackson's Hole**





### **Unidentified graves, Jackson's Hole.**

In 1863 some 26 prospectors from Montana entered the valley. Guide for the expedition was a miner S. R. Hillerman. Hillerman was later described by Wilbur Fisk Sanders, a member of the committee on Vigilance in Virginia City, Montana:

“Hillerman was an old weak, foolish man, doubtless without moral perception or cognitance of the crimes that were of daily occurrence and it was thought that, on the place on which justice was administered at that time, it was not well to hang him, and after consultation with many of the leading citizens it was determined that he should be banished and upon my motion it was made the duty of nay person finding him in the settlement after New Year's to shoot him on sight.” See Appendix “B,” Callaway, Lew L., *Montana's Righteous Hang Men.*” University of Oklahoma Press, 1982.

The original twenty-six were joined by another 16. Neither group found any gold and in short order returned to Montana.

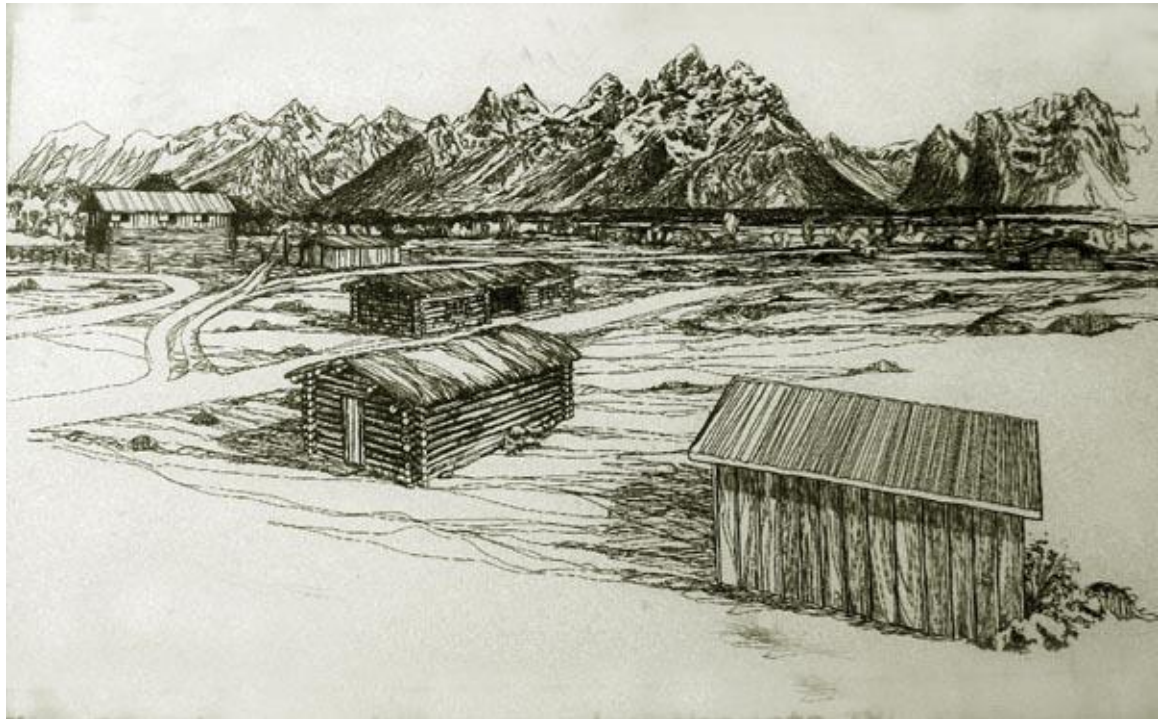
In addition to Hellerman, another on the 1863, Expedition into Jackson's Hole was Jack "Three-Fingered" Gallagher. Gallagher had allegedly killed a man in Denver and was involved with the murder of a deputy sheriff in Montana. Gallagher ended his days suspended from a beam in the Virginia City Hotel which was then under construction. Allegedly his last words to a friend were, "Ray! I'm going to Heaven! I'll be there in time to open the gate for you, old fellow."

In 1886, three years before Hamilton came to the valley, four prospectors T. H. Tiggerman, Henry Walter, August Kellanberger from Montana entered the valley, seeking gold. They established a camp on the right in the photo of Deadman's Bar on the previous page, built a sluice and began the search for gold. Later another party came down the river and discovered the bodies of the first three. One had been shot in the back, and two had been killed with an axe to the head. The fourth prospector, John Tonner, was accused of the foul deed but was acquitted since there was no evidence that his claim of self-defense was false.

In 1889, a party working under the name Harris and Dunn Mining Company established a placer operation along Whetstone Creek, constructed cabins and several sluices and a ferry across the Snake. The operation lasted several years. In 1897, it improved its diggings, See *Salt Lake Herald*. Feb. 20, 1897, p. 3. The year was not auspicious. No appreciable gold was found. The operation closed when the superintendent ran off with the operating money. The investors sold in order to help alleviate some of their losses, off the equipment.

In 1894, the *Salt Lake Herald*, Sept 26, 1894, reported that a hunter, Joe Meickle, had disappeared in Jackson's Hole. Meickle was known to be carrying a large amount of money as well as a gold watch. When his body was found dead

from a bullet wound, the money, his gun, and his watch were missing. About the same time, an individual, going by the name of "Frank Brown," but calling himself "Carter," appeared in Idaho spending large sums of money, displaying the gold watch, and bearing Meickle's gun. The coroner's jury determined that Meickle's death was accidental.



**Cunningham's Ranch near Spread Creek, National Park Service Sketch.**

Others also ventured into the hole but failed to return. About 1893 George Spenser and Mike Burnett, suspected horse thieves came out the losers in a gun fight at Cunningham's Cabin near Spread Creek a short distance south of where Hamilton chose to settle. They were buried in a corner of the corral. Animals dug up their remains. One hundred twenty-one years later in August 2021, two campers from North Port, Florida, ventured into and camped at Spread Creek. The body of one apparently murdered, was found after she was reported missing.

In 1892, Jack Bliss lost his life in a shoot out with a posse at Bliss Meadows on the South Fork of Stinking Water, just south of Yellowstone National Park. Later, as the area

grew the developers of Cody, Wyoming, changed the name of Stinking Water. It is now called the Shoshone. Bliss was buried there, but his remains were washed away in a flood.

Within Jackson's Hole are a series of small lakes formed by moraines left by glaciers that pushed down from the mountains above. At the northern end of Jackson Hole overlooking Jackson's Lake, rises Signal Mountain taking its name from events surrounding the controversial and yet unresolved demise of Robert Ray Hamilton. By decree of an all-wise United States Government, the use of the possessive form of Jackson has been eliminated in referring to the Hole and the Lake.



**Jackson's Lake**

Once a year on Jackson's Lake, according to Hamilton's former partner John Dudley Sargent, an apparition in a small boat appears. The spectral craft is perhaps a reminder of Hamilton's penultimate journey when in a similar craft his body covered with pine boughs was borne across the lake to a temporary grave on the shores of the lake. And like the clouds of summer, the controversy of Hamilton's death would center on Sargent.

In distant New York City at busy Riverside Drive and West 76<sup>th</sup> Street, scarcely noticed by the thousands of motorists who pass by, is an elaborate Tennessee marble fountain. Horses no longer guide the black lacquered carriages of the rich and famous of the Upper West Side. But perhaps, carefully groomed, matched and pedigreed canines taking their professional dog walkers out for their daily stroll, investigate and sniff the stonework to see who also has utilized the fixture.



**Hamilton Fountain, Riverside Drive, New York, photo by author. Note top of retaining wall behind the fountain.**

From the north, the sidewalk on the west side of Riverside Drive ascends a hill. Thus, pedestrians are more likely to utilize a main promenade that passes through a park behind and below the fountain. From below, the fountain is partially concealed by a maintenance building. Few pedestrians heed the trough. The fountain is topped by a soaring eagle mounted on the top of a retaining wall. The eagle looks much like the eagle decorating the top the back-bar of Laramie's Buckhorn Saloon. The back-bar is noted for the bullet hole in the mirror placed there by a disgruntled customer. The eagle topping the fountain may also remind one



of a similar avian borne upwards in the air currents that swirl about the Grand Tetons.

On the fountain eagle's breast is a coat-of-arms and on each side are dolphins. The fountain is poorly maintained. At the time of the author's visit, the eagle's beak has been broken off. Water flows into a shell so that the eagle and the dolphins give the appearance of having been inspired by Botticelli's "Venus Arising From the Sea." The trough is spasmodically planted with seasonal flowers. Formerly it was the home of neighborhood gold fish. The fish are gone now. The fixture from which the horses formerly quenched their thirst was below and behind the fountain at the bottom of the retaining wall supporting the fountain. The eagle gives the appearance that it is perched atop the wall as if the eagle relieved itself the droppings would fall into the bathtub like fixture reserved for the horses. By the 1930's the horse fixture was no longer usable having been filled and covered with dirt and debris placed by city workers.



### **Horse Trough at Hamilton Fountain, prior to 1930's**

No plaque marks the trough. Nearby a small wooden sign tells the occasional passerby that the trough is the "Hamilton Fountain" bequeathed to the City by Robert Ray Hamilton and that the trough was designed by Warren and Wetmore, the

architects for the Consolidated Edison Tower and the facade of New York's Grand Central Station.



**Eagle Soaring Above Jackson Lake**

At the time of the author's visit to the fountain, the sign reader was also advised that residents of the neighborhood were attempted to raise \$150,000.00 to restore the fountain. Little information is provided as to Hamilton and that which is provided is to some extent erroneous. Both the Tetons in Wyoming and the Fountain in New York stand as silent witnesses to the death of Robert Ray Hamilton.



## **Chapter 2.**

### **Robert Ray Hamilton**



**Mulberry Street, New York, 1890's**

New York City in the 19<sup>th</sup> Century was like Dickens' London, a place where the squalid met great wealth. At the time of the American Revolution, New York was one of the lesser cities of new American confederation. Boston, Philadelphia, Baltimore, and Charleston were more important. It was not until the opening of the Erie Canal in 1825 that the little city crammed on the toe of lower Manhattan boomed. New York rapidly became the principal port of the United States. With the construction of the New York Central Railroad, New York became the true gateway to the American interior. Rapid growth permitted fortunes to be made in real estate. Robert Ray Hamilton was an heir to one of those fortunes, a fortune not created by his distinguished great-grandfather Alexander Hamilton. Instead, he was an heir to a fortune created by a Dutch planter Jan Cornelis van den Heuvel who moved to New York from South America and to

another fortune made by Hamilton's maternal grandfather Robert Ray.

At the same time, the rapid growth created conditions which even appalled Charles Dickens on his visits to New York. Portions of Manhattan became rabbit warrens of poverty stricken immigrants, Hells Kitchen for the Irish, Mulberry Street for the Italians. They were places where children were born and then sold by the delivering midwives for as little as \$10.00. Older orphans were shipped off in "orphan trains" sometimes to be given over into virtual slavery.

Prostitution and vice were rampant. "Houses of Blazes" were common. In Hell's Kitchen, one House of Blazes was so denoted allegedly because drunken patrons would be set on fire for the amusement of the damsels within. Another House of Blazes at 5 Batavia Street was a flop house extraordinaire. The proprietor would fit in each room some 12 guests in a 13 x 13 space, half in three bunks and half on the floor. But then, the proprietor only charged a nickel a night for a spot.

Thus, New York had a society which on one side was well-to-do and on the other side one in which the seamier side of life was concealed. Hamilton came from the well-to-do side, a society that could afford to, and did, endow fountains, statues, stained glass windows, and other public fixtures. They could afford to take months long hunting trips, engage in yachting, spend the summers at Bar Harbor, Newport, or the "Shore" in South Jersey, or later in time might belong to the Orange County Hunt Club, New York, and the University Club, dine at Sherry's or Delmonico's, and engage in literary pursuits at the Historical Society.

It is against this backdrop that the drama of Robert Ray Hamilton was played out.



**Jan Cornelis van den Heuvel**

Hamilton's father was Civil War general Schuyler Hamilton (1822-1903). General Hamilton served both in the Mexican War and the Civil War. In the Civil War, General Hamilton is generally given credit for the strategy that resulted in the Union capture of Island Number Ten near New Madrid, Missouri, which in turn resulted in the Confederacy being cut into two. This made possible the subsequent march by General Sherman to the sea. For his efforts, General Hamilton was promoted to major general (volunteers)



**Schuyler Hamilton**

Schuyler Hamilton's father before him was a lawyer, John Church Hamilton (1792-1882), who married an heiress of Jan Cornelis van den Heuvel. During the War of 1812, John Church Hamilton was the aide de camp to William Henry Harrison, later President of the United States.

John Hamilton's father-in-law, Jan C. van den Heuvel, had made a fortune in the late 1700's as a planter in Denarana now a part of Guyana in northeast South America. In Denarana, Van den Heuvel owned two plantations and served as the Dutch "*Commandeur*." During the Napoleonic Wars, the Dutch lost control of their colony to Britain. In 1790, as a result of a yellow fever epidemic in Denarana, Van den Heuvel moved to Manhattan. In New York, Van den Heuvel constructed his home on a strip of land at what was to become 229 Broadway opposite City Hall Park. It has been said that that in real estate there are only three things, "Location, Location, and Location." Van den Heuvel's

homestead was ideally located. The site would later be occupied by the Hamilton Building and even later by the Woolworth Building which from 1913 to 1930 was the world's tallest building.

John Hamilton's father was Alexander Hamilton whose portrait appears on the ten dollar note. Although Alexander Hamilton is credited with the creation of the American financial system, he died essentially insolvent. Thus, the Hamilton fortune was built upon the Van den Heuvel moneys and land and the Hamilton name. From Alexander Hamilton, the family inherited only their name, a painting of Louis XVI and a bust of Alexander Hamilton by Italian sculptor Guiseppe Cerrachi. The bust would later serve as the model for a statue of Alexander Hamilton placed in Central Park. Cerrachi is noted for his busts of Hamilton, George Washington and of Napoleon. Cerrachi was guillotined for an attempted assassination of Napoleon. Alexander Hamilton, like many a lawyer, lived well and died broke.



**The former site of the van den Heuvel homestead, Broadway, opposite City Hall Park, looking North from Park Place, approx. 1890.**

Robert Ray Hamilton was also descended from the Schuylers from upstate New York. Hamilton's mother was Cornelia Ray, daughter of Robert Ray, a prominent and wealthy New York City banker. The Ray family also had made a fortune in real estate development, bulkheading a portion of the Hudson River and filling low lying marsh lands near the present World Trade Center.

Based on the fortuitous marriages into the Van den Heuvel and Ray families, the Hamiltons owned extensive lands in Manhattan. The family wealth was represented by the seven-story Hamilton Building at the corner of Broadway and Park Place across from City Hall Park in lower Manhattan. Nearby was the then world's tallest building, the gold-domed *New York World* Building. From his maternal grandfather Robert Ray, Assemblyman Hamilton also inherited a three-eighths interest in the Prescott Building on the corner of Broadway and Spring.

Both father and son belonged to the New York Historic Society. In 1881, the New York State Legislature designated Robert Ray Hamilton as one of the official hosts to a French delegation visiting the United States in celebration of the centennial of the Battle of Yorktown. In 1888, the younger Hamilton was part of an official delegation to the New Hampshire Historic Society on the occasion of the centennial of that state's ratification of the Constitution and served as an honorary secretary of the Republican Party National Convention. Hamilton was tall and regarded as "handsome." One Democratic assembly-man referred to him as "that thoroughbred dude." In other words, even though the Hamiltons were not a part of the "400," they were "old money" and socially connected. A cousin, William P. Hamilton as an example, married the daughter of J. P. Morgan. Robert Ray Hamilton was well placed for a future political career. Indeed, it was speculated that he might become a Republican nominee for a state-wide office.

The "Four Hundred" were those that regarded themselves as the elite of New York society. Hamilton's cousin on the Ray side of the family, Edmund Lincoln Baylies, Jr., later one of Hamilton's executors, was a part of the Four Hundred. But

then Baylies was of such a recognized status that he was a part of the official United States delegation to the coronation of Edward VII and Queen Alexandra.



**The Residence of Mrs. William B. Astor**

The 400 were those that received the annual card from Mrs. Astor reading “Mrs. Astor at Home, Small Dance. R.S.V.P.” One did not, of course, have to ask who Mrs. Astor was, where her home was, or the significance of the advise that she was at home. Everyone knew that “Mrs. Astor” referred to Mrs. William B. Astor of 842 Fifth Avenue. William B. Astor was, reputedly the wealthiest man in America, an heir of John Jacob Astor whose employees and agents were among the first white men to enter what would later be known as Jackson’s Hole. The dance was “small” only in Mrs. Astor’s imagination and in the sense that it was dictated by the size of Mrs. Astor’s ballroom, a modest little chamber which could comfortably hold a mere 400. Perhaps the reason that the Hamiltons were not a part of the 400 was a disconcerting hint of scandal periodically erupting in the newspapers and surrounding the Hamilton name. The scandals usually dealt with lawsuits with members of the family suing each other over the estates of deceased relatives. The contests gave a suggestion that at least a portion of the Hamilton family was money grubbing.



Other portions of the family were generous in donations to worthy causes or providing for needed public improvements, usually with, however, some promotion of the Hamilton name.



**Mrs. Astor's Ballroom**

Although the sons of the wealthy do not have to dirty their hands with honest toil, it was deemed appropriate that Hamilton have a profession. As was traditional in the Hamilton family, Ray Hamilton attended Columbia College. Upon graduation he was valedictorian. Of the many generations of Hamiltons beginning with Alexander Hamilton, only Hamilton's father, General Schuyler Hamilton, did not go to Columbia. Instead, General Hamilton had attended West Point. For young Ray Hamilton, Columbia College was followed by law school.

Upon graduation, young Hamilton, like his grandfather John Hamilton, great grandfather Alexander Hamilton, and his maternal grandfather Robert Ray, was duly admitted to the New York Bar. Although he maintained an office in the family office building, Hamilton, like his grandfather, did not actually practice law. Instead of practicing law, the young Robert Ray Hamilton developed real estate in Manhattan and Brooklyn. He always bought and never sold, slowly and methodically building upon the inherited fortune. By the time of his death,

Hamilton owned some 32 houses and 31 vacant lots in Brooklyn.



**Columbia College, 1870's**

Robert Ray Hamilton also inherited from his grandfather Robert Ray an annual income sufficient for a man of refined tastes and certainly more than sufficient to leave in his will provision for the construction of a \$10,000.00 (1906 dollars) horse trough. Additionally he had inherited from his paternal grandfather John Hamilton real estate in lower Manhattan.

Robert Ray Hamilton entered the world of Republican politics and was elected to the New York Legislature in 1879. Besides being wealthy, Hamilton was a partner of Hamilton Fish, Jr. and therefore had a leg up in New York State politics. Fish was a member of the 400 and one of numerous Hamilton Fish, Jr.'s who ran the Republican Party machine in New York. Hamilton Fish, Sr. was a governor of New York and later Secretary of State. His son, Hamilton Fish II (1849-1936) served in Congress. He was succeeded by Hamilton Fish III (1888-1991) who, while in Congress, continued under the name "Hamilton Fish, Jr." His son, Hamilton Fish IV (1926-1996) in turn was elected to Congress under the name "Hamilton Fish, Jr." Hamilton Fish V also used the name "Hamilton Fish, Jr., but was a Democrat and therefore was not elected to Congress.

There were, of course, a few missteps in Hamilton's political career. He opposed a controversial bill which took street sweeping out from the jurisdiction and patronage of the Police Commissioner. As a result, he was not returned to office. After one term sitting out, all was forgiven, and he was subsequently returned to Albany for several terms. Although he again miss-stepped by promoting the Cable Street Railway Act, an act opposed by many of his constituents, he was chairman of the Military Affairs and General Laws Committees. Regardless, he remained, according to the *New York Times*, September 15, 1890, one of New York's most eligible bachelors.

But like the clouds that gather in the early afternoon over the Grand Tetons, in the late 1880's there were signs of the coming storm that would center over Hamilton. Friends noted a change in his demeanor. In 1887, notwithstanding the inherited passive income of \$40,000 a year and the income derived from his other real estate, he began without explanation borrowing great sums of money. The *New York Times*, August 30, 1889, noted that notwithstanding his income, in 1887 Hamilton began borrowing money. In June, he mortgaged property on 8<sup>th</sup> Avenue for \$13,000; in September, property on 29<sup>th</sup> Street for \$18,000; and in November, his interest in the Prescott Building for \$15,000.

In total, over two years he borrowed almost \$50,000.00, a sum equal today of over \$1,000,000.00. The *Times* asked “What has he done with it?” At the end of the 1889 Legislative Session, Hamilton unexpectedly announced that he was permanently leaving politics. The next day on August 31, the *Times*, under the headline, “In the Grasp of a Harpy” answered its own question.

### **Chapter 3**

#### **“In the Grasp of a Harpy”**

Beginning about 1885, Assemblyman Hamilton began to visit an Evangeline “Eva” Steele in one of New York’s “sporting” houses.



**Evangeline Steele**

On his visits, Hamilton indicated to the proprietress that he was there in his capacity as Evangeline’s lawyer. At the time, New York was replete with various houses of assignation.

There were differing classes or levels of “resorts,” depending upon one’s pocketbook. The highest level was a “parlor house” which might be located in some of the best neighborhoods.



**Cyprians in Parlor House**

The most famous of the resort areas were the “Seven Sisters” on West 25<sup>th</sup> Street between 6<sup>th</sup> and 7<sup>th</sup> Avenues and the “Rialto” on 14<sup>th</sup> Street at Union Square. The Rialto took its name from an area of Broadway which at one time was the heart of the theatrical district but by the 1890’s had been taken over by street walkers, bordellos and “museums” catering to men. Thus, the theatrical district moved further up Broadway to an area known as the “New Rialto.”





**Union Square, approx. 1870.**

**The statue is of George Washington by Henry Kirke Brown dedicated in 1856. It was the first public statue erected in New York since that of George III in 1770.**

In some of the better parlor houses, clients were expected to arrive in formal evening attire. The parlor houses were so called because clients would be greeted in a formal parlor in which the gentlemen could select a companion for the evening. The parlor would be decorated with the most expensive furnishings, carpets, and décor, truly an example of the “gilded age,” but done to such an excess as to be tasteless. In some, there would also be separate private parlors for patrons who did not wish to be seen by other customers.

Beneath the first class parlor houses, there were ten and five-dollar houses, and below those were the two-dollar, one-dollar, and the fifty-cent houses. The less expensive establishments were, however, in poorer neighborhoods, the interiors lacked the refinement of the parlor houses, were dirty, and were characterized by crudeness and unpleasant aromas. George J. Kneeland in “Commercialized Prostitution in New York City,” The Century Press, New York, 1913,



described the fifty-cent houses on the lower East Side as “being practically unfit for human habitation” The rooms were, he wrote:

“Dirty, the loose and creaking floors are covered with matting which is gradually rotting away, the ceilings are low, the windows small, the air heavy and filled with foul odors. The sanitary conditions in the majority of the one-dollar houses on the West Side streets between Sixth and Seventh Avenues are hardly less objectionable. No attempt is made to keep the houses clean. The floors are rotten and filthy; they sag as one walks across them. The small bedrooms are damp and unventilated; the atmosphere is heavy with odors of tobacco and perfumes, mingled with the fumes of medicine and cheap disinfectants.” p. 5.

The proprietresses of the facilities usually rented the buildings. A landlord could get three to nine times the rent for a house used for disreputable purposes than that which could be received if the house was rented for normal residential uses. The madame would then sublet the rooms to the individual ladies for as much as twenty dollars a month plus 50% of the fees. In some facilities, in order to keep track of the money, patrons would purchase brass tokens from the madame. The patrons would then pay their companions with the tokens. At the conclusion of the evening’s festivities, the individual ladies would turn the tokens into the madame to be redeemed for their respective shares of the evening’s fees. At a later time, the ladies were given tickets which would be punched much like a railroad ticket being punched by a railway conductor and the lady would be paid by the number of punched holes in the tickets..

The bulk of the better class of resorts such as might be visited by someone of Hamilton’s social standing were in residential sections from West 15<sup>th</sup> Street to West 54<sup>th</sup> Street between Fifth and Eighth Avenues. The houses were very discrete. In some instances, clients would not be admitted

unless they arrived in carriages or cabs. The owners of such establishments would not tolerate anything untoward in the area which might draw attention from the police. Indeed, the operators of the higher level resorts were not above reporting lower level establishments to the city Police Commissioner or the Tenement House Department.

One madame of a facility on West 28<sup>th</sup> Street, drove away a competitor by threatening to make a complaint to the police about her rival “using a tenement for immoral purposes.” See “Commercialized Prostitution in New York City,” p. 10 and 11.

It was in one of these houses that Assemblyman Hamilton met Evangeline. The house was either on 43<sup>rd</sup> or 44<sup>th</sup> Street. Hamilton later could not remember the exact location nor could he recall the name of proprietress. At the time, Evangeline was then going under the surname “Brill,” a name which she adopted from one of her patrons in Elmira, New York, where she had previously worked. The house, however, was described by the *New York Times*, August 28, 1889, as a “fashionable up-town boarding house.” Evangeline was about five foot seven inches tall, weighed about 135 pounds and had gray eyes. She was later described as being about 10 years younger than Hamilton. At the time she was blonde. The *New York Times*, January 15, 1891, quoted a physician as being of the opinion that the hair color was “produced by artificial means.” The *Times* primly described the lady as being a “*demi-monde*.” The term “*demi-monde*” originated with the French play writer Alexandre Dumas as meaning a society woman whose background was from a lower class. By the late 19<sup>th</sup> Century, the term had taken on the connotation of a high class *nymph du pave* earning her support from society elites.

By the time of later court proceedings, Evangeline’s hair had reverted to black.

The difficulty with Evangeline’s line of work was that employment in a higher level resort was comparatively short-lived. As the merchandize becomes shopworn, the inmate moved down to a lower level house or went to work as an independent operating out of a “disorderly flat.” Proprietresses of the houses had to use various inducements to hold patrons.

Thus, one enterprising madame sought to hold customers with a discrete advertisement claiming, "Beautiful Spring Stock."

In the late 1880's, the city began one of its spasmodic crackdowns on the parlor houses. To avoid arrest, many inmates of the parlor houses changed their method of operation by utilizing "disorderly flats" in which they greeted their customers. Those that were arrested invariably utilized the same lawyer, A. H. Hummel. At one point, of 75 prostitutes rounded-up in one crackdown, Hummel represented seventy-four. Hummel would later appear in the litigation arising over Hamilton's alleged death.

