

James Fenimore Cooper's Personal Links to the 1841 *Erie* and 1845 *Swallow* Tragedies

I. Two of the *Erie*'s Lost and Saved

&

II. Judge Samuel Nelson's *Swallow* Case,

Defendant: William Burnett, Pilot of the *Swallow*

By Norman Barry

Introduction: Two Tragedies Linked

Not one but two spectacular steamboat wrecks coalesced in the making of the anonymous 1845 sketch, "The Helmsman of Lake Erie." The August 9, 1841 conflagration of the *Erie* on Lake Erie and the April 7, 1845 wreck of the *Swallow* on the Hudson River both contributed to a tale of maritime civil courage unrivalled in the Early Republic.

As the John Maynard website amply illustrates, the 1845 sketch was not a flash in the pan but sparked a long line of literary pieces taking up the entire 19th century. Even today in Germany, Theodor Fontane's famous Lake Erie ballad is often part of the school curriculum.

The "melting" of two events into one was no accident. Three personal links have been made out which point to James Fenimore Cooper as the anonymous author of a sketch smuggled out of the United States to be published in *The Church of England Magazine* (London, England) on July 7, 1845.

Link No. 1, *The Erie*: David S. Sloan, Age 26, confirmed in the spring of 1840 by Episcopal Bishop William Heathcote De Lancey, Cooper's brother-in-law.

Link No. 2, *The Erie*: Levi Beebe, Age 11, on his way home to Cleveland from the Cooperstown Classical and Military Academy.

Link No. 3, *The Erie* and the *Swallow*: Judge Samuel Nelson, Cooper's neighbor and close friend, who escorted Levi Beebe to Buffalo in 1841 and who presided over the entire case against William Burnett, pilot of the *Swallow*, from 1845 to 1846.

It is impossible for Cooper not to have taken an immediate interest in the Burnett case. Also, the question of the 4-year time lag between the *Erie* disaster and publication of the anonymous sketch is quickly explained due to the impetus provided by the loss of the *Swallow*.

Link No. I:

One of the Lost: The Death of David S. Sloan, Age 26

Linkage:

- a) Geneva, New York: Bishop W. H. De Lancey's home;
- b) Personal Link: Bishop William Heathcote De Lancey, James Fenimore Cooper's brother-in-law

Sloan, a victim of the *Erie* at the age of 26, took his Master's in Geneva, New York at Geneva College (later called Hobart), the same college Cooper's son, Paul Fenimore Cooper (1824-1895), attended beginning in 1840. In the spring of 1840, Sloan was confirmed in the Episcopal Church by Cooper's brother-in-law, Bishop William Heathcote De Lancey, the first bishop of the Episcopal Diocese of Western New York. The quality of education at Geneva College was also a major concern of Bishop De Lancey:

“Bishop De Lancey never ceased to give the school highest commendation in his addresses; he attended as many commencement exercises as possible during his episcopate; he strove, with the strong leadership of the Rev. Benjamin Hale, D.D., as President (1836-59), to make the College a center of sound learning and healthy spiritual growth.”

– “Some Aspects of the Episcopate of William Heathcote De Lancey, First Bishop of the Diocese of Western New York (1839-1865)” by Frederick J. Masterman, *Historical Magazine of the Protestant Episcopal Church*, 1964, p. 270.

New-Hampshire Patriot & State Gazette (Concord, New Hampshire)

September 23, 1841 (Vol. XXXII, No. 1695), p. 1, c. 6-7

The following tribute to the memory of David S. Sloan, lost in the *Erie*, which we find in the *Geneva* (N. Y.) *Courier*, is unless we mistake, from the pen of a fellow classmate in college, and a friend who knew him intimately.

For the *Geneva Courier*.

A Tribute.

The friends of Mr. Sloan will be gratified to learn that his body has been recovered and interred. It was found near the town of Evans, in this state, not many miles from the spot where the steamboat *Erie* was burned, and taken in charge by a committee

of the citizens appointed with praiseworthy [sic] promptness, for the purpose of rescuing and protecting the remains of the victims of that disaster. In the letter from the committee, it is stated that he was indentified [sic] from papers found upon his person, and his residence ascertained from the circumstance of his money being chiefly in bills on the Geneva Bank.

