A Story of Greed: Hawthorne, Morton, and Others on Trial for Cobalt Mining Fraud, 1912-1913

By
Douglas Baldwin

In 1908, three prominent Americans and an unprincipled hustler from Australia became involved in a mine-promotion scam operating out of New York City concerning the Cobalt-Temagami region of northern Ontario that made headlines across North America. Their subsequent trial in New York, which lasted more than seventy days, invoked the names of John D. Rockefeller, Senator Elihu Root, and prominent investors and mining men around the world.

The general public was attracted to the trial for its spectacular revelations and the prominence of the men on trial, three of whom were men of distinguished New England ancestry: Josiah Quincy, the head of an historic family, was twice mayor of Boston and former assistant secretary of state; Julian Hawthorne, son of Nathanial, was also a writer of distinction; and Dr. William Morton was the son of the discoverer of ether anesthesia. For the United States Postal Service a guilty verdict was extremely important in its fight against the fraudulent promotion of mining stocks through the mail.

The second half of the nineteenth century witnessed the discovery of rich deposits of gold, silver and other valuable minerals in the American West. Beginning with the Comstock boom in the 1860s, through Leadville and Arizona a decade later, to Cripple Creek in the 1890s, and the gold discoveries in Nevada at the turn of the century, the possibilities of enormous wealth excited the public's imagination and spawned an epidemic of con artists, cheats, swindlers, and charlatans. "Anywhere that there were mines in western North America," concluded Susan Grossman in her analysis of mining engineers in the nineteenth century, "there was mining fraud."[1]

As described by historian Clark Spence, the typical stock fraudster bought a cheap location, "[struck] up the brass band," and issued a "fancy prospectus with an impressive board of directors and fantastic claims for the future."[2] Despite the passage of "Blue Sky Laws"—selling shares of worthless mining stocks was compared to selling stock in the blue sky—in several states in the first decade of the twentieth century,[3] fraud in mining stocks continued unabated.

In 1912, for example, the New York *Telegraph* published a long list of fraudulent New York companies that had been "plundering the public" with the aid of literature disseminated through the mails for the previous seven years.[4] The U.S. Post Office was the only national organization that policed mail fraud, and up to 1910, its practice was to issue an order to the guilty parties to desist, which they generally avoided by reorganizing under a different name.

In 1909, Postmaster General Frank Hitchcock sought to take a more active role in preventing mail fraud and hired a new team of inspectors dedicated to this task.[5] The 1912-13 trial of Hawthorne and the others for their speculations in Ontario and manipulations in New York was not the Post Office's first case, but it was its most high-profile, and one of its most important.

The Cobalt Boom

Speaking to the Empire Cub in Toronto in 1909, the Reverend Canon Tucker told the story of a widely travelled American who was asked where Toronto was. He thought for a moment, scratched his head and said, "Oh, yes, that is the place where you change trains for Cobalt."[6] The vast expanse of land in northeastern Ontario was largely uninhabited until crews engaged in the construction of the government-owned Temiskaming and Northern Ontario Railway in 1903 uncovered silver deposits of almost unequalled richness about 240 miles northeast of Toronto near the Quebec border.

The discoveries touched off one of the most colourful and exciting mining booms in Canadian history. Mining engineers, politicians, entertainers, and journalists from around the world visited Cobalt and praised its potential. The editor of London's *Financier* proclaimed that Cobalt was "the richest silver camp in the world and alone worth a journey to Canada to see." Here, he informed his readers, "it seems almost impossible to exaggerate . . . any urchin in the street could unerringly take the stranger to half-a-dozen mines and point to wonders which fairly beggar description."[7] Boston's *Financial News* gushed that the camp's "history reads like a romance. Its richness is beyond comprehension."[8]

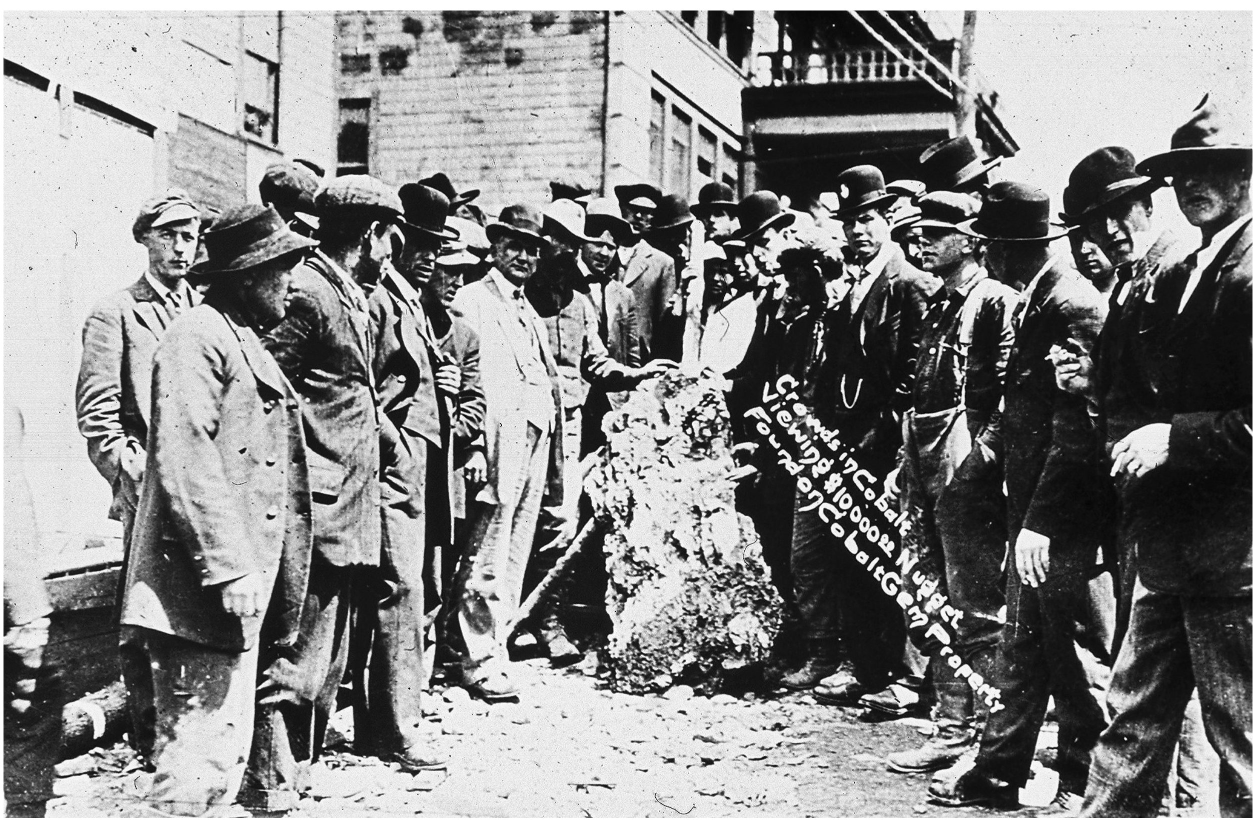
The word "Cobalt" seemed to be on every tongue. Visitors and prospectors came from around the world to inspect the area. Inventor Thomas Edison, past and future Canadian prime ministers, and the Prince of Wales were only a few of the famous individuals who caught "Cobalt Fever" and visited the mining camp. Every day, bragged the local Cobalt newspaper, the *Nugget*, "the big New York papers are giving us columns of valuable space. Only the other day the *New York Telegraph* had a special Cobalt edition and week by week the mining papers in Denver and San Francisco display a knowledge of the situation here that is gratifying."[9] The *Nugget*, founded in 1906, soon had subscribers in Florida, Texas, New Mexico, England, Scotland, Ireland, Australia, Mexico, and South Africa. The paper's editor noted that the *Nugget* "is so widely quoted by the big daily papers in the large cities that many of its items reach millions of readers."[10]

By the time the boom petered out in the 1920s, the camp had become the fourth largest silver producer ever discovered. Individuals who invested in the right mines were richly rewarded. The Nipissing Mining Company paid dividends and bonuses of over $29 million on an original capitalization of $250,000, and the Kerr Lake Mining Company paid $10.5 million in dividends on only $40,000 invested. "The [value of the] silver mines of Cobalt," Ontario's deputy minister of mines informed his minister in 1907, was "almost twice as great as that of the placer gold deposits of the Yukon."[11] In fact, Cobalt produced three times more in value of ore than did the gold mined in the famous Klondike Gold Rush.