Other ladies of the evening changed their operations due to loss of attractiveness. Regardless of reason, Evangeline changed her method of operation, became an independent and, after moving several times, operated out of a flat at 117 W. 15<sup>th</sup> Street. Customers in some instance would follow. Hamilton was one of those who followed.

There was another man who utilized Evangeline's services, acted as her protector, and shared in the money paid by Assemblyman Hamilton. The protector, known in the terminology of the time as a "cadet," of course, was never present when Hamilton would call.

In addition to the peril of disease, there was always the danger of a scam being perpetuated by the keeper of the house. Most of the time, such scams were crude but effective. There were the "panel houses," in which there was a secret panel in the walls of the bed chamber behind which a confederate lurked. The customer's clothes would be placed on a chair near the panel. While the customer was otherwise occupied, in the dark, an arm would reach out from behind the panel and steal the customer's wallet. In disorderly flats, another scam was an irate "husband" who would interrupt the proceedings, threatening the customer. The customer would flee for his life with coat, wallet, and belongings left behind.

Evangeline was certainly familiar with the usual scams. She left her employment in Tonawanda, Pennsylvania, after she was accused of robbing one of her more prominent customers. In Waverly, Pennsylvania, she stole a diamond ring from another customer. The *Elmira Telegram*, January 19,

1890, noted that she had shot another male “friend,” and referred to her as the “terror” of Waverly disorderly houses. But with Assemblyman Hamilton being wealthy, Evangeline’s scheme was much more elaborate with a potential for a much larger pot of gold at the end.

Evangeline was born in Wilkes-Barre, Pennsylvania and claimed that she was reared by foster parents. She also alleged that she was a widow. But truth from her lips was a rare commodity and profanity common. In actuality she was the daughter of a coal miner. At age 16, Evangeline ran away from home with the son of the superintendent of the mine, a man named Parsons. She and young Parsons returned home after several weeks claiming to be married and then the two moved away. Evangeline would occasionally return home but with a different man.

About 1880, she again returned and created a stir as an inmate of a local house of ill repute kept by a Mrs. Washburne. Evangeline later moved to another house but was put out by the madame after Evangeline shot and wounded a customer. She periodically moved to similar establishments in Tonawanda, Waverly, Elmira, and Oswego before moving to Newark and then New York. But regardless of her class, profession or background, on January 7, 1889, Hamilton and Steele were secretly wed in Paterson, New Jersey. The marriage was not reported in the social columns and, except perhaps to his family and a few close friends, was a secret. But even to those aware of the marriage, it met with approbation and, indeed, ridicule. Thus at the conclusion of the 1889 legislative session, the Hamiltons moved to San Diego.

Certainly the move to California was a better method of escaping the ignominy of a marriage to one of Evangeline’s profession than that selected by New York physician Dr. Robert W. Buchanan. In 1890, following a divorce, Dr. Buchanan began seeing the madame of a Newark parlor house, Annie Sutherland. Soon, for an unknown reason Dr. Buchanan found himself married to the madame. She generously changed her will, leaving to the good doctor her facility in Newark. In New York, Dr. Buchanan represented his

new wife to his friends as his housekeeper. Ultimately, his bride threatened to leave him and resume her previous profession. His solution was the administration of an overdose of morphine to his wife. After numerous appeals, on July 1, 1895, Dr. Buchanan sat in New York's death chair for a fatal prescription of electricity.

Unbeknownst to Hamilton, a third person followed the Hamiltons to California. On several occasions in California, Hamilton observed an individual, of slight build, light complexion with his face disfigured by a broken nose. Hamilton, however, probably thought little of it. California did not agree with Hamilton. After four months, the family moved back to New York. Soon, like the storm that surrounded New York Governor Eliot Spitzer 119 years later, the clouds of scandal would overcome the young assemblyman.

## **Chapter 4.**

### **An Incident at the Noll Cottage.**

In 1889, in distant Taranaki, New Zealand, readers of the October 26, 1889. *Taranaki Herald*, picked up their newspaper and were startled by a headline and lead paragraph of a page 2 story:

#### **TERRIBLE TRAGEDY IN AMERICA.**

A tragic picture in real life was witnessed on Monday, September 2, when the startled guests and excited attendants of a fashionable family hotel at the New Jersey seaside resort, Atlantic City, United States, burst in the door of an apartment from whence came screams of anguish. On the floor of the sitting room in a pool of blood was the extended form of a handsome nursemaid. A baby six months old sat near by, evidently pleased with the attitude of its caretaker. A tall, handsome gentleman, much excited, was holding a blonde woman, whose beautiful form was writhing in a furious passion. The gentleman was Robert Ray Hamilton, a member of one of the oldest families in the United States. He was the son of General Schuyler Hamilton, a leader in New York society, and a grandson of the American statesman Alexander Hamilton. He is a prominent member of the bar, and a man of wealth and influence in the higher walks of politics.

The actual date of the carnage at the Atlantic City hotel was Thursday, August, 26. And what led to this incident?

In 1888, Evangeline Steele announced to Hamilton that she was with child and that the child was his. Hamilton gave Evangeline funds with which to proceed to Europe. Other moneys were periodically given to Evangeline. In due course, Evangeline returned to New York and displayed to Hamilton a

child of which she had allegedly been delivered. Hamilton was an honorable man. Thus, on January 7, 1889, Hamilton, as was required by the social mores of the circles in which he travelled, married Evangeline. The service, away from friends, was before the Reverend Edison W. Burr of the Market Street Methodist Episcopal Church, Paterson, New Jersey. See *Newtown* [N.Y.] *Register*, Sept. 5, 1889. Shortly thereafter, Hamilton executed a new will leaving in the event of his death his fortune to Evangeline and the newly born child named Beatrice. Assemblyman Hamilton later explained, according to the *New York Times*, October 4, 1889, that but for the child, he would not have married Steele.

New York in the summer can be hot and oppressive. Prior to the invention of air conditioning, the wealthy, to escape the heat and humidity, would retreat from the city to summer resorts, some to the Adirondacks, others to the Catskills, and yet others to the shores of Long Island or the South Shore of New Jersey. Hamilton's brother Schuyler Hamilton, Jr. owned a cottage, the "Moorings" in New Port, Rhode Island. Popular with the wealthy of both Philadelphia and New York was Atlantic City. Among those who retreated to the cooling winds of Atlantic City were Andrew Carnegie, Diamond Jim Brady and Grover Cleveland's Vice President Thomas Hendricks.



**“Cottages” in Atlantic City, 1890’s**



**Brighton Cottage, Atlantic City, 1895**





**Atlantic City, Captain John Lake Young's Cottage, c. 1910.**

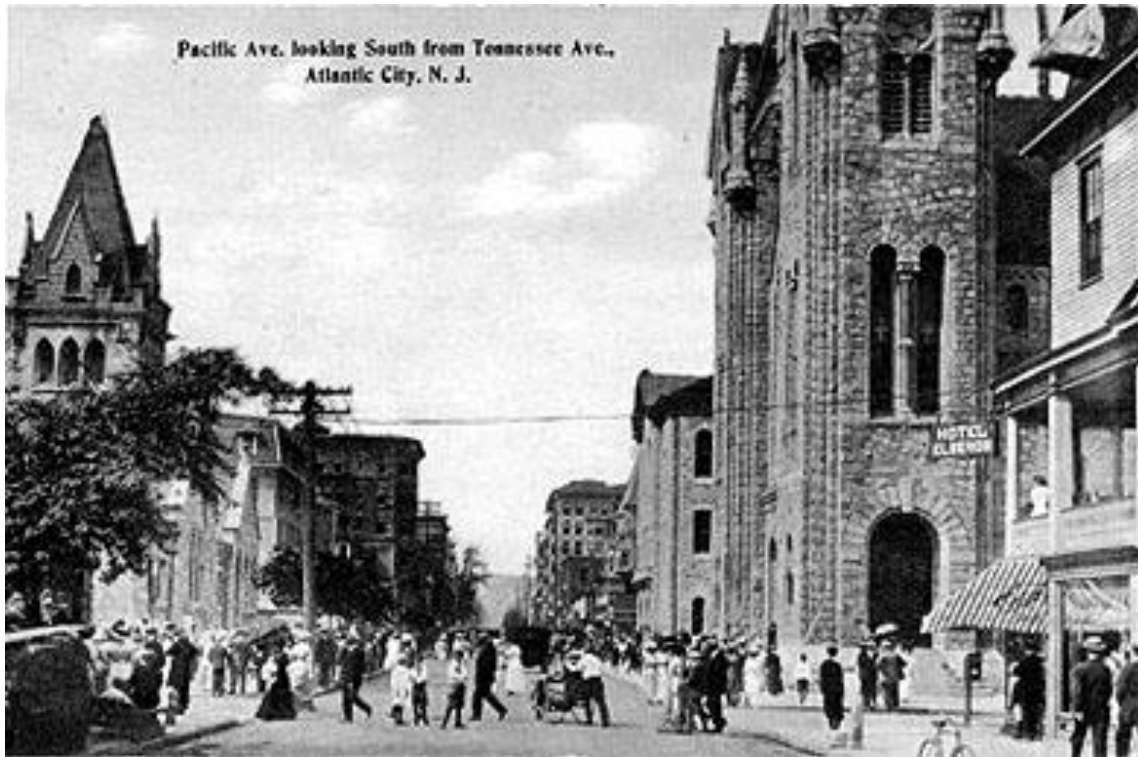
Atlantic City had the advantage of rapid transportation by means of the Central Railroad of New Jersey from its terminal in Jersey City. Jersey City was just a ferry ride from Manhattan. From Philadelphia, one could take the "Reading." Service was also provided by the Pennsylvania Railroad.



**Atlantic City Beach Scene, approx. 1890.**



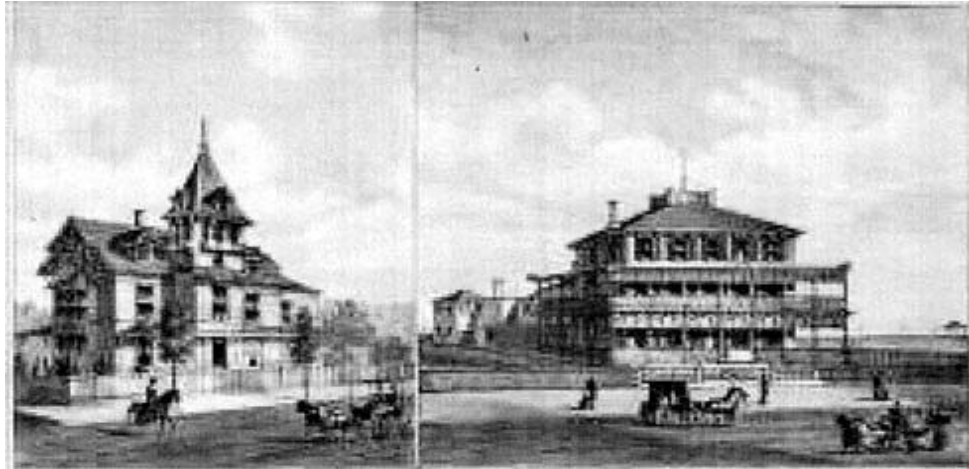
**Bathing Pavilions, Atlantic City**



**Pacific Avenue looking south from Tennessee Ave.,  
Atlantic City, undated.**

Within Atlantic City were a number of first class hotels and “cottages.” The “cottages” in many instances were the height of Victorian elegance with liveried footmen who would meet guests at the railway station, uniformed waiters, and printed menu cards. The Brighton Cottage owned by F. W. Hemsley ultimately grew to some four stories and 150 rooms. Among the hotels was the giant five-story Moorish turreted Windsor Hotel into which Hamilton booked.

Atlantic City in the 1890’s provided an interesting contrast which appealed to both the wealthy and the less fortunate. The trains made Atlantic City convenient for “day trips” from Philadelphia for the ordinary classes. But from the verandas and from high atop viewing points on top of the cottages and hotels, the rich could look down upon the crowds below. For those like the Hamiltons, there were horse back rides on the beach and bathing in bath houses. The rich did not have to mix with the great unwashed.



**Atlantic City Cottages**

Hotel life proved disagreeable to Hamilton and shortly the Hamiltons moved to an elegantly furnished apartment in the fashionable Noll Cottage at 125 Tennessee Ave. operated by Elizabeth Rupp of Philadelphia. The cottage is now gone, on its former site later would be a Japanese restaurant. The apartment was occupied by Mr. and Mrs. Hamilton, the child christened Beatrice Ray, and an Irish wet-nurse, Mary Ann Donnelly. The use of a wet-nurse for upper class families during the Victoria era was sanctioned and indeed, recommended by medical authorities when the mother similar to Evangeline was unable to properly breast feed.

Sometime in late August, Hamilton may have realized that something was amiss. In a public beer garden, he observed Evangeline and a man in a passionate embrace. He recognized the individual as the man with a broken nose he had seen in California.



**Windsor Hotel, Atlantic City**



**Chalfonte Hotel, approx. 1890.**

Hamilton employed a private detective who went from saloon to saloon in New York until he learned the identity of the individual whom Hamilton had seen. Shortly thereafter, Sixty-eight year-old General Schuyler Hamilton found it necessary to make a trek to Atlantic City to visit his son and putative daughter-in-law. According to the *Brooklyn Daily Eagle*, August 28, 1889 General Hamilton checked into the Chalfonte Hotel on North Carolina Avenue.

Evangeline was hopeful that the visit would have a beneficent effect. It was not to be. It is likely that the general brought with him a proposed separation agreement. The unexecuted separation agreement was later found in Evangeline's effects.

On Thursday, August 26, 1889, gentlemen in light-colored suits and ladies in pastel dresses were having a quiet lunch in the dining room of the Noll Cottage. In the summer, the light-colored suits and pastels were required in Victorian society. It was still regarded as summer. It was customary to wear light colored clothing between Easter and the beginning of autumn, a practice today generally followed only with regard to naval uniforms and men's formal wear on British-flagged passenger liners. After the end of summer, men's formal wear is black. None of the guests in the dining room suspected that several storms were to overtake Atlantic City. In the Caribbean, a hurricane was brewing. In the days before radio, hurricanes could arrive without warning. And indeed, two weeks, later one such hurricane was to hit Atlantic City, destroying the Boardwalk, the Brady Baths, and devastate the Atlantic City commercial area. But a different storm was about to hit.

Without warning, the lunch was interrupted by the sound of crashing furniture and a terrible scream from the floor above. None of the guests moved. One of the hotel attendants dashed upstairs to the apartment occupied by the Hamiltons and broke down the door.

Within, the attendant found nurse Donnelly on the floor covered with blood. On a bed, Baby Beatrice was loudly crying. Assemblyman Hamilton was trying to restrain Mrs. Hamilton who was wildly flailing a long Mexican ivory handled dagger. Nurse Donnelly was carried to a sofa downstairs bleeding from the abdomen. The police were summoned. Earlier that morning, there had been a confrontation between Nurse Donnelly and Evangeline. Apparently, Nurse Donnelly had sniffed things out and threatened to tell Hamilton.

Evangeline fired Nurse Donnelly. In Hamilton's presence, the nurse, fortified by some brandy, responded by calling

Evangeline a “common prostitute.” The nurse returned to her room, possibly to pack her things.

At noon, a blowup occurred between Evangeline and Hamilton. Hamilton had been in touch with friends in New York perhaps prompting the earlier visit by General Hamilton and the preparation of a separation agreement. Hamilton was possibly now aware that the child was not his. During the blowup, Hamilton blurted out the name of Evangeline’s former cadet, “Mann.” Seizing the dagger on a table, Evangeline attacked Hamilton. The two struggled. Nurse Donnelly, hearing the commotion, dashed into the room. Evangeline, believing that it was Donnelly who had revealed Mann to Hamilton, turned her rage onto the nurse, stabbing her in the abdomen. The knife blade came within 1/8th of an inch of Donnelly’s intestines. In the late 19th Century without antibiotics, the puncturing of an intestine would have assured death. Later, the dagger would be found in a closet.

When police officer William Biddle arrived he found Evangeline in the Hamilton apartment. Evangeline accused Mrs. Donnelly of being a “drunken and dangerous character” who had attacked her and that all Mrs. Hamilton did was to defend herself. Mrs. Hamilton wanted Nurse Donnelly charged and prosecuted in police court. Downstairs, Biddle found Nurse Donnelly lying on a sofa, still bleeding profusely from a wound in the abdomen. The nurse, however, was still conscious and was able to tell Officer Biddle in profane terms that she had been attacked by Mrs. Hamilton. On a second questioning from Officer Biddle, Mrs. Hamilton confessed, telling Biddle, “All right. I did it, and I am sorry I did not finish her at one job.” See *Brooklyn Daily Eagle*, August 29, 1889, “Her Jail Life.”

Both of the Hamiltons were placed under arrest and taken to the Atlantic City town jail in the back of the town hall at the corner of Atlantic and Tennessee. Nurse Donnelly, although not expected to live, was placed under surveillance at the cottage in front of which large crowds gathered staring at the windows as if they would reveal something. The next day, the Hamiltons had a bail hearing before Judge Albert W. Irving. The hearing, held in a small court room in the Atlantic



City town hall, was, of course, a zoo. The room was crowded to suffocation with curious natives and colorfully bedecked visitors. Hamilton appeared conciliatory and supportive to Evangeline. Hamilton engaged the leading local attorney, Captain Samuel E. Perry.

Evangeline was denied bail. A porter brought her a valise from the cottage containing a change of clothing for the journey to the county jail. The *New York Times*, August 25, 1889, always interested in how the socially prominent are attired, reported that she traveled to the jail smartly attired in a rich skirt of striped blue and white satin and a dark blue "directoire coat." Upon her head she wore a natty white sailor hat trimmed with dark blue.

The county jail at May's Landing, New Jersey, eighteen miles from Atlantic City on the edge of the mosquito infested "pine barrens," was regarded as unsuitable for women of Mrs. Hamilton's social standing. The facility, a dank stone structure behind the courthouse, lacked basic plumbing (it used a "squat toilet"), respectable heat, or bath tubs. Thus, Evangeline was locked in Sheriff Smith E. Johnson's attic under the care and supervision of Mrs. Johnson. The key to the attic cell would not work. Therefore, the sheriff had to take the judge's chair from the adjacent courthouse and jam it against the door to secure it. Workmen were employed to install bars on the attic window. Hamilton, himself, however was released on \$500.00 bail. In those days, material witnesses had to post bond or they were held in jail. Elizabeth Noll, the proprietress of the Noll Cottage, also had to post \$500 bond. Hamilton then immediately departed for New York where he additionally engaged former United States Attorney Elihu Root. If a "heavy hitter" lawyer was to be employed, Root was it. Root represented among others, Theodore Roosevelt, Jay Gould, Chester A. Arthur, and E. H. Harriman. The multiple cases involving Hamilton would prove to be some of Root's most difficult and lasted until long after Hamilton's reported death in Wyoming. Later Root would serve as Secretary of War, Secretary of State and win a Nobel Peace Prize.

Nurse Donnelly was not expected to live. Large crowds gathered outside the cottage staring at the windows for hours as if they might learn some detail. A guard was posted at Noll Cottage awaiting word as to whether Donnelly would live. Only guests were allowed to enter or leave. Thus, the *Brooklyn Daily Eagle* noted:

“If pestilence had broken out in Noll cottage it could not have been more carefully guarded or more desolate than it was to-day. The gilt signs which hung from the portico were removed and a burly, brown bearded constable was stationed at the front door. He stood on guard all day, keeping a jealous eye upon all who passed, and no one was allowed to enter the cottage without first proving his right to do so. This made it so uncomfortable for the boarders who had not already left the house that nearly all of them packed their trunks and moved away. The windows were tightly closed and there was no sign of life anywhere about it.”

The prosecution against Mrs. Hamilton faced a dilemma. If Nurse Donnelly died, the charge would become homicide but in that event the homicide probably could not be proved. Hamilton, as Evangeline’s husband, could not testify against her. Simply put, in the event Nurse Donnelly died, there would be no witnesses. The only way the prosecutor could win would be for the court to determine that Hamilton was not married to Evangeline. But Hamilton freely admitted at his first appearance in court that he married Evangeline. On advise of counsel, Hamilton took the Fifth Amendment as to a question as to how long he had been married. If Nurse Donnelly lived, the ultimate charges would be dependent upon her statement.

Newspapers speculated that Mrs. Hamilton would go free and the case would never come to trial. Nurse Donnelly hovered between life and death. Outside multiple physicians and investigators awaited word whether she would recover or make an “ante-mortem” statement.

## **Chapter 5.** **The Man with the Crooked Nose**

What brought about the confrontation in the Noll Cottage? Sometime in 1881, Joshua J. “Josh” Mann, a former travelling salesman, met Evangeline Steele in a facility on 31<sup>st</sup> Street in New York. Mann’s mother, Tabitha Anna Swinton, with whom he lived, apparently disapproved of the relationship. Joshua’s father was an alcoholic bassoonist with Louis Jullien’s “big band” when it was playing at Castle Garden in New York in 1853. The bassoonist later moved on to Havana where he died.



**Anna Swinton**

Hard times had fallen on the Swinton household. Joshua’s mother took a job as a housekeeper for lithographer Frederick J. Swinton (1822-1877) whom she ultimately married. Swinton, looking for a better opportunity, moved to Philadelphia to superintend a lithographic plant. Things were

less than successful. He became increasingly alcoholic and finally blew out his brains.



**Joshua Mann**

The Swinton household moved back to New York. There, Mrs. Swinton earned a few dollars as a seamstress and baby sitter which provided a meager existence to her, her granddaughter Caroline, and Josh. Unable to pay the rent, the little family moved regularly from flat to flat in the rabbit warren of lower Manhattan. Neighbors would sometimes take pity and give food or loan money to Mrs. Swinton. Caroline reportedly was one of the children who gathered about the eccentric railway magnate George Francis Train who sat upon a park bench in Madison Square Park dispensing dimes to children and talking to the squirrels and birds.



**George Francis Train and Children at Madison Square**

Later George Francis Train set the record for circling the globe in only 67 days, besting the record of 72 days, 6 hours, 11 minutes, and 14 seconds previously set by the *New York World's* muckraking star female reporter Nellie Bly.

Mrs. Swinton may have had good reason to disapprove of Evangeline. She bore a scar on her neck which was, Mrs. Swinton said, a result of being “clawed” by Evangeline. Indeed, Evangeline seemingly had a predisposition toward violence. In Pennsylvania, she physically attacked her brother William T. Steele. The attack was violent enough that her brother had her arrested. *Elmira Telegram*, Jan. 19, 1890. Evangeline jumped bail. Additionally, on another occasion in Laceyville, Pennsylvania, she attempted to shoot her sister. A warrant was issued for her arrest, but she escaped on the midnight train for Elmira.

In the winter of 1887 in Passaic, New Jersey, Evangeline attacked a coachman, with a knife and a pistol. She appeared in the committing magistrate’s office the day following the arrest under the influence of liquor and “flourished a revolver.” She also appeared at the “sanctum” of the editor of *Passaic*

*News* and threatened to take the blood of the editor for having published details of the assault on the coachman. Before the grand jury could meet, she jumped bond and departed "for parts unknown." See *Pittsburgh Post*, August 28, 1889

In early 1888 during the legislative session, Hamilton returned to New York from Albany on weekends and visited Evangeline. After receiving the money for the trip to Europe, Evangeline and Mann moved to Elmira, New York, using Hamilton's money. Periodically, through intermediaries claiming that she was in Europe, Evangeline would request more money. Needless to say, Evangeline was not with child and soon Mann and Evangeline realized that without a child, no more money would be forthcoming. Mrs. Swinton had visited Hamilton, claiming to be a friend of Evangeline's and requested more money. Hamilton refused, thinking it to be a blackmail attempt. Thus, the procurement of a baby which could be displayed became essential to obtaining more money. Evangeline's sister-in-law, in Towanda, Pennsylvania, Alice Steele, was pregnant. Evangeline asked for the baby when born. The proposal was rejected. See *New York Times*, January 14, 1890.

In December, 1889, Evangeline purchased a fair-haired baby girl from a midwife. The four or five-day old baby was taken to Hamilton in a layette purchased by Evangeline and Mrs. Swinton from a store in the Bowery. Hamilton kissed the baby. Just, however, when it looked as if the scheme of convincing Hamilton that the child was his was going to be successful, a fly in the ointment threatened the entire plot. The baby was taken to a flat which Evangeline and Mann rented. The baby died two days later "due to lack of nourishment." Quite simply put, since Evangeline had not had a baby, there was no mother's milk. Another baby was procured. It too died. The cause of death on the death certificate: "lack of maternal nourishment." *Brooklyn Daily Eagle*, Sept. 4, 1889, "A Bogus Baby furnished as the Hamilton Heiress."

Yet a third baby was obtained. There was a new difficulty, the new baby had dark hair. Evangeline feared that Hamilton would notice. Indeed, she was furious. She told Mrs.

Swinton that it “looked like a Dutch baby.” Ray had seen the first baby. It would never do to “spring this one on him as he knows the difference between a blonde and a brunette.” The baby had to “go back.” Mrs. Swinton was delegated the task of returning the dark-haired baby. The midwife at first refused the return, but Mrs. Swinton finally convinced the midwife to take the baby back by giving her five dollars. Thus, yet a fourth baby, fair haired, was obtained, by paying a midwife ten dollars for the child. According to the midwife, the child had been born of a respectable mother whose husband had been absent from home for about five years. *New York Herald*, Sept. 6, 1889. Fortunately, Hamilton did not notice the switch. See *New York Times*, September 6, 1889.

On January 7, Hamilton and Evangeline were married. Mann, however, had to be taken care of. Thus, Evangeline suggested to Mann that as soon as she could get hold of Hamilton’s mother’s jewelry and plate, she would leave Hamilton and the two would marry. Succession to the jewelry and plate, however, was probably unrealistic. Hamilton’s mother, Cornelia Ray Hamilton, died in 1867 and General Hamilton remarried in 1886. Additionally, Hamilton had a brother, Schuyler Hamilton, Jr. Presumably, notwithstanding that Schuyler, Jr. had domestic problems of his own, if the jewelry and plate was to be distributed, it would be distributed to both boys. Instead, Evangeline noted that Hamilton loved horseback riding.

In 1885, Hamilton while riding in Central Park was thrown from a horse and broke his left leg with a compound fracture. He was required to spend eleven weeks in Presbyterian Hospital mending. Thereafter, his left leg had a noticeable crook, particularly when walking on a rough path. Nevertheless following his release from the hospital, Hamilton continued to ride and when he travelled carried saddles with him. Mann suggested that after Hamilton executed a new will, there could be an “accident.” As Evangeline put it to Josh, “Ray is reckless and he may get killed. You know he fell off a horse once and broke his leg; he may fall off again and the next time break his neck. If every anything does happen to him I’ll marry you.” *New York Herald*, Sept. 6, 1889. Then

Evangeline and Josh would share Hamilton's fortune together and live happily ever after.