It seems proper to seize the present occasion to give some account of the brief career of the deceased, and to pay a just tribute to his memory. Mr. David Scott Sloan was a native of Haverhill, N. H. where his parents and relatives still reside, and, at the time of his death, was about twenty-six years of age. He graduated at Dartmouth College in 1836, having maintained, while at that institution, a standing among the first scholars of his class, and *three years afterwards received the degree of Master of Arts from Geneva College.* Immediately after graduating, he commenced the study of law in his native town and continued to apply himself to it until the autumn of 1838 when by the blessing of God, he was led to consider seriously the subject of religion. His attention resulted in a hope that he had experienced the change from “death to life.” At this period, he moved to Geneva, where he publicly testified his faith in Christ, and adorned his profession by a virtuous life. *In the spring of 1840, he was baptized by the Rev. Mr. Irving, and confirmed by Bishop De Lancy [sic]. After a few month’s [sic] residence, he was appointed tutor in Geneva College* but he thought it best to engage in teaching a select school, which he continued at the time of his death. During his vacation, he went on a journey to Ohio, to visit a relative, and it was on this journey that he embarked in an evil hour on the boat which bore him to his grave, in the waters of lake Erie; there, amid the horrors of a scene which no imagination can conceive, he drew his last breath, and when he hoped to find a passage to his friends he found a path to heaven; there he, in that dismal night “——sunk low, but mounted high, Through the dear might of Him that walked the waves.”

Mr. Sloan possessed a vigorous understanding, a retentive memory, a lively imagination, a good judgement [sic] and a faculty of concentrating his powers upon a necessary occasion. He was clear in his conceptions, embodied them in impressive language, and enforced them with appropriate illustrations. He possessed forecast and perseverance; was sagacious in anticipating obstacles and skillful and persevering in obviating them. He was prudent but resolute; though he did not expose himself to useless danger, when it was necessary to incur it he did not shrink from it. He was economical but generous; and while he never lavished his means, he gave liberally where charity demanded. He had many friends, to whom he was courteous, attentive and steady; and he indulged no enmities. Those from whom he differed in opinion or interest, he treated with urbanity and honor. He was social in his disposition, and his numerous acquaintances will testify to his readiness to do them service, and his power to interest and amuse them. An advocate of those plans for religious and moral improvement, which he thought useful, he was not only active himself, but infused his own spirit into others. Although earnest in his character and eager to press on to the accomplishment of his ends, he was never indifferent to counsel. No one estimated more accurately the value of opinion; no one laid up the opinions of the wise and good and governed himself by them more carefully. In whatever he undertook, he approved [sic] himself energetic, intelligent and high-minded [sic]. He lived a sober, righteous and godly life. He dies widely and deeply deplored. Called from the midst of them who esteemed and loved him, and whose confidence and affection he warmly returned—cut down in the dawn of his promise, without an hour’s warning, without a parting message, without one incident of his last moments—he has gone to the world of the spirits; leaving his to afflicted relatives, the wealth of an unsullied character, and to all who know him, a virtuous example.

Link No. 2:

One of the Saved:

The Survival and Rescue of Levi Beebe, not yet 12

Linkage:

- a) Cooperstown, New York, Cooper's home
- b) **Personal Link: New York Supreme Court Justice Samuel Nelson,
James Fenimore Cooper's neighbor and friend**

A HEROIC BOY is here described in a letter from Buffalo concerning the burning of the *Erie* Steamer, which we find in the N. York *Commercial Advertiser*. It is a thrilling incident:

The burning of the Erie and the loss of above 200 lives have cast a gloom over the whole community. There are stricken hearts and vacant places in social circles around us.

Such disasters bring out heroic qualities. For example, the astonishing coolness and self possession of young Levi Beebe – not 12 years of age.

He had been at the military school at Cooperstown and came to Buffalo on his way home (to Cleveland) with Chief Justice Nelson who placed him in charge of the master of the Erie.

[The man referred to is Glieson, the Clerk. For further details, see the excerpt following Levi's story taken from the New-York Log Cabin.]

