

The Unsolved Murder of BENJAMIN NATHAN

[No single event since the close of the Civil War excited the Jewish community as much as the gruesome murder of Benjamin Nathan, one of New York City's leading Jewish laymen and a descendant of the colonial Nathan-Seixas family. His brother-in-law was the Reverend Jacques Judah Lyons, of Shearith Israel Congregation. On the morning after the crime was committed, Saturday, July 30, 1870, almost all the newspapers in the city carried the anguished story of Nathan's murder which occurred on the day when he was to observe the anniversary of his mother's death at synagogue services.

The earliest Jewish account, appearing in *The Jewish Times of New York* on August 5, 1870, observed editorially that "It was the Jewish community that commanded his active services, his untiring labors in behalf of its charitable institutions." Isaac Mayer Wise of Cincinnati wrote touchingly of Nathan in the August 12th issue of *The Israelite*. Then, in rapid succession, the news spread to Europe. *Die Gegenwart* reported it on August 26th; *Die Neuzeit* and *Die Allgemeine Zeitung des Judenthums* both carried it on September 7th, and the Hebrew periodical *Ha-magid* printed it on the very same date. In France the Archives Israélites noted it on October 1st, and in Italy it was commented upon in *Il Corriere Israelitico*. The murder remained unsolved, and it continued to be the most talked of crime for almost three quarters of a century in and out of New York.

For many years this unsolved mystery attracted the attention of editors for their Sunday supplements. The account which is reprinted here, through the courtesy of *The New York Sun*, appeared in *The New York Herald* on March 9, 1924. — EDITOR.]

NATHAN MURDER REMAINS OUR DARKEST MYSTERY
*Brutal Slaying of Rich and Worthy Stock Broker One of New York's Famous
Crimes for Which None Ever Was Brought to Justice*

BY ROWLAND THOMAS

"A Shocking Tragedy — Murder of a Millionaire — One of New York's Worthiest and Wealthiest Citizens Assassinated —".

In such wise ran the headlines in the morning newspapers of

Saturday, July 30, 1870, announcing the discovery of one of the most atrocious crimes in the city's police annals. And so was born another of Manhattan's classic murder mysteries.

An esteemed and influential man of fifty-seven peacefully retires in the security of his spacious and luxurious city home. Two of his sons and two of his servants go to sleep in rooms almost adjoining his. During the night there is no sound in the mansion sufficient to disturb its other inmates. Yet some time between midnight and the early summer dawn, after what must have been a hard and protracted struggle, the victim's head is bashed in by a rain of blows delivered with a clumsy iron rod. His pockets and safe are rifled. There is no sign of a burglarious entry to the house or of the exit of a slayer leaving telltale marks of red. The police are on the ground at once. Public horror and indignation spur them to their utmost zeal. But all their efforts are fruitless. For the slaying no man is ever brought to trial or even judicially accused. The deceased has come to his death, in the words of the Coroner's jurors, "at the hands of some person or persons to them unknown."

PROMINENT ON STOCK EXCHANGE AND LEADER OF HIS RACE

Benjamin Nathan was one of the foremost men of his race in the New York of his generation. His father was one of the founders of the New York Stock Exchange, of which he himself became a member at the age of twenty-two and vice-president in 1851, retaining his seat until the moment of his violent death. He was a man of weight in corporation circles, a director of several important railways and city transit lines. He also, like so many wealthy men of his faith, was active in good doing, open handed at the synagogue in Ninth street and a member of the first board of directors of the Mount Sinai Hospital. He had taken some part in political activities. In 1849 he had been aide de camp, with the rank of Colonel, on the staff of Gov. Hamilton Fish. He was a member of the Union and Union League clubs and the St. Nicholas Society. He had been a devoted son and was an affectionate husband and father. His two oldest sons, Harmon and Frederick, mere youths at the outbreak of the civil war, had joined the Seventh Regiment and proved themselves good soldiers during the draft riots. Later Harmon studied for the bar. Frederick and the youngest brother, Washington, prepared to follow in their father's footsteps as brokers.

OFTEN REMARKED ABOUT SAFETY OF HIS FASHIONABLE HOME

Just a month before his death Mr. Nathan had removed with his wife and most of his family and establishment to a large country estate he had recently acquired at Morristown, N. J. Frederick and Washington Nathan, then twenty-six and twenty-four years old, stayed in town, sleeping at the residence, 12 West Twenty-third Street, then a fashionable residential center. The house, described as "one of the most spacious and elegant" in the neighborhood, stood on the south side of the street, a few doors from Fifth avenue. Directly opposite was the private entrance of the Fifth Avenue Hotel. Mr. Nathan had often remarked on the sense of security this location gave him.

Thursday morning, July 28, Mr. Nathan came from Morristown, planning to spend one night in the city. The next day was the anniversary of his mother's death. In accordance with the pious custom of his faith he wanted to be at his synagogue early for devotions in her memory.

Special preparation was made for his visit, as the town house was undergoing repairs. His own bedroom being in disorder, three mattresses were brought down and stacked on the floor of the second story front room, ordinarily used as a reception room. This was done by the housekeeper, Mrs. Ann Kelly, and her son William, the only servants left in the city establishment.