Aroused by tales of sudden wealth and exaggerated reports of the rich silver ore, the public readily bought shares in every Cobalt "mine." One of the first prospectors into the area later remembered "hawkers . . . peddling mining stock to the new arrivals right on the [Cobalt] station platform!"[12] For three consecutive days in 1906 mounted police in New York City cleared Bond Street of expectant investors who were obstructing traffic in their efforts to buy Cobalt shares from curb brokers.[13]

The public's cupidity was matched only by the promoters' unscrupulousness. Popular American author Anson Gard, for example, claimed that he visited a number of water-filled holes which had been described in advertisements as "the greatest, the richest, the most wonderful proposition in the whole Cobalt camp."[14] The difficulty was to discriminate between a real mine and an empty claim, land under development and a speculative prospect, the stock with a future and the worthless investment.

Although thousands of shareholders made huge profits and a dozen or so owners became millionaires, they were the exceptions. Martin Nordegg, who left Germany in 1906 and came to Cobalt to inspect the mining camp for a group of investors, wrote in his memoirs: "there came promoters from the east and west of the United States, human hyenas who tried to benefit from the inexperience of the innocents by gambling and betting and selling worthless shares for their



A crowd inspects one of the rich pieces of ore unearthed during the Cobalt boom. The big strikes always attracted their share of mining veterans and neophytes—and of sharps and marks.

hard-earned savings."[15]

As early as 1906 the Ontario Bureau of Mines cautioned the public that buying shares in Cobalt mining companies was "a species of gambling; and has no more relation to real mining than betting on a race track has to the raising of thoroughbred horses. The result is invariably disastrous."[16] When these and other such warnings from prominent individuals failed to dampen the public's appetite for Cobalt stocks, Ontario Provincial Geologist W. G. Miller lamented the difficulty of protecting the people from themselves. "If people who buy so-called mining stock will not take precautions," he stated, "the industry is not to blame."[17] Into this cauldron of avarice plunged Josiah Quincy, Julian Hawthorne, William Morton, and Albert Freeman.

Josiah Quincy

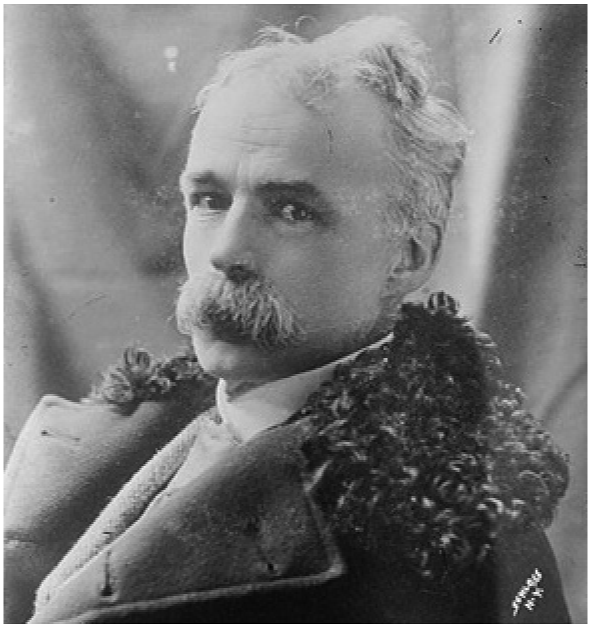
The Principals

Josiah Quincy was descended from an aristocratic old New England family of prominent politicians. He had been the assistant secretary of state under President Cleveland, was twice mayor of Boston from 1896 to 1899, served as the chair of the Democratic Massachusetts State Committee, was elected to the Massachusetts House of Representatives, and was considered for governor in 1901. For the past decade he had been involved in several mining promotions, including sitting on the board of directors of Albert Freeman's King Solomon Gold Mining Company.

Julian Hawthorne was the son of the world-famous author Nathaniel Hawthorne. In 1863 Julian enrolled at Harvard to study civil engineering, but was more interested in athletics and quit several months after his father's death the following year. Five years later, while continuing his studies in Germany, he fell in love with American Mary Albertina Amelung. They subsequently had ten children, eight of whom survived infancy.

When his novels and short stories brought little regular income, Hawthorne turned to journalism, stating that he "had already ceased to take pleasure in writing for its own sake."[18] He covered such major events as presidential elections, a famine in India, and the Spanish-American War for the *New York Journal*, *Collier's*, *Cosmopolitan,* and other popular magazines; reviewed books and plays; interviewed famous athletes, politicians, judges, and inventors for various journals; and reported on important boxing, baseball, and football matches. According to his biographer, Julian's writings totaled several million words,[19] including a *History of the United States* and sixty other books.

Dr. William J. Morton was identified by most newspapers reporting on his trial as the son of pioneer anesthesiologist William T. G. Morton. After graduating from Harvard Medical School, the younger Morton joined Massachusetts General Hospital before moving to Vienna and Paris for postgraduate studies. In Kimberley, South Africa, Morton combined his medical practice with a profitable diamond mining business. He returned to the U.S. in 1880 and continued his medical career in New York City, where he achieved recognition for his pioneering work in radiology, radiation oncology, and therapeutic



Julian Hawthorne

electricity. Such was his reputation that Morton was asked to treat American senators, war heroes, a secretary of state, and former president Ulysses S. Grant.

Morton met Hawthorne at Harvard and the two developed a close friendship. In 1882, Hawthorne's young daughter, Gladys, became sick and her mother—Julian being absent—sent for Dr. Morton. Unfortunately, the doctor's diagnosis was teething, not oral infection. After Gladys died two days later, the two men did not talk for a quarter of a century until Morton interested Hawthorne in the Cobalt mines.

Albert W. Freeman was the least well-known among the four men to go to trial. Soon after coming to the United States from Australia he became involved in marketing mining stocks. Freeman was particularly adept at promoting stock ventures using innovative advertising methods, such as literature, as a lure. The Consolidated Stock Exchange in New York suspended Freeman in 1892 after his advice to invest money in a soon-bankrupt mine cost investors some eighty thousand dollars.[20]

Freeman and Quincy later became directors of the King Solomon Gold Mining Company, which promised investors a return of 30 percent, but never made a cent. In 1905, they helped launch the United Mining Company of Maine, the stocks of which the mining industry's most trusted periodical, the *Engineering and Mining Journal*, castigated as worthless.

During his trial, the popular press referred to Freeman in such unflattering terms as "a financial derelict" and an "operator of dubious reputation." The *Journal* wrote that Hawthorne, Quincy, and Morton "fell into the hands of Albert Freeman, a notorious schemer who, standing in the background, pulled the wires for the malodorous King Solomon and the United Mining companies, before he turned his hand to the Hawthorne promotions."[21]

Why did such respected men as Quincy, Hawthorne, and Morton become involved in a Cobalt mining scam in 1908? Some historians have speculated that Morton was attracted by the great wealth he witnessed being made exploiting South African diamond mines; certainly his continued interest in risky mining stocks after his release from prison supports this view.[22] In 1907, Quincy declared bankruptcy, with liabilities of $262,119 compared to assets of $46,500.[23] He also had previous experience with mining speculations.[24]

Although Hawthorne cultivated the impression that he was happily married, he was struggling to support two households and ten children—eight with his wife, Mary, and two with his mistress, Minna Desborough, whom he met in 1897 and lived with part-time until approximately 1908.[25] Always on the verge of bankruptcy, Hawthorne was reduced to begging editors for advances.[26]

Hawthorne's most marketable commodity was his family name and he had great skill in writing fiction. "I told my associates," Hawthorne wrote, " that I am satisfied there are enough people who know me, or know of me, who would believe in my representations, and would invest in the enterprise if they knew I was connected with it."[27]

The Fraud Begins

The mining fraud began on 10 July 1908, when Morton invited Hawthorne to his office in the Cambridge Building in New York to discuss "a business proposition which may turn out to be of considerable value to you" and "will cost you nothing." Although they had been out of touch for almost twenty-five years, Hawthorne called on Morton that same day. The doctor had spent the past two summers in the Cobalt-Temagami region of northern Ontario, and had invested fourteen thousand dollars in twenty-one mining claims totalling eight hundred acres near Cobalt that he hoped would be quite lucrative. [28]

Morton now required additional money to develop the mines and suggested that Hawthorne "become a director in the company," "accept a block of stock," and "draw your dividends as they fall due." This was the godsend Hawthorne had been wanting—"I was very glad of all this because it makes the future, financially speaking, safe."[29] When the Temagami-Cobalt Mining Company prospered, Morton, Hawthorne, Freeman, and Quincy created the Montreal-James Mines and the Elk Lake-Cobalt Mines. All were incorporated in Maine, which had lax corporate laws, as well as in Ontario under the same names.[30]

Hawthorne then "embarked upon a money-making scheme that was to ruin at one stroke the personal and literary reputation so sedulously cultivated for sixty years," opined one of his biographers.[31] Hawthorne joined a company whose reputed head was Alfred Freeman; Josiah Quincy was the general counsel; and, based on his mining expertise, William Morton was the company's consultant and director.