Since the new Mrs. Hamilton declined to breast feed Beatrice, Hamilton employed the wet nurse. In March before the departure for California, Hamilton executed a new will, leaving his entire estate to Evangeline and Beatrice. A copy of the will was later found in Evangeline's papers at the Noll Cottage. At the time of the search, it was also observed that some \$2,000.00 in diamonds that Hamilton had given Evangeline was missing. At the time, it was believed that they had been stolen in the commotion following the stabbing of Nurse Donnelly. It was later discovered that this was not true. They had been disposed of by Evangeline earlier.

With the new will safely in hand, Hamilton, Evangeline, Beatrice and Nurse Donnelly departed for the Golden State. Mann followed, no doubt to assist in harvesting the gold from the Hamilton goose. The will had been displayed by Evangeline to Mann. It was Mann with the crooked nose that Hamilton observed several times in California. The opportunity for the accident to occur never happened.

With the sojourn in Southern California completed, Mann trailed the Hamiltons back east and to Atlantic City. In Atlantic City, Mann and Mrs. Swinton stayed in less luxurious quarters than those occupied by the Hamiltons. Mann and his mother stayed at the Verona, "a boarding house with saloon and poolroom attachments." Mann, of course, required funds for his travels. Evangeline had given him the diamonds.

Contrary to the adage *entre lobo no se come*, "wolves do not eat each other," there is no honour amongst thieves. Unbeknownst to Mann, Evangeline had no intentions of sharing the Hamilton fortune with Mann. She developed her own plan that following the "accident," she would, as promised, marry Mann. She would then have the legal ability as Mann's wife to have Mann declared insane and put away in the lunatic asylum.



**Chapter 6.**  
**Elihu Root in Action**



**Elihu Root**

In New York, Elihu Root swung into action. Two investigators were dispatched to Atlantic City. Notwithstanding Nurse Donnelly's possible deathbed, the investigators obtained a two-hour interview with the nurse and

then proceeded to May's Landing. Sheriff Johnson was absent, but a deputy and Mrs. Johnson admitted the investigators to Evangeline's attic cell. Sheriff Johnson was livid. He fired the deputy. *New York Herald*, Sept. 6, 1889. At least one other was able to make it into the attic cell. *The New York World's* Nellie Bly also made her way to May's landing and interviewed Evangeline. Her subsequent stories substantially increased the *World's* circulation and led to an expose of "baby selling" in New York. Bly, in short order, was able to find four different places where a baby could be purchased as easily as buying a hat.

Based on a statement to Root's investigators by Evangeline that the baby was born in Elmira, investigators proceeded to Upstate New York. There they hit pay dirt. Evangeline had never been pregnant and had lived with Mann in Elmira during her alleged "confinement" while she was supposedly in Europe. There the two had held themselves out as being married.

Mann and Mrs. Swinton were arrested and taken to the "Tombs," New York's infamous lock-up. More properly known as "The New York Halls of Justice and House of Detention," it was located on Centre Street. It took up an entire block and was constructed of granite. It was located on a filled in swamp. It had taken its name from its architectural style, a faux Egyptian style inspired by an Egyptian mausoleum visited by its architect, John Haviland. Charles Dickens in his 1842 *American Notes*, asked, "What is this dismal fronted pile of bastard Egyptian, like an enchanter's palace in a melodrama?"



### **The Tombs**

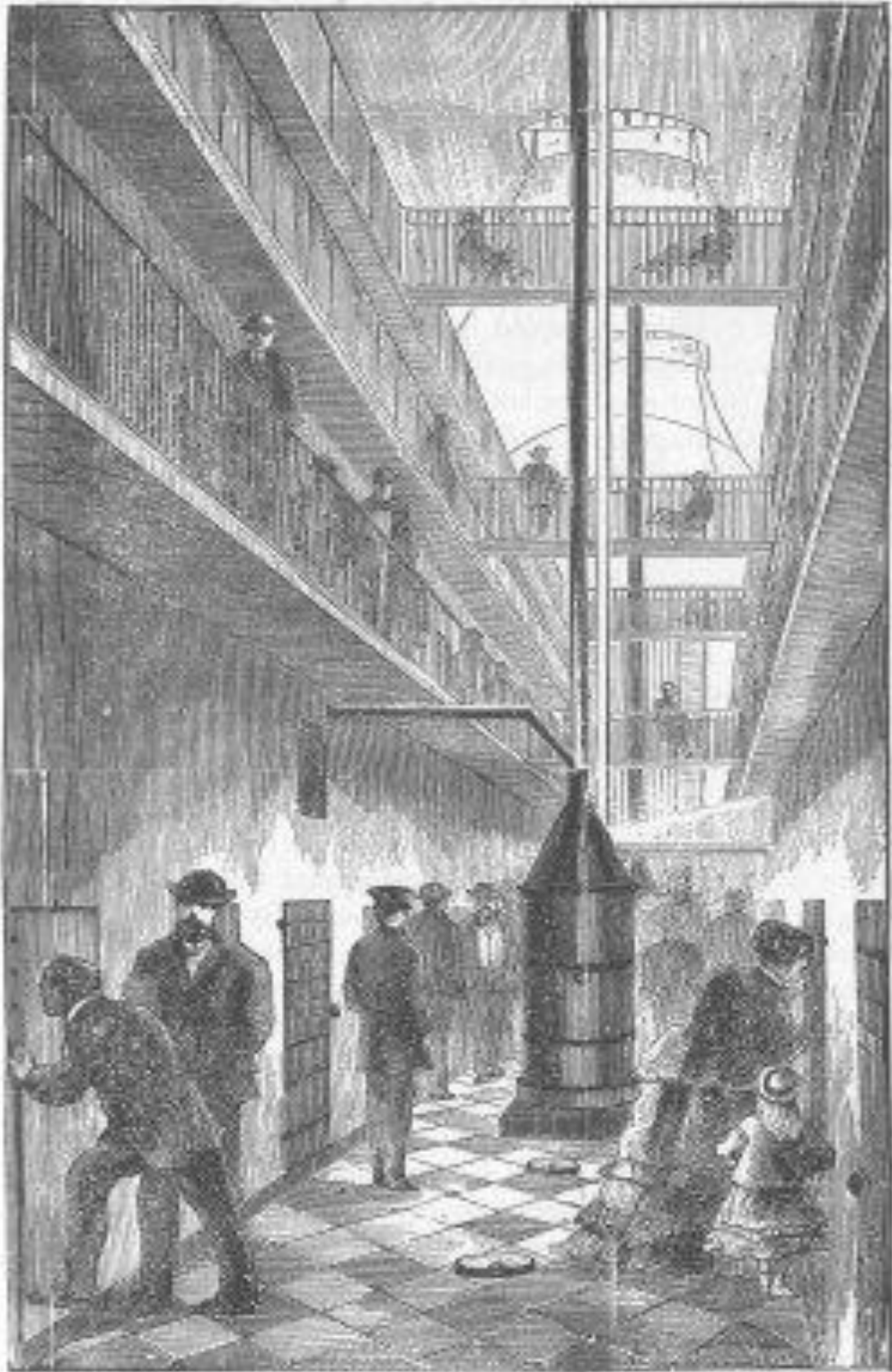
The cells were on several stories. Additionally, there was a main holding cell known as the “Bummer’s Cell” holding as many as 200, into which were put the drunks, the disorderly and others who carried their dissipation to excess. No lights illuminated the cells. The only light or air came from a narrow slit near the ceiling. The noise from the drunks, particularly on weekends, was deafening. But the overwhelming effect from the overcrowding, moisture creeping up from the former swamp, and lack of ventilation, was a pervasive aroma, a smell far, far worse than that of the men’s room of a disreputable saloon. In the Tombs, Mann and Mrs. Swinton were put into separate cells to contemplate their fate.



**Chief Inspector Thomas F. Byrnes**

New York Police Chief Inspector Thomas F. Byrnes explained:

“It does not worry smart prisoners by question until they have had an opportunity to reflect and examine the place in which they are locked up. Yesterday, after they had been remanded at the Tombs, their situation was explained to them, and they were given an opportunity to make a statement.” *New York Times*, September 4, 1889.

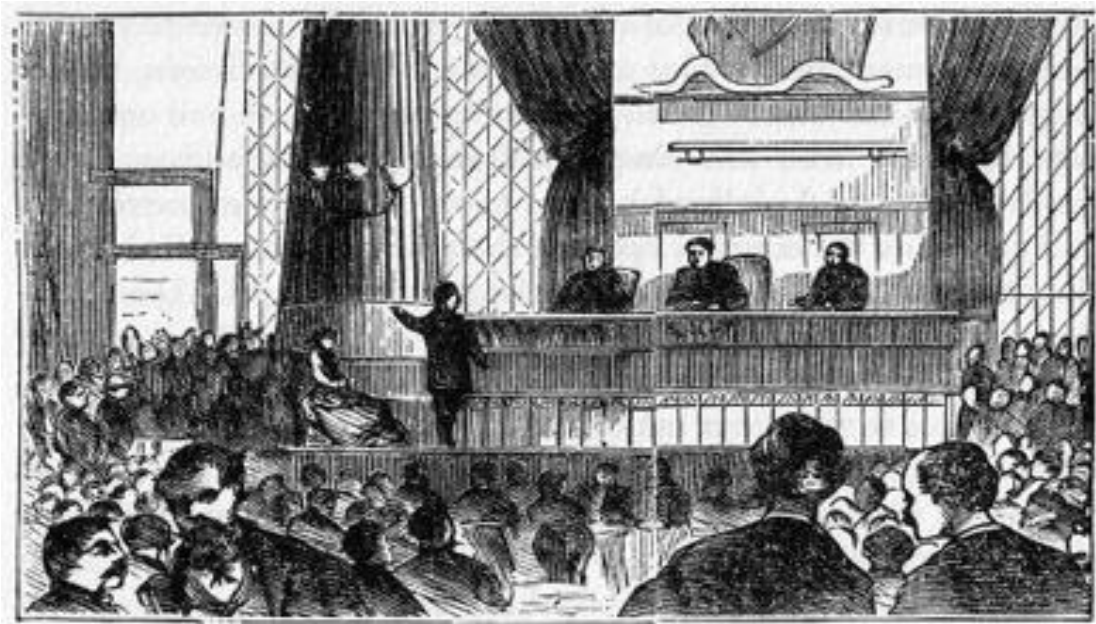


INTERIOR OF MALE PRISON.

**Interior of the Tombs**

Needless to say, the two confessed, but not before the ninety pound sixty-five year old Mrs. Swinton attempted a little blackmail by threatening scandal. Mrs. Swinton would, she said, say that Evangeline had twice been “*enceinte*,” that is, she twice had been child and that Hamilton had “criminal operations” performed on Evangeline. Later, Mrs. Swinton admitted that it was a lie. Apparently Evangeline was not capable of pregnancy. *New York Times*, Sept 7, 1889 “Hamilton’s Story is told.”

Thus at 2:00 p.m. on Sept. 6, a morbid crowd gathered on the steps of the Tombs attempting to get into the small courtroom to the right of the entrance. There were so many that Justice Hogan found it necessary to move the hearing to the larger Court of Special Sessions in a building next door.



**Court of Special Sessions**

Like the proceedings in Atlantic City, the hearing was a zoo. The *New York Times* likened the courtroom to “the interior of a Bowery Theatre, with a particularly large and unattractive audience.” Hamilton was there represented by Root’s partner Samuel B. Clarke. Providing moral support was fellow lawyer, former New York State assemblyman and friend Charles A. Peabody, Jr.



**William Travers Jerome**

The prosecution was represented by Assistant District Attorney William Travers Jerome, one of the leading lights of the New York District Attorney's Office. Later he would be elected in his own right as District Attorney on a "fusion" ticket and reelected as an independent. He became famous for fighting corruption with regard to gambling and disorderly houses. Later as a judge, he would actually accompany raids and hold hearings on site. As patrons of the establishments arrived he would have them remove their hats telling them it was a courtroom and have them raise their right hands and be sworn.

Bail for Mrs. Swinton and Josh Mann was set at \$1,500.00 each. Unable to raise bail, the two remained at the Tombs pending trial set for December 3 on charges of grand

larceny and extortion. Root now turned his attention back to Evangeline in her own accommodations in Sheriff Johnson's attic.

A problem remained as to Evangeline. Hamilton could not testify against her. He was still married to Evangeline. A divorce would not eliminate any spousal immunity for matters told to Hamilton by Evangeline. Thus, for Hamilton to be able to testify, it would be necessary for an annulment to be obtained. A roadblock, however, to an annulment proceeding existed.

An annulment could be granted only if the marriage was void, as the lawyers would say, *ab initio*, "from the beginning." An annulment would mean that regardless of the marriage ceremony, Hamilton and Evangeline had never been legally married. She would have no claim on his fortune. He could freely testify at any forthcoming trial in New Jersey. In the event that Nurse Donnelly died, Hamilton's testimony would be essential. He would have been the only witness that Evangeline's attack was not in self-defense. The grounds for a void marriage were alleged by Root to be that Evangeline was a bigamist; that she had been married to Mann and had not been divorced.

Investigators, however, could find no record of any marriage ceremony involving Mann and Evangeline. In this regard, Mann and Mrs. Swinton were of little help. Each denied that there had been any marriage. The relationship, according to the duo, was merely meretricious.

From Atlantic City came mixed news for Evangeline. The good news for Evangeline was that Nurse Donnelly was no longer in danger. Evangeline was no longer in peril of being the guest of honor at the County's gallows. Executions in New Jersey were not transferred to the State Penitentiary until 1907. The bad news for Evangeline was that Nurse Donnelly could testify. The good news for Hamilton was that Hamilton's testimony was no longer needed. In Atlantic City, Judge Irving observed, "We can do without him at the trial." An annulment was no longer essential. However, if anything happened to Hamilton before a divorce or annulment could be entered, Evangeline would still have a claim on his estate.



On September 5, Hamilton sent to the Noll Cottage for his saddles and other gear. Evangeline, upon being advised of this development, requested Virginia Johnson, the sheriff's wife, to get her morphine. Judge Irving admonished Mrs. Johnson from assisting Evangeline in her "suicidal plans." Precautions were taken to preclude attempts on her own life. *New York Times*, September 6, 1889, "Eva Asked for Morphine."

**Chapter 7.**  
**A Premonition, Hamilton Makes a New Last Will and Testament Preparatory to going to Wyoming**

On September 19, 1889, Evangeline was convicted on the second jury ballot of murderous assault and sentenced to two years in the New Jersey Penitentiary in Trenton. On October 4, Hamilton filed an annulment proceeding in a New York court. At 4:00 a.m. the next day, a closed carriage drawn by a pair of matched bays awaited outside Sheriff Johnson's house in May's Landing. Mrs. Johnson appeared, "half dragging" the sobbing Evangeline toward the awaiting vehicle into which Evangeline was placed.



**New Jersey State Penitentiary, approx. 1890**

To avoid lurking members of the press, the sheriff took a circuitous train route to Trenton via way of Elizabeth, New Jersey. His efforts at avoiding the press were unsuccessful. He was followed all the way to Trenton until 12 hours later Evangeline was delivered to Prison Warden and Mrs. Patterson

and the outer door of the prison clanged behind her. *New York Times*, October 6, 1889, "To Trenton via Elizabeth."

Carved into the stone lintel above the portal apparently intended to inspire the prisoners into penitence for their sins were the words:

**Labor, Silence, Penitence.  
The Penitentiary House,  
Erected By Legislative  
Authority.  
Richard Howell, Governor.  
In The XXII Year Of  
American Independence  
MDCCXCVII  
That Those Who Are Feared  
For Their Crimes  
May Learn To Fear The Laws  
And Be Useful  
His Labor, His Opus.**

Notwithstanding the message over the door, Evangeline remained unrepentant. The penitentiary, itself, was another house of horrors designed in a faux Egyptian style by Haviland, the architect of the Tombs.

On December 3, Mrs. Swinton and Joshua Mann were set free. As expressed by the *New York Times*, the next day,

Mrs. Swinton celebrated her release from prison by fainting at the courtroom door and afterward indulging in a few hysterics in a jury room.

Robert Ray Hamilton's long nightmare was over, or was it? The proceedings and press coverage had been stressful. The hearing at the Tombs had been awful. At the hearing, Hamilton, according to the *Times*, "looked ill and worn out. His eyes were without brightness, and his every action was like that of a man thoroughly tired."

The hearing in Atlantic City had hardly been any better. Indeed, the toll taken on Hamilton was visible. The *Times* reported:

Mr. Hamilton's appearance has undergone such changes recently that it would be hard even for his acquaintances to recognize him at first glance. He is haggard, unkempt, and there is a wild look in his eyes that every one who has seen him has not failed to notice. He is absolutely under the baneful influence exerted by the woman, as is shown in his conduct toward her since her arrest. His friends and people generally in this city can find no other explanation for his doings during the last three years than that he has become a monomaniac.

Following Evangeline's conviction and imprisonment, there remained only the matter of the annulment. Apparently to avoid the press, but ostensibly to save witnesses the expense of attending trial, preliminary testimony was taken on January 13 in secret before a special master, E. C. Van Duzer, in Elmira, New York. The effort to keep the testimony of the witnesses secret was, like the efforts of Sheriff Johnson to keep Evangeline's transfer to the prison, unsuccessful. It was fully reported in the *Elmira Telegram* six days later.

Although Evangeline was still in a prison cell in Trenton, she continued to fight for a share of Hamilton's fortune. Stirring the press's pot, were false rumors emanated from the prison that she was pregnant. She had been observed sewing baby clothes. In actuality, the prison was intended by the State of New Jersey as a profit making venture. Male prisoners were contracted out and female inmates sewed.

Evangeline was represented by a lawyer, Charles W. Fuller of New York who was, according to the *New York Times*, "sanguine of victory." Fuller would figure prominently in a later scandal arising out of the pardoning of Evangeline and suggestions that New Jersey Governor Leon Abbett had been bribed.

Notwithstanding that much of the testimony in the annulment proceedings had been taken and Evangeline was safely tucked away in the Trenton Penitentiary, ridicule continued to follow Hamilton. His friends determined that he needed to get away on a hunting trip out west. Ever since, the widely publicized adventures of the Grand Duke Alexis, the Earl of Dunraven and Hamilton's fellow assemblyman Theodore Roosevelt, it was almost de rigueur for the wealthy to take extended hunting trips in the wild.

Preparatory to leaving, it was necessary to make a new will. In the eyes of the law, Hamilton was still married to Evangeline. If something were to happen to him, Evangeline would be in control of his entire estate. Perhaps Hamilton foresaw that something untoward might occur on the hunting trip. On March 17, Hamilton executed a handwritten new will. It provided:

“I direct my executors, in case I die in a place not inconveniently distant from a proper crematory, to have my body cremated.”

Hamilton's brother Schuyler Hamilton, Jr. also had an independent fortune. He was the owner of a brick works in Croton on the Hudson which cost \$100,000 to construct. In need of money, he mortgaged the brick works to his in-laws. He also had a villa, “The Moorings” in Newport, Rhode Island. Unforeseeable to Ray Hamilton at the time he executed his new will was that brother Schuyler would be in need of support. Within two years, Schuyler would be divorced and his wife Gertrude would get all of his assets. By 1890, the brick works had failed. By 1898, Schuyler would be bankrupt. His only assets would be listed as a “residual” interest in his brother's estate. The following year, his second wife died from a morphine overdose.



**The Prescott Building, Broadway, New York**

Ray's will provided:

I give, devise, and bequeath my interest in the property known as the "Prescott Building," corner of Broadway and Spring street, in the city of New York, to my executors for and during the natural life of my brother Schuyler Hamilton, Jr. in trust, nevertheless, to receive the income and profits thereof, and after paying all taxes, insurance, interest, and repairs, to pay over the net income thereof to my said brother Schuyler Hamilton, Jr., for his support and maintenance, free from any claims of creditors, and upon his death the same shall go to my residuary estate.

The will gave to Beatrice Ray, "my adopted daughter," an annuity of twelve hundred dollars a year, to be paid to her for the remainder of her natural life. A search in New Jersey and New York failed to find any formal adoption papers. During the time from the incident at Noll Cottage until after Hamilton's

death Beatrice was living with Mrs. Rupp in Pennsylvania. No search was name in Pennsylvania. Hamilton named his cousin Edmond Baylies as the guardian of the person and estate of Beatrice. Baylies later testified he never applied for guardianship or acted as such. The will then contained an unusual provision:

I direct my executors, as soon as possible during the lifetime of the survivor of them, to expend the sum of ten thousand dollars in the purchase and erection of an ornamental fountain, which I give and bequeath to the mayor, aldermen, and commonality of the city of New York, provided that such fountain may be erected in one of the streets, squares or public places in said city.

Litigation following the death of Hamilton, wrangling over money, and further scandal and governmental bureaucracy delayed the construction of the fountain by 16 years.

Thus it was that Hamilton proceeded to Idaho and then into a valley of death known as “Jackson’s Hole,” now known as Jackson Hole (the apostrophe was dropped by decree of the federal government). There, Hamilton apparently intended in partnership with John D. Sargent, a hunting guide and former stage driver, originally from Maine, to start a ranch and hunting lodge to be named “Marymere.” The name was possibly inspired by Sir Walter Scott’s description of St. Mary’s Loch. *Marmion, Canto II, Introduction*. “Mere” is the Old English word for lake. The name Mary Lake was, however, unavailable. A lake named Mary was in nearby Yellowstone.

**Chapter 8.  
In Jackson's Hole**



**Hunting Wapiti, Wyoming, approx. 1890**



Jackson's Hole was an unusual place to start a hunting lodge. In 1890, it was certainly inconveniently distant from a proper crematory and, in essence, beyond the edge of the known world. Newspaper accounts of Hamilton's purported death were uncertain of the Hole's location. It was variously identified as being in Montana [*New York Times*, June 21, 1891], Idaho [the *New London Day*], or Wyoming. Indeed, its isolation was such that it was as distant and exotic as the Shangri-la described in James Hilton's "*Lost Horizon*." Writer Frederick Ireland, "The Wyoming Game Stronghold," *Scribner's Magazine*, Sept. 1903, spent over a month attempting to find his way into the valley and had to go over 800 miles out of his way. The northern portion of the valley at Jackson's Lake had not yet even been surveyed by the federal government. The first survey line in the Hole was not laid out until 1892, by a young Laramie surveyor Billy Owens. Then the survey line was only the control line. It was not until the next year that sections were laid out permitting settlers to claim homesteads. The year before, Owens attempted to enter the valley with the intent of climbing Grand Teton. He was able to get his wagon only as far as the Idaho-Wyoming line.



**Elk, Northwest Wyoming, 1896.**

After the turn of the century the valley as a result of its isolation, developed the reputation as the best big game area of North America. Indeed, it was just about the only area within the continental United States where big game survived. The American bison by 1890 had been driven to the verge of extinction. It has been estimated that by that time only 700 bison survived. Elk, surviving only in Jackson's Hole and Yellowstone, were also driven to the verge of extinction by "tuskers" who killed the elk for fraternal jewelry.



**Remains of Tusker's cabin, National Park Service Photo.**

The elk we see today in Rocky Mountain National Park or rutting in the parking lot of the Safeway Store in Estes Park, Colorado, have been reintroduced and are descended from those in Jackson's Hole.



**Hunting Elk, Northwest Wyoming, 1888**

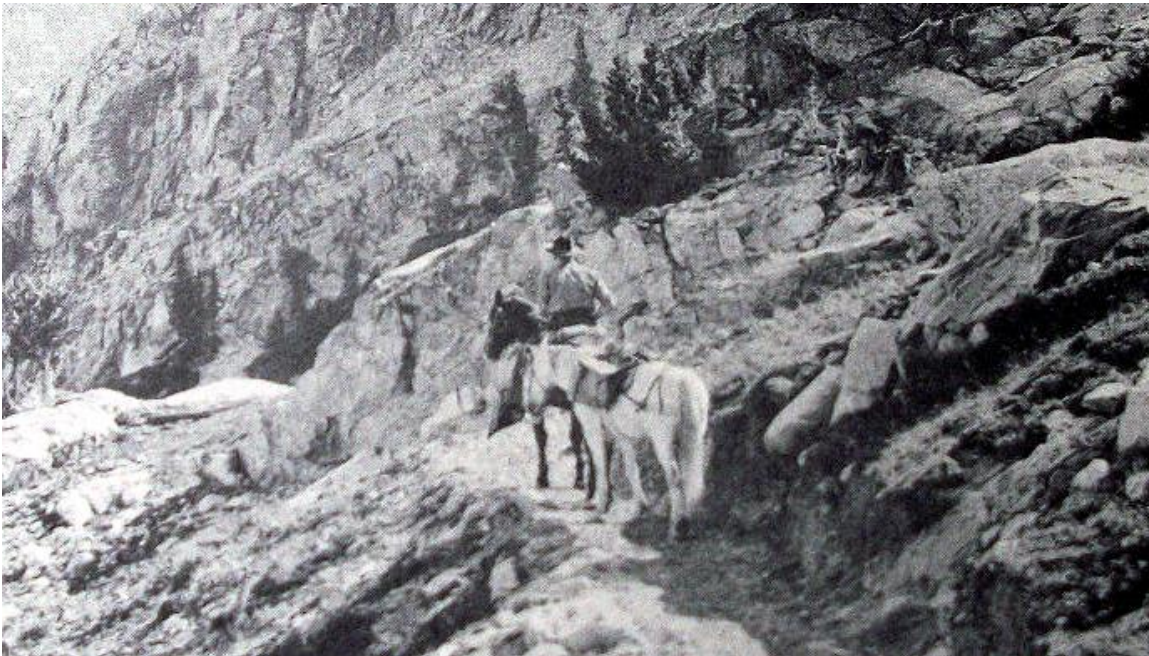
The proposed location of Hamilton's hunting lodge was at the end of an eighty-mile long pack trail from the closest telegraph station at Rexburg, Idaho. In testimony relating to admission to probate of Hamilton's will, Gilbert Spier testified as to his visit to the ranch in 1890:

You have to go to Idaho first and then go back into Wyoming. We left the railroad at Marketlake Station. We drove over to Rexburg or Kaintuck. Rexburg is the post office name, the name is Kaintuck; then we drove down by the basin to the Teton Pass, through the Teton Pass into Wyoming; then up through this pass across the Snake River and then by the foot of Jackson's lake, which is now known as Marymere. The ranch was located at the head of this lake. \* \* \* \* I should judge the ranch was about one hundred and fifty miles from where we left the railroad. We traveled part of the way in wagon and part of the way on horseback, and then over the lake in a boat.