On the bursting out of the fire, he ran round the ladies' cabin for safety, but the fire sweeping round, in both directions, he laid hold of the tiller chains and slipped down the stern; there he grasped the rudder, or some appendage of it, and was towed thro' the water nearly two hours, heavily as the boat plunged in the violent sea.

The fire came so near him that his hands were badly burned – and he was obliged to wet his head constantly to prevent his hair from taking fire.

At one time his ankle [sic] was grasped by a man who swept past, but he was so exhausted that he succeeded in shaking him off. At another a large man, "a strong swimmer in his agony," caught hold of him. The lad reasoned with him on the folly of pulling him off when both would be drowned in consequence, and eventually, with great difficulty, got clear of him and saw him sink.

Heart rending shrieks rose above the roar of the waves and the crackling of the flames – more than two hundred persons were drowning or burning around him – yet amid all these difficulties and horrors he kept his hold with unabated resolution, and with a clear understanding and observation of the whole fearful scene.

The boat he says, burned in two and a man helped him up on the stern portion, from which they were taken by the *DeWitt Clinton*.

***New-Bedford Mercury* (New-Bedford, Mass.), Fri. Aug. 27, 1841, p. 1, c. 4, vol. XXXV, no. 8.**

The Log Cabin (New-York), Saturday, August 21, 1841, published by H. Greeley. Vol. I, New Series No. 38, p. 4, c. 2.

Excerpt from “**The Burning of the Erie**”

Young Beebe, whose courage and self-possession has been particularly noticed in many public prints, was attending a Military School at Cooperstown, and was on his way to visit his friends in Cleveland. At Buffalo he was placed under the particular charge of the unfortunate Glieson, the Clerk. When the fire broke out, his friend G. took him by the hand, and after in vain endeavoring to find some mode of escape for him, he advised him to slide down the tiller-chains. This he did, and G. accompanied him. While thus hanging, the fire often poured over them in livid sheets; but they hung on, changing hands, and dashing water in their faces with the hand at liberty. The little fellow succeeded in holding on until rescued; but poor Glieson sunk a few moments too soon to be saved. The boy’s face was a good deal burned, and his leg somewhat bruised by a burning timber which fell upon it. He describes, as the most fearful part of the dreadful scene through which he passed, the shrieks of those who were vainly struggling to press themselves through the windows of the cabin, which was filled with fire and smoke.

The boy’s heroism and survival were attributed in part to his training at the Cooperstown Classical and Military Academy. As it turns out, both Cooper’s son Paul (1824-1895) and Nelson’s son Rensselaer (1826-1904) attended that academy. Cooper not only took an interest in the academy but even purchased the school!

Letters and Journals, Vol. III: 510. To Mrs. Cooper. Albany, 10th Nov. 1838 (p. 343.)

Mrs. Duff* is inclined to take a few girls, and *the Chief-justice* is much disposed to put his daughters with her.

Footnote 4 (p. 345):

Evidently Catharine R. and Jane E., the younger daughters of Chief Justice Samuel Nelson.

*William H. Duff and Mrs. Duff:

Footnote 2/Biographical Note, pp. 344-345:

William H. Duff (d. 1847) conducted the Cooperstown Classical and Military Academy from 1839 to about 1843. A colorful Englishman or Irishman, he is said to have eloped to Canada with a beautiful wife. He apparently passed as an alumnus of Trinity College, Dublin., though he was not; and his claim to the military rank of major is doubted. Duff is listed in *Child’s Albany Directory* for 1838-9 as a professor of languages at the corner of Hawk and Spring streets. Mrs. Duff is listed at the same address as the conductress of a Young Ladies Boarding School. *Their school in Cooperstown occupied Apple Hill, which Cooper purchased during Duff’s occupancy. The novelist interested himself in the institution partly because his son Paul studied there.* In 1843 Duff established a school at Shelter Island. He obtained a captain’s commission during the Mexican War and died shortly after sailing for Vera Cruz. (Birdsall, *The Story of Cooperstown*, 353-55; *Historical Register and Dictionary of the United States Army.*)

In an obituary, "Judge Rensselaer R. Nelson Dies at St. Luke's Hospital", *Saint Paul Globe*, Oct. 16, 1904, p. 16, the early education of Judge Samuel Nelson's famous son, who followed in his father's footsteps, is described:

"It was at Cooperstown, N.Y., founded by the novelist*, that Judge Nelson was born May 12, 1826. His school days were passed at a military academy in Cooperstown and at Haerwick seminary. When only sixteen he entered Yale college, by which he was graduated four years later, in 1846."