Rather than receive a salary, Hawthorne borrowed against his stock, eventually receiving about \$21,500.[32] Quincy earned \$14,000 for his legal work, which was approximately the same amount he invested in the mines. The company's investors never received a penny in dividends for their \$3.5 million in investments. The first circulars promoting the mines were mailed in August 1908.

It was at about this time that Morton introduced Hawthorne to Edith Garrigues Hutchins, a debutante painter, and they soon became lovers, Minna Desborough having disappeared from Hawthorne's life. When Edith divorced her husband the next year it placed even more demands on Hawthorne's earning capacity.[33] Perhaps this explains Hawthorne's letter to Freeman early in 1909 asking for a thousand dollars to cover his meals and transportation. "I am stone broke, and in a mood to rob the till," he concluded.[34]

Early Warnings

In August 1908 an employee of the *Engineering and Mining Journal* received a letter from Hawthorne notifying him that Hawthorne had left his literary career and put all his money into acquiring and developing 840 acres "in the thick of the productive area" around Cobalt, and now required "a bit more money to finish development before the royalty checks start pouring in." The *Journal* investigated Hawthorne's claims and subsequently warned its readers that the mining company's prospectus did not include a report by either a mining engineer or a mining geologist, and was an example of "an amateur venture in mining."[35]

The following month the *Engineering and Mining Journal* reprinted a letter to Morton and Hawthorne from a prominent American engineering firm, Ricketts and Banks, whose name had been used in Hawthorne's promotional literature to legitimize the company's operations. The letter warned that the prospectus "misrepresents the facts and casts a reflection on our professional integrity that we cannot and will not permit." Hawthorne responded by substituting the words "a prominent firm of engineers from New York" for the company's name. It was, the *Journal* declared, a "willful deception" and a "miserable attempt to secure money."[36]

The *Canadian Mining Journal* took particular umbrage with newspapers like the *Toronto World* that accepted this and other mining stock advertisements that it knew were false, and argued that stock manipulators and "publicity specialists" should be put behind bars.[37] The *CMJ* referred to Julian Hawthorne as the "unworthy son of Nathaniel," a "sublimated ass," and a "pretender," whose promotional letters had turned the "mails into sewers of corruption."[38]

The American *Medical Council* also warned its readers against Hawthorne's flamboyant literature. "It is a great pity that a man with the literary ability and honored name of Mr. Hawthorne should lend both to the flotation of such a scheme. . . . If you or your friends have any thought of serious investment it might be well for you or them to investigate on the ground."[39] These sentiments were replicated by several other newspapers, including the *New York Sun*.

Seeking greener fields abroad, Hawthorne sailed to London, England, opened several elaborate offices, and began painting the possibilities of riches to Britons willing to invest in one of his mining companies. Business apparently flourished until a local newspaper, the *Truth*, informed its readers of the *New York Sun's* low opinion of these mining ventures.[40] The *Toronto Globe* agreed. "Mr. Hawthorne has not given up fiction," it noted, "and he still wields a fascinating pen. But British investors will do well to hold aloof . . . for, apparently, no one who has ever been in Canada, outside Mr. Hawthorne, knows just what these properties are."[41]

A stock certificate for the Hawthorne Silver and Iron Mines, a worthless venture that capitalized, literally, on Julian Hawthorne's name. The company was one of four that Hawthorne and his partners used to defraud investors through the U. S. mails.

These warnings apparently came too late for some friends of Senator Elihu Root of New York, as well as for several prominent men in the federal government who had purchased thousands of dollars of stock on the strength of Julian Hawthorne's personal letters or their friendship with the author. Senator Root was an influential lawyer whose clients included major corporations and wealthy individuals such as Andrew Carnegie, and some newspapers attributed the government's subsequent interest in the Cobalt mines to complaints made by Root's friends. Indeed, Hawthorne stated after the trial that "influences" in Washington had been opposed to him.

In any case, after receiving numerous complaints beginning in October 1908, Postmaster General Hitchcock launched an investigation into the Hawthorne mines' use of the mails for fraudulent purposes.[42] Assistant U.S. Attorney J. H. Dorr,[43] Assistant U.S. Attorney Claude A. Thompson, and three Post Office inspectors traveled to Cobalt and investigated the Hawthorne mines. In a letter of 23 October 1908 to one of the inspectors, Hawthorne protested his innocence, stating that the companies' directors approved his promotional literature and that "if you wish to know anything further about my character or reputation I refer you to Theodore Roosevelt, William J. Bryan, . . . William R. Hearst, and Joseph Pulitzer."

This was no idle boast. A veritable pantheon of famous writers had paraded through Julian Hawthorne's childhood.[44] As an adult, he was friends with Mark Twain, Anthony Trollope, George Eliot, Oscar Wilde, and Henry James, and ran in the same social circles as Woodrow Wilson and John Jacob Astor.

The Grand Jury

After a lengthy investigation by three postal inspectors, the attorney general of New York convened a grand jury on 1 September 1911 to hear the case against Hawthorne and his associates. Because of the celebrity of the men being investigated, the prominence of the individuals who had lost their investments, and the large amount of money—estimated at $3.5 million—involved, the government considered it a very important case.

Using its power to compel the production of documents and sworn testimony, the federal grand jury, meeting in the federal Post Office building in New York, issued subpoenas to the main actors in the Cobalt mining companies and interviewed several mining experts. Hundreds of Hawthorne's promotional letters to investors were also entered into evidence.

This evidence revealed that although both Hawthorne and Freeman had urged investors in the Temagami-Cobalt Mines and Elk Lake-Cobalt Mines to purchase stock immediately, stating that the companies were going to be shipping ore in ninety days, the mines had never produced any ore. The fact that the properties lay far outside of the area embracing the silver-producing mines in Cobalt, some of them as distant as fifty miles, was carefully concealed from the public.

Although none of the defendants admitted guilt, the grand jury indicted them for defrauding the public under Section 215 of the United States Criminal Code. The 153-page indictment of 5 January 1912 charged that the four men deliberately misrepresented the value of the Hawthorne Silver and Iron Mines, the Temagami-Cobalt Mines, the Elk Lake-Cobalt Mines, and the Montreal-James Mines, and did so through the fraudulent use of the federal mail. The attorney general called them "the most notorious gang of swindlers that [has] ever infested New York."

Quincy complained that he was merely a counsel for the mining companies, while the others attributed the indictment to a "ruthless crusade" by the Post Office. Albert Freeman, considered the "king-pin" of the operation and thought to have pocketed most of the ill-gotten money, was freed on a bail of twenty-five thousand dollars. Quincy, Morton, and Hawthorne were freed on ten thousand dollars bail each. "Poor Hawthorne," commiserated the *Engineering and Mining Journal*, "was, no doubt, a good deal of a puppet throughout."[45]

The Prosecution

Claude Thompson took charge of the case for the prosecution. The trial commenced in New York City on 25 November 1912 before Judge Charles Hough in the federal District Court. Unfortunately, after seven weeks of testimony, Judge Hough was hospitalized with a stomach hemorrhage. A mistrial seemed possible, but, since the trial had already lasted eight weeks and more than one hundred witnesses had testified, costing both sides considerable expense, the defense agreed to continue under a new judge.

On 23 January 1913, Judge Julius Mayer assumed control of the court and the trial continued for another two months. Its progress was marked by unusual bitterness between the contending lawyers, and the judge frequently had to demand that they moderate their remarks.[46]

Early testimony examined the defendants' promotional methods. Freeman staffed the office in the Cambridge Building on the corner of Thirty-third Street and Fifth Avenue in New York with six to twelve young women whose job it was to send promotional literature to prospective investors selected from the university catalogues and alumni lists of Harvard, Yale, Princeton, and Columbia universities. The *Engineering and Mining* Journal termed this the "sucker list."

