

A Death at Crooked Creek: The Case of the Cowboy, the Cigarmaker, and the Love Letter

Marianne Wesson

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One winter night in 1879, at a lonely Kansas campsite near Crooked Creek, a man was shot to death. The dead man's traveling companion identified him as John Hillmon, a cowboy from Lawrence who had been attempting to carve out a life on the blustery prairie. The case might have been soon forgotten and the apparent widow, Sallie Hillmon, left to mourn--except for the \$25,000 life insurance policies Hillmon had taken out shortly before his departure. The insurance companies refused to pay on the policies, claiming that the dead man was not John Hillmon, and Sallie was forced to take them to court in a case that would reach the Supreme Court twice. The companies' case rested on a crucial piece of evidence: a faded love letter written by a disappeared cigarmaker, declaring his intent to travel westward with a "man named Hillmon."

In *A Death at Crooked Creek*, Marianne Wesson re-examines the long-neglected evidence in the case of the Kansas cowboy and his wife, recreating the court scenes that led to a significant Supreme Court ruling on the admissibility of hearsay evidence. Wesson employs modern forensic methods to examine the body of the dead man, attempting to determine his true identity and finally put this fascinating mystery to rest. This engaging and vividly imagined work combines the drama, intrigue, and emotion of excellent storytelling with cutting-edge forensic investigation techniques and legal theory. Wesson's superbly imagined *A Death at Crooked Creek* will have general readers, history buffs, and legal scholars alike wondering whether history, and the Justices, may have misunderstood altogether the events at that bleak winter campsite.

A Death at Crooked Creek: The Case of the Cowboy, the Cigarmaker, and the Love Letter Details


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Author : Marianne Wesson

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From Reader Review A Death at Crooked Creek: The Case of the Cowboy, the Cigarmaker, and the Love Letter for online ebook

Roxanne says

This book is about a 1879 Kansas campsite called Crooked Creek where a man was shot to death. His cowboy friend identified him as John Hillmon. The whole case would have been forgotten but the widow had a \$25,000 in a life insurance policy John had purchased. The insurance company claimed the dead man was not John Hillmon and his wife Sallie was forced to take them to court. The case would eventually end up in the Supreme Court. The cigar maker comes into the story later when a letter was found he was traveling out west with another man. Though this story was not factual. His false documents were put into evidence, so a new hearsay rule was established. What ended up happening is quite a twist. The insurance company falsified evidence and named another man as being dead. But possibly John Hillmon lured another man to his death. Sallie knew that was not her husband from the moment she saw the body. We do not know if she was party to the conspiracy after the years dragged on. The author is not sure if Sallie Hillmon no longer knew the truth. So from what I can gather no one knows for sure what happened. This book is significant because this case led to a Supreme Court ruling on the admissibility of hearsay evidence. This was a great book.

Brent Soderstrum says

I won this book through GoodReads First Read program.

What an interesting book to read. This is a true life story about John Hillmon who bought a \$25,000 (which is around \$500,000 in today's dollars) life insurance policy in 1879 naming his recent bride as beneficiary. He then leaves Sallie in Kansas to go start a cattle ranch with James Brown. At Crooked Creek he is accidentally shot and killed. The insurance companies deny the claim saying the body is not Hillmon but is Fredric Walter who was a cigarmaker from Iowa who left his fiancée in Iowa to go out and make some money.

The book then covers the 6 jury trials and two appeals to the United States Supreme Court before a winner is finally established nearly 25 years later. The author does her own investigation having the body exhumed and doing DNA testing. Eventually we find out who the body is...or should I say who the body is not.

I am an attorney and not a big fan of insurance companies. They make their money by turning down claims. As a result I was rooting for Sallie Hillmon to triumph in her battle with evil.

You also get a legal lesson from the author on hearsay and the various exceptions to the hearsay rule. I am amazed at the behind the scenes workings of our Supreme Court in fabricating a new exception to the hearsay rule because they didn't like the result at the trial court level. This fabricated exception and its results still effects cases today.

Great investigative work Ms. Wesson. I really enjoyed the book.

Wanda says

It long took upon me a deciphering ability that the verbage non-sequential in a dither, threw me. A reader with speed I am not, therefore four months have not I to information gather for this award winner of touted The Rooker Prize. It must be a heck of a prize.

I lasted two chapters and had a headache trying to figure out what the author was trying to say. Gave up and had a beer. Headache got better.

Stephen says

Mimi Wesson is a law professor, a herder of llamas, and a pretty fair hand at telling a story. As part of her studies in connection with teaching the law of evidence at the University of Colorado, she came upon the U.S. Supreme Court case of *Mutual Life Insurance Corporation of New York, et al., v. Hillmon*, 145 U.S. 285 (1892). The opinions of courts of last resort normally resolve questions with some finality but this one not only left most of the interesting questions in this case open, it created a new question, as well: how on earth could the Supreme Court have resolved this case this way!? I selected this book for a judicial colloquium in which the participating judges read the text in advance of a day-long discussion of the many interesting legal issues which it raises. We spent an informative and entertaining day together, stimulated by the issues which Professor Wesson turns over like the soil of an exhumed grave -- one of which features in this investigation! There is no doubt that this book is of great interest to judges and lawyers; it would likely be interesting to students of American history, to mystery lovers, and to those interested in how law interacts with society and culture.

Jenni V. says

I received an electronic copy of this book via NetGalley and would like to thank the author and/or publisher for the opportunity to read and honestly review it

I wasn't familiar with this case at all so it was all new to me. As I was reading I was hoping there would be some sort of resolution or answers to at least some of the questions but was concerned there wouldn't be any payoff. What I can say without spoilers is the book wasn't a waste of time.