[*Obviously, it was the novelist's father, Judge William Cooper, who founded Cooperstown.]

Link No. 3:

Judge Samuel Nelson of Cooperstown



UNITED STATES CIRCUIT COURT.
Before Judges Nelson and Betts.
THE SWALLOW.—Yesterday the grand jury came into court with an indictment for manslaughter against William Burnett, the pilot of the steamboat Swallow. He has not yet been arrested, but will probably surrender himself when he arrives in this city.



U. S. CIRCUIT COURT—Monday—Before Judge Nelson.

The Case of the Swallow —The trial of William Burnett, pilot of the steamboat Swallow, on an indictment for manslaughter, was resumed by Ogden Hoffman summing up on the part of the defence. The learned gentleman was followed by the U. S. District Attorney. Judge Nelson charged on the law and the facts. The jury retired about half past 4 P. M., and after an hour's absence returned with a verdict of *not guilty*. Burnett was immediately discharged, and received the congratulations of his friends. The court then adjourned.

Who was Judge Samuel Nelson, the man who, at Buffalo harbor on August 9th, 1841, placed young Levi Beebe in the care of Gliesen, the clerk of the *Erie*, the same man who, from April 18, 1845 to April 13, 1846, as newly appointed and confirmed Associate Justice of the United States Supreme Court, presided over the Circuit Court trial of William Burnett, the pilot of the *Swallow*? The following obituary provides clarification:

The Troy Weekly Times (Troy, N.Y.), Saturday, December 20, 1873, Vol. XVIII, No. 25, p.2, c. 4

OBITUARIES.

[From the *Daily Times*, Dec. 15]

EX-JUDGE SAMUEL NELSON.

Ex-Judge Samuel Nelson, late associate justice of the supreme court of the United States, died suddenly at 2 o'clock Saturday afternoon, at his residence in Cooperstown, N. Y. On Monday last he complained of having taken a slight cold, and was confined to his room up to Friday afternoon, when he went downstairs and spent the afternoon in the parlor. Saturday morning, he went down to breakfast and appeared as well as usual. While sitting in his chair in the afternoon listening to the reading of a letter by Mrs. Nelson, he made an inquiry in regard to it, and then without a word or sigh suddenly expired. So quiet was his death that it was supposed he had fainted, and not until the physicians pronounced him dead was the truth realized. We copy the following concise account of his life from the *New York Times* of yesterday:

The late judge had just completed his eighty-first year, having been born on Nov. 10, 1792, at Hebron, Washington county, N.Y. Both his father, John Rodgers Nelson, and his mother, Jane McCarter, were of Irish descent, their ancestors having emigrated from the north of Ireland to Salem, Washington county, about the middle of the eighteenth century. The deceased was sent to the district school at a very early age and was prepared for college at a classical school in Salem, taught by Rev. Mr. Gross, and afterward at Granville Academy, the principal of which was Salem Towne of spelling-book fame. He entered Middlebury college, Vermont, in 1811, and graduated August 1813. He studied law in Salem under Messrs. Savage & Woods, both of whom were distinguished lawyers, Savage having been subsequently chief justice of this state, and Woods a judge in Madison county. In the year 1816 Mr. Woods removed to Madison county. Nelson accompanied him and was admitted to the bar at the January term of the supreme court in 1817. ***He soon located himself in Cortland village, Cortland county,*** where he practiced his profession with great success. In 1820 he was appointed a presidential elector and voted for the election of James Monroe for the second term. ***In 1821 he was appointed postmaster of Cortland village,*** and in the same year he was a delegate to the state convention for the revision of the constitution, ***where he advocated the abolition of the property qualification for voters.*** In April 1823, he was appointed by Gov. Yates circuit judge under the new constitution he had helped to frame, and he held this office for a period of eight years. The circuit comprised the counties of Otsego, Delaware, Chenango, Broome, Cortland, Tompkins, Tioga and Sullivan. On Feb. 1, 1831, he was appointed by Gov. Throop to the supreme court, succeeding Judge William L. Marcy, who was elected United states senator. ***On August 31, 1837, Gov. Marcy appointed him chief justice of the state of New York,*** vice Judge Savage, (his former preceptor,) resigned. ***He held this position until 1845, when he was appointed by President Tyler associate justice of the United states supreme court, succeeding Judge Thompson.*** In 1846 he was elected a delegate to the state constitutional convention but took no active