Hawthorne's initial approach to these selected individuals was a series of booklets, such as "The Secret of Solomon," written in storybook language that told of the possibilities of gaining wealth in the mining industry through gambling. "How did Solomon make himself the richest of men?" Hawthorne asked. "By gambling with the mines of Ophir," he answered, adding that Columbus, Julius Caesar, Alexander the Great, Edison, Vanderbilt, Carnegie, and Rockefeller were high on the list of successful gamblers.[47]

Next followed a personal letter: "In a day or two you will find in your mail-box the document outlining these reports," Hawthorne wrote, "and if you have faith in the goddess Opportunity, you will be careful not to let the document get into the waste-paper basket." These letters urged readers to "get in on the ground floor," because it "was firm and could not cave in." Nature had "put millions in gold and silver under foot. . . . The gold you will not so readily see off-hand; but it is very much there."

These letters attracted individuals from all walks of life, particularly in New England where the drawing power of the Hawthorne and Quincy names were, said New Hampshire's *Nashua Telegraph*, particularly "magic." When Mark Twain received one of Hawthorne's letters he asked his secretary to write a note on it saying that he had stopped gambling on mines, "but I am gambling on Julian Hawthorne's integrity and level headedness," he added.[48]

What the recipients did not know was that Freeman had trained the office women to imitate Hawthorne's signature, making the letters seem more personal than circulars. Zuella Platt, the first office manager, testified that both Hawthorne and Freeman had offices in the building and that Morton visited frequently. One day, she recounted, when Hawthorne was watching the women forge his signature, he remarked, "I wouldn't want to leave a blank cheque book among them."

Between August 1908 and March 1910, the women "multigraphed" some seven hundred thousand letters on light yellow stationery with the letterhead "Julian Hawthorne, Author, Journalist, and Historian."[49] Mailing costs alone were seventy thousand dollars. When Hawthorne exhausted his friends and acquaintances, he wrote to complete strangers.

For two successive days the prosecution paraded school teachers, ministers, clerks, widows, and other less-well-off members of society before the court to testify that Hawthorne's writing had "induced" them to invest in the mines. A lumberman, a widow, and a retired naval commander, among others, brought their bundles of letters to be placed in evidence before the court.

The prosecutor then spent several days reading Hawthorne's letters aloud. The *Boston Post* reported that all but the judge found them very amusing and in the end those in the jury were "in an apparent state of convulsion."[50] The *Engineering and Mining Journal* noted that Hawthorne, in particular, appeared to enjoy the stories, although he "at times looked embarrassed."[51]

Hawthorne informed potential investors that he knew "almost as much about mining as writing," and was now devoting all of his attention to the Hawthorne Silver and Iron Mines so that he could provide for his family. He said he had invested all of his money into the mines and had advised every family member to do the same.[52] Already, Hawthorne continued, his friends had invested more than three hundred thousand dollars. All he required was a little extra capital to carry on an enterprise that appeared to be a good thing.

After assuring the reader that he had personally seen and examined the mines, Hawthorne explained that he felt responsible for everyone's investments and would rather lose all his own money than have his friends lose theirs. In fact, as the prosecution revealed, Hawthorne did not travel to Cobalt until the Post Office investigation commenced, and then he only stayed for a few days.[53]

As proof of his assertions about the mines' riches, Hawthorne included several letters and newspaper articles testifying to the mines' worth. One such promotional newspaper article, "Cobalt Mines Are Making Good," was written by Pro-


NEW YORK HERALD, SATURDAY, JANUARY 6, 1912.

Julian Hawthorne, Writer, and Josiah Quincy, Twice Mayor of Boston, Indicted on Swindling Charge

They Are Arraigned in Federal Court for Alleged Fraudulent Use of Mails.

HELD AS PROMOTERS IN MINE STOCK GAME

Albert Freeman, One of Quintet in Continental Syndicate, Ltd., Required to Give $25,000 Bail.

OTHERS GIVE $10,000 BONDS

Plead Not Guilty with Leave to Change Plea—Millions Involved in Alleged Operations.

Indictments returned by a federal grand jury in January 1912 began the process that led to Hawthorne's conviction and Quincy's acquittal fourteen months later. (New York Herald*, 6 Jan. 1912.)*

fessor George L. Walker, who later testified that he was not a professor.[54] A testimonial in Hawthorne's promotional literature purportedly from Woodford W. Brooks, president of the Temagami-Cobalt Mining Company, read in part:

> We have put our money into this project, and it is needless to say that we are sanguine about the outcome. We believe that we have the making of the biggest mine in the Cobalt district. We speak advisedly, as the present indications already point to it, that these properties will earn several million dollars per annum for the company. . . . I can frankly say, that there is no reason why an investment of a few hundred dollars should not return as much in dividends each and every year—and an investment of a few thousand dollars should not make one independently rich.[55]

Brooks testified to the jury that he had never visited Temagami, did not write the report, and that the only mine he had ever seen was when he was a boy. He claimed that he did not write the report and that his only connection to it was to correct the spelling of his name.[56]

Witnesses testified that the defendants purchased favorable publicity from willing periodicals. The *Mercantile and Financial Times* published a gushing article on the Temagami mines based on information supplied by Morton and Freeman, after Freeman promised to purchase fifteen hundred copies of the paper at ten cents each. The *Cobalt News Bureau*, which was produced in New York and had no correspondent in Cobalt, published a favorable article on Cobalt written by Freeman, in return for two hundred dollars.

Joseph Barker of the *United States Investor* told the jury about his meeting with Freeman in 1908 at which the magazine promised to publish a positive article on the Temagami mines if Freeman would buy nine hundred copies at twelve cents each. The next year, for twenty dollars, the *Investor* printed a second laudatory story purportedly written by the *Investor*'s own mining engineer, but really by Freeman and Morton.

> "Who gave you the information in the second story?" asked prosecutor Dorr.
>
> "Mr. Freeman," replied Barker, "and we were paid twenty dollars for it."
>
> "Did Mr. Freeman revise the proofs?"
>
> "He did."
>
> And again later:
>
> "Who furnished the technical information in the article?"
>
> "Doctor Morton, " said Barker. "I was neither a miner nor a geologist, and I relied on the statements of Mr. Freeman and Doctor Morton."[57]

In his 1872 book *Roughing It,* Mark Twain described such favorable newspaper coverage as a "friendly custom."[58] The *Engineering and Mining Journal*, whose sentiments were echoed by the *Canadian Mining Journal*, more accurately termed such newspapers "the jackals of the press [who] are of a lower class than the prostitutes.[59]

Proving Guilt

Since the defendants were charged with using the mail to defraud, and with obtaining money under false pretenses, the prosecution had to prove not only that their claims were false, but that they knew the mines were worthless.

The government introduced numerous mining engineers, prospectors, investors, and chemists to prove that the defendants knew that their mines would never be profitable. Some witnesses reported that when they traveled to Cobalt they were kept away from the actual mines. A mechanical engineer visited the Temagami-Cobalt Mine in June 1911 only to find that all the mining machinery was being packed up and there was "nothing but a hole in the ground." A prospector from Sudbury declared that he had frequently visited the Temagami region and had never found any valuable minerals in the area.[60]

William Wilkinson, a British mining engineer for one of the largest mines in South Africa, was a key witness. In a letter to a woman named Hortense Hanks, Hawthorne had claimed that the South African mine sent Wilkinson to Cobalt to inspect the mine and that Wilkinson later recommend its purchase. Wilkinson testified, however, that he had traveled to Temagami to fish and that when Morton convinced him to inspect the mine he saw "nothing of value." Although he had met Hawthorne only briefly in New York, Wilkinson was later surprised to see himself mentioned in one of Hawthorne's tracts as having offered to buy Hawthorne's Temagami Mine.[61]

The editors of the *Canadian Mining Journal* and the *Engineering and Mining Journal* both testified that the defendants' claims were fraudulent—the Hawthorne Mine was twenty miles from Cobalt, not "in the thick of the Cobalt district," as the defendants claimed. John Murray, editor of the *Canadian Mining Journal*, noted that when he complained to Quincy about Hawthorne's misleading literature, Quincy agreed, but disclaimed responsibility; however, when a geologist, a Dr. Nicholas, advised Quincy that the promotional literature "can't be true," Quincy replied, "that is a matter of opinion." Later, when Nicholas protested the "florid circulars," Quincy retorted that he had revised them all "to keep within the law."[62]