Kaintuck Post-office is in Idaho; this is about one hundred and twenty-five miles from the ranch.



**Winter Crossing Teton Pass, circa, 1895.**



**Pack Trail, Grand Tetons, c. 1936**

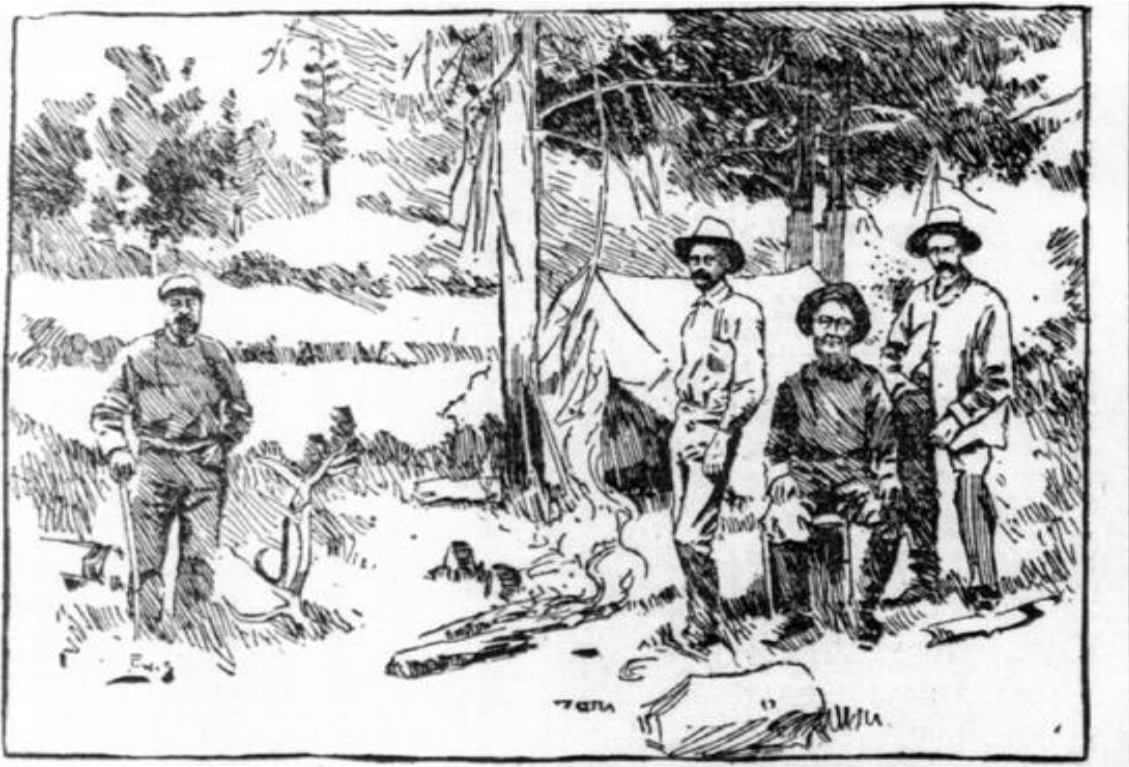
Rexburg, itself, was a small village containing a livery stable, general store, saloon, and an assortment of sod-roofed houses occupied in the main by Mormons. The Mormons



were, no doubt, escaping the overweening presence of the Federal Government in Utah.

At Rexburg and nearby St. Anthony, eastern hunters would engage guides for the trek into Jackson Hole. The two towns lacked proper accommodations. One noted sportsman, Dean Sage, wrote that before heading over the Tetons into Jackson's Hole, he had to camp in the corral of the livery stable.

Even the most experienced hunters would engage guides. The guides were, in reality, outfitters who would provide the pack animals, provisions and equipment necessary for the trip into the valley.



**Typical Hunting Camp Jackson's Hole, 1895**

Famed huntsman, Medora, Dakota Territory, ranchman Theodore Roosevelt, as an example, hunted in Jackson's Hole using professional guide Tazewell Woody. Roosevelt and Hamilton had served together in the New York State Legislature before Roosevelt moved to Dakota Territory. Roosevelt's adventures, recounted in his 1893, "The

Wilderness Hunter,” gave rise to a cowboy doggerel at the time of the Spanish American War in praise of Roosevelt and his guide:

*ROOSEVELT IN WYOMING*

*Do you know Yancey’s?  
When the winding trail  
From Washburn Mountain  
strikes the old stageroad,  
And wagons from Cooke City and the mail  
Unhitch awhile and teamsters shift the load?*

*A handy bunch of men round the stove  
At Yancey’s – hunters back from Jackson’s hole,  
And Ed Hough, telling of a might drove  
Of elk that he ran down to Teton Bowl.*

*And Yancey he says: “Mr. Woody, there,  
Can tell a hunting yarn or two—beside,  
He guided Roosevelt when he shot a bear  
And six bull elk with antlers spreading wide.”*

*But Woody is a guide who doesn’t brag;  
He puffed his pipe awhile, then gravely said:  
“I knew he’d put the Spaniards in a bag,  
For Mister Roosevelt always picked a head.*

*“That man won’t slosh around in politics  
And waste his time a-killing little game;  
He studies elk, and men, and knows their tricks,  
And when he picks a head he hits the same.”*

*Now down at Yancey’s Every Man’s a sport,  
And free to back his knowledge up with lead;  
And each believes that Roosevelt is the sort  
To run the State, because he “picks a head.”*

Yancey's, referred to in the poem, has been variously described as a roadhouse or a boarding house for miners and freighters in northern Yellowstone. Its fame was such that Hiram Martin Chittenden, former superintendent of Yellowstone National Park in his history of the park, indicated that the area would forever be known as "Yancey's." Forever is only a temporary condition. The area's name has now been changed. It is called "Pleasant Valley." Today, the site of Yancey's hotel is used as the site for Yellowstone tourist chuck wagon dinners. The tourists come in by horseback or horse drawn wagons. Sysco also brings in the provisions for the chuck wagon dinners by covered wagon.



**Company "D," Minnesota National Guard, in front of Yancey's, 1893**

Yancey's received less than rave reviews. The hotel had five or six rooms for guests reached by a creaking stairway made of rough sawn boards. The room numbers were marked in chalk. The cracks between the logs in the various rooms were covered with old newspapers. An early traveler, Carl E. Schilde, commented, "The beds showed that they were changed at least twice, once in the spring and once in the fall of the year." The bathing facilities consisted of an unchinked log structure with no door. Each room was, however, equipped

with a washbowl, pitcher and part of a towel. In addition to the main building a saloon was housed in a second building. After Yancey died in 1903, his nephew took over the operation of the hotel. The hotel burned in 1906. The saloon building was saved but at the expiration of the ground lease, the Park Service refused to renew the lease. The building was razed in the 1960's and today only traces of the foundations remain.

Since Hamilton would not have brought with him pack animals and horses, he would have needed an outfitter and guide. Professional guides sometimes referred to as "dude wranglers" are still found in Wyoming. Some years ago, the writer had an occasion to stop in the bar at a lodge adjacent to Goff Creek. Within was a grizzled individual, looking every bit the part of one of the early mountain men or guides. He was a dude wrangler. Conversation revealed that the dude wrangler had previously been a pilot for Eastern Airlines before the "Wings of Man" folded like those of Icarus.

Roosevelt on his hunting trips also used professional guide John Goff, who was headquartered near Wapiti, above present-day Cody. Goff is remembered now in the name of Goff Creek, a tributary of the North Fork of Stinking Water. Stinking Water was later renamed at the behest of the developers of Cody, Wyoming. It is now known as the Shoshone.

Roosevelt described the pack animals used to gain access to the valley:

"Like most hunters' pack animals, they were either half-broken, or else broken down; tough, unkempt, jaded-looking beasts of every color – sorrel, buckskin, pinto, white, bay, roan. After the day's work was over they were turned loose to shift for themselves; and about once a week they strayed, and all hands had to spend the better part of the day hunting for them."





**Pack train, northwest Wyoming, c. 1910. Photo by F. J. Hiscock.**

Thus, Hamilton's trip into the valley would have been arduous. Sage noted in his account of his trip into Jackson's Hole, that in one day they made only six miles.

The rough terrain down into the valley was, according to Roosevelt, "heart breaking." The animals would get off the trail. After going up a steep incline, they would turn and break loose running back to the bottom, so that the work had to be done all over again.



*Mule Packing.*

### **Tightening the Pack**

On rough trails, the packs on the animals would loosen and they would have to be retightened every hour or so. Merely getting into Jackson's Hole was not half the fun, it was hard work.



**Scene in Jackson Hole**

It is unclear how Hamilton and John Sargent got together or became associated. Sargent claimed that he had been coming to Jackson's Hole Country since 1880. Even though Sargent had some association with New York, it is unlikely that the two knew each other there. Sargent, after Hamilton's purported death, wrote Hamilton's brother, Schuyler, Jr. indicating that he had known Hamilton only a short length of time. Sargent brought his family to Jackson's Hole and constructed a cabin at one end of Jackson's Lake and at the other end stables. It is therefore likely that Sargent was initially employed by Hamilton as his outfitter and guide for the hunting trip into the valley.

The trail from Rexburg followed Conant Creek up into the eternal snows of the Tetons, passed over present-day Jackass

Pass, followed the north bank of Bitch Creek, proceeded south of Survey Peak, down Berry Creek, and emerged at Snake River. Today, the trail is used only by a few intrepid hikers and occasional tourists packing into back country on llama trains.

From the north, the valley could be reached by a trail laid out by General William T. Sherman leading through Yellowstone National Park. It too was difficult. Even after the railroad arrived at Cinnabar to the north of Yellowstone National Park, the trek was an arduous two day trip into the Hole.

The Hole could also be reached over Two Ocean Pass. But that involved a trip of 240 miles from the closest railroad, through the Indian Reservation at Fort Washakie, past the logging community of Never Sweat, and over the pass. Never Sweat, later combined into one word, "Neversweat" by decree of the Post Office, was in the 1880's and 1890's the name applied to a windowless cabin belonging to hunting guide, "Bonanza Clark". See Willian Adolph Baillie-Groman's 1907 "Fifteen Years' Sport and Life in the Hunting Grounds of Western American and British Columbia," P 163



**Hoback Canyon**

Hoback Canyon leads into the Hole from Pinedale and Green River country to the south. It was not opened to wagons until 1913. Prior to then, the pack trail could best be described as perilous and in winter absolutely deadly because of avalanches. The famed western photographer William Henry Jackson had one of his mules slip down the slope 200 feet into

the river below. So much for the expression “as sure footed as a mule.”

Prior to Hamilton, a few intrepid travelers had ventured into the valley. In addition to the early mountain men, Professor F. V. Hayden of the United States Geological Survey came through in 1872.



**Presidential Party Crossing Gros Ventre, Jackson’s Hole, 1883**

In 1883, President Arthur (with a military escort to protect against outlaws) and guided by the Indian Togwatee, passed through the valley on the way to Yellowstone.

In addition to Sargent, a few settlers had arrived, but they were few and far between. In 1889, Uncle Nick Wilson (Elijah Nickolas Wilson), adopted son of Shoshoni Chief Washakie, led a party of Mormons into and settled in the valley.

Richard, “Beaver Dick,” Leigh also settled in the valley. Leigh was allegedly a deserter from the British Army who came out west about 1860. Leigh acted as the guide for the F. V. Hayden’s 1870 expedition into Yellowstone. Leigh derived his

nickname not from trapping, but from his buck teeth like those of a beaver.



**Guide, “Beaver Dick” Leigh and family.**

Philadelphia lawyer and novelist Owen Wister (author of the classic Western novel, “The Virginian”) with a cousin spent a month and a half hunting in the valley in 1887 and returned in 1888. Jackson’s Hole and the pack trail are used as a setting in his novel.

A tiny group of Mormons were guided over Teton Pass by former Pony Express rider Nick Wilson. They formed a small community lower in the valley. Settlement was difficult. None of the trails leading into the Hole were usable by wagons.

The first wagon road into the valley was not constructed until 1900. It was an eight-foot wide “road” with frequent switch-backs crossing the forbidding Teton Pass. Nearby was the ominously named Death Canyon. There is no certainty as to the origin of the canyon’s name. Was it as a result of the loss of life by members of a 1849-50 party of pioneers, a result of avalanches, or otherwise? But certainly by the late 1890’s it bore the name.





**Death Canyon as viewed from across Phelps Lake, 1923. Photo by J.E. Stimson**



**Scene in Jackson's Hole**



Thus, by the time of Hamilton's visit, the total population of the valley was scarcely sixty, not counting outlaws who, like the Mormons took refuge in the Hole due to its isolation.



**Teton Pass Wagon Road, 1920's**



**Pack Train, Jackson Hole, 1930's**

In 1897, eight years after Hamilton ventured into the valley, Dr. William Seward Webb, president of the Wagner Palace Car Company, organized a hunting trip to the valley. See *New York Times*, Oct. 3, 1897, "Dr. Webb's Hunting Party." The trek from Montana was organized for speed. Coaches already hitched with fresh teams were stationed at intervals along the 120 mile route from the railroad depot.

Rather than having to await a change of horses, Dr. Webb's guests only had to alight from one coach and board the next. In this manner, Dr. Webb was able to attain an astounding average speed of nine miles-per-hour from the railway depot in Cinnabar to Jackson's Lake. Luggage, supplies, weapons, ammunition, bedding, tents, stools, etc. were packed into the Hole on sixty pack mules and twelve large army wagons. Dr. Webb set up camp about five miles up Moose Creek from the site selected by Hamilton for a lodge.

Joining Dr. Webb's hunting expedition were Brigadier General John J. Coppinger and Major Sir Rose Lambert Price (3<sup>rd</sup> Baronet), who came up from the south with an equally large pack train. Sir Rose was a noted world traveler and sportsman. For Sir Rose, it was an expedition delayed. It made up for one he had missed twenty-one years before.

In early 1876, an intrepid young American military officer anticipated leading a military expedition into Yellowstone Country and invited Sir Rose to join him as a volunteer *aide de camp*. The officer promised good hunting, buffalo, and elk. Sir Rose packed his weapons and gear, ready to go on a moment's notice. The officer, George Armstrong Custer, however, was removed from command and placed in a subordinate position. As a result Custer no longer had authority to invite Sir Rose to be a volunteer *aide de camp* in the upcoming expedition. There could, Sir Rose later explained,

“be no doubt but that I should have shared their fate, and that probably at the present moment my scalp would be adorning an Indian lodge-pole. I was greatly disappointed when I first heard I was not to go. My traps were packed, and all was ready, but it only shows the truth of the old proverb, ‘a man never knows when he is well off.’” Price, Sir Rose L., “The Two Americas: An account of Sport and Travel,” J. P. Lippincott & Co., Philadelphia, 1877, p. 356.

Another who was invited but missed Custer's planned expedition was naturalist George Bird Grinnell. By coincidence, Grinnell was exploring Yellowstone at the time of Hamilton's later disappearance.

As a result of its isolation, Jackson's Hole was infested by outlaws. Indeed, Dr. Webb shared his hospitality with two notorious horse thieves who stopped by his camp. Dr. Webb was only advised as to who his visitors were after they departed. As late as five years following Hamilton's entry into the valley, Thomas B. Teter, the Indian Agent at Fort Hall, Idaho, wrote his superior in Washington City of the reputation of Jackson's Hole,

“There are a few good citizens ranching in the Jackson Hole country, the majority of the citizens being men 'who have left their country for their

country's good,' the Jackson Hole country being recognized in this country as the place of refuge for outlaws of every description from Wyoming, Idaho, and adjacent States." See Report of the Secretary of the Interior, 1896, Vol. II, p. 66.

Possibly one of those who left their country for their country's good was John Dudley Sargent originally from Machias, Maine.

## **Chapter 9**

### **Devastating News**

In August, Hamilton invited two friends, lawyer Gilbert “Gillie” McMaster Speir, Jr. and Casimir DeRehn Moore to join him hunting in Jackson’s Hole. It would be an ideal time. The first snows in higher elevations would come in early September and drive the elk down into the valley. Hamilton had announced plans to buy a ranch in the Hole. His partner in the ranch was to be John Dudley Sargent. Both Spier and Moore had attended Columbia at the same time as Hamilton but had graduated a year later in 1873. Both were on the Social Register.

Following the visit by his friends, it was expected that Hamilton would return to New York to finish up business affairs in New York. There was, among other things, the matter of the annulment of the marriage to Evangeline. It had not yet been completed. Trial was set for the November term of court.

Soon the aspens would turn a brilliant gold and the valley would be splashed with yellow and red mixed with the dark green of the lodge pole pine. In the woods, the huckleberries had turned purple providing a feast for bear fattening up for the coming winter. Soon the trail over Jackass Pass would be closed. Thus, it was necessary that Hamilton leave for New York no later than mid-September. It is unknown how the pass received its name; was it the old rumor that it was named by early packers because “only a jackass can be driven through it” or was it a take off on the name “Jackson?” It might be remembered that political opponents called President Andrew Jackson a jackass, so much so that he adopted it as a symbol for his Democratic Party. The pass was originally named Conant Pass, but later National Park cartographers applied the name to another pass further to the south. To the east of the pass, the trail follows for a short distance Bitch Creek.



**Jackson Lake Lodge, 1920's**

In late August, workers were constructing Hamilton's new lodge. It was located on a small peninsula on the east side of Jackson's Lake about 42 miles north of present-day Jackson. The east side of the peninsula was bounded by a small bay now called "Sargent's Bay".

The workers complained about lack of fresh meat. Thus Hamilton went out hunting with his dog Joco. He left a message in the stable for his partner, John Sargent as to his plans. The mornings in Jackson Hole in late August are crisp. Indeed, the writer has scraped frost off his windshield in mid-summer. Hamilton was warmly dressed with a corduroy jacket, coat, gloves and leggings. Hamilton apparently did not plan on being overnight. He left his blankets behind.



**Peninsula on which was located Hamilton's Lodge.  
Behind is Sargent's Bay.**

In August, the already cold waters of Snake River cool further making for ideal trout fishing. Hamilton, perhaps hoping to catch some trout, carried a leather book of trout flies. Hamilton managed to shoot an antelope which he dressed. A portion was fastened over the pommel of his saddle. *Omaha Daily Bee*, February 13, 1891, "Robert Ray Hamilton Dead."

Five days later, Spier and Moore arrived at the ranch, but Hamilton was not there. Another New Yorker, noted socialite and hunter Dr. James O. Green, son of the president of the Western Union Company arrived. Green had been hunting in Idaho and had followed Snake River up into the Hole. The three learned that Hamilton had gone hunting and had not returned. No one had bothered to search for him.



**Snake River, Jackson Hole. In the distance an early September snow storm dusts the Gros Ventres.**

Search parties were organized by Green, Spier and Moore. The various search parties agreed that when Hamilton was found, a signal fire would be lit on the top of a high hill, now known as "Signal Mountain," overlooking the lake. On September 2, the signal fire was lit.

One of the search parties found Hamilton's horse and dog below the outlet of the lake. The cinch for the saddle had loosened and the saddle had swung below the horse's belly. The antelope still hanging from the pommel had been partially eaten by Joco. It was not until later that Hamilton was found.





### **Tetons and Jackson Lake from Signal Mountain**

On September 14, in Ossining, New York, General Hamilton received a telegram sent by Casimir Moore from Helena, Montana, with devastating news. Ray Hamilton was dead. He had been dead for three weeks. The circumstances or details of the death were not given. *New York Times*, September 15, 1890, "Death has Divorced Them, Robert Ray Hamilton Drowned in Snake River". The body had been found by Dr. Green. On the same day, Robert Ray Hamilton's brother, Schuyler Hamilton, Jr., received a letter from John Sargent:

Mary Mere,  
Sept. 2, 1890.

Dear Sir:

On Saturday, Aug. 23, while I was at Kamtuck [Sic, see Note below] Post Office, Idaho, for our mail and freight for the ranch, your brother, Robert Ray Hamilton, was accidentally drowned in Snake River, about six miles below the outlet of Mary Mere. The

day before he left the ranch alone – although Mrs. Sergeant tried to persuade him not to go – for the lower end of the lake, via the Sheridan trail, on horseback, to hunt antelope.

As you will see by the map inclosed [Sic], he had to ford Snake River below the lake. He forded all right, going down Friday, staid at the south camp that night, and started back Saturday night, with an antelope head, skin, and hams tied on his saddle, and went into the River after dark, half a mile above the ford, in about the worst place he could have struck. It seems that his spurs tangled up in the grass in the bottom of the river. It really was the only place in the river where there is dead water.

I returned to the ranch on Wednesday night, Aug. 27, at 9 o'clock. Mrs. Sargent said, "Hamilton has not returned from his hunt," and he said he would perhaps be gone two or three days when he left the Friday night before. As I had found a note at South Landing from Ray saying he had gone to the ranch on Saturday, I immediately sent an official messenger to run out the best mountaineers in the lower valley to search for him. On Monday, Sept. 1, we found his horse with the saddle and the antelope antlers and hams tied on it. The horse's back was ruined by the saddle turning and the weight hangin so long by the chinchies. On Tuesday morning at 9:30 o'clock we found his body. His watch had stopped at 9:30 o'clock Saturday night, Aug. 23. He was brought up here in the boat to-day and buried close to our house on a spot over-looking Mary Mere and the Teton Mountains. He once told me he would rather be buried here, should anything happen. I know he was going to change his residence and make this his home. He told Mrs. Sargent that he meant to ship out his library and other things and live here permanently. Although we have known him but a short time, we grieve

for him from the bottom of our hearts. I have done everything I could do and will take every care of his things until I hear from you. I can refer you to Mr. Wendell Goodwin of the University Club. In sorrow and respect, I am faithfully yours,

John D. Sargent

Author's Note: Rexburg for a period of four years from 1889 to 1893 was known as Kaintuck.

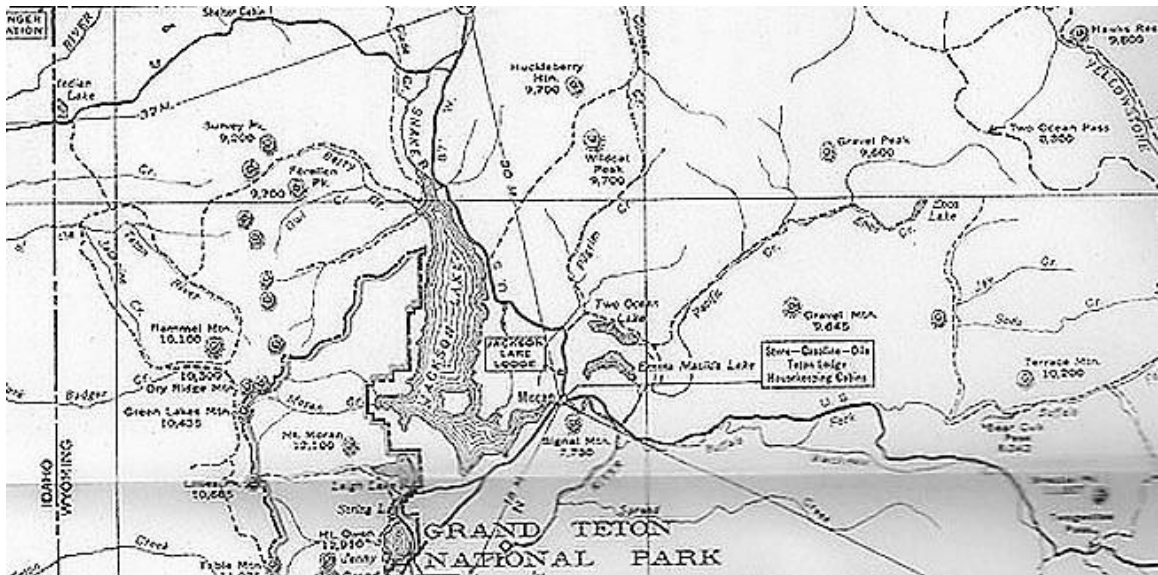


**Rexburg, c. 1907**

In Jackson's Hole, there were rumors that Hamilton had been murdered. It was speculated that he may have run into horse thieves who frequented the valley. At the time, world-famous angler Dean Sage accompanied by Melville Hanna, brother of Senator Mark Hanna, came into the valley. They employed as a guide a man going by the name "Harrington." A second guide, Lanahan, warned that "Harrington" was a horse thief who had escaped from prison, but had been recaptured and later paroled. According to Sage, writing in "American Big-Game Hunting," Roosevelt, Theodore and

George Bird Grinnell, editors, Edinburgh, 1893, “Harrington” admitted to the “substantial truth” of Lanahan’s story but said he was the victim of men who wanted to “jump” his ranch in the valley. It turned out later that Harrington also went under the name, “Ed Trafton.” As “Trafton” Harrington actually had the audacity to list Dean Sage as a reference in advertisements in *Recreation Magazine*. Trafton later gained fame as the man who single-handedly robbed 19 Yellowstone tourist coaches in one sitting. He then successfully eluded army pursuers. Shortly after the robberies, “Harrington” disappeared. Trafton was caught a year later when his wife turned him into the sheriff as a result of his having an affair with a neighbor.

There were, according to the *New York Times*, Sept. 17, 1890, allegations that Hamilton had some difficulties with hunters about some meat he had not paid for. It was speculated that some of the hunters knew of his going hunting on the day he set out, ambushed him, knocked him in the head, and threw his body into Snake River to give the impression that he had drowned while fording the stream.



**Upper Jackson Hole, 1931.**



**John Sargent in Rocking Chair, Sargent's Lodge**



**Sargent's Lodge, winter, undated**

## **Chapter 10**

### **Hamilton Sightings**

The legal impact of Hamilton's death was devastating. The annulment of the marriage had not yet been completed. Hamilton was in the eyes of the law still married to Evangeline. The will made no provision for her. It did not even mention her. If Evangeline was legally married to Hamilton, she would be entitled to one-third of his fortune as "dower." There may even have been a possibility that the entire will could be invalid and Evangeline would inherit the entire estate. Normally, if the will were invalid, the widow and the child would split the estate. But Baby Beatrice was not Hamilton's child and only took because of the will

An annulment or divorce proceeding is personal to the parties. Thus, the proceeding dies with the one seeking the annulment. Accordingly, the annulment action was dismissed. In October, Root filed for probate of Hamilton's will in the surrogate's court. There, he announced to the press, he would argue that Hamilton's marriage to Evangeline was void as being bigamous. She could not, if bigamy was proven, receive dower or have the right to challenge the will. In order for Evangeline to challenge the will, it would be necessary for her to personally appear and testify in the surrogate's court. She was locked away in a dungeon cell in the New Jersey Penitentiary in Trenton. She, utilizing reputable lawyers, had twice applied for a pardon so that she could contest the probate and the will. Twice she had been rebuffed. The crime was too horrendous.