part in its deliberations. He received the degree of LL.D. from Middlebury college, Columbia college and *Geneva college*. The soundness of his decision against the fugitive slave law in the celebrated Dred Scott case brought his name prominently and favorably before the public at that time. He was a member of the joint high commission that framed the Treaty of Washington and was at all times the trusted and esteemed counselor of different administrations, and on several occasions during the civil war rendered valuable services to the Union by his firmness and patriotism. President Lincoln and Mr. Steward frequently expressed their appreciation of Judge Nelson's services. At one time during the war Mr. Seward, with nearly all the diplomatic corps, visited Judge Nelson at his residence at Cooperstown, ostensibly for recreation, but in reality, it is known that certain important questions of international law and other public questions were submitted to him for his decision. He retired from the bench exactly a year ago and was succeeded by Judge Ward Hunt. On his retirement, all the leading members of the bar passed resolutions in which high tribute was paid to the efficient services rendered by him during a long and honorable career in the administration of justice. ***Judge Nelson was married twice. First in 1819 to Miss Pamela Woods***, oldest daughter of one of his preceptors, Judge Woods of Madison county. She died in 1822. ***In 1825 he married Miss Catherine A. Russell, daughter of Dr. Russell of Cooperstown, who with four children, two sons and two daughters, survive him.*** United States Commissioner Kenneth G. White is married to one of the daughters, and when in this city the late judge spent most of his time with Mr. White. The other daughter is the wife of Rev. Dr. Beech of the Episcopal church in Twentieth street. ***One of the sons, Rensselaer Nelson, is judge of the United States district court of Minnesota.***

It goes without saying that the geographical coordinates of both Levi Beebe and Judge Samuel Nelson point to Cooperstown, New York, the home of James Fenimore Cooper. How long did Cooper know Samuel Nelson? Writing from Paris a decade before the *Erie* tragedy, on May 25th, 1831, to his nephew Dick (To Richard Cooper, Letter No. 207), Cooper closes his letter with the request that his respects should be paid "in a suitable manner, to [among others] Mrs. Nelson," who in the year 1831 was 26 years of age. This is the very first reference (albeit indirect) to Nelson in *The Letters and Journals*. A footnote appended to "Mrs. Nelson," adds, "Mrs. Nelson (1805-1875), *the wife of Cooper's friend* [my emphasis] Samuel Nelson of the United States Supreme Court, was Catherine Ann, daughter of Dr. John Russell (RLB)" (*Letters and Journals*, Vol. II, p. 89 & p. 91). Catherine was Samuel Nelson's second wife. They were married in 1825, four years after the death of Nelson's first wife Pamela, née Woods, who died of consumption. Catherine was a native of Cooperstown. Nelson moved there in 1824.* As the Coopers resided in New York from 1822 till their departure for Europe in 1826, it is quite probable that Cooper may not have even met Samuel Nelson by the year 1831. Cooper himself must have known Catherine far longer than was the case with Judge Nelson. —Hence the greetings directly to Catherine from Cooper in Europe. Also, Cooper and his family resided again in New York City for three years after his return from Europe. Only after the renovation of Otsego Hall in Cooperstown was finally completed in 1836 did Cooper return to Cooperstown with his family. Direct references to Nelson in *Letters and Journals* only begin in May 1838. As such, it may be assumed that the Author and the Judge became close friends only *after* 1836. This relationship continued until Cooper's death on September 14, 1851.