It made me uncomfortable that they could continue to try the same case and the number of trials everyone had to go through (didn't get the verdict you wanted? try it again!) was crazy. It was definitely an improvement to the justice system to add the laws about "double jeopardy".

The author also has a website dedicated to this case with more photos and details that I plan to explore.

Find all my reviews at: <https://readingatrandom.blogspot.com>

PWRL says

A

Lyn says

Thought Provoking & Suspenseful

A great book! You will continue to think about this book even after you turn the last page. *Death at Crooked Creek* is a fast-paced book that makes it hard to sit down. Well researched and well written. Very well organized and easy to read. Enjoy! NetGalley provided an advanced review copy of this book in exchange for an honest review.

Dawn says

Rating 4.5

Part true crime and part courtroom drama, *Death at Crooked Creek* explores the mystery of who was actually buried in Lawrence, Kansas in the grave of John Hillmon. Wesson, through the use of court transcripts and news articles of the time, creates a fascinating story around what was thought to be a simple case of insurance fraud, a case that became so much more historically significant. It was this set of trials that introduced a new exception to the rule of hearsay as evidence, an exception whose ramifications are still felt today. She does a great job of distilling six different trials worth of testimony into a compelling story. I was equally as fascinated by Wesson's own troubles in researching the case and hopes of forensically identifying the dead man as I was the case itself. It was my love of genealogy that drew me to the story and though the conclusion is not quite what I'd hoped for, her theory for how it could have played out is much more plausible than any put forth by either side during the trials.

Review also posted at my blog, Hellhound's Chew Toy

DAISY DISNEY says

** I received a free copy of this book from the publisher in exchange of an honest review**

Overall the book was interesting but I was confused with some of the stories in the middle of it all. I don't know if this was fiction or true crime. It started to get repetitive halfway through the story. I do think readers who like to read historical cases will like this book more than I did.

Robert says

For anyone who ever attends law school, they are virtually guaranteed to take Evidence and are required to memorize the accompanying federal rules. Although hearsay is typically banned, one of the exception is in cases of another party indicating future intention. That rule originated out of a suit over one John Hillmon, a 19th century man who disappeared and whose wife attempted (and ultimately succeeded many years later) to

claim an insurance policy for upon his death. For over a century it was debated if the man buried in a Kansas grave was him, and although the book does not definitively solve the riddle for me, it provides a very satisfactory background to the story with much greater detail than one will ever find in a casebook.

Christopher says

The book is in a genre I enjoy; it takes an historical trial and through it explores the facts underlying the case, and some associated phenomenon or legal doctrine. In this case, it is Evidence Rule 803(3), excepting from the general prohibition on hearsay statements of future intent. And as a bonus, the book relates to the development of life insurance in the mid-nineteenth century.

Professor Wesson writes some lovely sentences. Among my favorites is the following: "Repeated measurements of one's own height seems like a paltry form of amusement for three fairly young men on their own in a lively frontier town like Wichita, but I have another reason to be skeptical of Bittel's account." (p. 209). And "They saw in the photographs of the emaciated corpse an unmistakable likeness of their acquaintance (in the case of a witness identified as William Schoot, a "splendid likeness," a description that does not do much to flatter the young man's appearance while alive.)"

She has done an enormous, indeed heroic, amount of research, to the point of arranging for the exhumation of the corpse at the center of the story, dead for 125 years. And she takes a somewhat heroic approach, in transcending the limitations of non-fiction, as most strictly interpreted, to produce a work of "creative non-fiction." This can occasionally confuse the reader as to just what is established and just what is surmised, but to her credit, this is in part due to the largely persuasive quality of her suppositions about the facts and characters in her story. Moreover, Prof. Wesson does not conceal her sympathies. All in all, an excellent book.

Some other books with which I am familiar in the same broad genre that may interest those who liked this book include, in no particular order:

Neil Hanson, *The Custom of the Sea: A Shocking True Tale of Shipwreck, Murder and the Last Taboo* (1999) about the sinking of the *Mignonette* and the cannibalism to which the shipwrecked sailors resorted. See *Regina v. Dudley*, studied in most first year criminal law courses.

Bruce Watson, *Sacco & Vanzetti: The Men, the Murders, and the Judgment of Mankind* (2007)

Patricia Cline Cohen, *The Murder of Helen Jewett* (1998), about an 1836 murder that led to an early "trial of the century."

Marion L. Starkey, *The Devil in Massachusetts: A Modern Enquiry into the Salem Witch Trials* (1949)

Sebastian Junger, *A Death in Belmont* (2006), about the Boston Strangler Case

Earl Conrad, *Mr. Seward for the Defense* (1956), about William Seward, later to serve in Lincoln's cabinet, and his work pioneering the insanity defense in the United States in an 1846 murder case in Auburn, NY.

Irving Morris, *The Rape Case* (2011), about the author's work on a 1947 Delaware case.

R.W. Kennedy says

The cover of this book had me thinking that this was going to be a real intricate western yarn. Turns out it's a thoroughly researched study of a famous case of murder and insurance fraud in America. Unless you're a student of law or insurance, you might find it hard to gather reasons as to why you might continue beyond page 50. I read it because I have a curious mind but I feel like the average reader might find this book a bit dry and hard to finish. In the end, it's good for what it is.

LaGina says

Part true crime and part courtroom drama through the use of court transcripts and news articles of the time, creates a fascinating story around what was thought to be a simple case of insurance fraud. Really good read.