The jury was also shown correspondence between Morton and Freeman that indicated that the defendants knew their mines were unproductive. Morton wrote from Temagami in the summer of 1909 that "it was very absurd of [William H. Hayden, their mining expert] to put that Galena shaft down on nothing. I sincerely believe that Hayden does not know one damn thing about mining veins or geology, and I think he is an out and out faker." Yet, the pair published Hayden's optimistic statement that the mine was "nothing less than a stupendous one."[63]

When questioned as to why he had reported that the Hawthorne Mine had found gold, the head chemist for the Nipissing Mining Company explained: "I did not see it myself, but Dr. Morton, when he retained me to make a report, told me he had found this ore. . . . I believed him."[64] Similarly, Morton wrote to Freeman that their new mining engineer had "caught on" at once and would provide the company with a report "embodying the ideas as to what you wanted from him."[65]

A House of Cards

Testimony also revealed the mines' corporate structure to be hollow. According to the company's secretary-treasurer, John McKinnon, Albert Freeman pocketed most of the proceeds from the sale of stock. Of the $400,000 in shares in the Temagami-Cobalt, for example, $310,000 went to the Freeman's underwriting firm, Continental Syndicate, for undisclosed services, and Quincy received $14,000. That left only $76,000 to develop the property.[66]

Freeman also installed the companies' officers and directors. The president of the Temagami-Cobalt Mine was a clerk in the company before Freeman appointed him president; his only duties were to visit the office once a week to sign checks. William Melhulsh, an automobile salesman, testified that he "believed" he was secretary-treasurer of the Temagami-Cobalt Mine, but did not know why.

Freeman employed "guinea pig directors" to lure investors.[67] Several prominent Canadians, including a member of Parliament, agreed to let Freeman put them on the board of directors for shares in the company. The directors were easily deceived and served as Freeman's pawns. William

Burns, who incorporated the mining companies, testified that Quincy wrote a draft of the minutes of the executive meetings prior to them taking place and instructed him to produce the final minutes based on these drafts.[68]

Freeman's private secretary, Helen Rogers, testified: "I was a director of—I forget just what. I think it was the Elk Lake Company. . . . I never attended any meetings, but I was notified that I had been chosen director of something or other." When Rose Greeley, another stenographer, was asked if she, too, was a director of the Elk Lake Company, she replied: "I don't know just what the companies were that I was a director of, but I remember that I was told one day that I was a director of two of the companies." She replied "Oh, no," when asked if she ever attended a meeting.[69]

The government rested its case on 7 January 1913.

The Defense

After listening to the government present more than a hundred witnesses and thousands of documents over the previous six weeks, the jury was probably thankful that the defense only called six witnesses, none of whom were Hawthorne or Quincy. Hawthorne later wrote that "as I sat in the dingy courtroom, and listened perfunctorily to the legal wrangle, the abuse and defense, the long-drawn testimony of witnesses, the comment[s] of the precise and genial judge, and contemplated idly the jaded, uncomfortable jury" it was difficult to stay awake.[70]

The defense focused on trying to show, first, that the mines were valuable, or would be if the defendants had been given more time to develop them; and, second, that the defendants had made, in the words of one attorney, an "honest effort" to make the mines profitable and had thus taken the investors' money "in good faith."

Freeman took the stand for seven days. He placed the blame on Julian Hawthorne, who, he said, had approached him to write all the promotional literature. With the exception of Woodford Brooks' report, Freeman claimed that he had not read any of Hawthorne's "flamboyant" literature. When some investors complained about Hawthorne's letters, Freeman said that he suggested that they travel to Cobalt and look for themselves. Morton's lawyer also claimed that his client had not seen or written any of the misleading literature.

When the government rested its case, Judge Mayer had ruled that the prosecution had not proven that Quincy had illegally used the federal mail and dismissed three of the five counts against him. Quincy's lawyer thereupon notified the court that he would be presenting no additional information. Later, the judge concluded that Quincy had no knowledge of the misleading literature and dismissed the fourth count against him.

Hawthorne's lawyer acknowledged that his client had written the promotional literature, but insisted that the other defendants had approved it. Indeed, the company's office manager had testified that it was from Freeman's New York office that the literature was copied and mailed, and that Morton was a frequent visitor there. In a telling plea, the defense attorney noted that his client was sixty-seven years old, had written fifty books, was making only ten thousand dollars a year, and had made no money from the scheme.

When the defense rested its case on 6 March, Hawthorne "fully expected to be acquitted." One newspaper, however, concluded that this "most eminent of living American men of letters," was "a moral defective who has about as much sense of honor as an elephant has wings."[71]

The Judgment

By the time the trial concluded in mid-March 1913, the jurors had sat through seventy court days, heard the testimony of 102 government and six defense witnesses, and seen thousands of documents and more than a thousand exhibits. The documents weighed approximately a ton and the transcript of the testimony reached eight thousand typewritten pages. The trial cost the government seventy thousand dollars and the defense fifty thousand.

In his charge to the jury, Judge Mayer summed up the case and reminded the jurors that if the defendants believed their claims then they should be found not guilty. The jury deliberated for twenty-seven hours before bringing in its verdict at 5:45 pm on 14 March. The jury found Freeman guilty on twenty-three counts, Morton and Hawthorne on seventeen each, and acquitted Quincy of conspiring to defraud, the one charge remaining against him.

The press was neither surprised nor sympathetic. Even though many people thought that the "notorious schemer" Albert Freeman had somehow conned "a literary man and a medical man," the *Engineering and Mining Journal* believed of Hawthorne and Morton "that after the exposures by ourselves and by the *Sun*, and after the letters they received from many engineers, they could not be under any honest illusion." If the "verdict had been anything else," the *Journal* maintained, ". . . public opinion and the rights of the public would have been outraged," and it held that the guilty verdicts would "put the fear of the Lord into the fraudulent promoters more than will any number of 'blue sky' laws."[72]

The prosecutor urged the court to pass maximum sentences against these "swindlers" to discourage the "crime of bamboozling the gullible public by attaching well-known and respected names to the literature of company promotions." The general public, he argued, did not read between the lines of a company prospectus, and had lost its money on the strength of the defendants' names. He advised the judge to not be influenced by the defendants' pedigrees, for "theirs is the greater crime for they have prostituted them."[73]

Before Judge Mayer pronounced sentence, each defendant's lawyer pleaded his client's case. Hawthorne's advocate beseeched the judge: "I will ask, Your Honor, to consider that the defendant is getting on in years. He is penniless. It is true, too, that the long ordeal which the trial has been to him and the realization that the name he had labored so long and so hard to keep clean is sullied, are sufficient punishment." His crime, said his attorney, was a "fault of judgment rather than bad intent." Morton's lawyer asserted that the doctor was engaged in "exceedingly valuable work to the community that would benefit thousands," while Albert Freeman, his counsel claimed, was "a man of hitherto unblemished reputation."

In passing sentence on 23 March, Judge Mayer acknowledged that his was "an extremely painful duty. The most painful I have ever been called upon to perform." He was particularly sympathetic to Morton and Hawthorne on account of their age, and wished he "could suspend all the indictments." Instead, he sentenced them to a year in the Atlanta Federal Penitentiary, the sentence to date from the start of the trial on 25 November 1912. After conferring with the prosecutor, the judge changed the sentences to a year plus a day, thus making them eligible for parole. Albert Freeman received five years and three days.

