

'We have graveyards for our friends'

By R. Marc Kantrowitz

Jim loved Josie, who loved Edward, who killed Jim.

If only it were that easy.

* * *

"Diamond Jim" Fisk, one of the great robber barons of the Gilded Age, was a dandy. Heavily set, he perfumed his hair and waxed his mustache. His ostentatious dress was adorned by large and shiny diamonds, which he also wore on his stubby fingers.

His girlfriend, Helen Josephine Mansfield — or "Josie" — was more charming and attentive than attractive. Men were drawn to the 22-year-old's flowing brown hair, ocean-blue eyes and voluptuous figure. When she spotted Diamond Jim in November 1867, she asked the madam of the house to introduce them. So much heartbreak would have been spared if the madam had merely said "no."

Despite being married, Fisk openly carried on with Josie, sashaying her to the high-society events New York City offered. Despite a certain disaffection with her older corpulent paramour, she loved the life they led. That is, until Fisk introduced her to the handsome, and also married, Edward Stokes.

While Josie craved Fisk's money, she wanted Stokes' body. In an at-

tempt to have it all, she threatened to release love letters Fisk had written her. For a tidy sum, the letters would be destroyed.

Never one to back down, Fisk responded by suing her for blackmail. Meeting his match, she sued

him in return for libel, and before long the mess was being aired in a crowded courtroom, much to the delight of the prying press and the voracious public.

When Stokes decided he had had quite enough, he tailed Fisk to the elegant and new Grand Central Hotel. Calmly placing himself at

the head of a stairway, Stokes appeared to be casually awaiting the arrival of a friend. As Fisk started walking up the lushly carpeted steps, he spotted Stokes. Before Fisk could react, Stokes pulled out a gun and shot his nemesis twice.

The murder defense was multifaceted, but filled with potholes: self-defense with a dose of temporary insanity. Stokes testified that he had been in fear for his life. He had crossed Fisk, and men who did that often did not live. After all, Fisk was known to say, "We have graveyards for our friends."

When Stokes happened to see Fisk at the hotel, Fisk reached for something: a gun. And Stokes shot him in self-defense. That no gun was discovered by or near Fisk was yet another problem for the defense, which would partially be addressed by their next witness: Josie.

All eyes watched as the main

feature, the femme fatale, slowly made her way to the stand. Dressed the part of a vamp, her heavy jewelry accented her immodest attire. As she lifted the veil of her large black hat, adorned by a blue feather that matched her earrings but

clashed with her violet-colored gloves, she spoke softly.

She told the jury of Fisk approaching her during their civil trial and offering to rekindle their affair. When she refused, he threatened to kill Stokes and even showed her the pistol with which he would settle the score. She relayed the threat to

her friend, but not lover, Mr. Stokes, "who was rightly scared given how dangerous and deadly Fisk could be."

Some of the jurors bought the tale. Unable to reach a verdict, a mistrial was declared. A do-over. The retrial commenced six months later. A different jury, a different re-



LAW 'n HISTORY



'DIAMOND JIM' FISK

sult: a quickly reached verdict of guilty of first-degree murder. Nearly a year after the murder, Stokes was sentenced to death. He and his supporters were stunned.

Then the appeals court reversed his conviction, ruling that the jury had been improperly instructed. Before Round 3 could commence, however, financial catastrophe struck. The nation entered a depression, due, in part, to the earlier financial machinations of Fisk and his cohorts.

Against that backdrop, no one

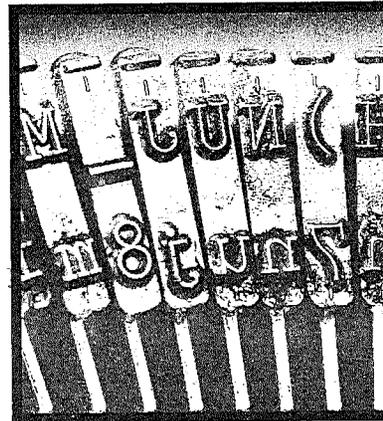
much cared anymore about the ongoing saga of the Stokes trial. Indeed, many who were now financially ruined blamed, among others, Fisk for their economic plight. At trial, a witness mysteriously appeared for the defense placing a gun in Fisk's hand. Stokes was found guilty of manslaughter and sentenced to four years in jail. After serving three, his health suffered and he was released a year early.

Epilogue

Stokes died in 1901, before which he lived in obscurity, somewhat paranoid and convinced that Fisk was following him. Josie meanwhile bounced back and forth between America and Europe. Over a half-century after the Fisk shooting, she died in 1931, no one quite knowing how she was able to live the lifestyle she did without the benefit of either work or money.

Buried in Paris, two local women attended her funeral, as did an older distinguished-looking gentleman whom no one knew. 

Judge R. Marc Kantrowitz sits on the Appeals Court. He can be contacted at rmackantrowitz@comcast.net. The above column is based primarily on "The Murder of Jim Fisk" by H.W. Brands. Katherine Hart assisted with the research.



Share your views with the legal community

Letters to the editor and commentaries should be submitted to henriette.campagne@lawyersweekly.com.

SUBMISSIONS SHOULD NOT EXCEED 1,500 WORDS.