A letter dated October 9, 1841 (the year of the *Erie* tragedy and the heroism of Levi Beebe), provides concrete evidence that Cooper was in close contact with Chief Justice Nelson with regard to the 1837 McLeod case, which was to be decided shortly afterwards with Chief Justice Nelson of the State of New York presiding (due to sudden illness, Nelson was obliged to give up the case).

*Ralph Birdsall, *The Story of Cooperstown* (New York: Charles Scribner's Sons, 1925), p. 300. Birdsall uses the spelling "Catharine" (p. 175); Beard, editor of *Letters and Journals*, "Catherine."

It is understandable that America's leading maritime historian would have taken a keen interest in the case, which was tied to the North Eastern Boundary Question* and was a powder keg that could have led to war between the United States and Britain. McLeod, who had murdered an American citizen on the *Caroline* and boasted that he had "killed a d—d Yankee," was found not guilty because he had been acting on orders from the British government to put down a Canadian republican insurgency close to Buffalo on Canadian territory. The *Caroline*, while anchored on American territory, was suspected of carrying weapons to the rebels. She was seized by force, an unarmed American on board killed in the process. Afterwards, she was set fire to and ultimately dashed to pieces when she crashed down the Niagara cataract. If McLeod, a British subject, had not been exonerated, war between Britain and the United States would have been imminent. The case was so paramount and American fighting sentiments had been running so high that President Tyler, on December 7, 1841, devoted a considerable portion of his State of the Union Address to this thorny case.

638. *To Charles Jared Ingersoll*

Hall, Cooperstown, Oct. 9th '41

Dear Sir,

My recollections of the McLeod affair are as follows.

The Chief Justice [Samuel Nelson] told me that Mr. [Jonathan L.] Wood[s], the district Attorney of Niagara County, who was once his partner, had sent him an abstract of the testimony, as it stood last spring, when the Chief Justice was required to go and try the cause. According to this abstract, several respectable Americans, who happened to be in Canada, swore that they saw McLeod get into, and come out of the boat &c, and heard him boast that he had killed a yankee &c. The alibi, it was also said, was attempted to be shown by means of a woman, or women of doubtful character. This, substantially, I repeat to you, with perhaps some further details to the same effect.

Since then, I understand the Chief Justice to say he has examined the testimony for the prosecution, and it struck him as insufficient to convict, unassailed. A general impression has got abroad that McLeod was not present. All that the Chief Justice *first* said, appears to be proved, in terms, and by many witnesses; and everything now depends on the characters of these witnesses. I have read the opening for the defence, and I confess I begin to think McLeod *was* present. At all events it is pretty clearly proved that he boasted of having been present, and that deprives him of all just grounds of complaint.

It is odd that Capt. Appleby [*master of the Caroline*] should think he saw McLeod on board the *Carolina*, *that very night*, on the American side of the river, and that others on the English side should swear they saw him embark. You will perceive Appleby tells a companion that McLeod was one of the party before the vessel was out of sight.

Capt. Drew [*the actual leader of the expedition against the Caroline*] also refused to testify, on very insufficient grounds, when a man's life is involved in the issue. The reporters evidently incline to *peace*, and their accounts are to be taken with grains of allowance.

I was right in thinking the Supreme Court must sentence. I mentioned the discrepancy to the Chief Justice to-day, and he laughed at his own forgetfulness in having advised the Circuit judge not to sentence.

The Letters and Journals of JAMES FENIMORE COOPER, Vol. IV (Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 1964), pp. 175-176.

*Cf. *Pennsylvania Inquirer & Daily-Courier* (Philadelphia), Sept. 30, 1841, No. 78, p.2, c. 2-3: "Our Relations with Great Britain. The McLeod Case & North Eastern Boundary Question"

The close ties between Cooper and Judge Nelson are particularly apparent in the letter Cooper wrote to his old Yale Chemistry professor Benjamin Silliman in 1842. Petitioning Silliman to counsel Nelson's son Rensselaer, who was about to begin his freshman year at Yale, Cooper explicitly stated his relationship to Nelson:

“My present object, in addition to thanking you for your politeness, is to ask your kind offices for my young friend Rensselaer Nelson, who goes to join the new freshman class at alma mater – you see I do not call her a *step*-mother. **Mr. Nelson is a son of my friend and neighbor, Judge Nelson, the Chief Justice of the Supreme Court of New-York.** We all feel an interest in his career, and, as he will be entirely among strangers, I venture to recommend him to your counsel and friendly offices.” - *Letters and Journals*, Vol. IV, Letter 691, Sept. 16, 1842, pp. 313-314.

