

The Curious Case of Ann Cooper Hewitt

G.S. Payne looks at a long-forgotten scandal that rocked America's high society in the 1930s

*"I'M ONLY A sterilized heiress,
A butt for the laughter of rubes,
I'm comely and rich,
But a venomous bitch —
My mother ran off with my tubes!"*
— Gene Fowler, *journalist/humorist*,
the *New York Daily Mirror*, 1936

It was the story of the year, the sensational scandal everyone was talking about from New York to San Francisco. Ann Cooper Hewitt was the heiress to a fortune, and she was suing her own mother, Maryon Cooper Hewitt, for half a million dollars. Why? Because two years earlier, in 1934, when Ann was 20 and still technically a minor, Maryon had Ann taken to the hospital for an appendectomy. Ann soon discovered she had lost more than her appendix.

It was a case that pitted mother against daughter, delved into the rights of minors, touched on the definitions of the mentally disabled (but interestingly, only lightly on their rights), explored the very idea of motherhood, underscored 1930's American sexual mores, saw criminal action taken against two prominent doctors, and included a spectacular fall from society, complete with a suicide attempt. And it was all offered up to the public in juicy accounts of high-society characters — in particular, a sad and barren young woman and her wealth- and status-obsessed mother who seemed willing to stop at nothing for a larger share of a rather large inheritance.

The Road to High Society

Ann Cooper Hewitt was the great-granddaughter of industrialist/inventor Peter Cooper. Cooper made his fortune with his iron

foundries, as well as from a litany of inventions that ranged from the first US steam locomotive to the first gelatin dessert (later to become better known by its brand name, Jell-O). Cooper's son-in-law, Abram Stevens Hewitt, was a mayor of New York City and generally regarded as the father of the New York City subway system. Cooper's grandson (Ann's father)



Plaintiff Ann Cooper Hewitt — the unknowing recipient of a salpingectomy undertaken at the request of her mother.

was Peter Cooper Hewitt who formed, among other lucrative ventures, an electric company with none other than George Westinghouse.

Then into this prominent, highly-respected, successful family came one Maryon Denning, the former Maryon Brugiere, nee Maryon Andrews, a striking beauty with fervent aspirations to be rich and a part of high society. In 1902, at the age of 18, she married Dr. Pedar Brugiere, a Califor-

nia millionaire who came from one of the oldest, wealthiest families in New York society. Where exactly Maryon came from remains sketchy. She seemed to have cultivated an image of a popular Southern belle from Virginia. But according to daughter Ann, "While my mother has always boasted of her Southern aristocracy, she was the daughter of a horsecar driver in San Francisco who lived in a flat over a corner grocery store when she was a girl."

Wherever she came from, Maryon found her way into money and society with her marriage to Brugiere. The couple had two children, but the marriage ended after seven years. Maryon subsequently married a wealthy Manhattan stockbroker. That marriage failed as well, and somewhere along the line Maryon met the wealthy Peter Cooper Hewitt. The two carried on an illicit affair, resulting in the birth of Ann in 1914. They eventually married in 1918. Peter died in 1921, and by 1923, Maryon was married yet again, this time to a wealthy French baron. The daughter of the San Francisco horsecar driver was now living in France and had become "the Baroness d'Erlanger of Paris."

The arrangement of Peter Cooper Hewitt's estate, in a trust fund, would become fodder for much speculation in early 1936 when daughter Ann would bring suit against her mother. The fund's income was set to go one-third to Maryon, and two-thirds to Ann and Ann's children, should there be any. However, if Ann were to die childless, her portion would revert to Maryon. It was this, claimed Ann, that prompted Maryon to have the surgeon take an extra step during Ann's appen-

dectomy. Ann's appendix was removed, but she also became the unknowing recipient of a salpingectomy — the removal of her fallopian tubes.

Mother versus Daughter

By the time Ann brought suit against Maryon, in January of 1936, Maryon had been divorced by the Baron d'Erlanger, married (to a New Jersey lawyer named George McCarter), and divorced again. Her time spent in Paris with the Baron was apparently not without its share of excitement. She became rather famous in Parisian society, was known as the "greatest woman gambler" and was reported to have been invited by the Shah of Persia to be the leading lady of his harem. But she was often besieged with summonses for court appearances to answer charges for neglected bills submitted by jewelers, hotels and dress shops. At one point, she requested an increase from her share of the Cooper trust, insisting that her manner of living required an income of \$250,000 per year (close to four million dollars today). Ultimately, the Baron was forced to insert an ad in a Paris newspaper, declaring he would

not be responsible for his wife's debts. Divorce soon followed.

As for the lawsuit, filed by Ann in San Francisco, the facts were roughly these: on 14 August 1934, Mary Scally, a California state health department psychologist, examined then-20-year old Ann and pronounced her "feeble-minded", a term which today would probably be replaced with "developmentally disabled."