RELATIVES WISHED HIM TO STAY, BUT HE INSISTED ON GOING HOME

Mr. Nathan spent the day in the financial district. At its close he went for dinner to the home of his sister and brother-in-law, Rabbi J. J. Lyons. They had been his guests at Morristown and had come into town with him that morning. During the evening there was a sharp thunder shower. They begged him to accept a bed, but he insisted on going to his own house. He explained that he could thus more easily reach the synagogue next morning. He left the house about 10 P. M.

About 11 o'clock, Mrs. Kelly testified at the inquest, he let himself in at his own front door with his latchkey and called down to her in the basement that he was going directly to bed. She made a pitcher of ice water, carried it up to him, and herself retired. The

room she was temporarily occupying was the large chamber at the rear of the second floor. It was separated from the front room by a deep range of dressing rooms, closets and a bathroom. William Kelly, her son, had already turned in in his usual quarters on the fourth or top floor.

Shortly before midnight Frederick Nathan came home. He found his father undressed and lying down. His clothes hung on a chair. The father invited him to have a drink of ice water if he wanted it, and when the son refused asked to be called at 6 A. M. Frederick kissed his father good night. He went up to the front room on the third floor, which he was sharing with Washington.

It was about 12:15, the latter testified, when he let himself into the house. The door of Mr. Nathan's room was open. He peeped in as he passed. He heard his father's peaceful breathing, refrained from waking him and continued on up to the third floor. He was the last person awake in the house that night. But he was soon asleep. Like all its other occupants who were to see another day, he slept soundly till long after the early dawn.

At 6 A. M. of Friday Officer John Mangum, doing his routine patrol, turned west from Fifth avenue into Twenty-third street. He had got about 100 feet from the corner when he heard cries of alarm behind him. Turning, he saw two young men in night clothes on the stoop of No. 12. They called to him that their father had been murdered in the night. The night shirt, hands and feet of one of them, who proved to be Frederick Nathan, were dabbled stickily with blood. On the floor of the shallow vestibule between the inner and outer doors lay a stout rod of iron, about eighteen inches long, with both ends sharpened and turned over at right angles to its length. It was covered with blood, which had dried and clotted. The policeman picked it up and went into the house with the brothers.

As Officer Mangum and the sons testified afterward, the only blood marks about the hall and stairway were the gory footprints made by Frederick Nathan when he and Washington rushed down to give the alarm. Even as the trio climbed, Frederick explained how he had smeared himself with the red stain when he knelt beside the body of his father and felt to see if the heart were beating.

The upstairs front room was in great disorder. Garments were thrown about. Several pieces of furniture were overturned. Against the west wall, close alike to the front window and the threshold of

a small anteroom, the body of Benjamin Nathan, clad in night clothes, lay sprawled in a wide pool of blood. His head was a mass of horrible wounds. His skull had literally been beaten in by numerous blows inflicted from behind him, from the side and from in front.

All about lay abundant evidence of the motive of the slaying. From the dead man's shirt the diamond studs had been torn. From his waistcoat pocket a costly gold watch was missing. His rifled wallet, which had held his safe key, lay close beside him. Just inside the anteroom the safe itself, a small household strong box, stood with gaping door. The floor near it was strewn with deeds, mortgage notes and other business papers which it had contained.

EXCHANGE OFFERED \$10,000 REWARD AND EVERY SLEUTH GOT BUSY

Within half an hour Superintendent Jourdan of the Police Department had all his best sleuths on this murder case. Before noon the Coroner had his inquest under way. Before night the Stock Exchange had posted a reward of \$10,000 for the murderer. And that day, and the succeeding Saturday, it seemed, all New York tried to cram itself into that one block of West Twenty-third street, there to catch on the wing the fledgling flight of each newest rumor.

Probably never has any crime aroused the city to a higher pitch of excitement, horror and anger. For a whole fortnight, while the fruitless inquest went on, the case remained news of primary importance to every newspaper. That is saying very much, considering the times. That was the summer of the Franco-Prussian war. During the first half of that very August the German armies made the astounding and successful march on Paris which they all but repeated in August of 1914. The American metropolis followed the unfolding of that world drama with excited absorption. But it was just as avid for the climax and solution of the tragedy in the house of Nathan.

Youthful Washington Nathan, the last to fall asleep the night before, had been the first to wake, he told the Coroner. But he was barely on his way to call the elder Nathan when Frederick also woke and followed down the stairs. Washington had barely made the horrifying discovery when his brother joined him. Pausing only to make sure their father was beyond help, the sons ran downstairs

to the front door. In the vestibule they saw the blood stained length of iron. Then they called to the policeman.

Other witnesses identified the instrument of the murder as a tool, one of the "dogs" used by ship carpenters and other artisans in handling and fastening heavy planks and timbers. There was nothing distinctive about it. They were made as needed by the blacksmiths in the shops and shipyards. This one might have been picked up by any loiterer almost anywhere along the waterfront.