That the Judge knew how to reciprocate is seen in the following letter with regard to Cooper's son Paul, who, as a fledgling lawyer, was fighting to make ends meet:

1102. To William Branford Shubrick. Hall, Cooperstown | **Nov. 3, 1850.** (p. 230.)

Paul has made a very good and creditable arrangement at Albany. He is partner in a firm that is well established, and which is doing a good deal of business. He has charge of the office, which gives him plenty to do, and just the experience he requires, and has one fourth of the earnings, which exceeded \$3000 nett, last year. This is a pretty good beginning, as most young lawyers do not make their salt for the first year or two. **Judge Nelson** has given Paul the offices of Master & Examiner, Commissioner &c., in his court, and thinks they will give him enough to live on.

Nelson, together with Cooper, were active in the Episcopal Christ Church, Cooperstown, and represented the church in Diocesan Conventions (e.g., Sept. 24, 1845). The last entry in Cooper's *Journal* (which was discontinued exactly three years and four months before his death):

JOURNAL XLIV

13 MAY TO 14 MAY 1848

Sunday, 14 May.

Numbers. Raining and cool. **Most of us went to church**, notwithstanding. About seventy persons attended. **The Judge [Samuel Nelson] was there, having got home last evening.** In the afternoon I read the service for my wife, who did not like to risk the weather. About five the wind went down, and it cleared. It seems as if all the clouds that passed in the last easterly storm, have been driven back by this from the west.

Cooper Collection, Yale University Library. *Correspondence*, II, 752. In: *Letters and Journals*, Vol. V, p. 350.

Even in Cooper's final days, the Judge was by his side:

“When he rallied at intervals, he took pleasure in seeing **old friends like Judge Nelson** and in hearing his letters and the newspapers read aloud to him.”

—In: *Letters and Journals*, Vol. VI, p. 256.

Letters and Journals, Vol. III, Footnote 2 to Letter 525, p. 376, April 12, 1839:

Cooper and Nelson were much like in their attitudes and interests; and although they seem almost never to have corresponded, they maintained a warm friendship until the novelist's death.

—Birdsall, *The Story of Cooperstown*, 299-325; Allen Johnson and Dumas Malone, eds., *Dictionary of American Biography* (New York: Charles and Scribner's Sons, 1928-1936), 20 volumes.

Cooper's daughter Susan Fenimore Cooper (1813-1894), an author in her own right, provided introductions to most of Cooper's works together with excerpts from the novels. Apart from *Pages and Pictures from the Writings of James Fenimore Cooper* (New York: W.A. Townsend and Co., 1861) with introductions to 25 novels, she also added introductions to the *Household Edition of the Works of J. Fenimore Cooper* (New York and Cambridge: Houghton, Mifflin and Co., 1876-1884) with introductions to 15 novels. Susan's introduction to *The Crater* (first published in 1847) is only in the *Household Edition* and relates not merely the interest Cooper and Nelson took in gardening but also that they were "constant companions" who discussed far more than gardening.

In a garden the author felt almost as much at home as on shipboard. In his own garden he took very great pleasure, passing hours at a time there during the summer months, directing and superintending the work with his usual lively interest in whatever he undertook. On these garden matters many were the communications between himself and **his friend and constant companion**, Judge Nelson of the Supreme Court, recently deceased, after half a century of upright service on the Bench, and so deeply regretted by the whole country. Many were the conversations on legal and political questions, and, by way of interlude, many were the visits the friends paid to the author's hot-beds or melon-hills. Only a short time since a little package of muskmelon seed, more than thirty years old, was accidentally found in an old envelope, labeled in the author's handwriting: "August 7, 1847, very fine indeed." It must be frankly confessed that the author was not a little proud of his melons, their early growth, and fine flavor. And pride, we are told, must have a fall. It chanced one spring that an especial effort was made to bring some very special melon-seed forward unusually early. A box was prepared and placed in the southern vestibule of the house, a warm and light exposure. Very soon, much sooner than was expected, tiny green points appeared, and ere long neatly formed leaflets showed themselves. The fact was immediately communicated to Judged Nelson; and the two fine, venerable heads were soon to be seen bending together in a close scrutiny over the young plants, and a pleasant sight it was, the eager interest of the author, the general sympathy of the judge. The leaves were coming forward so rapidly that it was held to be certain that the fruit must ripen several weeks earlier than usual, a fact mentioned with some exultation to several neighbors. A brilliant triumph was expected. Alas, there was disappointment in store. Neither the legal dignitary nor the author was a botanist. A day or two more proved that the friends, instead of studying young melon plants, had been tenderly nursing the first leaves of that vagabond weed, the wild cucumber vine.