Normally, the admission of a will to probate is a perfunctory matter. All that has to be demonstrated is that the testator is dead and the instrument presented is the last will and testament. Thus, Root was, of course, confident of rapid success. Little did Root realize that the simple annulment proceeding would commence some twenty-two years of litigation.

In *Bleak House*, Charles Dickens wrote of the fictional *Jarndyce v. Jarndyce*, a case in Chancery:

Jarndyce and Jarndyce drones on. This scarecrow of a suit has, in course of time, become so complicated that no man alive knows what it means. The parties to it understand it least, but it has been observed that no two Chancery lawyers can talk about it for five minutes without coming to a total disagreement as to all the premises. Innumerable children have been born into the cause; innumerable old people have died out of it. Scores of persons have deliriously found themselves mad parties in Jarndyce and Jarndyce without knowing how or why; whole families have inherited legendary hatreds with the suit. The little plaintiff or defendant who was promised a new rocking-horse when Jarndyce and Jarndyce should be settled has grown up, possessed himself of a real horse, and trotted away into the other world. Fair wards of court have faded into mothers and grandmothers; a long procession of Chancellors has come in and gone out; the legion of bills in the suit have been transformed into mere bills of mortality; there are not three Jarndyces left upon the earth perhaps since old Tom Jarndyce in despair blew his brains out at a coffee-house in Chancery Lane; but Jarndyce and Jarndyce still drags its dreary length before the court, perennially hopeless.

And thus it was with *In re Hamilton's Will*, 12 N.Y.S. 708 (Surrogate's Court, New York County, January 12, 1891). Strangers to the Hamilton family would be dragged into the black hole of the litigation surrounding Hamilton's estate. At least three would, perhaps as a result, be declared to be lunatics. One, like Dickens' old Tom Jarndyce, would blow out his brains. A curse surrounded the Hamilton Estate.

Almost immediately, Evangeline, through her attorney, Colonel Charles W. Fuller, challenged the probate on the basis that Root was going to have to prove Hamilton's death. Col. Fuller later explained that he needed to delay the proceedings until Evangeline could be released from prison. Thus, began a

battle between two legal titans, Root who later served as Secretary of State and Fuller who later represented, among others, Standard Oil and James B. Duke, president of the American Telephone Company.

Evangeline's sentence, with time off for good behavior, would be up in January. All Colonel Fuller needed to do was stall the probate proceedings until Evangeline was released from the prison, then Fuller could claim that the will was either invalid or that Evangeline, as the widow, was entitled to one-third of the estate as dower.

Speculation swept the media that Hamilton was not dead, that he had faked his own death, that the body in Snake River was that of someone else. Thus, the *Salt Lake Herald*, May 20, 1891, wrote:

“Is Robert Ray Hamilton dead?”

“Such is the question that is agitating the Hamiltons of New York city, several lawyers, many more editors and a million readers. ‘Ray,’ as his friends call him was (or is) the great grandson of the famous Alexander Hamilton, and himself an eminent politician and social leader, yet he was plunged into the very depths of shame by his infatuation for a notorious woman. If he has now fabricated evidence of death and absconded to Australia, as charged, it would be but another act in accord with his recent performances.”

There were reports that Hamilton was in New South Wales or Alaska, see *Brooklyn Daily Eagle*, Jan. 28, 1891, “Robert Ray Hamilton, A Story That He is Living in Sydney, New South Wales” or that he had been seen at a hotel in Yellowstone National Park going under a different name. See *Salt Lake Herald*, Jan 29, 1891. The *New York Sun*, January 31, 1891, speculated that Hamilton disappeared in order to make the legal proceedings easier. In an annulment, Hamilton would have had the burden of proving that Evangeline was previously married. If he were dead, Evangeline would have the burden of proof in the probate proceedings. Upon, the



marriage being declared void in the probate proceedings, Hamilton could then reappear and reclaim his fortune.

Sargent had not shipped the body back to New York. Thus, proof of death was lacking. Sargent's failure to return the body back to New York allegedly was due to the expense. His neighbors, he claimed, would charge him several hundred dollars just to take the body to the railroad at Idaho Falls. Instead, Sargent buried the body in a wooden box in the same clothes as found, including Hamilton's spurs. See *Salt Lake Herald*, June 12, 1891.

The *Queens County Sentinel*, Oct 15, 1891, p3, quoted the New York Sun Correspondent who was sent by the Paper to Jackson's Hole and was there for the disinternment, p3:

"strangers found his body, and those who could not appreciate his worth knocked a few rough boards together for a coffin, wrapped the body in a dirty and ragged tarpaulin, loaded it into the box, and with so without a tear or prayer dumped into a hole on a desolate hillside, under the shadow of the barren, forbidding Tetons--and there it was allowed to remain, marked only by rough pine head and footboards on which someone has scrawled with a lead pencil a tribute of praise that, when viewed in the light of all the facts, in a exasperating mockery.

The difficulty in refuting the reports that Hamilton was not dead was that it was now winter. The closest telegraph station was some eighty miles away from Marymere. By 1870, the Queen could communicate by telegraph to India. But in 1891 in the United States, the only way of communicating with Jackson's Hole was to actually travel there. During President Arthur's traverse of the valley, the president used a troop of cavalry to carry messages and keep him in touch with the known world.



**Jackson's Hole, Winter.**



**Jackson's Lake, Winter.**

Dr. Green estimated that the snow on the pack trail into the valley would be twenty feet deep. Jackson's Hole was totally inaccessible in the winter. Until the spring thaw, it would be impossible to disprove such speculation.

## **Chapter 11.**

### **A Gathering of Prairie Wolves.**

The two principal antagonists in the legal battle, Root and Colonel Fuller were well respected lawyers.



**Col. Charles W. Fuller**

But like so many prairie wolves in Jackson's Hole circling the body of a dead antelope, other less scrupulous lawyers gathered, snarling, tearing, and ripping at the carcass of Hamilton's estate. Others attempted to make money from the events surrounding Hamilton. Nurse Mary Ann Donnelly took employment as an exhibit in a dime museum. See *Brooklyn Daily Eagle*, Dec. 31, 1890, "The Woman Eva Hamilton Stabbed." for which she was paid \$75.00 a week. Additionally seeking a pot of gold, she sued Hamilton for \$10,000.

Earlier, Mrs. Rupp wanted to charge Hamilton \$1,000.00 for taking care of Baby Beatrice. Hamilton's lawyers sent Mrs. Rupp \$250.00. It was, Mrs. Rupp said, "an insult. If I had asked him for \$4,000 or \$5,000 it would be different, but I

only asked for \$1,000, which I think isn't any too much from a man like him who has plenty of money." *New York Times*, September 27, 1899, "Still Bleeding Hamilton; Mrs. Rupp Demanded \$1,000 and says she got \$250.00." Regardless of whether the money was an insult, there is no record of it being returned. Nevertheless, prior to departing for the west, Hamilton came to an accommodation with Mrs. Rupp and she retained physical custody of Baby Beatrice while Hamilton was away in Wyoming.

In October, 1890, following news of Hamilton's alleged death, Baby Beatrice was turned over to Hamilton's cousin Edmund Lincoln Baylies and Hamilton's friend Gilbert M. Speir, Jr. both of whom had been named as co-executors in the Hamilton's will. They, in turn, placed Baby Beatrice into the care of Mary Nevins, 24 West 59<sup>th</sup> Street, New York. See *New York Times*, October 3, 1890, "Robert Ray Hamilton's Will." In 1895, lawyer George A. Miller was formally named as guardian. See *Brooklyn Daily Eagle*, Mar. 27, 1895, "G. A. Miller Appointed Guardian of the Daughter of Robert Ray Hamilton." Miller had previously served as an attorney for Edmond Baylies. See Record on Appeal. He in turn was succeeded by Reginald H. Arnold, as "special Guardian."

In December 1895, the real estate in Brooklyn was advertised in the *New York Sun* as being sold at public auction. The net proceeds after paying costs, etc. were inadequate funds to pay for the annuity, the money having been allegedly used to pay for all of the lawsuits and other expenses of administration. In less than two years by 1897, Baby Beatrice had been placed with the New York Foundling Hospital operated by the Sisters of Charity. In other words, a sum equal to over \$4,000,000 today, was squandered in endless lawsuits and there was no money to pay for the child's support or education and she was left to rely upon public charity.

Following nursery school the children held by the hospital were placed on "orphan trains." The children in some instances were given new names. The children were "indentured" to farmers or perhaps to couples unable to have their own children. Disclosure of the names of children placed

by the Foundling Hospital were restricted so they could not be traced not even by the children when they became adults. As an example Henry F. King was indentured to a farmer in Maryland. When he became of age he travelled to New York and attempted to obtain from the Hospital his true name. He unsuccessfully sued. He became increasingly melancholic. In July 1902, he entered the hospital and shot and wounded two sisters and then attempted to commit suicide.

In 1905, the hospital was wrapped in a scandal after highly critical decisions were issued by the Arizona and United States Supreme Courts, See *New York Foundling Hospital v. Gotti*, 9 Ariz. 105, 70 PAC 231 (1905) and 203 U.S. 429 (1906) respectively. There, seventeen orphans were indentured to mostly illiterate, diseased and poverty stricken Mexican Indians in Arizona. Local residents were so horrified by the conditions under which the children were held that they physically removed the children by force and placed them with other families. The Hospital unsuccessfully sued, The files of the hospital as to the names of children placed on orphan trains are still maintained as “restricted.”

As a result, what happened to Baby Beatrice is generally unknown. The name “Beatrice Ray” appears in the 1910 Census as being an “inmate” in a Pennsylvania mission for homeless women. Pennsylvania Census information for 1920, 1930, and 1940 and together with other information indicate that Beatrice married a Philadelphia lawyer with an office on Broad Street. [Married name intentionally redacted] The family resided on the upper class Philadelphia Main Line. They had three children, A son was named Ray with a middle name Hamilton. A daughter was given her mother’s original first name Beatrice. Beatrice’s first name had previously been changed. A second son was named after his father. Living descendants of Beatrice Hamilton may be found in Nebraska.

On November 25, 1890, startling news arrived from Trenton, New Jersey. Evangeline had been pardoned, pardoned without an application, without notice, without a formal hearing, pardoned during a five minute recess of the Pardon Board. Evangeline was free, free to appear in New York and claim dower as the widow.

And how did the pardon with such auspicious timing happen? Five years later, too late to help Root, too late to affect the proceedings, the warden of the prison testified before a Select Committee of the New Jersey Senate that he was summoned to the executive offices of His Excellency the Governor of New Jersey, Leon Abbett. The warden was told to tell Eva Hamilton that if she wished a pardon she needed to hire a different lawyer, "General" William C. Heppenheimer.



**New Jersey Governor Leon Abbett**

"General" Heppenheimer had received his military title as a result of acting as Governor Abbett's *aide de camp*, during the governor's first term. Heppenheimer had read law in Governor Abbett's New York law office and later had an adjoining law office in the Hamilton Building at 229 Broadway.

Warden Patterson refused to deliver Governor Abbett's message to Evangeline. Colonel Fuller received a similar message from one of the members of the Pardon Board. A member of the board told him that if Evangeline "wanted to get out of prison, she must employ General Heppenheimer. See *Report and Record of the Select Committee of the Senate of New*

*Jersey Appointed February 13<sup>th</sup>, 1895, to Inquire into the charges of Extravagance in Furnishing the State House and certain other Charges touching the Conduct of Public Officials, etc.* Trenton, N. J. 1905. See also generally, Sackett, William Edgar: "Modern Battles of Trenton, Being a History of New Jersey's Politics and Legislation from the Year 1868 to the Year 1894," John L. Murphy, Printer, Trenton, 1894.



**“General” William C. Heppenheimer**

It was doubtful that Col. Fuller had any love for General Heppenheimer. Heppenheimer certainly played hardball. Indeed, later, his son-in-law, holder of a seat on the New York Stock Exchange, accused the general of forcing him into liquidation. In 1888, Fuller, a Republican, was appointed New Jersey Superintendent of Education. Two years later, with the Democrats in control of the State House, Heppenheimer



engineered Fuller's removal from office and replacement with a Democrat.

Nor would Governor Abbett have any love for Col. Fuller. Both were active in partisan politics, Fuller with the Republicans in Hudson County, and Abbett with the Democrats in Jersey City. When Fuller saw Heppenheimer, General Heppenheimer told Fuller that his fee for securing the pardon would be \$1,000.00, a sum equal to approximately \$30,000 in 2021. Shortly thereafter, Evangeline made a request to see Warden Patterson. She told Patterson to deliver \$1,000.00 from her account to General Heppenhimer. Patterson told her "to save her thousand dollars." Prior to Hamilton's death the court had given her \$3,000.00 for counsel fees.

Nevertheless, Evangeline insisted that Patterson deliver the money. The money was delivered on the 25<sup>th</sup>. Warden Patterson later testified:

Q. What did you say to Mr. Heppenheimer when you gave him this check?

A. I don't remember, sir, what I said.

Q. Do you remember what he said to you?

A. I do not.

Q. Did you tell him what it was for?

A. He knew what it was for.

Heppenheimer testified that he never saw or talked to Evangeline prior to the pardon, never filed an application, never drew any papers, never filed a brief, never retained other counsel, did not employ any person to assist him, incurred no expenses, and no affidavits were filed. Colonel Fuller testified that Heppenheimer never appeared in the case. Heppenheimer was candid with the Select Committee. In response to a question from Senator Daly as to whether Heppenheimer was "willing to receive retainers most any time?" Heppenheimer responded, "I am not practicing law for my health. See *Record*, supra, p. 736.

Governor Abbett by the time of the investigation by the Senate Committee was saved from the scandal. He had the

good sense to die before the investigation commenced. Governor Abbett has since been acclaimed as the “first modern governor of New Jersey.”

It was, therefore, no surprise when in January Evangeline appeared in Surrogate Rastus S. Ransom’s court. In New York, the probate judge is called a “surrogate.” Before the bench, a gaggle of lawyers gathered. General Heppenheimer, of course, was not there. He had already done his part, delivery of a pardon with minimal effort. Evangeline had two lawyers, Colonel Fuller with an associate named Morrison. Elihu Root with John C. O’Conner, Jr., represented the executors named in the will [later O’Conner would be the attorney for John D. Sargent]. Henry L. Sprague, represented Schuyler Hamilton, Jr. Sherman W. Knevals represented the two year-old baby Beatrice. A separate action was also brought by Schuyler Hamilton’s minor son through his parents against Evangeline. Ultimately, more than twenty-four lawyers were drawn into the morass of the various actions involving Hamilton and his will. Dozens more became involved in the collateral litigation between the various cousins quarreling over the remains of their grandfather John C. Hamilton’s estate.

Evangeline made the most of the hearing, appearing in widow’s weeds and veil. Crowds besieged the surrogate’s court room forcing their way in as the surrogate acted as ring-master attempting to keep order from the laughing and giggling audience.

In the proceeding, Evangeline admitted that Beatrice was not hers. She admitted that she had lied in court in Towanda, Pennsylvania. She had lied to her family in Pennsylvania about her relationship to Joshua. The lies, she said, were to save embarrassment. She contended that she was Mann’s mistress, not his wife. Evidence was adduced that in addition to going by the names Evangeline Hamilton, Evangeline L. Steele, and Evangeline or Eva L. Mann, when she was at a house at 65 West Ninth Street, she went by the name “Mrs. Brill.” The law in New York was that a mere meretricious relationship does not constitute marriage.

Col. Fuller argued to Surrogate Ransom that he had established that a legal marriage between Hamilton and Evangeline by a minister had been performed. The relationship between Joshua Mann and Evangeline, however, was merely a meretricious relationship; it had not been shown that this relationship had been regarded by either party as a contract of marriage.

In just about every trial there are unexpected surprises. Someone always seems to have a card up his sleeve. In the Hamilton hearing it was no different. Perhaps Root and Col. Fuller should have expected it. During the noon recess of the second day of the hearing, the surprise struck. Col. Fuller was furious. Root was put on the horns of a horrible dilemma.

If Surrogate Ransom was presiding over a carnival, it would soon become a full three-ring circus. Ladies and gentlemen, children of all ages, now performing in the number two ring is P. T. Barnum's own lawyer, A. H. Hummel.

## Chapter 12. Enter Howe and Hummel



**A. H. Hummel**

General Heppenheimer and Governor Abbett were not the only unscrupulous lawyers to be attracted to the Hamilton case. On the second day of the hearings, during the noon recess, Evangeline entered a restaurant 203 East 14<sup>th</sup> Street. Rather than being served a lunch, she was served with a divorce action filed on behalf of Joshua Mann by A. H. "Abe" Hummel, New York's most notorious entertainment and sexual litigation lawyer. Hummel had originally gained fame as P. T. Barnum's lawyer in the merger of Barnum's circus with that of Bailey. From there, Hummel moved into entertainment law and the representation of prostitutes. From the ladies of the evening it was only a small step into extortion. As the *Sun* said, the firm of Howe & Hummel, was feared by both men and women who burned the candle at both ends and lived the life that leads to the divorce court and were involved in intrigues that are apt to result in actions for breach of promise of marriage or alienation of affections. A letter bearing upon it

the imprint of Howe & Hummel was apt to cause the gay man – old or young “old boy” – who received it a panic and a hasty mental review of all his little affairs of the heart or of passing fancy.

The new action placed both Root and Colonel Fuller in impossible positions. While Hummel’s action made Fuller’s contention that Evangeline was married to Hamilton more difficult, it also placed Root in the posture that if he proved that Mann was married to Evangeline and thus avoided her claim against Hamilton estate, Joshua Mann would be set up to make a claim against the estate for “alienation of affections.” Hummel had alleged that Hamilton was the “correspondent.” It was a classic Hummel gambit.

William Frederick Howe and Abraham “Abe” H. Hummell were infamous. Their store-front office directly across the street from the Tombs on the southwest corner of Leonard and Centre Streets could not be missed. Across the front was an illuminated sign 30 or 35 feet long and four feet high. The office was dingy. The waiting area was crowded with private detectives, and clerks. The rich, threatened with a Howe and Hummel lawsuit, sought to pay off putative plaintiffs in order to avoid unpleasant publicity. In the middle of the waiting area was a coal stove occasionally fed by a clerk with a supply of coal kept in a large safe. There was no other use for the safe. The firm kept no records and the fees were divided between the lawyers every evening.

Notwithstanding its appearance, the office was the busiest in town. Howe represented the various murderers and scum of the earth who dwelt across the street in the City’s equally dark and dingy prison. But the rotund five-foot seven inch 350-pound Howe was effective, what bribery could not achieve, was obtained by unorthodox courtroom performances. Actors and actresses were retained who came to court playing the part of the family of a defendant about to be impoverished if the defendant were found guilty. The actors and actresses had, as did Howe, an astounding ability to turn on tears. So much so, that Howe was referred to in legal circles as “the Weeper.” In one instance, the jury not only let the defendant go, but they took up a collection for the

defendant. In another instance, Howe secured an acquittal of a defendant charged with murder after she implanted six bullets into the decedent. Apparently her trigger finger had involuntarily twitched.

Howe was flamboyant, often attired with checked trousers and a purple vest. His language matched in color. The bald, mustachioed Hummel was the direct opposite. He was less than five feet tall, slight of build, with a peculiar disproportionately large head. Hummel wore somber suits, but had a reputation as a bon vivant and "first nighter." He represented many of the leading entertainers of the day. Hummel represented, as an example, the exotic dancer "Little Egypt," also known as "Ashea Wabe," real name Katherine Devine.

Miss Egypt had adopted the same name as used by another entertainer at the 1892 Columbian Exposition in Chicago. New York's Miss Egypt became rich and famous because of publicity attained as a result of her performance at a bachelor's dinner at Sherry's hosted by Herbert Barnum Seeley in honor of his son's forthcoming marriage.

If Delmonico's was the most famous restaurant in New York at the time, Sherry's was the one preferred by the elite. In the afternoon, the wives of the movers and shakers of society had tea at Sherry's. At night, Sherry's hosted the annual dinners for the various organizations of which the elite were members. Prince Henry of Prussia was entertained at Sherry's. New York's Equestrian Club had their dinners there. The Masons honored their brother Arctic explorer Robert Peary at Sherry's. In short, Sherry's at 402 5<sup>th</sup> Avenue, was one of the leading social halls for the well-to-do of New York. It was a haven of Victorian gentility and formality.

Many of the twenty guests at Seeley's dinner were in fact married. The guests were predominately from the Larchmont Yacht Club. In attendance, among others, were Clair Hamilton and A. Gould Hamilton, East Orange, N. J.; Horatio R. Harper of book publishing fame; Henry "Harry" Harkness Flagler, son of the oil, railroad, and hotel magnate, Henry M. Flagler; and C. A. Postley, Commodore of the Larchmont Yacht Club. All would have been formally attired. Seeley was the grandson of

P. T. Barnum. As noted, Hummel first got into entertainment law by his representation of Barnum.



**Palm Room, Sherry's Hall**

The police received an anonymous report that Miss Egypt was dancing in the nude at the Seeley dinner. With all of the finesse reserved for a raid on a cheap bordello, the police invaded the restaurant including the ladies' dressing room and found nothing untoward going on. That would have ended it, except both Seeley and Sherry brought charges of trespass against the police sergeant who led the raid. That in turn led to New York newspapers having a field day. The *New York Herald*, January 8, 1897, in its report of the subsequent proceedings before the police commissioner, portrayed the hearing as a comic operetta. The lawyers involved were pictured as the orchestra, William Howe, Hummel's partner was portrayed as manning the calcium lights, the newspaper reporters as the scenery painters and Police Commissioner Grant as the orchestra leader. Through the hearing, police superintendent Theodore Roosevelt sat unable to suppress his yawns.





The proceeding against the police captain who led the raid, attracted almost as much attention as the earlier proceedings involving Hamilton. The *Johnstown* [N.Y.] *Republican*, Jan 9, 1897, reported that the "weary questioning was relieved by a great deal of vulgarity and disgusting detail, which the crowd outside the rail seemed to be enjoying" Indeed, one spectator caused considerable excitement by falling into an epileptic fit. The *Elmira Gazette*, January 12,



1897, declined to report the testimony of “Little Egypt” claiming “it is unfit for publication.”



**Little Egypt**

The dinner became famous as “Seeley’s Awful Dinner.” The notoriety was such that it almost got the same laughs as a time when New York’s finest raided a bordello and discovered the police captain in one of the chambers with a damsel. When a rumor was circulated that the President of the United States was a guest at Seeley’s dinner, a formal denial had to be issued by the Executive Mansion.

Oscar Hammerstein, grandfather of the Broadway musical impresario, produced a satire on the dinner, “Silly’s Dinner.” Hammerstein’s version was, according to those

familiar with the actual dinner, far, far more risqué than whatever went on at Sherry's. Hammerstein's Olympia Theatre was in due course raided and Hammerstein indicted. Miss Egypt became famous and subsequently could command \$500.00 a performance. It is believed by some that the police were set up. If so, it would be something that could only arise out of the fertile mind of Abe Hummel.

One of Hummel's methods of operation was to find a vulnerable party and then seek out a client. Joshua Mann did not go to Hummel. Mann had been confined at home with a debilitating illness. Instead, Hummel went to Mann. Hummel prepared the necessary affidavit and went to Mann to have it executed. The affidavit contended that he and Evangeline were married.

In Mann's line of work, disease may be an occupational hazard. Hummel's efforts in the Hamilton case came to naught. Mann's illness caused a mental deterioration so that ultimately he was unable to testify and Hummel had to drop the case. Surrogate Ransom politely referred to the disease as "terminal imbecility," a euphemism for terminal neurosyphilis. See *Brooklyn Standard Union*, March 29, 1893, indicating that Mann suffered from paresis. Paresis is defined as a terminal stage of neurosyphilis.

Several years later, Hummel went too far even for the laissez faire attitude prevalent in New York at the time. Representing a nephew of a couple that had been divorced several years before, he moved to set aside the divorce on the grounds that the husband had never been served with a copy of the divorce petition. It should have been obvious that the nephew had no standing to challenge the divorce. Hummel attempted to correct the problem by having the husband sign an affidavit. Unfortunately for Hummel, at a later hearing, the husband could not remember who his lawyer was. The original summons clearly had an endorsement on it reflecting service. The affidavit was totally false.

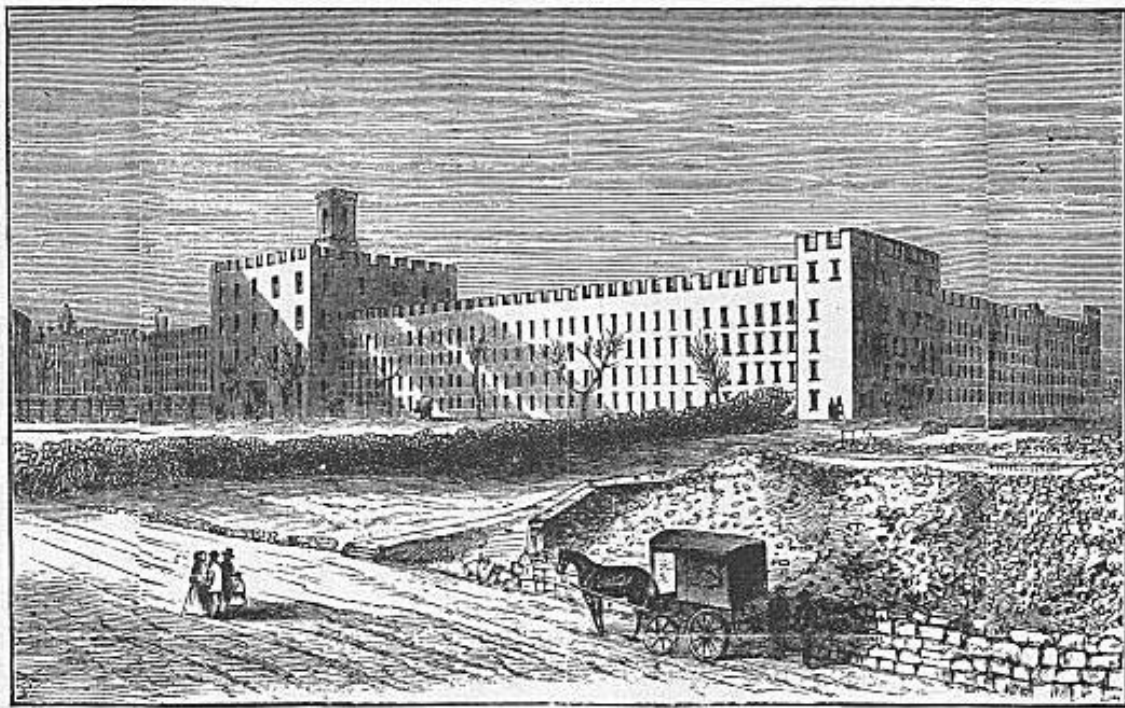
The New York police now had the golden opportunity to remove a thorn in their side. The husband had fled to Louisiana. New York investigators tracked the husband to New

Orleans and then to Texas and secured his arrest for perjury. The husband made a deal to turn state's evidence.