After his sentencing, Hawthorne walked briskly from the courtroom into the marshal's office, pulled out a small cigarette case, offered it to Morton and Freeman, and then shook the hand of a sympathetic well-wisher. Hawthorne initially accepted his punishment, but thought that they all should have been found either guilty or innocent. After a deputy marshal clicked a pair of handcuffs around his wrist—"I was a manacled convict, and the community was saved"—he walked through the slanting rain to the city jail, a place familiarly known as the Tombs. "I was sure we should be acquitted," he muttered.[74]

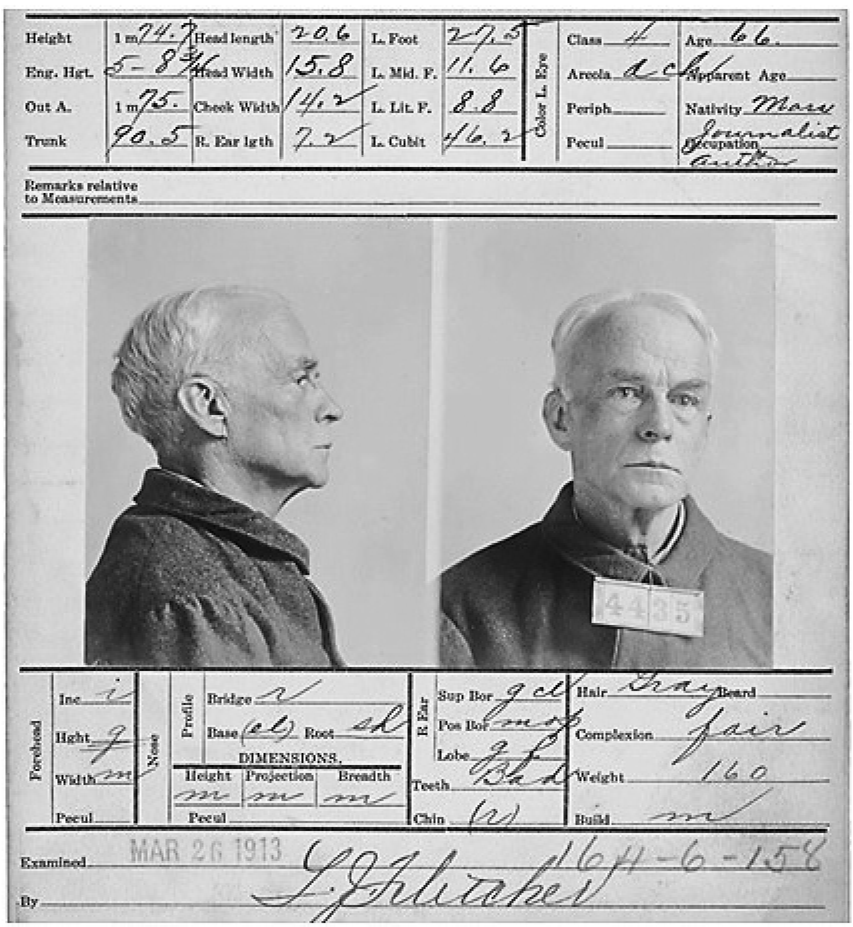
Although Morton had assumed that he would be found guilty, he took the judgment the hardest. The American people, he stated bitterly, had also treated his father unjustly. Although his father had first demonstrated ether, he had died penniless at age forty-eight. "If every man, woman and child who has been saved by ether from pain and suffering paid the Morton family its due, it would be one of the wealthiest families in the world," Morton declared as he was being led away to his cell.

The defendants were given ten days in which to appeal; only Freeman did so. Morton and Hawthorne did not appeal because they planned to apply for parole a day after they arrived in Atlanta. Hawthorne later claimed that he was told that if he was good he would only have to spend a day in prison. There is no record of any such promise, but the fact that the pair did not appeal provides some credence to Hawthorne's claim.[75]

Jail Time

Prison life easy was relatively easy for the two famous inmates and newspapers reported that Hawthorne was in good spirits and was taking his punishment stoically. The prisoners maintained regular correspondence with the outside world and could smoke and exercise.[76] Neither Hawthorne nor Morton expected to spend much time in prison, since inmates could apply for parole after serving one-third of their terms. Both Morton and Hawthorne, termed "model prisoners" and receiving a month's time off for good behavior, were released on 15 October 1913 after serving six months and three weeks at Atlanta.

Following their release, both men continued to proclaim their innocence. "My imprisonment was not a disgrace on me and upon my name," said Hawthorne, "but upon the people who imprisoned me."[77] Morton continued to assert that the mines would become profitable, but said that he only wanted to return to his medical practice. Later accounts of both men's lives skim over their


Height 1 m 74.7 | Head length 20.6 | L. Foot 27.5 | Class 4 | Age 66
Eng. Hgt. 5-8¾ | Head Width 15.8 | L. Mid. F. 11.6 | Areola | Apparent Age
Out A. 1 m 75. | Cheek Width 14.2 | L. Lit. F. 8.8 | Periph. | Nativity Mass
Trunk 90.5 | R. Ear lgth 7.2 | L. Cubit 46.2 | Pecul | Occupation Journalist Author
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4435
Forehead: Inc. 2 | Hght 9 | Width m | Pecul
Nose: Profile Bridge 2 | Base (el) Root sh | DIMENSIONS. Height m, Projection m, Breadth m | Pecul
R Ear: Sup Bor 9 cl | Pos Bor | Lobe | Teeth Bad | Chin (2)
Hair Gray | Beard | Complexion fair | Weight 160 | Build m
Examined MAR 26 1913 164-6-158
By

Hawthorne's medical record, Atlanta Federal Penitentiary, 26 March 1913.

imprisonments. One author wrote that Morton's "successful life was marked by one serious error in judgment brought about by an unfortunate association he made."[78]

The Aftermath

Following his trial, Albert Freeman was freed on a $150,000 bail pending appeal. In his appeal, Freeman's lawyer argued, among other things, that the change in judges in the middle of the trial was improper, as the second judge had read but not heard the witnesses' testimony. In August 1915 the U.S. Circuit Court of Appeals granted Freeman a second trial, ruling that "the continuous presence of the same judge and jury is equally essential throughout a trial."[79]

In December 1916, after the jury for this second trial could not agree on a verdict, Freeman agreed to plead guilty and pay a three thousand dollar fine on the stipulation that he not go to prison. Federal Judge Augustus N. Hand thought the fine "woefully inadequate," saying "I only impose this sentence because the government has consented to it . . . and I cannot understand why the jury did not convict." Freeman then pulled a large roll of bills from his pocket, removed three one-thousand-dollar notes, and handed them to the clerk.[80] Freeman's lawyer later stated that his client had pleaded guilty because he was "no longer able to meet the aggressiveness of the government." Freeman then disappeared from public record. Except for the ten days he spent in the Tombs, he served no jail time.

In December 1913 President Woodrow Wilson pardoned Morton, who then successfully petitioned to regain his medical license and resumed his New York clinical practice. Still trying to strike it rich, Morton continued to pour money into Freeman's mining schemes, only to be disappointed. After a failed investment in Freeman's copper mine in Cuba, Morton complained to Hawthorne, "I heartily wish I had my money back."

Soon afterwards, however, the doctor's wife, Ellen, informed Hawthorne that Morton had withdrawn "all his other investments and put the money in with Freeman, all of it."[81] Morton died of heart disease in Miami on 26 March 1920, aged seventy-four. Eight years later, while working as a governess to support herself, Ellen Morton confided to Hawthorne that Freeman had taken her husband's "every penny, and it was a fortune at that. . . . The hardest about it is to think the thing caused Will's death and broke his heart."[82]

Josiah Quincy continued his political career and became a delegate to the Massachusetts state constitutional convention of 1917. That same year he was an unsuccessful candidate for Massachusetts attorney general. He died on 8 September 1919 at the age of fifty-nine.

Julian Hawthorne wrote about his penitentiary experiences. His twelve essays on the prison system were first serialized and later published in 1914 as *The Subterranean Brotherhood*, a blistering attack on the penal system. In 1915, he moved with Edith Garrigues to California, where he wrote a weekly column for the *Pasadena Star-News*, penned several westerns and detective stories, wrote scripts for Hollywood films, and composed radio broadcasts about his travels. He married Edith a month after his wife Mary died in 1925, noting in his diary: "All well at last."[83] Julian Hawthorne died in San Francisco in July 1934 of heart failure. He was eighty-eight years old.

A Story of Greed

In 1908 three prominent Americans decided that their incomes did not satisfy their needs and turned to selling shares in worthless mines to get rich quickly. William Morton and Josiah Quincy were already immersed in the world of mining stocks and had the unscrupulous Albert Freeman to guide them. Morton invited Julian Hawthorne to join in the wealth gathering by lending his illustrious name and writing glowing copy. This was a time in North American history when the public's

CHRISTMAS NUMBER

FOURTH SECTION
SIXTEEN PAGES

The Sun.

PICTORIAL MAGAZINE
Copyright, 1913, by the Sun Printing and Publishing Association.