Scally determined Ann to have a mental age of 11. Maryon's physician, one Tilton E. Tillman, recommended sterilization to Maryon, a common practice in those days for the "feeble-minded". Just four days later, suffering from appendicitis, Ann was taken to a San Francisco hospital where, in the course of an appendectomy by surgeon Samuel Boyd, the sterilization also took place.

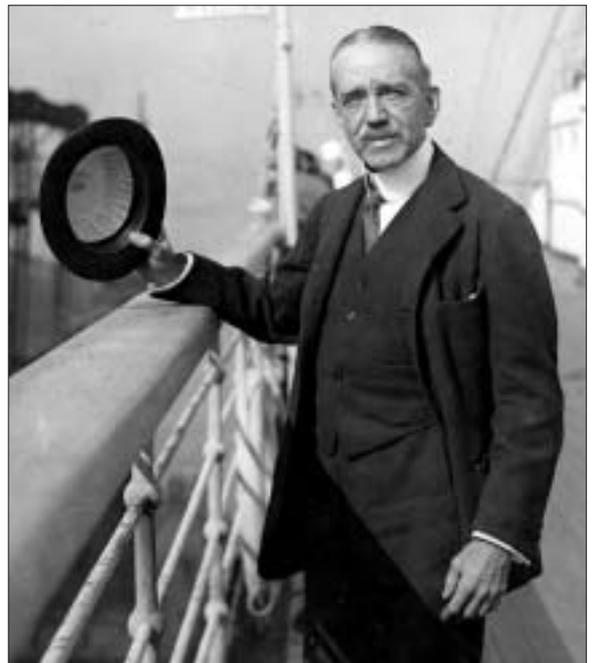
Scally's examination was an oral mental test which included questions such as: "What is the longest river in the United States?" and "How many years are there in a Presidential term?" Ann's answers were mostly all incorrect.

But Ann's New Jersey attorney, Horace Jeffers, (Maryon and Ann split time between New York

and California) had his own examination done, taking Ann to the New Jersey State Hospital for the Insane in Greystone Park where she was thoroughly evaluated by senior resident physician Lawrence Collins. His findings: "She was correctly oriented in all spheres," testified Collins in an affidavit, adding that Ann had a good grasp on the recent and remote past and that there were no obvious impairments of her thinking capacity. She was able to write fluently in French and to converse in Italian. She had read books on Shakespeare, French history, Napoleon Bonaparte, Marie Antoinette, *King Lear*, *Dante's Inferno* and the works of Charles Dickens.

Collins concluded that if there had been any retardation, it would have been due to Ann having "been conditioned during her early formative years by an unwholesome environment, and any intellectual deficiency which might be present is due not to any pathological defect but to lack of development of the intellectual faculties."

This conclusion seemed to be corroborated by Grace Wilkins, a nurse who was hired by Maryon



Left: Below: Maryon Cooper Hewitt made her way into high society boasting of her Southern aristocracy. According to daughter Ann, she was the daughter of a horsecar driver from San Francisco. Right: Wealthy industrialist Peter Cooper Hewitt was 57 when he married Maryon, four years after his affair with her resulted in Ann's birth.

to look after Ann. “When I was first employed,” Wilkins testified, “I understood it was to be a mental case. Half an hour after I saw the girl for the first time, I knew that here was no insane person. I observed three months of abuse of her by her mother. She was kept in pajamas upstairs. Her letters were censored. So were her telephone calls.”

Ann herself testified that, “My life has been terrible. I was locked up all the time. I never had any boyfriends or friends of any kind.” She further charged that her mother deprived her of an education and kept her confined. “She never had any affection for me, none whatsoever,” Ann sobbed. “She would drink all night and drag me out of bed at four in the morning to tell me if I’d die she’d have all my money. She’d be drunk and mistreat me, throwing up to me that I was a love child.”

The Story of the Year

As the daily developments hit newspapers all across the country, the captivated public followed along. If Maryon was regarded unfavorably, Ann’s California attorney, Russell Tyler, piled on by continually referring to her by all of her married names. The lawsuit, he declared to reporters, was to be brought against Mrs. Maryon-Brugiere-Denning-Hewitt-d’Erlanger-McCarter.

Maryon, resolving to better her position in the eyes of the public, produced what she imagined would be additional confirmation of her daughter’s feeble-mindedness. Maryon’s attorney declared that evidence would be offered to show “erotic tendencies” of the young heiress and that the surgery was necessary for “society’s sake.” It seemed Ann was an oversexed adolescent and, according to Maryon, “easily infatuated by men in uniform.”

Ann answered back: “Mother felt that way about men in uniform, and naturally she expected me to.” Russell Tyler explained on his client’s behalf that if Ann was simply being courteous to a servant, smilingly asking a porter to bring her a glass of water, for



Ann’s attorney Russell Tyler was so effective at disgracing Maryon in the papers that Maryon reportedly offered him a bribe to switch sides and represent her.

example, Maryon would accuse her of flirting.

Soon, it was revealed that Maryon had tried to enlist the help of Russell Tyler for herself, hoping, presumably, the skilled attorney who was effectively disgracing her in the papers, would switch sides. According to Tyler, Maryon had telephoned him, offering a “generous payment.” When he refused, she reportedly told him, “Don’t be a fool; everyone has their price.”