With the husband's cooperation, Hummel's goose was properly roasted, basted, carved and served. Hummel was charged with conspiracy and subordination of perjury, convicted, disbarred, and sentenced to one year in prison. His appeals to the Appellate Division and to the New York Court of Appeals were denied.

Following the denial of his appeal, Hummel was given several days to wind up his affairs before he was to report to the gray looming prison at Blackwell's Island. A favor was given. He did not have to report to the Tombs and be transported to the prison in the "Black Maria" with other miscreants as was normal. Instead, he was permitted to report to the prison in his own conveyance.

Blackwell's Island was an over-crowded castle-like stone structure. An official report to the City of New York described the conditions as "vile and inhuman." According to the report, the dungeon cells were "wet, slimy, dark, foul smelling, and unfit for pigs to wallow in." *New York Times*, March 27, 1914.



**Prison at Blackwell's Island**

In addition to the prison, New York also placed on the island its Charity Hospital, Alms House, the Hospital for the Incurables, the Public Workhouse and the Asylum for the Insane. The name of the island was later changed to the more euphonious "Welfare Island."

Thus on the day Hummel was to report to the prison, a crowd of some 200 reporters, photographers, and onlookers gathered about Hummel's house at 52 East 73<sup>rd</sup> Street. There was even a sightseeing vehicle filled with tourists while the guide gave a history of Hummel's case over a megaphone.

Hummel, who formerly used every means to gain publicity, attempted to escape from the pursuing press on the way to the prison by using a high-powered motor car driven by his nephew. The nephew was also a disbarred lawyer. His efforts were no more successful than those of Sheriff Johnson in precluding Evangeline from being pursued by the press on her way to the prison.

At Blackwell's Island, Hummel got one last dig in at the prison. The rules for inmates precluded mustaches. Hummel prevented the indignity of prison staff shaving his mustache off. He shaved it himself before reporting to the prison. Hummel was given a job working in the hospital.

But not even the prison could repress Abe Hummel. On January 6, 1908, the various New York papers reported the death of Little Egypt in her apartment. She was alleged to have accumulated some \$100,000. Her body was found with black marks on her neck and breast and bloodstains on her night gown. The police reported that there was "nothing suspicious" as to her manner of death. Almost immediately a grieving previously unknown "husband" appeared upon the scene claiming to have married Little Egypt some ten years before when he was a student. The *New York Sun*, Jan 21, 1908, reported, "One of the interesting parts of the fight will be the appearance of Abe Hummel, now of Blackwell's Island, as an adviser of the sisters of Little Egypt.'



**New York's "Black Maria."**



**Work House, Blackwell's Island**

Upon his release, however, Hummel was exposed to more publicity. He was not permitted to use a private boat to leave the island. The day after his sentence was up, Hummel, still wealthy, embarked on a two-year trip around the world before returning to New York.

**Chapter 13**  
**Surrogate Ransom Gives a Partial Ruling Which Fails to**  
**Resolve the Case**



**Surrogate Rastus Seneca Ransom**

On January 16<sup>th</sup>, Evangeline's mother, Lydia A. Steele, died. After Evangeline provided her testimony before Surrogate Ransom, she had to depart for Kunkle, Pennsylvania, for the funeral. Thus, she was not present in court for the summations or for the ruling by Surrogate Ransom from the bench. Col. Fuller's summation took an hour. Elihu Root's took five minutes.

Surrogate Ransom began:

The issue here presented is whether the contestant is the widow of Hamilton. There was a ceremony of marriage between them, the legality of which could not have been questioned if at that time she and

Hamilton were capable, in law, of contracting a marriage. But if she were incapable in law of making such a contract, then the ceremony had no significance, and the alleged marriage was a nullity, and must be so declared. Whether that ceremony was or was not brought about by fraud is immaterial here. The only question for me to consider is, had she the right to make a matrimonial contract with Hamilton?

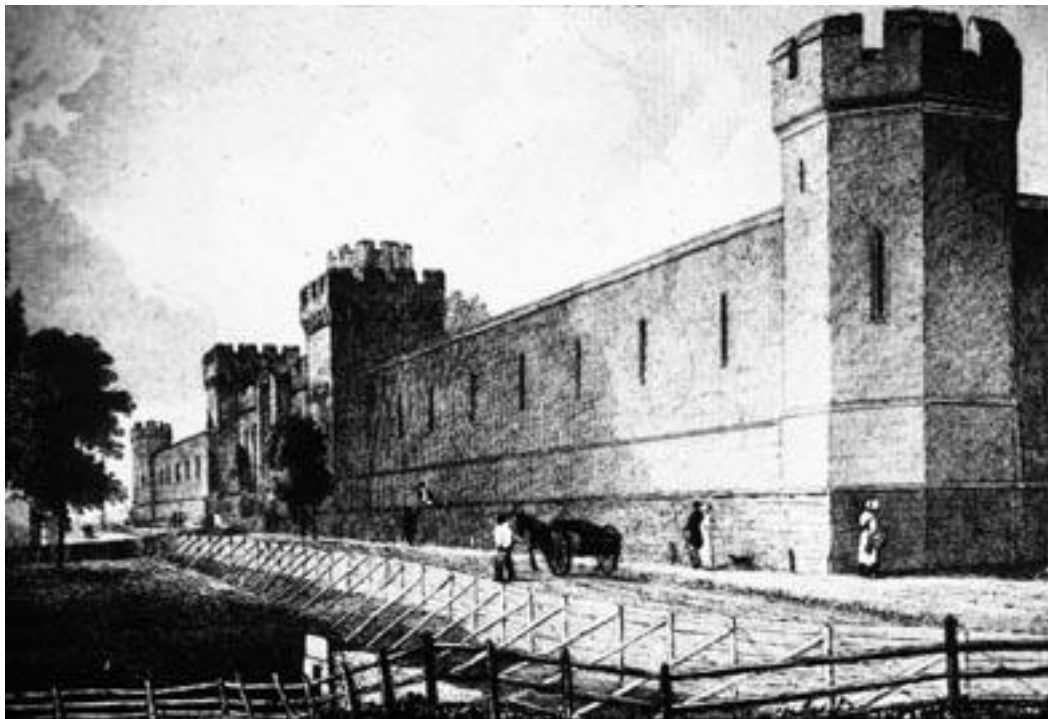
Contestant's counsel has conducted this case from the beginning, not only with great ability and fidelity to the interests of his client, but with candor, and whatever an honorable, industrious, and skillful advocate could find to aid his client he has presented in a most attractive manner. He has proceeded in his argument necessarily upon the premise that the relation between Joshua J. Mann and Eva L. Steele, his client, was in its origins meretricious, and that there is no evidence that that relation ever became marital. If that premise is sustained by the facts in this case, judgment must be for her, for in this proceeding it is no concern of ours whether her relations were, as she described them yesterday, meretricious, improper, those of a mistress, or whether they were as she first said, or, as I believe meant to say, that they were not improper, and not marital, but were rather those of a devoted female friend, to a man who was in the last stages of imbecility." *In Re Hamilton's Will*, 12 N.Y. Supp. 708 (1891).

In 1890, Evangeline's brother, Joseph Steele, was charged in Pennsylvania with larceny. Evangeline and Joshua Mann had travelled to Towanda. There, in the words of Surrogate Ransom:

"Joshua Mann, in her presence and hearing, (and in my view, after consultation with her, upon this very point of his testimony,) went upon the witness

stand in the courtroom, in Pennsylvania, and declared, under the obligation of his oath, that he met her in Philadelphia several years before and married her, and that she was his wife.”

And just as Evangeline had trouble in the criminal courts, other members of the Steele family had difficulties. Also in Towanda, another brother, George, was convicted of attempted murder and sentenced to the Pennsylvania State Penitentiary.



### **Eastern State Penitentiary, Pennsylvania**

If the New Jersey State Penitentiary and the Tombs were houses of horrors, the Pennsylvania State Penitentiary was worse. It too was designed by Haviland. But the State of Brotherly Love added a different twist to the penal system, all prisoners were held in solitary confinement, not permitted to talk to any other inmate. The prisoners heard no sounds and came into contact with no one for the duration of their sentences. Many were driven into lunacy.



A third brother of Evangeline's, Tom, was arrested for stealing a horse and buggy. Evangeline paid the victim for the rig and secured Tom's release.

The marriage to Hamilton was declared invalid, but Surrogate Ransom had not issued a ruling on an essential issue, whether Hamilton was dead. Notwithstanding, the court's ruling, Evangeline remained confident of victory. In March, Evangeline told a Scranton, Pennsylvania, newspaper reporter that she would not settle for less than \$75,000 and that her lawyers had told her that she couldn't "fail to secure a madam's portion of Ray Hamilton's estate."

Root had a problem. There was, of course, an appeal by Evangeline's lawyers. But more importantly, Surrogate Ransom required actual proof of Hamilton's death. Newspaper accounts and letters from John Sargent did not constitute proof of death. There had been no coroner's inquest. Evanston, the county seat of Uinta County in which Jackson's Hole was located, was some 220 miles away from Marymere in a straight line. But one could not go in a straight line. The actual journey for a coroner from the county seat would have been closer to 500 miles -- one-way. Eighty miles of that would have been by horse-back over Jackass Pass. There was literally no one in New York who had seen the body. There was no official certificate or finding of death from a Wyoming coroner or court.

It would be necessary for a commissioner to be appointed by the New York court to go to Jackson's Hole and take the testimony of John Sargent. Surrogate Ransom appointed David N. Carvalho. Carvalho was an unusual choice. He was a world famous handwriting and questioned documents expert. He later provided evidence that documents used to convict Alfred Dreyfus in *L'Affaire Drefus* were forged. He provided confirmation to the belief of James A. Weston that a teacher at Davidson College was in fact Grand Marshal Michel Ney, Napoleon's "Bravest of the Brave." Ney supposedly had been executed in 1815. But it was Weston's theory that Ney had with the assistance of the Duke of Wellington and the Masonic Fraternity successfully faked his own death and was sneaked out of France to the United States.

But why would a handwriting expert and questioned documents examiner be appointed to go to Wyoming? In any event, because it was winter, Caravelho was unsuccessful due to winter storms.

Another commissioner, Brigadier General and former assistant United States attorney George E. P. Howard, was appointed. General Howard later would work with Elihu Root in the defense of the Metropolitan Traction Company and the Metropolitan Street Railway Company when the two companies were indicted by a grand jury as a result of their cars careening through the streets of New York at the amazing speed of seven miles per hour.



**Winter Pack Trail, Wyoming, approx. 1890.**

General Howard, too, was unable to get through to Jackson's Hole. It would have been, he reported, necessary to make the last eighty miles into the valley from Rexburg, Idaho,

on snowshoes through drifts four to eight feet deep. Winter had set in and the ranch was inaccessible. The best that General Howard could do was to establish that Sargent had not emerged that winter from Jackson's Hole.



**Passenger Stage from Idaho into Jackson Hole, Winter, 1920's.**

As late as the 1920's, winter access to Jackson's Hole was, at best, difficult. Travelers as late as the 1940's had to rely on horse drawn sleighs to cross into the valley. Even today, US Highway 89 heading north out of Jackson Hole is closed in the winter except for use by snow coaches such as might be used in the Antarctic.

It will be recalled, that Dr. Green had seen the dead purported body of Hamilton. Unfortunately at the time his testimony was needed, Dr. Green was sojourning in Pau, France. Schuyler Hamilton, Jr. was commissioned by Surrogate Ransom to go to France and obtain a sworn statement from Dr. Green.



**Teton Pass, Winter, 1946**

Schuyler Hamilton, Jr. arrived in Pau in February and a sworn statement was taken before the United States Consul. But still Root was unable to definitively prove that Hamilton was dead. Indeed, six months later Root was still working on proof of death.

The identification made by Dr. Green was based on circumstantial evidence, the presence on the body of Hamilton's gold watch and a leather fly box bearing the name Hamilton in ink. Dr. Green was told by the men of the search party that the corduroy jacket, the coat, dark trousers, leggings, gloves and boots had been identified by John Sargent as those of Hamilton. The testimony by Dr. Green was not helpful. No one, according to Dr. Green, could have identified the body. The trunk was swollen, the face had become purple with decomposition, fish and turtles had eaten away the upper lip. Dr. Green explained:

“Until this moment, I have kept the secret of the real reason for which the face of the corpse could not be recognized. I did not want to shock the family. The

fact is, it was not only swollen and discolored in a most awful way, but the fishes or turtles had mutilated it as the body floated, face downward, of course. All of the blood settled at the bottom and Hamilton's father could not have told anything about the corpse except by the clothing or private marks. I wish the [New York] Herald would say that I strongly object to the statement that I have, at any time, identified the corpse."

The *New York World* obtained hospital records reflecting that Hamilton had a crooked leg from the earlier compound fracture he had sustained when he had fallen from a horse. The leg had failed to heal correctly. Dr. Green failed to notice the leg in his examination of Hamilton. Thus, some claimed that a body was "dressed in Hamilton's clothes, and dumped in the river, with circumstantial evidence carefully planned to make an apparently reliable story of Hamilton's death."

Root had, however, a card up his sleeve, a surprise witness.

## Chapter 14

### A Surprise Witness

On June 9, 1891, a tall young man strode down one of the platforms at the Pennsylvania Railroad terminal in Jersey City having arrived on the 9:25 p.m. train. The young man, clad in corduroy and wearing a cowboy hat, was followed by a dog. *New York Times*, June 10, 1891, "Sargent Comes to New York." The dog was Joco, Robert Ray Hamilton's favorite setter. *Salt Lake Herald*, June 3, 1891. From the terminal, the young man and the dog took the connecting ferry to Manhattan and proceeded to the Windsor Hotel on 5<sup>th</sup> Avenue between 46<sup>th</sup> and 47<sup>th</sup> Streets.



**Windsor Hotel, Fifth Ave., Looking North.**

The Windsor Hotel was regarded as one of the city's most magnificent and hosted the rich and famous of the day. As an example, Robert Ray Hamilton's father General Schuyler Hamilton resided at the Windsor. Elihu Root had arranged for the young man's appearance in New York.



**Mutual Life Building at 32 Nassau Street on the top floor of which was located Root's office.**

Eleven days later, the young man, John Dudley Sargent, appeared with his lawyer, John C. O'Connor, Jr., in Root's office in the Mutual Life Building at 32 Nassau Street. The offices were unique. The firm, Root & Clarke, had taken over the space previously occupied by the Insurance Club on the top floor. The offices gave the appearance and were furnished as if they were a social club. *Albany Law Journal*, Albany Law Journal Company, 1897. O'Connor, Sargent's lawyer, was one of New York's top lawyers and had previously served on the City's Board of Aldermen and was active in the Republican Party.

Evangeline had been invited to attend, but declined. Also making an appearance at Root's office were Col. Fuller, and Edward R. Vollmer, the lawyer appointed to represent the interests of the children of Schuyler Hamilton, Jr. Vollmer had previously been employed by Robert Ray Hamilton to handle his business affairs while Hamilton was in the west on the hunting trip.

Sixteen years later in a “dèjà vu all over again,” Vollmer represented a prominent New Jersey celluloid manufacturer who was blackmailed by a young lady of “ill repute.” The young lady demanded \$25,000.00. The celluloid manufacturer threatened to have the young lady murdered and have her body disposed of in quick lime. The details of the blackmail and murder plot were graphically reported in the New York papers. Twenty-one years after the meeting in Root’s office, both Vollmer and O’Connor were still actively litigating the Hamilton cases.

In Root’s office before a referee, Sargent testified in the same manner as his prior letter to Schuyler Hamilton, Jr. In its details, the testimony contradicted that of Dr. Green. Sargent testified:

“There was no decomposition. The body was not more swollen that would be natural in the case of a drowned man. The face was not bitten away. There was a little something in the mouth that drew up his upper lip and showed his long white teeth. He was always very careful of his teeth. The face was not eaten away, I say. Dr. Green’s imagination must have been working very strongly.” *New York Times*, June 21, 1891, “Mr. Sargent Testifies.”

Sargent was very much aware of teeth. Later he would give testimonials for Dr. Hector Griswold’s “Hale” method of dentistry. See *Salt Lake Herald*, May 21 and 26, 1893. Some years later, Dr. Griswold would be convicted in New York of practicing dentistry without a license. *People v. Griswold*, 106 N.E. 929 (1914)

But in response to a question from Col. Fuller, “You have said that Mr. Hamilton had a leg that had been broken and you could see that broken leg through his leggings, where were worn very thin. Did you see that broken leg at the time of identifying the body?” Sargent admitted, “I didn’t examine the body very carefully. I was looking at the face. Nevertheless,



Col. Fuller withdrew his objections to lack of proof that Hamilton was dead.

In 1893, Surrogate Ransom had written an article in the *North American Review*, June, 1893, "How to Check Testamentary Litigation." Apparently, Surrogate Ransom failed to reckon with the Hamilton Family. Testamentary litigation was still pending as late as 1914. Regardless of withdrawal of objections as to Hamilton's death, the *New York Sun* dispatched its star reporter, John Randolph Spears, to Wyoming to dig up the facts as to Hamilton's alleged death.

As a result, Uinta County's armless coroner Henry Code (he used elaborate hooks) and Dr. W. H. Hocker finally undertook the difficult and lengthy journey from Evanston to the northern part of the county. The roundtrip journey by train and horseback was estimated by the *Salt Lake Herald* October 17, 1891, to be approximately 1000 miles. Until after the turn of the century, Jackson's Hole was not generally accessible from the remainder of Wyoming but could be reached only by going through Utah and Idaho and over the treacherous Teton Pass. Indeed, it was not until 1916 that an automobile driven by lawyer Payson Wilson Spaulding (1876-1972) of Evanston was able to get into the Hole under its own power from Wyoming without going through Idaho. (In 1914, a Hupmobile managed to come in over Teton Pass from Idaho without having to be towed over the summit. An earlier EMF built by Studebaker couldn't make it over the summit without being towed by a team of horses.)

Spaulding in 1903 was the owner of the first motor car in Uinta County and in 1906 drove from Evanston to Cheyenne and back just to prove it could be done. Spaulding was still in active practice of law at age 89, proving that lawyers are never permitted to retire.

Coroner Code and Dr. Hocker disinterred the body and found that it had been unceremoniously crammed into a wooden box which was too small for the body to fit. The *Sun's* reporter who was present described the disinterment. He was horrified:

"Strangers found his body, and those who could not appreciate his worth knocked a few rough boards together for a coffin, wrapped the body in a dirty and ragged tarpaulin, loaded it into the box, and with so without a tear or prayer dumped into a hole on a desolate hillside, under the shadow of the barren, forbidding tetons—and there it was allowed to remain, marked only by rough pine head and footboards on which someone has scrawled with a lead pencil a tribute of praise that, when viewed in the light of all the facts, in a exasperating mockery.

A loyal friend, a true gentleman, and a brave man was Robert Ray Hamilton, but hundreds of dogs have been more decently interred by their masters than was he by the fiends to whom he was loyal.

As quoted by *Queens County Sentinel*, Oct 15, 1891.

Hamilton's left leg matched the description of the prior injury. The body was that of Hamilton. Sargent was correct in his identification. An impromptu three person coroner's jury was convened which determined that Hamilton had accidentally drowned while crossing Snake River in the dark.

Hamilton's body, however, was not returned to New York until July, 1892. *Brooklyn Daily Eagle*, July 27, 1892.

Wire services described the return:

### **ROBERT BAY HAMILTON'S BODY.**

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#### **It Was Taken to New York and Quietly Buried in Greenwood.**

New York, July 26 – [ Special ] -The body of Robert Ray Hamilton, who was the son of General Schuyler Hamilton, and who was drowned in Snake river, Wyo., nearly two years ago, was brought to this city today and buried in Greenwood Cemetery. Mr. Marchant, Superintendent of Interments at the cemetery, said last night that the body was buried

early yesterday forenoon in the plot of Mr. Hamilton's grandfather, Ralph Ray. No stone marks the grave and there was no undertaker's name on the card that contains the record of the burial.

The fact of the removal came out at a meeting of the Health Board to-day when the undertakers made an application to the Register for permission to transfer Mr. Hamilton's body ,upon its arrival here from the Grand Central depot across the city to Brooklyn. With this application was filed the necessary proof of Mr. Hamilton's death. It was an affidavit sworn to by Coroner Henry Code, of Evanston, Uintah county, Wyoming. The 'necessary' permit was granted to the undertakers, and before noon the burial had been accomplished. General Schuyler Hamilton is now in Europe. *Pittsburg Dispatch*, July 27, 1892, p. 8.

At the time, an explanation for the hurried and secretive interment in Greenwood cemetery without a grave marker was given. They were afraid that Evangeline would show up and make a scene. Over 120 years later, Robert Ray Hamilton's grave remains unmarked.

Rumors began to be circulated in Jackson's Hole that Sargent, himself had murdered Hamilton in order to be able to gain complete ownership of Marymere Ranch.

## **Chapter 15.**

### **Evangeline Takes to the Stage**

Although Evangeline Steele Brill Parsons Mann Hamilton, had lost in the Surrogate's Court, she still had an appeal pending. It would not be resolved for another three years. She had other cards up her sleeve with which to extract money from Hamilton's estate. In February 1893, utilizing the name "Mann," Evangeline filed suit contending that she was owed \$3,250.00 on the basis of a handwritten note, "I intend to pay you, Eva, thirty-two hundred and fifty as soon as I can. R. R. H." The alleged note, written in a light pencil, appeared to come from the middle of a notepad. It was defended on the basis that it was a forgery. *New York Times*, February 14, 1893, "Eva Mann's Memorandum." In April 1894, Evangeline, then known as "Lydia E. Yoll," filed a new action in Kings County claiming dower on real estate owned by Hamilton in Brooklyn. *Brooklyn Daily Eagle*, April 9, "Eva Mann Again in Court."

A month later, Joshua's lawyer, Abraham H. Hummel filed a motion in Mann's divorce proceedings supported by affidavits of two insanity experts Drs. Charles F. Macdonald and E. F. Macdonald that Joshua was now suffering from dementia. The motions requested that the action be struck from the calendar. *New York Times*, March 28, 1893, "Mann Said to be Insane."

On February 16, 1894, the appellate court finally ruled against Evangeline. *In re Hamilton*, 27 N.Y. Supp 813 (1894) But Root failed to reckon with the perseverance of Evangeline. Besides the additional lawsuits, she had gone on the stage as "Mrs. Robert Ray Hamilton" in a drama in four acts entitled "The Hammertons." The agent for Evangeline promised that play would deal with the Hamilton's married life, the stabbing in Atlantic City and in the fourth act, there would be "startling revelations." *Salt Lake Herald*, May 20, 1891. The drama was, according to the drama critic for the *Brooklyn Daily Eagle*, "a complete and total failure." *Brooklyn Daily Eagle*, Sept. 19,

1891. Other critics were less kind. The critic for the *New York Herald* reported on her road tour of New Jersey:

“Miss Eva Mann, masquerading as Mrs Robert Ray Hamilton, finished her tour through the Jersey Barns, and, if the Railroads are willing, will swoop down with her troupe on Pottsville and other Pennsylvania towns during the coming week. That the scandalous ‘star” has not been rotten egged Manager Gardiner has only to thank the circumstances of which boarding house keepers throughout the state are so proud – namely, that there are no rotten eggs in New Jersey.” As quoted by the *Salt Lake Herald*, Sept. 13, 1891.

A critic for the *New London Day*, Sept 2, 1891, reported that her voice did not match the emotional gestures on the stage. Her voice, he wrote, “had about as little excitement in it as a glass of rain water.” The “startling revelation” was a contention that Ray Hamilton had accidentally stabbed Nurse Donnelly and that Evangeline was merely covering up for Ray. The road tour was less than successful. Mrs. Mann came back to New York, according to one news report, “very badly dilapidated and with salaries unpaid.” *Salt Lake Herald*, Sept 20, 1891. Accordingly, she changed her role and appeared in a variety show. The new role did not impress the *Brooklyn Daily Eagle* critic:

“The unpleasant and notorious Eva Mann, adventurer, fighter, convict and essence of impudence, failed as signally in variety show last week as she did in drama. The manager says he gives her \$400 a week for repeating a few lines like a school girl and says that he will shortly have her in tights.” *Brooklyn Daily Eagle*, Oct. 4, 1891.

The embarrassment to the Hamilton family was such that although they had won the legal battle, they threw in the towel. In July, 1894, the executors of the Hamilton estate

paid Evangeline \$10,000.00 (equivalent of \$210,000.00 in 2008), to go away. Intriguingly, although, the divorce from Joshua had not been resolved, she had married again, or at least adopted, several more names. The signature on the bottom of the settlement was of "Lydia E. Gaul." *New York Times*, July 8, 1894, "Eva Mann Compromises for \$10,000." In addition to the Gaul name, the settlement reflected she also had gone under the name of "Mrs. Fred Tilton."

By 1904, the \$10,000.00 received from the Hamilton estate was gone. On the evening of November 22, 1904, Evangeline, under the name Eva Hamilton, was checked into the charity ward of St. Vincent's Hospital in New York. She expired the next day at 5:00 p.m. Her sister in Pennsylvania was notified.

Evangeline Mann was buried in a plain wooden coffin in the common plot in Mount Olivet Cemetery. Only one mourner was in attendance. He declined to give his true name and told the reporter that his name was "Hamilton." *New York Evening World*, December 7, 1904, "Eva Hamilton Dies a Pauper." Evangeline was 47 years old, but appeared, according to newspaper reports, to be ten or fifteen years older. *San Francisco Call*, December 7, 1904, "Passes From Earth With But a Single Mourner." She was, in essence, a horse that had been ridden hard all of her life. Her hair was white. "Dissipation," according to the report, had left her face lined and old. The following year, Anna Swinton died.

Although with the settlement the difficulty with Evangeline Mann had ended, litigation, scandal, and the curse of the Hamilton Estate continued.