NEW YORK, SUNDAY, DECEMBER 14, 1913.

ND PRISON WALLS

an Hawthorne

S ANTECHAMBER

Impressive Picture of
Tombs, One of the
Famous City Prisons

Photo copyright by Brown Bros.

Julian Hawthorne.

WHAT THIS IS

My theme here is a description of a prison, of the prisoners' life there and an exposition of prison thoughts and feelings as seen from within by one into whose soul, as the phrase is, the iron has entered.

For several reasons this particular thing has not till now been successfully done in this country. But it ought to be done, and the obligation to do it happens to fall on me. Circumstances have put me forward as spokesman and interpreter for this subterranean and silent brotherhood of which I was one, and from which I have come forth.

Civilized society is responsible for its prisons and for the treatment of prisoners, as well as for the conditions that brought the latter under the punitive power of the law. But society has no accurate or vital knowledge of what penal imprisonment is, of its effect upon the men subjected to it and upon those appointed to administer it. Society now has an opportunity to learn something of these matters, and may thereupon decide with some intelligence what, if anything, it behooves it to do in the premises.

I have allowed a thread of personal narrative to run through the story, on which are strung reflections and suggestions arising from the facts presented. I have done this with no wish to exploit my private affairs, but in order to give the composition a natural human form and to instil into it the life which abstract propositions lack. The reader is requested to construe the personal pronoun as meaning not myself in particular but the prisoner in his cell.

Whatever further explanations are necessary may be found in the story itself.

JULIAN HAWTHORNE.

THE Judge pronounced our several prison sentences; that they were not also sentences of death was due to circumstances which developed later. The jury had previously dispersed, clothed in the sanctity of duties discreetly performed, knowing why they did them and enjoying whatever consolation or advantage appertained thereto. Marshal Henkel cast upon us the look of the turkey buzzard as he swoops upon his prey, and we found ourselves being hustled down the familiar corridors and into a room which we had not visited before; a few assistant marshals were there, and ere long a knot of newspaper men entered, observant and sympathetic, ready to receive and record the last words of the condemned.

It was about 6 o'clock of a dark and rainy March evening. "Any statement you would like to make?" One stands upon the brink of the living world, facing the darkness and silence, and hears that question.

Here is an end of things, a nothing, a sort of death. The support and countenance of one's fellow creatures are withdrawn; you are no longer a part of organized social existence. The rights, privileges and courtesies of manhood are stripped from you. You are adjudged unfit to touch the hand of an honest man in greeting; you are made impotent, disgraced, consigned to the refuse heap. The helpless shame put upon you is borne tenfold by those who bear your name, those you love and who love you. All that touches you henceforth shall be sordid, base and foul.

The prison officials who stand near you meet your eye with a leer of familiarity; they have handled thousands of men in your situation; they will have a grin or a growl for any remonstrance or protest you may make; power over you has been given to them; in you there is no power. You cannot blame them; their authority was deputed to them by men above them, who in turn receive it from others; they are parts of the great machine, working irresistibly and automatically.

The Judge is blameless; he had said, "The verdict of the jury makes it my painful duty to sentence you!" The jury is not to blame; they had decided upon the evidence, in accordance with their oath The witnesses who bore testimony against you, did they not testify upon a solemn adjuration to utter nothing but the truth, at the peril of their immortal souls? The indictments to whose truth they bore witness, were they not made and brought by officers appointed by law to seek only impartial justice, and sworn to seek it without fear or favor?

Go back yet another step if you will and consider the inspectors and detectives who gathered the complaints against you; is the beginning with them? No; they did but act for the protection of the community against a crime of which you were suspected, which was resolved to be a crime by the representatives of the nation in Congress assembled; that is, by the nation itself. You yourself, therefore, as part of the nation, share with the rest the responsibility for your present predicament. Then, whether the verdict against you were right or wrong, whether you be innocent or guilty, the blame at last comes home to you.

Such is the reductio ad absurdum, the lawyers' argument, technically flawless, though proceeding upon a transparent fallacy. That fallacy I shall consider hereafter; the question of the moment is the reporters': "Have you any statement to make?"

Of what avail to answer? Has not enough been said during the past four months, and in vain? The young fellow stands there, courteously inquisitive, not unsympathetic perhaps, his pencil suspended. Have I any last words for the world which I am leaving? Shall I declaim of injustice, outrage, perjury? Shall I threaten revenge, or entreat mercy? Shall I "break down," or shall I "maintain an appearance of bravado"; he is ready to record either.

No; I will do none of these futile things. In such extremities a man's manhood and dignity come to his support. I am helpless, to be sure, but only physically so. All this portentous paraphernalia of court and prison can touch nothing more than my body; my spirit is unscathed. It is the ancient consolation, coming down through poetry and history even to me. The Government, the nation, can destroy my life, separate me from my people, throw mud on my name; but they cannot take away one atom of my consciousness of the truth. And it is better to have that consciousness than to retain all the rest without it. Blessed ethical truisms, which come to our succor when all else falls away!

Accordingly, the reporters were supplied with a few grave, not sensational, words, suggested

"Incredible gushings of blighted depravity from the prisoners ushered in the day."

The Sun *(New York), 14 December 1913. Appalled by prison conditions, Hawthorne wrote: "My theme here is a description of a prison, of the prisoners' life there and an exposition of prison thoughts and feelings as seen from within by one into whose soul, as the phrase is, the iron has entered."*

hunger for mining stocks seemed unlimited and the quartet soon hooked both big and little fish.

Unfortunately for the schemers, they were late to the game and the U.S. government was on the verge of cracking down on mail fraud in response to investors' anger about and newspapers' exposure of several large mining swindles. The Hawthorne trial was one of several cases in which the Post Office sought to set precedence and deter further fraud in mining stocks. Because of three of the men's reputations, their trial was followed closely by the press in North America, and the government's success in gaining convictions helped set legal precedents. It did not, however, prevent future mining frauds, as the Bre-X gold scandal of the 1990s illustrates. For the four men involved in the Cobalt, Ontario, silver mining fraud of 1908, their trial marked the end of their glory years.

Douglas Baldwin is a retired professor of history from Acadia University in Nova Scotia. He has published more than forty books on Canadian mining, urban, and medical history, and has contributed articles to Canadian, American, British, and Japanese historical journals. His most recent books, Cobalt: Canada's Forgotten Silver Boom Town *(Charlottetown, PE: Indigo Press, 2015), and* Cobalt: The Cradle of Hard Rock Mining in Canada *(Cobalt, ON: White Mountain Publications, 2016) were a product of forty years of interest in mining history in northern Ontario.*

Notes:

1. Susan E. M. Grossman, "Mining Engineers and Fraud in the U.S.-Mexico Borderlands, 1860-1910," *Technology and Culture* 55, no. 4 (Oct. 2014): 821.
2. Clark Spence, "I Was a Stranger and Ye Took Me In," *Montana: The Magazine of Western History* 44, no. 1 (Win. 1994): 46. For further information on mining frauds during this period see: Dan Plazak, *A Hole in the Ground with a Liar at the Top: Fraud and Deceit in the Golden Age of American Mining* (Salt Lake City: University of Utah Press, 2006); Michael J. Makley, *The Infamous King of the Comstock: William Sharon and the Golden Age in the West* (Reno: University of Nevada Press, 2006); Grossman, "Mining Engineers and Fraud."
3. Plazak, *Fraud and Deceit*, 313.
4. *Morning Telegraph* (New York), 18 Nov. 1912.
5. Plazak, *Fraud and Deceit*, 313.
6. For more on Cobalt see: Douglas O. Baldwin, *Cobalt: Canada's Forgotten Silver Boom Town* (Charlottetown, PE: Indigo Press, 2016).
7. *Canadian Annual Review* (Toronto: George N. Morang and Co., 1906), 53.
8. *Canadian Annual Review* (Toronto: George N. Morang and Co., 1909), 349.
9. *Monetary Times* (Montreal), 27 July 1906.
10. *Nugget* (Cobalt, ON), 23 Jan. 1912 and 13 Mar. 1911.
11. Baldwin, *Cobalt*, 52.
12. George Cassidy, *Arrow North: The Story of Temiskaming* (Cobalt, ON: Cobalt Highway Book Shop, 1976), 252.
13. Victor Ross, *A History of the Canadian Bank of Commerce* (Toronto: Oxford University Press, 1922), 282.
14. Anson Gard, *The Real Cobalt* (Toronto: Emmerson Press, 1908), 5, 11.
15. Martin Nordegg, *The Possibilities of Canada are Truly Great: Memoirs 1906-1924* [T. D. Regehr (ed.)] (Toronto: Macmillan, 1971), 68.
16. Ontario Bureau of Mines, [Annual] *Report of the Bureau of Mines* (Toronto: The Bureau, 1906).
17. Ontario Bureau of Mines, *Annual Report of the Bureau of Mines* (Toronto: The Bureau, 1908), ix.
18. Plazak, *Fraud and Deceit*, 309.
19. Gary Scharnhorst, *Julian Hawthorne: The Life of a Prodigal Son* (Urbana: University of Illinois Press, 2014), x.
20. "Business Pointers," *Medical Council*, Sep. 1910, as quoted at: Library of America, "Story of the Week" (http://storyoftheweek.loa.org/2016/10/absolute-evil.html).
21. "The End of the Hawthorne Case," *Engineering and Mining Journal* (22 Mar. 1913), 629.
22. Antonio Aponte-Feliciano, et al., "William James Morton [1845–1920]: Like Father, Like Son (?)" *Bulletin of Anesthesia History* 31, no. 1 (Apr. 2013): 19. Less convincing is the argument that Morton was following in his father's footsteps. The senior Morton had had many scrapes with the law and was a wanted man for swindling people in Rochester, Cincinnati, and St. Louis.
23. *Washington Herald*, 4 Jan. 1907.
24. *Boston Post*, 6 Jan. 1912. While Quincy was acting secretary of state in 1893 he came into contact with Daniel J. Morgan, with whom he later became "associated in a mining proposition." Six months before Quincy was indicted, Morgan was arrested for mail fraud.