The manner in which the murderer had gained entrance to the house came in for thorough investigation. All the back doors and windows had been securely fastened. So had the scuttle in the roof. A porch climber might have reached the front window lighting the anteroom, where the safe stood. The catch securing the sashes of this window was so crude that it could be pushed aside from without by inserting the blade of a jackknife. But it seemed improbable that the miscreant had gone to so much trouble. For the convenience of the workmen engaged in repairing the house the basement door had been unfastened all the week except after nightfall. They had come and gone as they chose, frequently without seeing Mrs. Kelly or her son. It was concluded that the murderer had thus made his entrance, hidden himself and waited for darkness and sleep to put the house and its inmates at his mercy.

Four mechanics, carpenters and masons, had been at work in No. 12 all day Friday [Thursday]. None of them had encountered a stranger in the house or loitering near it. All of them stood cleared of any suspicion of guilt by their excellent reputations and by unquestionable alibis.

SUSPICION CAST UPON ONE SON RESENTED BY EVERY ONE IN CITY

For a time William Kelly, the housekeeper's son, came under suspicion, largely because he was accused of having been a "bounty jumper" during the civil war. But the most searching investigation and questioning failed to reveal him in any compromising light, entrap him in any equivocal statement or otherwise implicate him in the commission of the crime.

The Sunday after the murder a single newspaper threw the city into a fresh spasm of excitement by insinuating that young Washington Nathan was the slayer of his father. This suggestion was in-

stantly and angrily rejected by the officials and the general public, for many reasons. The crime of parricide was unthinkable in a Jewish family of the high caste of the Nathans. The father was on most affectionate terms with every member of his household. He was extremely indulgent with his sons in money and all other matters. It was learned that the reporter who wrote the story had tried to force his way into the midst of the mourning family and had been repulsed without ceremony. And a tale of gallantry, in which Washington Nathan was corroborated by the testimony of a young woman witness who showed professional composure in answering extremely personal questions as to her residence and means of livelihood, accounted completely for the young man's belated homecoming on that Thursday night. The youngest Nathan might be a trifle wild, but he was a thoroughly human boy, not a monster.

The investigators were forced to the conclusion that the killing had been done by a burglar. The city was then in the midst of one of the most spectacular "crime waves" in its history. It was the readjustment period following the civil war. The Tweed ring was in its heyday; the police were demoralized; the courts were venal; murders, bank robberies and jail deliveries were daily occurrences. Municipal corruption, rash speculation, unbridled greed, reckless dissipation and crime danced hand in hand. The city was wide open. There were rich pickings for all bold enough to take them. Jim Fisk and Jay Gould were in their glory. Barely a year earlier had occurred the first "Black Friday" which marked the fruition of their gold corner. Fisk in particular was lording it in financial, political and underworld circles with the force of armed ruffians he called his "retainers." They had their rendezvous and stronghold only three blocks from the Nathan residence, at the Old Homestead on Eighth Avenue, between Twenty-second and Twenty-third Streets. Hardly one among them would have made any bones of entering a house and cracking the skull of an elderly victim on the chance of plunder.

CURIOUS INCIDENT OF MURDER THAT NEVER WAS CLEARED UP

One curious circumstance in connection with the murder never seems to have been cleared up or even thoroughly looked into. At 6 o'clock, when the brothers shouted the alarm from the stoop to Officer Mangum, the "dog" was lying in the vestibule of No. 12

with blood clotted thick and dried upon it. That drying and clotting, together with the condition of the corpse in regard to warmth and rigor mortis, led the medical witnesses to agree that the murder had been committed approximately five hours earlier, probably about 1 o'clock. Immediately after it had done its work the improvised weapon must have been dripping with blood. Yet on the carpets of the two halls and the stairway through which it had been carried down to the front door there was not a single mark of blood except where Frederick Nathan's dabbled feet had left their imprints. Unless the slayer waited for the "dog" to dry, the absence of a trail of scattered droplets is hard to understand. But why should he have waited? Why, for that matter, should he have carried the tool downstairs at all? And why have left it at the front door?

BEFORE DAYS OF FINGERPRINTS ELSE BAR WOULD HAVE BEEN CLEW

In 1870 criminal investigators had not discovered the usefulness of fingerprints as a means of positive identification. That rod, wet with Benjamin Nathan's blood, and then, wet or dry, picked up and carried, had been stamped unmistakably with the sign manual of its murderous wielder. But it was handled without a suspicion of its immense significance by all the policemen, detectives, jurymen and reporters who were striving to find out who killed Benjamin Nathan. Afterward it may have been tossed away as junk, or added to the exhibits in some private museum of horrors.

What arm swung that bit of iron which never got a chance to tell its story? What wolfish face glared from the dark hallway into the dark chamber between the time when Washington Nathan, safe home from an evening about town, peeped in to hear his father's peaceful breathing and the time when, horrified, he stared at the Twenty-third street windows bright with the sun rays of a summer's morning, and beneath them the corpse of his father, broken, stark, huddled in a pool of his own blood, which still slowly welled outward along the carpet?