**Chapter 16.  
A Fountain of Delay**



**Hamilton Fountain, Riverside Drive, 1909, Looking North.**

It has been said that lawsuits are the “fruit trees planted in a lawyer’s garden.” *Division of Administration v. Denmark*, 354 So. 2d 100 (Fla 4<sup>th</sup> DCA 1978). Certainly, a comparatively simple will, written by a lawyer, should not have generated twenty-two years of litigation. But each separate bequest in Hamilton’s will was lovingly litigated by the various heirs. Each fruit tree in the garden was well fertilized and watered. Only the horses of New York remained unwatered. The Gods of Greed and Avarice were unleashed.

Hamilton in his will had directed that the fountain be erected “as soon as possible.” The construction of the fountain ran into continuous delay, first through litigation and secondly, delays encountered in New York’s wondrous bureaucracy. Probate of the estate could not be completed until the fountain was built. Hamilton’s principle relatives would be dead and buried before the fountain was completed. Evangeline had been feeding the worms in a pauper’s grave for two years by the time the water was turned on. Hamilton’s father, the old General, was divorced and died before its completion. Ray Hamilton’s brother, Schuyler Hamilton, Jr., was divorced, bankrupt, separated from his children, remarried, a widower, and dead before the fountain was finished and the horses could relieve their thirst. We now know the meaning of “as soon as possible” when dealing with government.

Almost immediately after Hamilton’s last will and testament was admitted to probate, the Mayor and Board of Aldermen were petitioned to reject the bequeathed fountain on the basis that the heirs were “sensitive for the good name of the families to which Alexander Hamilton and Gen. Philip Schuyler brought distinguished honor. Such a memorial as the will designates would perpetuate a name that brought dishonor to the family.” *New York Times*, April 22, 1891, “Let Him be Forgotten. Robert Ray Hamilton’s relatives Oppose a Fountain in his Memory.” Of course, the heirs disclaimed that they were in any way motivated by filthy lucre. And “dishonor to the family?”



Sensitivity to public opinion did not preclude a plethora of lawsuits: siblings against siblings, parent against child, divorces, death by morphine addiction, lawsuits by merchants for unpaid bills, all lovingly reported in the New York press. Ten years before, the heirs of General Hamilton's father, John C. Hamilton had publicly squabbled and litigated over John Hamilton's will. (He had disinherited two of his nine children.) Indeed, Maria Hamilton, John's wife, died in 1873 and as late as 1883, ten years after her death, a lawsuit was filed by Robert P. Hamilton against his siblings and the Trustees of the Estate of Alexander Hamilton to set aside his mother's will. *New York Times*, February 27, 1883, "Mrs. Hamilton's Will, A Complaint Against the Trustees of Alexander Hamilton's Estate." But then some families are noted for love of sports. The Kennedy Brothers loved touch football, the Leighs of England loved cricket, the Windors polo. For the Hamiltons it was apparently will contests. Contests were filed over Schuyler, Jr.'s will, Charlotte Hamilton's will, Alice Hamilton's will, their elderly aunt Charlotte A. Van den Heuvel's will, and Adelaide Hamilton's will. With the filing of a will contest in 1915 relating to Adelaide, Edward R. Vollmer, apparently the last lawyer standing, commented, that there had been objections to the will of John C. Hamilton, Miss Charlotte Hamilton and Miss Alice Hamilton and that "All these wills were held by the courts to be valid." *New York Times*, June 3, 1914, "Hamilton Heir Files \$750,000 Will Suit."

The heirs complaining about the bequest of the fountain seemingly forgot that greater dishonor was brought on the family by their distinguished ancestor Alexander Hamilton. Alexander Hamilton had been the central figure of the first major sex scandal after the country had won its independence. He had an affair with a married woman and had paid blackmail to the woman's husband. Reports circulated that Hamilton, as Secretary of the Treasury, had used government funds to satisfy the irate husband. In order to prove his innocence, Hamilton provided government investigators details of the affair including correspondence. The investigators determined that Hamilton paid the blackmail with his own

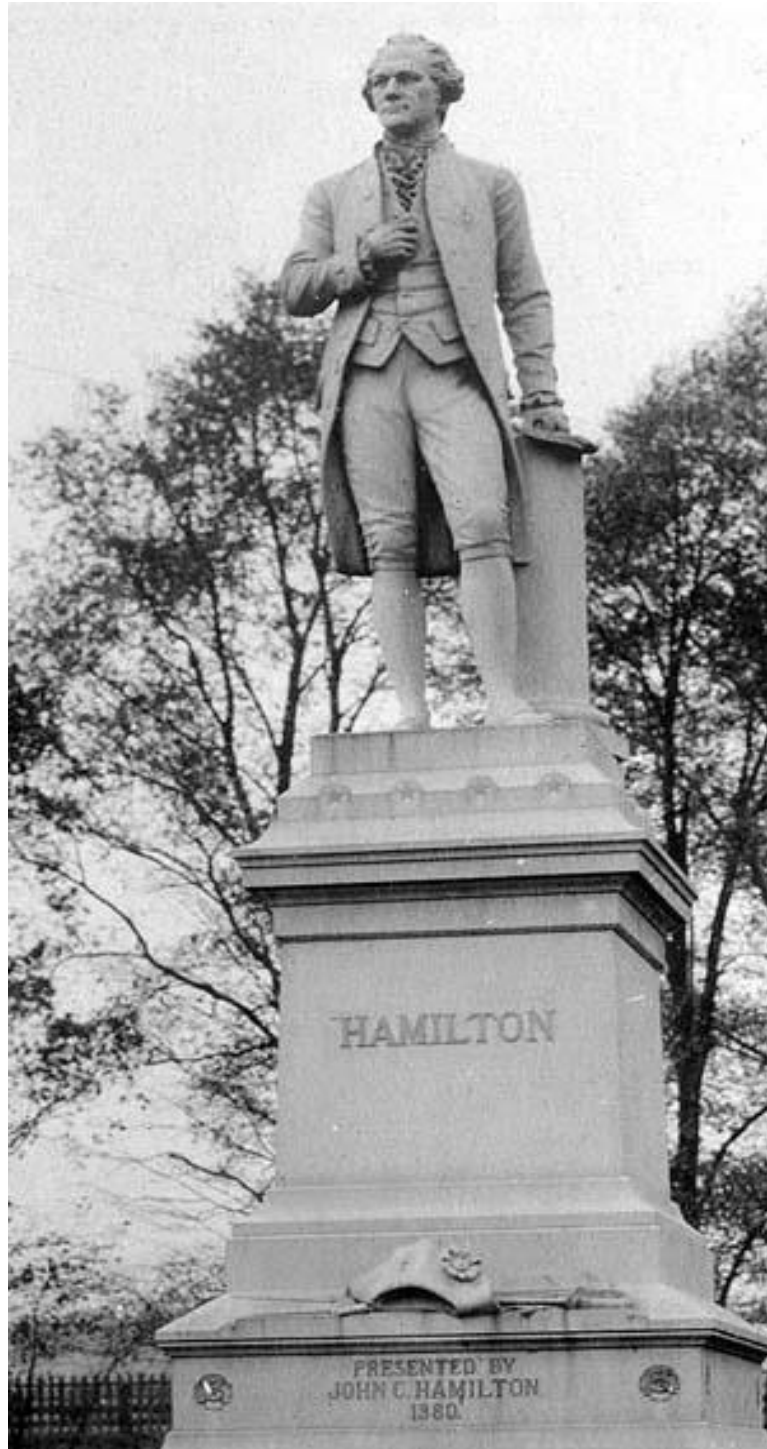
funds, dropped the matter, and promised to keep the details of the affair secret.

Hamilton was a Federalist and rumored to be in the running for the presidency. Notwithstanding the pledge of secrecy, a member of the opposite political party, one Thomas Jefferson, had copies of the incriminating correspondence. In some unknown manner, the correspondence came into the possession of a Jefferson supporter and was published. We now know that there may have been a little bit of hypocrisy. Jefferson had his own dark secret in the form of Sally Henning. Hamilton's political career and reputation were ruined, his hopes for the presidency dashed. Alexander Hamilton's son, John Hamilton devoted most of his life in an attempt to resurrect Alexander Hamilton's reputation, writing a six volume biography of his father. The culmination of John Hamilton's efforts to salvage his father's image was the 1880 donation of a granite statue of his father to the City of New York to be placed in Central Park.

The invitations to the dedication of the Alexander Hamilton statue set for Saturday, November 20, were duly issued. The weather was disagreeable, cold and rainy. The dedication was postponed to Monday. The members of the Society of the Cincinnati, of which Alexander Hamilton had been a member, gathered at the appointed hour in the Museum of Art and marched as a body to the statue. But Boreas, the god of the North Wind, did not smile on the endeavor. On the platform was former president of the United States, U. S. Grant, the President of Columbia College, Gen. Schuyler Hamilton, and Mayor Park.

Hurricane-like winds swept in from the north. Any moisture in the air was frozen. Those using public transportation to get to the site were diverted because of a fire in the Bowery. Notwithstanding that it was the coldest day of the year, no heat was provided in the trains. *The New York Times*, November 23, 1880, reported that "the usual insolence of the employees was increased by the nipping frost." The Park Police would not allow those arriving on foot to use the carriage way that led directly to the statue. They were diverted over a knoll to face the full fury of the icy winds. The

leading orator of the day, Chauncey M. Depew, gave the principal address. Alexander Hamilton's political reputation was posthumously restored.



**Statue of Alexander Hamilton, Central Park**

The family, concerned with its reputation additionally seemingly forgot about a distant cousin, Alexander D. Hamilton, Jr., the treasurer of Jersey City. A few years before Robert Ray Hamilton's demise, Treasurer Hamilton went off with Winetta Montegue, "a vivacious variety actress who had recently appeared upon the boards of a Jersey City theatre." The bulk of the city's treasury was missing. In the words of William Edgar Sackett, *Modern Battles of Trenton*, 1895, "His continued absence and the discovery that he had robbed the treasury soon led to the conviction, however, that if he had gone with her he had gone to stay."

Jersey City Treasurer Hamilton made his way to Matamoras, Mexico, a city even more corrupt than Jersey City. Along the way, he was robbed by a corrupt Texas sheriff. In Matamoras, the bulk of his newly found wealth found its way into the pockets of local banditos from whom he had sought protection. Soon, he reappeared in Jersey City, bedraggled and penniless seeking the comfort and safety of the State Penitentiary in Trenton. He had learned that there is no honor amongst thieves.

After serving three years in the penitentiary, he was released by the New Jersey Pardon Board. He returned to Jersey City, opened a variety show, and lived "in open intimacy" with his "actresses." His place became so disreputable, the police finally ran him out of town. The last heard of him was that he was a barkeeper in Illinois. *New York Times*, November 20, 1883. To add injury onto insult, a resident of Matamoras claiming title to stolen Jersey City bonds sued the city in federal court for the past due amounts and collected. *Rouede v. Mayor of Jersey City*, 18 Fed. 719 (1883)

From the proceeds of the portion of Ray Hamilton's estate dedicated to relieving the thirst of horses, the State of New York had to get its piece of the carcass of Hamilton's fortune. Notwithstanding that the fountain was a gift to the city and for a public purpose, the state demanded inheritance taxes on the value of the fountain. Thus, more lawyers with more lawsuits entered the fray. The issue of whether an inheritance tax had

to be paid to the State of New York on the ornamental horse trough was not resolved by New York's highest court until 1896. *In Re Hamilton*, 42 N.E. 717 (1896)

Of course, the executors also had to deal with the New York bureaucracy on the design and location of the horse trough. Thus, they had to appear before the Park Board. It was not until September, 1895, that the Park Board even granted permission to allow a design for the fountain. They would not consider one which exceeded forty feet in diameter. *New York Times*, September 5, 1895, "Park Policemen Want More Pay."

Nine months later, a competition was finally underway for the design of the fountain. When the designs came in, the plans were required to be reviewed by "proper art judges as to the artistic merits of the gift." Then the Park Board having been properly advised would pass on the design. It was hoped that the fountain could be erected in June. Hamilton had wished that the fountain would be of a modest design. *New York Times*, May 17, 1896, "Water for Man and Beast."

Another year passed. By May, 1897, designs had been received, but had not been opened or examined. *New York Times*, May 2, 1897, "For the Hamilton Fountain." Of course, there also had to be an argument over where the fountain went. At first it was proposed for Mulberry Bend Park, now Columbus Park. The construction of the park itself had lingered since it was first proposed by Mayor Abram S. Hewitt and authorized by the State Legislature in 1887. The park finally opened in 1896 nine years after authorization. The fountain was too late.

Next, it was suggested that the fountain be placed in a new park at Ninth Avenue and Twenty-Fifth Street. What is now Chelsea Park, two blocks away did not open until 1906 and the playground until 1910. Indeed, it was not until 1922, that any memorial was placed in Chelsea Park, a statute of the Doughboy memorializing American soldiers of World War I.

It was not only the Hamilton estate that ran into the City's hyper-artistic Municipal Art Commission. In 1903, the American Society for the Prevention of Cruelty to Animals provided a prize for the design of a horse trough that would

meet with the Art Commission's approval. *New York Tribune*, August 1, 1903, "S.P.C.A. Offers Prize.' Approval by the Commission required approval by a Columbia University professor as well as approval of the president of the Commission and consultation with the Municipal Art Society. Pending approval of the troughs, the A.S.P.C.A was reduced to watering the horses from buckets.



**A.S.P.C.A. Horse Watering Station.**

Approval for the design of the A.S.P.C.A.'s fountains was finally given by the Art Commission in 1907.

It took even longer for a memorial fountain in honor of Algernon S. Sullivan. He died in 1887. His fountain was finally unveiled in 1906. In the meantime, the A.S.P.C.A. noted the "long procession of tired, thirsty hoses waiting on a summer day for their turn to drink at one of the few fountains in this city. *New York Tribune*, May 1, 1907, "For Thirsty Horse." Plain, simple inexpensive troughs were simply not approved by the Commission. The fountains that were approved were expensive. It simply would not do for the horses to have to drink from a plain trough.

One police officer in Harlem proposed a solution to the problem, just have each saloon install a trough. He had observed a saloon where the proprietor put up his own watering trough. A dozen teams were awaiting their turn to relieve their thirst while inside the drivers were relieving theirs. The owner of the saloon after he installed the trough had to put on two additional bartenders.

Thus it took sixteen years following the death of Robert Ray Hamilton for the fountain to be completed. And, of course, there were other delays and litigation in the settlement of Hamilton's estate.

## CHAPTER 17

### More Litigation and Scandal

In his will, Hamilton left the residuary of his estate after specific bequests to “the children of my brother Schuyler Hamilton, Jr.” At the time of the making of the will, Schuyler, Jr. had two children Schuyler V. C. Hamilton and Gertrude Ray Hamilton. Ten days after the date of the will, a third child, Violet L. Hamilton was born. Schuyler, Jr. went broke and transferred some of his real estate including his one-fourth interest in the family-owned Prescott Building to his wife, Gertrude. In March, 1894, the conveyance to Gertrude was held to be good as against creditors. See *First National Bank of Sing Sing v. Hamilton*, 27 NY Supp 1029 (1894)

Six months later, Gertrude sued in Rhode Island for divorce, (See *New York Times*, March 24, 1903, “Will of Gen. Hamilton.”) retaining the real estate. Thus, when the old general died in 1903, he pointedly made no provision for Gertrude’s children. Gertrude, as a result of the divorce, had already obtained a portion of the Hamilton fortune. The children had been remembered by Robert Ray Hamilton. There were, however, for the Hamilton family the obligatory lawsuits.

Following the divorce, Schuyler, Jr. remarried and had another child, Alexandra S. Hamilton. Litigation erupted over which of Schuyler, Jr.’s four children would partake of the residual portion of their Uncle Robert Ray Hamilton’s estate. In other words, there was a law suit between the minor children Schuyler V. C. Hamilton and Gertrude Ray Hamilton against their younger sister Violet and their half-sister Alexandra. That litigation was not resolved by the New York courts until 1901, more than eleven years following the death of their uncle Robert. See *Baylies v. Hamilton*, 55 N.Y. Supp, 390 (1899), aff. 165 N.Y. 641 (1901). The two younger children were left out in the cold. The lawyers, however were paid out of the proceeds of the estate.

By 1911, Schuyler V. C. Hamilton, notwithstanding his inheritance from his uncle, was unable to pay some of his



bills. He was sued and judgments were obtained by Mme. Paguin for Parisian gowns and by a stock broker for unpaid margin calls. *New York Times*, May 1, 1914, "Verdict for Paquins. Schuyler Van Cortlandt Hamilton and Mrs. Virginia Hamilton Lose."

And while that litigation was pending, other law suits diverted the attention of the public. Robert Ray Hamilton's mother, Cornelia Ray Hamilton, had died in 1867. In 1886, the old general had remarried a lady thirty-one years his junior. In 1893, the young wife attempted to gain control of the seventy-eight year-old general by filing an action to have him declared incompetent. The new wife charged that General Hamilton threatened to kill himself, that he had tried to kill her, was reckless with money matters and was unable to concentrate his thoughts or talk intelligently for any length of time. *Brooklyn Daily Eagle*, Aug. 11, 1893, "Another Hamilton Scandal." Needless to say, the marriage ended in divorce.

In 1906, Schuyler Hamilton, Jr. brought an action in the Supreme Court, suing, among others, his own children to require the sale of the Hamilton Building. In New York, contrary to the practice in most states, the general trial level court is called "the Supreme Court." The highest level court which in most states is called the Supreme Court is called the "Court of Appeals." The Hamilton Building was sold to F. W. Woolworth who constructed upon the site the world's tallest building. Schuyler, Jr. died the following year, leaving his children by his first wife, Gertrude, out of his will. See *New York Tribune*, March 5, 1907, "Will of Schuyler Hamilton." Gertrude following the divorce, had problems of her own. She married the Baron Rael Nicholas du Graffenried and conveyed to him an interest in her home. They separated and she had to sue to get her property back. See *New York World*, March 30, 1906, "Baroness Wants Her Property Back."

The cost of all the lawsuits depleted Robert Ray Hamilton's estate to the extent that it could not completely fund the annuity for Baby Beatrice. At the time of Hamilton's death, the value of the property devoted to funding the annuity was estimated to be valued at \$130,000. See *San Francisco Call*, October 16, 1895, "Made the Waif's Fortune." [Writer's

note, a sum equal to over \$4,000,000 today] By 1895, the value of Baby Beatrice's share of the estate was reduced to \$16,893. See *New York Sun*, May 9, 1895, "Robert Ray Hamilton's Estate." Accordingly, yet another lawsuit was brought to have the annuity funded out of the residuary. Justice Van Brunt noted, "In consequence of litigations arising after his [Hamilton's] death, his death, which he had no reason to anticipate, his personal estate has been very materially diminished, so that it is not sufficient for the production of this annuity." However Justice Van Brunt held that the residual portion of the estate was not liable for the shortfall. In the meantime, suits were brought to require the sale of the property in Brooklyn out of which Baby Beatrice's annuity was to be paid. Pursuant to a court order the properties were sold at public auction on December 11, 1895. See *Brooklyn Daily Eagle*, December 7, 1895, "Robert Ray Hamilton."

The last of the lawsuits over Robert Ray Hamilton's estate was a 1912 action between Hamilton's heirs against the heirs of Schuyler Hamilton, Jr. over ownership of property on Twenty-Eighth and Twenty-Ninth Streets in New York. And at the same time, the various Hamilton heirs were litigating over the estate of an elderly spinster great aunt, Charlotte A. Van Den Heuvel. In that action, some eighteen different lawyers appeared. See *Matter of Van Den Heuvel*, 76 Misc. Rep. 137 (1912). By the time of the lawsuit, Gen. Schuyler Hamilton was dead, Schuyler Hamilton, Jr. was dead, Schuyler Hamilton, Jr.'s second wife was dead of a morphine overdose. Eva Mann was dead. Of the original antagonists only lawyers Edward R. Vollmer and John O'Connell remained.

## **Chapter 18. A Lingering Suspicion**

The official verdict by the coroner's jury in Uinta County was that Robert Ray Hamilton had accidentally drowned while fording Snake River.



**Snake River, Foreground.**

Drowning was the leading cause of the death of cowboys on trail drives north from Texas. Accidental deaths among dudes were not unheard of. Five years before, British member of Parliament, cricketer extraordinaire, Gilbert Leigh, while hunting, had managed to kill himself by falling off the precipice of Ten Sleep Canyon.



### **Snake River, Jackson Hole**

The coroner's jury had an interesting composition. It was not exactly impartial. Members consisted of John D. Sargent, later suspected of Hamilton's murder, John H. Holland, a suspected but never proven participant in the rustling business, J. P. Cunningham who later rented his cabin south of Jackson Lake to horse thieves, and Edward Hunter.

Nevertheless, ever since Robert Ray Hamilton's body was discovered, there remained a lingering suspicion, nay a belief, among those in Jackson's Hole that Hamilton's death was more than an accidental drowning. The suspicion was hinted at in the press, but the official version was that Hamilton had attempted to swim Snake River in the darkness, his Mexican spurs caught in the grass and he drowned.

According to Dr. J. O. Green, the one who discovered Hamilton's body, Hamilton was a "good swimmer." *New York Times*, Sept. 17, 1890. There was no grass on the bottom of the Snake where Hamilton allegedly crossed. The water was only fifteen inches deep on average. *New York Times*, November 14, 1891, "Now it's a Foul-Play Theory." One does not swim wearing boots, leggings, jacket, coat, Mexican spurs,

a full cartridge belt and carrying important business papers in one's pockets.

Nor does one attempt such a swim in total darkness. Sunset was shortly after 6:00 p.m., not counting for the darkness cast by the shadows of the Tetons to the west. It was only a quarter moon. Hamilton's watch stopped at 9:00. Thus, over the years the belief began to grow that Hamilton's death was more than accidental. The death was, as politely phrased by the *New York Evening World*, Sept. 26, 1902, "mysterious." The *Salt Lake Herald*, May 19, 1903, referred to Hamilton as having been "mysteriously killed some years ago." The *New York Sun*, April 17, 1904, was less polite. The paper flat out said, "Assemblyman Robert Ray Hamilton was murdered in Wyoming."

Residents of Jackson's Hole were also less politically correct. Almost immediately, they believed it was "foul play." No credence was given to the story of Hamilton having been dragged down by his spurs becoming entangled in water grass. The ford where the accident allegedly occurred was paved with white boulders. Guides and hunters said that Hamilton well knew that it would be folly to try to ride from the ford to the lodge after nightfall. He well knew the danger and was inured to camping in the open air. *New York Times*, November 14, 1891, supra.

Certainly, there would have been grass entangled in the spurs. As Hamilton's body drifted down stream until the bloating cause it to float to the surface, his feet, clad in boots and heavy Mexican spurs, would have dragged on the bottom and collected the grass. The spurs were heavy. Mexican spurs at the time had rowels as large as six inches. They were described by Dr. Green as "huge." Cody newspaper editor and writer Caroline Lockhart satirized one Yellowstone guide Sam Aldrich's Mexican spurs as ones that could be mistaken for "phonygraph records." Hamilton's spurs were not wimpy eastern, military, or English spurs.

Jackson's Hole at the time was a known hideout for outlaws. Could Hamilton have been murdered by outlaws upon whom he stumbled? According to Dr. Green, the Sargents initially thought Hamilton had been killed by horse

thieves. Indeed, it was from horse thieves that the Dr. Green first learned of the disappearance of Hamilton. *Omaha Daily Bee*, February 13, 1891, "Robert Ray Hamilton Dead."

## **Chapter 19**

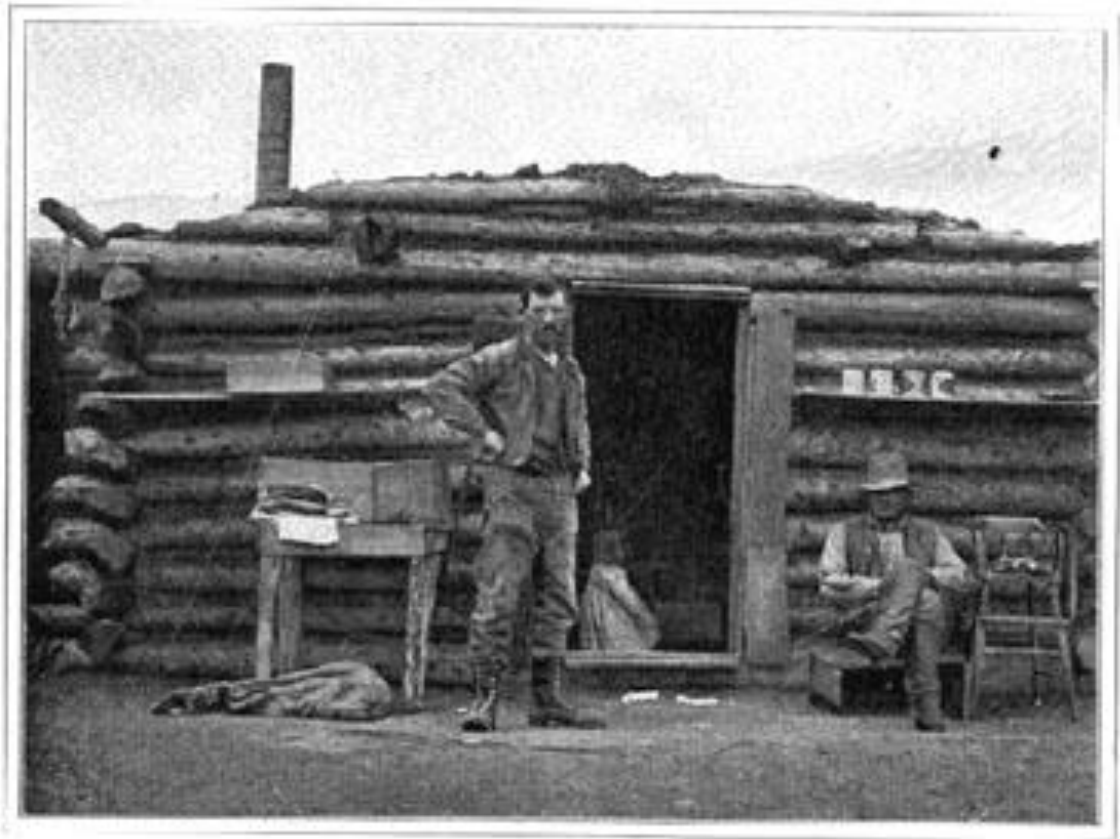
### **The Outlaws**

In the late 1800's, the various valleys along the western border of Wyoming were ideal for outlaws. The holes were a long way from the law. Valleys, such as Jackson's Hole, were inhabited for the most part by those getting away from the law such as horse thieves, rustlers, train and stage robbers, and Mormons unwilling to give up spare spouses. Each group adopted a let and live attitude, none disturbing the other.