It also came out that Tillman and surgeon Samuel Boyd were paid an exorbitant fee (for the times) of \$9,000 to perform the sterilization. Grace Wilkins testified that Maryon had obtained the money from the Hewitt estate and upon doing so, exclaimed, “Now that the covered wagon has arrived, we’ll go out and celebrate!”

It all made for wonderful press that greatly fascinated the American public. Although Maryon had become a villain by now, surprisingly, Ann had her detractors too. There were those who felt that Maryon was justified in her concern about her daughter’s sexuality. This was 1936. Sex-

ual immorality would have been reason enough to, at least, hint at feeble-mindedness. Reasonable, proper women simply weren’t expected to behave in the ways Maryon described Ann as having behaved. It could only follow that Ann would have made an unfit mother, and Maryon was simply being prudent in making sure she would not become one.

Others saw Maryon as an ogre. Attorney Tyler reported that he received hundreds of letters from people all over America in support of Ann, letters that included offerings of sympathy, adoption, and even marriage. As noted by Wendy Kline, summing up the case in her book on eugenics, *Building a Better Race*, Maryon and Ann were essentially on trial for the same crime: their incapacity to mother.

Mayhem

Meanwhile, it wasn’t long before the civil action got the attention of the San Francisco District Attorney’s office which soon announced plans to charge doctors Tillman and Boyd, as well as Maryon Cooper Hewitt, with “mayhem”, a felony charge

reserved for cases involving the criminal act of disabling or disfiguring. Warrants for the arrests of Tillman, Boyd and Maryon were sworn out on 5 February 1936. Maryon, meanwhile, was hiding out somewhere in, or around, New York, with her attorney declaring that he would not honor a police warrant from California. In the meantime, the two doctors were arrested, released on bail, and awaiting trial.

Two weeks later, as extradition papers and legal challenges were bouncing back and forth between California and New York, a guest at the Plaza Hotel in Jersey City, registered as "Mrs. Jane Merritt", was found unconscious from what was ultimately determined to be an overdose of a "sleeping potion". It was ruled a suicide attempt, and Mrs. Jane Merritt was discovered to be none other than Maryon Cooper Hewitt.

Maryon recovered, then relapsed, with her doctor announcing on March 3 that a "heart and intestinal condition has aggravated her illness and she is in a very serious condition." She would spend the next several months in a New Jersey sanitarium. The criminal case in San Francisco would proceed without her.

The trial against doctors Tillman and Boyd for mayhem was surprisingly short. After just a few brief days of testimony, Judge Raglan Tuttle threw the case out before it could even make it to the jury, his dismissal based purely and simply on the fact that Ann was a minor at the time of the sterilization and the surgery was performed with parental consent. Therefore, according to Tuttle, there was no criminal act and no reason for a criminal trial.

In the meantime, whether it was sympathy Ann was feeling for her mother, who was still confined to a sanitarium, or simply weariness with the whole matter, Ann decided to settle her half-million dollar civil case against Maryon for the sum of \$150,000. Neither the settlement nor the dismissal of the charges against the



Above: Dr. Samuel Boyd, along with Tilton Tillman, would be charged with the felony of "mayhem" for performing the sterilization procedure. Below: Dr. Tilton Tillman recommended the sterilization because of Ann's "feble-mindedness."



doctors, however, let Maryon off the hook for the criminal charges she herself faced. However, in early December of 1936, Ann announced she would not be testifying against her mother. The Dis-

trict Attorney, without Ann's testimony, had no choice but to drop the case.

Forgiveness of a Sort

So ended the legal proceedings. Soon after, the public interest waned as well. Ann got on with her life as best she could, but had no better history with marriage than did her mother. In the next 18 years, she would be married and divorced five times. She died in 1956, at the age of 40, at the home she shared with husband number six.

Maryon, meanwhile, never fully recovered from her suicide attempt, and from her fall from high society to which the circus-like events led. In 1939, at the age of 55, less than three years after settling with Ann, she was found dead, reportedly of a cerebral hemorrhage, in her small Manhattan apartment. There was just a brief mention of the funeral in the *New York Times*.

Though the case of Ann Cooper Hewitt is barely remembered today; for a few months in 1936, the story provided marvelous entertainment. Witnessing the sordid problems of the rich and famous was great spectator sport for an American public in the throes of the Great Depression. Though everyone seemed to have an opinion on the case, Maryon's true motive can never be proved. It might very well have been to protect her "irresponsible" daughter (and society) from herself. Or it might have been to protect her own potential share of the Cooper fortune. The latter seems more likely.

Either way, forgiveness of a sort seems to have occurred in the end. The brief mention of Maryon's funeral in the *New York Times* listed Ann among those present: "Attending the short services were (Maryon's) son by the first of her five marriages...and her daughter, Ann Cooper Hewitt Bradstreet of San Francisco, and about six other persons, presumably friends."