25. Scharnhorst, *Hawthorne: The Life*, 151.
26. Gregory M. Pfitzer, *Popular History and the Literary Marketplace, 1840-1920* (Boston: University of Massachusetts Press, 2008), 299, 306. One son later recalled grocers, butchers, and others to whom his father owed money, knocking on the door for payment.
27. *New York Times*, 16 Oct. 1913.
28. Maurice Bassan, *Hawthorne's Son: The Life and Literary Career of Julian Hawthorne* (Columbus: Ohio State University Press, 1970), 213.
29. Bassan, *Hawthorne's Son*, 213.
30. Plazak, *Fraud and Deceit*, 311.
31. Plazak, *Fraud and Deceit*, 212.
32. Scharnhorst, *Hawthorne: The Life*.
33. Pfitzer, *Popular History and the Literary Marketplace*, 295.
34. *New York Times*, 13 Dec. 1912 (contained letter of 27 Feb. 1909 read at the trial).
35. *Engineering and Mining Journal,* 19 and 26 Sep. 1908. Mining engineers played a major role in the mining community. "Mining engineers were the critical technical experts who guided investors through a murky landscape rife with overblown claims and misleading information. Engineers surveyed and assessed extant mining properties to determine whether the operations could produce as much as owners claimed." (Grossman, "Mining Engineers and Fraud," 821.)
36. *Engineering and Mining Journal,* 17 Oct. 1908.
37. *Canadian Mining Journal*, 15 Sep., 1 Nov., 1 Dec. 1908.
38. *Canadian Mining Journal*, 15 Apr. 1909.
39. "Business Pointers," *Medical Council*, Sep. 1910, as quoted at: Library of America, "Story of the Week."
40. *New York Sun*, 24 Oct. 1911.
41. *Globe* (Toronto), 6 Aug. 1910; *New York Sun*, 24 Oct. 1911.
42. The *Engineering and Mining Journal* attributed the Postal Service's interest in the Hawthorne mines to exposés by itself and the *New York Sun*.
43. Dorr's brother was a well-known mining and metallurgical engineer in Denver.
44. Scharnhorst, *Hawthorne: The Life*, "Introduction." As a child, Hawthorne had met Henry David Thoreau and Herman Melville and played with Louisa May Alcott. Former president Franklin Pierce was his father's friend. "My father was one of the elect, and caused me to become a sort of household intimate of those friends of his."
45. "The End of the Hawthorne Case," 624.
46. "The End of the Hawthorne Case," 624.
47. *Engineering and Mining Journal*, Dec. 1912.
48. Scharnhorst, *Hawthorne: The Life*, 186.
49. *New York Times*, 27 Nov. 1912.
50. Scharnhorst, *Hawthorne: The Life*; *Boston Post*, 13 Dec. 1912. Perhaps the following sections from one of Hawthorne's writings caught the jury's attention: "Had they suspected what immeasurable wealth would have been disclosed by a few strokes of the pick—they would have forgotten they were ever farmers." Or: "Had fishermen dreamed that the diabase cliff whence they cast their lines in the lake harbored veins of pure silver worth thousands of dollars the ton—the gullets of the trout would never have known the contents of the bait-boxes."
51. *Engineering and Mining Journal* (13 Jan. 1912), 105.
52. Scharnhorst, *Hawthorne: The Life*, 185. Scharnhorst found no evidence that Hawthorne had invested any of his money in the mines.
53. Scharnhorst, *Hawthorne: The Life*, 189.
54. *Boston Commercial*, 13 June 1908.
55. Woodford W. Brooks, letter to Hawthorne regarding the Cobalt silver mines, Aug. 1908, Library of Congress (https://www.loc.gov/resource/rbpe.13102900/?sp=3).
56. *New York Times*, 7 Dec. 1912.
57. *Engineering and Mining Journal*, 19 Oct. 1912.
58. Plazak, *Fraud and Deceit*, 21.
59. *Engineering and Mining Journal*, 19 Oct. 1912.
60. *New York Press*, 7 Jan. 1913.
61. The prosecutor read Wilkinson's letter of protest to Morton: "I was astonished," it declared, "to see my name figuring in a circular by one Julian Hawthorne about a Temagami mine. . . . I have had to write to deny that I ever made an offer for the mine as Hawthorne makes out."
62. *Boston Post*, 10 Dec. 1912. In a statement that made headlines around the country, a New York investor named Eugene Mowry told the court that he had purchased fifty thousand shares in 1909 and 1910 after both Hawthorne and Freeman claimed that John D. Rockefeller was one of the investors and that the company would soon be listed on the New York Stock Exchange, neither of which were true.
63. *New York Press*, 7 Jan. 1913.
64. *Boston Evening Transcript*, 6 Dec. 1912.
65. *Boston Post*, 21 Dec. 1912.
66. *New York Times*, 13 Dec. 1912; Toronto *Globe*, 7 Feb. 1913. Quincy received $14,000 from each company for which he was counsel.
67. For more on this see: Plazak, *Fraud and Deceit*, 7-8.
68. *Boston Post*, 28 Nov. 1912.
69. *Engineering and Mining Journal*, 13 Jan. 1912.
70. Julian Hawthorne, *The Subterranean Brotherhood* (New York: McBride, Nast and Co., 1914), 18.
71. *Wibaux [MT] Pioneer*, 6 Feb. 1914.
72. "The End of the Hawthorne Case," 628.
73. *New York Times*, 13 Mar. 1913; *Auckland [NZ] Star*, 24 May 1913.
74. Brenda Wineapple, *Hawthorne: A Life* (New York: Alfred A. Knopf, 2003), 10.
75. Scharnhorst (*Hawthorne: The Life*, xl) says that Hawthorne sanitized his papers prior to depositing them in the University of California at Berkeley's archives.

His journals for this period did not survive, and he edited his diary with an eye for future biographers.

76. Prison food was a different matter. Hawthorne found the meals so bad—"rancid grease and garbage"—that he lost considerable weight before the prison's doctor put him on a special diet. Hawthorne would publicly and harshly criticize prison conditions both during and after his incarceration. The information on prison life comes from: Scharnhorst, *Hawthorne: The Life*.
77. *New York Times*, 16 and 17 Oct. 1913.
78. Aponte-Feliciano, "William James Morton," 28.
79. *New York Tribune*, 26 Aug. 1915.
80. *New York Times*, 21 Dec. 1916.
81. Plazak, *Fraud and Deceit*, 315. Ellen Komizer, forty-six years his junior, was Morton's second wife.
82. Plazak, *Fraud and Deceit*, 316 (quotes letter of 30 Aug. 1928).
83. Bassan, *Hawthorne's Son*, 222.