Susan's hard-to-find Introductions to the *Household Edition* are accessible in the Internet. For *The Crater*: <http://jfcoopersociety.org/susan/susan-crater.html>

As if David Sloan, Bishop De Lancey, Levi Beebe, and Judge Nelson were not sufficient to point to James Fenimore Cooper as an American writer and historian whose attention, due to

personal contacts, his field of interest, and his very place of residence, must have been directed to events on Lake Erie, on November 7, 1841, in a letter to David Conner, Cooper reported how shocked he was to discover that his recently published *Naval History* was not permitted to be placed in the District School Library “on the ground that the book was controversial on the subject of the Battle of Lake Erie, and he [John Canfield Spencer, Secretary of War from 12 October 1841 to 3 March 1843] had uniformly declined admitting any controversial works” [Underscored words - Cooper’s emphasis. Cf. *The Letters and Journals of JAMES FENIMORE COOPER*, Vol. IV, p. 187].

Justice Nelson’s son Rensselaer married a young widow whose maiden name was Beebe.

“Rensselaer R. Nelson, son of Judge Samuel Nelson, married Emma F. Wright Beebe on 3 November 1858.”

Allen Johnson and Dumas Malone, eds., *Dictionary of American Biography* (New York and London: Macmillan and Company, and Smith, elder and Company, 1885-1912), 20 volumes [=DAB]

A fascinating question is whether Levi Beebe had a sister named Emma F. Wright Beebe.

Emma F. Wright Beebe, *The Letters and Journals of James Fenimore Cooper*, Vol. V, p. 284:
JOURNAL XXXIII,
12 FEBRUARY TO 29 FEBRUARY 1848

Tuesday, 15 February [1848].

“Miss Beebe [Ftn. 1: possibly Emma F. Wright Beebe - DAB] passed the evening with us, to take leave of us [=the Coopers].”

Young Levi was “not yet twelve years of age” in August 1841. Assume Levi had an attractive elder sister of fifteen by the name of Emma, whom Judge Nelson’s son, Rensselaer Nelson (1826-1904) had taken an interest in. By 1858, the year of their marriage, Emma and Rensselaer would have been thirty-two years of age; in 1848, when “Miss Beebe” called on the Coopers, twenty-two. The question why Judge Nelson took it upon himself to personally accompany young Levi Beebe to Buffalo may thus involve close family ties between the Beebes of Cleveland and the Nelsons of Cooperstown. [Cf. “Delay at Buffalo” – L&J, Vol. VI, Letter #1045, Feb. 20, 1850, p. 141]

Note: The section on Levi Beebe and Samuel Nelson has been in large part excerpted from N. Barry’s “An Investigation of American Source Material Used by the *Gewerbe-Blatt für Sachsen* in Leipzig, Germany on October 8th, 1841, under the Heading ‘Loss of the Steamboat Erie,’” pp. 12-18. Cf. “1841 News Items”>”Eyewitness Accounts of the Fateful Night of August 9th, 1841”>”Other reports are contained in this essay:” <https://johnmaynard.net/sourcematerial.pdf>

For further references to Judge Samuel Nelson, see excerpts from James Fenimore Cooper’s *Letters and Journals*, <https://johnmaynard.net/Cooper-Nelson.pdf> .

Norman Barry, Bad Schussenried, Germany, updated February 2021.