Although, the law rarely ventured into such holes, politicians in search of votes made their way in. Thus, Estelle Reel, the first woman elected to a state-wide office in the United States, ventured into the Star Valley the next valley to the south of Jackson's Hole. There she spent the night in one of the houses assigned to one of the mayor's wives. Star Valley was one in which Butch Cassidy wintered over one year.

In Jackson's Hole, four years before Hamilton was killed, three prospectors were killed at what is now known as "Deadman's Bar," Their bodies, as was that of Hamilton, were found beneath logs in the river. One had been shot in the back and the other two killed with axe blows to the head. A sheriff's posse from the county seat in Evanston, 220 miles away, thought it likely a fourth prospector, John Tonner had killed his compatriots. The jury, however, disagreed. So who killed the prospectors? That is another story for another time.

Four years before Hamilton's death, a number of Chinese prospectors were slaughtered by horse thieves along Snake River in Oregon in the infamous "Hell's Canyon" massacre. As were the murders at Deadman's Bar in Jackson's Hole, no one was held accountable.



**Horse thief, “Teton Jackson,” 1904**

Other outlaws came into Jackson’s Hole. The infamous train robber, Tom “Black Jack” Ketchum hid out in the valley. *Deseret Evening News*, December 3, 1904, “A Haven of Refuge.” Ketchum is famous for his gruesome hanging in Clayton, New Mexico. The length of the rope used in the festivity is determined by the prisoner’s weight. If the rope is too short for the inmate's weight, the neck will not be broken and the prisoner will strangle to death. If the rope is too long, the inmate will literally lose his head. Sheriff Garcia apparently miscalculated. Tom Ketchum lost his head. It was sewn back on by the undertaker.

Idaho bank robber Hugh Whitney was suspected of hiding out in Jackson’s Hole, as was the horse thief Jack Bliss. Bliss was killed in 1892 by one of his partners-in-crime a few miles to the northeast of Jackson’s Hole along the banks of the South Fork of Stinking Water. He was buried where he



was killed. The area where he was killed is now known as "Bliss Meadows." His bones were later swept away in a flood.

One of the very first settlers in Jackson's Hole was "Teton" Jackson. He and several others engaged in rustling of horses and cattle and had cabins near the present day Elk Refuge near Jackson. Suspected of being accomplices in Teton Jackson's "pre-owned" stock business, but not proven, were John Carnes and John Holland. Carnes and Holland arrived in the valley in 1884 settling along Flat Creek. In 1886, Jackson escaped from the Idaho State prison with Scott Holbrook by tunneling out of their cell into the prison yard where they then climbed over the wall. Although numerous inmates escaped from the prison, Jackson and Holbrook were the only ones to do so by tunneling.

In addition to the outlaws, centering on Henry's Lake across the Tetons in Idaho, were poachers. Amongst, those in the valley there was an ambivalent attitude toward poachers. There were those that killed elk for sustenance. Those were understood. But the Henry's Lake poachers were threatening the elk with extinction and were certainly not gentlemen hunters. As an example, in 1898, poacher Al Courtenay, shot and killed another poacher "the Panama Kid." Later, some of the Henry's Lake poachers were invited to leave the valley under threat of lynching.



**Ruins of Poacher's cabin, Yellowstone National Park  
Photo.**

Three years following the death of Hamilton, the outlaws, but not the poachers, were finally cleaned out of Jackson's Hole by the artist A. A. Anderson (1847-1940). Anderson owned the Palette Ranch on the Greybull River on the east side of the Absaroka Mountains. In 1893, Anderson led a posse from Idaho into the valley.



**Cunningham Cabin, Spread Creek, Jackson Hole**

During the winter of 1892-93, the Cunningham cabin located on Spread Creek north of present-day Jackson, was occupied by two suspected horse thieves, George Spenser and Mike Burnett. A third man was also in the cabin, but he was a spy for the law. In April of 1893, Spenser stepped out of the cabin and near the corral was confronted by Anderson's posse. In the ensuing shoot-out, Spenser ended up dead. The posse then turned its attention to the cabin. There, Burnett found a similar fate. Spenser and Burnett were buried near the corner of the corral. Later, badgers dug up the bones and spread them about. As a reward for removing "rustlers, convicts and desperados" from Jackson Hole, Anderson was appointed by President Roosevelt as the first superintendent of the Yellowstone Forest Reserve proposed by John Sargent's distant cousin, Charles Sprague Sargent.

In northwest Wyoming, Anderson was not fully beloved by local stockgrowers. He prevented open range in the forest reserve. Additionally, as an artist he was rumored to have had models pose in the nude in his studio constructed alongside a creek at the foot of the Absaroka Mountains. Cartographers in a moment of political correctness altered the vernacular name

for the creek and changed it to "Warehouse Creek." Anderson's actions relating to shepherding in the forest reserve earned the comment from a local newspaper, the *Meeteetse News*, "Mr. Anderson can by a single stroke of his diamond-bedecked hand put out of existence that noble animal that clothes his unclean body."

Outlaws in the isolated valleys of Wyoming were not eliminated until shortly after the turn of the century. Posses were sent into the various valleys to eliminate rustling, bank robberies, and train robberies.

Regardless of the presence of outlaws in the valley, it is safe to conclude that Hamilton was not killed by those running from the law.



**1903 Posse, led by Sheriff John J. Fenton. Photo courtesy of Jeff Fenton**

Although there might have been the rare rotten apple amongst the outlaws, their general attitude was expressed by one outlaw, Mike Brown. One of their number wanted for murder was taken into custody. The law sneaked the miscreant out of Thermopolis in the dark of night. Mike spoke up and asked what the big idea was of sneaking their fellow outlaw out at night.

Mike was told by local deputy Ed Farlow, "We did not know how soon you fellows would say 'turn him loose.'" Mike replied, "Turn that son of a bitch loose? If you had said the word we would have helped you hang him. I want you to know this, Farlow. We may rob a bank, or hold up a stage or a railroad pay car now and then, but we are not killing working men for their money. We are not that damn low yet."

Hamilton had not been robbed. He still had on his body money and a gold watch. It was the general rule among the outlaws that they treated locals with respect and did not disturb them. The outlaws depended upon local residents to help them escape from the law by providing fresh horses for which local settlers and residents were generously compensated. Hamilton assuredly was not killed by outlaws. There was, however, a suspect, John Dudley Sargent.

## **Chapter 20.**

### **John Dudley Sargent**

Within the valley, local settlers generally believed that Sargent had killed Hamilton, a belief reinforced by a second suspected murder. The motive was to obtain complete ownership of Marymere. Hamilton had invested money buying a half interest in it. There was, however, a difficulty. Sargent had not yet acquired title to it. He did not file for pre-emption on the property in the land office in Evanston until July, 1890. Indeed, he did not finally prove up his claim until 1908.

It was believed by some that Sargent was a “remittance man;” that is someone who received money from a wealthy respectable family elsewhere to stay away from home. Although Sargent later proved to be a black sheep of the Sargent family, it is unlikely that he received any great sums from his family in Maine. Quite simply, although Sargent’s father and grandfather were well respected, there was no wealth.

Sargent, like Hamilton, traced his ancestry back to the American Revolution. The distant ancestor was Colonel Paul Dudley Sargent who served with Lafayette and Washington in New Jersey and Pennsylvania. While the Hamiltons settled in Manhattan and made a fortune through fortunate marriages, Col. Sargent was impoverished by the Revolution. One branch of the family moved to Boston and in the mercantile business created a fortune. The naturalist Charles Sprague Sargent was a member of that branch. It was not, however, the branch represented by John Dudley Sargent. Another branch of the Sargent family sided with the British during the revolution and at the end of the war moved to the Maritime Provinces of Canada.



**Foreground, log boom, Machias Maine, approx. 1900.**

A third branch, of which John was a member, settled in Machias, Maine, a small “Down East” town which with East Machias and Machiasport relied primarily on lumbering for the local economy. During the American Revolution the town had seen a moment of prosperity in privateering, a form of licensed piracy preying on British shipping. During the War of 1812, the town was occupied and held by the British.

Sargent’s grandfather, Ignatius Sargent, had an interest in lumbering, the local “Boom” company, and served as the town treasurer and as a selectman.

Sargent’s parents were Henry C. Sargent and Alice Hemenway Sargent. Henry was a machinist by trade. John was an only child who, apparently, left home by 1880. By the time of his death, Ignatius had accumulated approximately \$14,000.00 in real estate, primarily timberland, and \$11,000.00 in personal property including some bank stock. Ignatius died intestate in 1887. It is fairly certain that John Dudley Sargent received no money from his grandfather’s estate. The estate was, in law, divided between John’s father and his three uncles. Probate was filed by his Uncle Charles Sargent, a lawyer. Later, when John Dudley Sargent was

invited to leave Jackson's Hole under threat of lynching, it was to his Uncle Charles that he turned for help in regaining custody of his children. An accounting in the Ignatius Sargent estate was never filed. Five years after Ignatius' death, Charles Sargent was removed as administrator.

If probate of Robert Ray Hamilton's estate went on endlessly, the probate of the Ignatius Sargent Estate was even slower. It took another five years before a replacement administrator was appointed. That administrator never qualified, filed a bond or had letters of administration filed. No inventory of the estate was filed nor was there any distribution of the estate. Instead, it was discovered that Charles Sargent had "borrowed" money personally against part of the assets of the estate before moving to Boston. Twenty-six years following Ignatius' death, the litigation was still ensuing. See *Bailey v. Merchants' Ins. Co.* , 86 At. 328 (Maine 1913).

Oftentimes one may instinctively "know" something, but not be able to prove it. Settlers in Jackson's Hole "knew" that Sargent had murdered Hamilton, but Sargent had an alibi. He claimed that he was at Kaintuck Post Office, Idaho, on the August 23, the day that Hamilton alleged left the cabin at the ranch to go hunting. Indeed, Sargent claimed that he did not return to Marymere until after Dr. Green commenced search parties.

There was something peculiar about the alibi. Sargent volunteered the alibi in his letter to Schuyler Hamilton, Jr. At the time, he was not under suspicion. When Sargent appeared at Pennsylvania Station in Jersey City, Sargent again reiterated to reporters the length of time it took to get from Kaintuck Post Office to the ranch. He told the reporters that it had been "nine days after Hamilton started off alone to hunt that I heard that his body had been found in Snake River." One always must be suspicious of an answer to a question that has not been asked. Sargent also volunteered that Mrs. Sargent had told him that Hamilton indicated that he would be gone for two or three days as the reason for no search. But, Dr. Green testified, "Hamilton's blankets were left in the ranch by him, showing that he did not intend to stop out over night."



Whether Hamilton left the ranch on August 23 is solely dependent upon the word of Sargent's wife, Adelaide. Dr. Green did not arrive at the ranch until five days after Hamilton had disappeared. Dr. Green discovered that no one had bothered to engaged in any search for Hamilton. For this reason, the length of time that Hamilton's body was in the water became critical. Sargent became quite agitated when he was confronted with Dr. Green's testimony and estimate of time that Hamilton's body had been in the water.

"Jumping from his chair," Sargent questioned whether Dr. Green was a real physician; that his testimony was "a lie." He stuck to his testimony that there was no decomposition and the body was "easy to be recognized by any one who knew Mr. Hamilton."

Dr. Green estimated that the body had been in the water about eleven days; that it was completely unrecognizable. Dr. Green had no reason to equivocate or lie. He had, as the old saying goes, "no dog in the fight." He did not even know Hamilton. Green was quite well off. His father was the President of Western Union. He was a member of the Tuxedo Club and the Orange County [New York] Hunt Club. Green was the son-in-law of a former Mayor of New York. Why risk his reputation on a lie?

Equally important, Dr. Green without realizing it directly contracted Sargent's alibi. At the time Hamilton left, he Sargent, was in the area of Jackson's Lake. He was not, according to Dr. Green, at Kaintuck Post Office. The ranch was in two units. Sargent's residence was located on the north side of the lake. The stable and range were located on the opposite side some 16 miles away. Thus, normally a boat was used to go between the two units. In 1890, the boat had been brought into the valley over present-day Jackass Pass. Dr. Green's last view of Hamilton was when the body was transported back to Marymere on the boat. One cannot help but speculate that Sargent's image of an apparition in a boat is as a result of a guilty conscience haunting him over the death of Hamilton.

The reason for the delay in searching for Hamilton was, according to Dr. Green, "very simple. His [Hamilton's] partner,

Sargent, was in the ranch at one end of the lake and Mrs. Sargent was in the ranch at the other.” This is, in fact, inadvertently borne out by Sargent himself. In his letter to Schuyler Hamilton, Jr. he alluded to a note left at the South Landing by Hamilton. If Sargent was away in Idaho, why would Hamilton leave a note? He had, according to Sargent, already told Mrs. Sargent that he was going to the other end of the lake. It may be speculated that the note was the reason for sending a world famous handwriting expert as the commissioner to examine Sargent. Was the note actually written by Hamilton? We will never know.

Others concurred that the body was unrecognizable. The *Salt Lake Herald*, May 20, 1891, noted, “The rancheros in Idaho who assisted in recovering the body declare that no man could possibly identify it – too long in the water.”

Sargent’s stories also varied. Apparently unknown to Root or Col. Fuller at the time of the taking of his testimony in New York, was that Sargent had given a conflicting version a few weeks before in Idaho Falls. There, he was consistent in his claim that Hamilton was completely recognizable and was “as natural as life, the only wound being at one corner of the mouth where in his death struggle he had bit his lip.

Death struggle? Who saw a death struggle? Accordingly to New York sportsman, Casimir De R. Moore who was at Marymere at the time of the discovery of Hamilton’s body, no one had seen Hamilton drown or go into the stream.

The version of Hamilton’s death given by Sargent in Idaho Falls was also different in another material manner. Sargent claimed that Hamilton and his horse had jumped off a high bank into the river where the water was about two fathoms [approximately 12 feet] deep. In the jump, according to Sargent, Hamilton was thrown from the horse. Hamilton and the horse began to swim, then the horse became entangled in the grass.

Just how did Sargent know where Hamilton had entered the water, when the body was found some distance down stream? If the body in the cold waters of Snake River was unrecognizable, Sargent had no alibi except for the statement of Adelaide Sargent. She, of course, had no actual way of

knowing where Sargent was except Sargent's word. Even that slender reed of an alibi in time would sink. Another death occurred reinforcing the belief that Sargent was indeed a murderer.

RECORD OF DEVENTS;  
4-40a-1p.

256

**The United States of America,**  
Do all to whom these presents shall come, Seeing:

Homestead Certificate No. 1054.  
application 1838.

WHEREAS, There has been deposited in the GENERAL LAND OFFICE of the United States a Certificate of the Register of the Land Office at Frankton, Wyoming, whereby it appears that, pursuant to the Act of Congress approved 20th May, 1902, "To secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of JOHN D. SARGENT has been established and duly consummated, in conformity to law, for the Lots one, two, and three of Section twenty-two and the Lot six and the southeast quarter of the southeast quarter of Section fifteen in Township forty-six north of Range one hundred fifteen west of the Sixth Principal Meridian, Wyoming, containing one hundred seventy-one and thirty-eight hundredths acres,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said John D. Sargent the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said John D. Sargent and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN WITNESS WHEREOF, I, Theodore Roosevelt, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the twenty-third day of March, in the year of our Lord one thousand nine hundred and eight, and of the Independence of the United States the one hundred and thirty-second.

By the President: *Theodore Roosevelt*  
By *M. W. Young* Secretary.  
Recorder of the General Land Office.

5141949  
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 583942  
 165446  
 (SEAL)

**Land Patent in favor of John D. Sargent.**



**Snake River**

**Chapter 21**  
**The Death of Adelaide Sargent.**  
**John Sargent Reportedly Lynched.**

In Jackson's Hole, John Sargent was generally disliked. It was not only because it was believed that he had murdered Hamilton. Sargent was believed to have been the source of false rumors which swept the nation as to an Indian uprising and invasion of the valley. Nationwide reports appeared in the press that all within the valley had been massacred by Indians and that all the settlements had been burned. The Wyoming National Guard was called up to protect settlements near Pinedale. Federal troops were sent into the valley. It was necessary that the army wagons be lowered down the steep slopes of Teton Pass on ropes. The troops found only a peaceful scene, no Indians, no massacre, no burnt settlements.

Rather than adopting the "live and let live" attitude of the settlers, Sargent was also the source of complaints filed with the federal government about poaching in the National Park. A distant cousin, Professor Charles Sprague Sargent of Harvard University, had proposed that the valley be eliminated from settlement and become a part of a planned "Yellowstone Forest Reserve" or become a part of the Yellowstone National Park itself. Similar proposals remained a burr under the saddle of residents in the valley for the next forty years.

In March, 1897, reports reached the settlements in southern Jackson's Hole that Adelaide Sargent was in critical condition from injuries inflicted by John D. Sargent. A party went northward to Sargent's homestead on Jackson's Lake. There, Mrs. Sargent was discovered with serious injuries apparently inflicted by her husband. The injuries possibly included two broken hips. The headlines and story in the *Salt Lake Herald*, April 11, 1897, explained:

NEWS FROM NEARBY TOWNS

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Brutality of a Human Fiend at  
Jackson's Hole.

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ABUSE OF BOTH  
WIFE AND BABIES

---

VISITED BY GOOD-HEARTED  
PEOPLE OF THE STATE

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**Wife and Babies taken Away from  
The Brute, Who is ordered to  
Leave the Country and in Case  
He Refuses, a Lynching is Not  
Improbable**

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Jackson's Hole, Wyo., April 9 – This quiet settlement is all worked up over the inhuman and brutal actions of one John D. Sargent, residing 50 miles south in the mountains, and unless the authorities take some action there is liable to be a lynching.

Stories have long been current of Sargent's arrogant and brutal nature and the insane delight with which he inflicted punishment upon his children and wife, but on account of the remote locality of the Sargent domicile and the long distance from the settlement the stories were not investigated until a few days ago, when a number of men and women visited the place.

The party found that the stories were true. Lying upon a couch was Mrs. Sargent wasted and worn by disease and suffering. Inquiry developed the fact that during her long illness no hand of pity, no heart of love, had been held out to her by the

brute who 15 years before had sworn to love, honor and protect her. The children were running about thinly clad while Sargent, seeped in the fumes of quinine and morphine was sitting near calmly awaiting his wife's death.

Mrs. Sargent and the children were taken away and the former may with good care recover, but it is doubtful. The children, some of whom are grown, say that Sargent treated them and their mother in a terrible manner, not only whipping them, but he refused to give them food.

Sargent had been ordered to leave the country and should he refuse to comply with the request, he will be strung up.

In light of reports that he was to be lynched Sargent fled the valley. Adelaide was then taken back to Daniel C. Nolan's ranch at the south end of the valley. There she expired thirty-nine days later. The immediate cause of death, however, was blood poisoning. Allegedly, before dying, Mrs. Sargent revealed that her husband had, in fact, murdered Hamilton.

In early July, Sargent was arrested in Livingston, Montana, but was released when no instructions came from the Sheriff Ward of Uinta County. Upon his release, Sargent accused the Nolans and a "bungling" surgeon of murdering his wife. He vowed he would never return to Jackson's Hole, "Will I go back to Jackson's Hole? Do you think with my 17 years of frontier experience and knowledge of Jackson's Hole tactics, that I am crazy enough to go over there \* \* \*" Sargent claimed that the "whole business is the work of malicious parties. It emanates," he said, "from a gang at Jackson's Hole who desire to get me out of the way, fearful lest I shall expose them. I have lived in that section for 17 years, and all that time my life was in danger. They would have put my light out long ago had it not been for my wife. Yes, she was murdered, but they murdered her, and not I."

A week later the *Salt Lake Herald*, July 13, 1897, reported that Sargent had been lynched under headlines:

## A LYNCHING AT JACKSON'S HOLE

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The Notorius Sargent is the  
Reported Victim.

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IS PURSUED BY CITIZENS

---

Was Charged with Assaulting  
His Little Daughter.

---

**Was also Accused of Responsibility For the Death of His Wife—He was a Partner of Robert Ray Hamilton, Who was Drowned in the Snake River in 1891—Report of the Lynching Brought In by a Ranchman.**

The reports of Sargent's death caused consternation in Machias. There was but one problem, the report of Sargent's death was premature. The *Denver News* in a special report from Machias in early August noted: "John Sargent of this place, who was reported lynched by a mob in Wyoming recently, on account of cruelty to his wife, arrived here on last night's steamer." Sargent had fled east to seek the help of his father, Henry C. Sargent of Machias, Maine, and his uncle Charles Sargent. Sargent was rebuffed by his father. Henry Sargent, however, did take over responsibility for rearing the youngest child, Adelaide. After two years notwithstanding his vow never to return, Sargent returned to Wyoming in August, 1899.



## Chapter 22 Descent into Lunacy



**Uinta County Courthouse and Jail, C. 1900,**

Upon his return to Wyoming, Sargent was promptly charged with second degree murder of his wife and for allegedly assaulting his four-year old daughter, arraigned, and bound over for trial in District Court. In Evanston, he languished in the Uinta County Jail awaiting trial. In December, 1899, he was declared to be incurably insane as a result of the effects of his incarceration. At the same time after the three year delay, witnesses could no longer be found to testify that Sargent was actually responsible for the injuries to his wife or that the injuries caused the blood poisoning. Sargent was, therefore, released, at first on his own recognizance and then subsequently discharged. He moved to Salt Lake City and obtained employment with the Oregon Short Line Railroad.

In 1905, Sargent remarried. Sargent's second wife, Edith Drake Sargent, was herself, locally regarded as eccentric. She played the violin outside, sometimes in the nude. To disassociate himself from his past, Sargent adopted his mother's maiden name, Hemenway, and changed the name of the ranch from Marymere to the Pinetree Ranch. In 1912, Edith moved to California, ostensibly to start a small hotel.



**Edith Sargent playing the violin at Marymere Ranch.**

In 1913, Sargent was found in his rocking chair dead in his cabin, dead from a bullet wound to the head. On the phonograph was the Victor Talking Machine Co.'s 1912 recording of Peter Illich Tchaikovsky's melancholic "Ye Who Have Yearned Alone." Allegedly, he had taken his rifle and tied a string from his big toe to the trigger. It was estimated that he had been dead six or seven days. See Belfast Maine, *Journal*, Aug. 14, 1913 p. 3. The aroma of death had alerted passers by.

<p><i>Nur wer die Sehnsucht kennt Weiß, was ich leide! Allein und abgetrennt Von aller Freude, Seh ich ans Firmament Nach jener Seite.</i></p>	<p>Only those who know longing Know what sorrows me! Alone and separated From all joy, I look into the sky To the yonder side.</p>
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<p><i>Ach! der mich liebt und kennt, Ist in der Weite. Es schwindelt mir, es brennt Mein Eingeweide. Nur wer die Sehnsucht kennt Weiß, was ich leide!</i></p>	<p>Ah! the one who loves and knows me Is in the distance. It dizzies me, it burns my guts. Only those who know longing Know how I suffer!</p>
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The official verdict was suicide. Edith blamed the suicide on the enmity with which Sargent was greeted in the Hole. She had moved away, she explained, because of the impossibility of earning a living in Jackson Hole. Crops could not be grown, it was arid and the growing season too short. Loneliness and the enmity may have driven Sargent to taking his own life. But if Wyoming's "live and let live" attitude towards Sargent was abandoned by the settlers in the Hole, there may have been reason.

In 1901, Sargent sued three prominent residents of the valley, Daniel C. Nowlin, the rancher who had taken care of Adelaide; attorney William L. Simpson, and guide James Lannigan. Simpson previously served as county prosecutor in Fremont County and was noted as the only prosecutor to successfully prosecute Butch Cassidy and put him away in the state penitentiary in Laramie. Simpson's son, Milward Simpson, would later serve as governor and his grandson, Alan K. Simpson, served as United States senator. Edith moved to New York and died in the Manhattan State [Mental] Hospital on Ward's Island where she spent the last three years of her life.

From a legal viewpoint, the decision of the prosecuting authorities in Evanston was probably correct. First, a prosecution of Sargent for murder of Hamilton would have been impossible. If witnesses to Adelaide Sargent's admission that her husband had killed Hamilton came forward, their testimony would have been, as pointed out by Sargent's second wife, Edith Drake Sargent, inadmissible in a court of law as hearsay and possibly privileged. See e.g. *Engberg v. Meyer*, 820 P. 2d 70 (1991) and *Curran v. Pasek* (886 P. 2d 272 (1994). Edith later spent time in New York's Middletown mental hospital. See *Farrelly, Maura Jane*, "Compliments of Hamilton and Sargent: a story of mystery and tragedy and the closing of the American frontier" American Studies Program, Brandeis University, Waltham, MA

As to other evidence that Sargent killed Hamilton, finding witnesses who could testify to the circumstances pointing to Sargent nine years after the event would be almost if not completely impossible and would be weak. In the final analysis, the feelings of the people of Jackson's Hole about Sargent were probably correct. But it can never be proven.

Today, the legacy of Robert Ray Hamilton is gone. By the time of Dr. Webb's expedition into Jackson's Hole, "relic hunters" had already begun the dismantlement of Hamilton's lodge. In 1936, the then owners of the site of Marymere, ordered Sargent's cabin burned down. True, the horse trough still stands at the end of 76<sup>th</sup> Street in New York, but the adjacent sign tells us little of Hamilton. In Jackson Hole, Hamilton is falsely remembered only as a "remittance man."

In a sense, Hamilton was ahead of his time. He conceived of having a hunting lodge in the valley. It would be not be until 1912, twenty-one years after Hamilton came to the Hole, that the first dude ranch in the valley, the Bar BC, would be established. Later, the site of Hamilton's Marymere would become a dude ranch, but it too is now gone, overtaken by the growth of the National Parks.

Today in law schools, students may study *In Re Hamilton*, as an exercise in the interpretation of a class gift. No exercise is given, however, as to the perfect storm of litigation or how lawsuits can take on a life of their own. In the various cast of

characters, it would appear that only one who actually cared about Robert Ray Hamilton and his wishes was old General Hamilton who had no designs on his son's estate. Those who Robert Ray Hamilton trusted, hurriedly deposited without ceremony his body in an unmarked grave and mis-used the money he left to a small waif to pay for endless lawsuits. Quite simply, Hamilton's relatives failed to honor his final wishes. His relatives instead worshipped at the temple of *Gullveif*. Thus, gentle reader, if one sees a boat with a lone oarsman on Jackson Lake, remember Robert Ray Hamilton.



