Annie Oakley in Court

BY MICHELLE HENRY

The name Annie Oakley is synonymous with sharpshooting, marksmanship, and Buffalo Bill's Wild West Show. At only five feet tall, she was nicknamed "Little Sure Shot" by Chief Sitting Bull. Oakley (1860–1926) was America's first female superstar; she became an international sensation after a European tour that featured her shooting the ashes from a cigarette held by Wilhelm, the Crown Prince of Germany.

Oakley (born Phoebe Ann Mosey in Woodland, now Willowdell, Ohio) overcame substantial obstacles throughout her life with sheer determination and strength of character. She grew up in poverty, never attended school, and suffered abuse from a family to which she was indentured as a child. Later she broke barriers for women by excelling in a field dominated by men and proved that a woman could work in the entertainment industry without compromising her conservative values. Oakley never wore the revealing costumes associated with vaudeville performers of the day. She gave a substantial portion of her earnings to orphans, widows, and needy young women, and she supported her mother and siblings throughout their lives.

But even Oakley, with her flawless character and private personal lifestyle, was not immune from the same yellow journalism that plagues today's superstars. By the turn of the twentieth century, sensationalist cocaine abuse stories became popular fare in newspapers. On August 11, 1903, William Randolph Hearst released a story that Oakley was "washed up" and had been arrested in Chicago for robbing an "old colored man" to support her cocaine habit. Forty-three years old at the time, Oakley was actually living a quiet life of semi-retirement in New Jersey. A telegraphic dispatch from the Publisher's Press sent the story across the country, and it was picked up by many newspapers, including the *Dunkirk Herald* in Dunkirk, Chautauqua County, New York. However, the next day the woman arrested in Chicago admitted she had falsely given her name as Annie Oakley, and a story retraction was released over the wire. The *Dunkirk Herald* also printed the retraction.

COLLECTION OF DUNKIRK CITY HISTORIAN ROBERT HARRIS

Annie Oakley

Oakley was devastated by the story. She did not believe that a retraction was sufficient, and proceeded to initiate libel suits against every newspaper that had printed the story. For the next six years, she and her husband, Frank Butler, did nothing but pursue damages. In the PBS American Experience series "Annie Oakley," she was quoted as saying, "The terrible piece…nearly killed me. The only thing that kept me alive was the desire to purge my character."

In September 1906, Oakley's case against Daniel Toomey, owner of the *Dunkirk Herald*, was heard at the Chautauqua County Courthouse in Mayville. Oakley and her husband came to Mayville for the trial, in which she was seeking $25,000 in damages. A local newspaper described her as "a small woman, prematurely gray but vivacious…who bore the appearance of a kindly school teacher." She testified that she had been at home in Nutley, New Jersey with her husband in August 1903, and that in twenty-one years as a performer she had only missed five performances. She stated that even if she had known that a retraction had been printed, it would not have greatly influenced her.

The defense attorney, George E. Towne, argued that the retraction made good the harm that the libelous article had caused. He also argued that publication of the article in a newspaper so remote from Oakley's home did not injure her financially to any great extent. He admitted that the article was libelous, but claimed the amount being sought in damages was excessive.

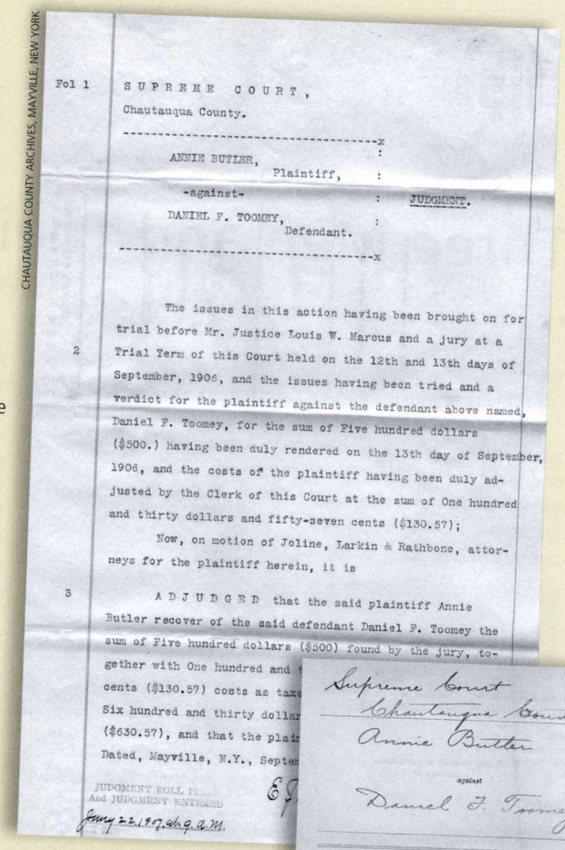
Assemblyman Arthur C. Wade, attorney for the plaintiff, described Oakley as "in every way a woman of culture, refinement, and virtue." The *Jamestown Morning Post* wrote that Wade's summation for the prosecution was a brilliant effort: "During the hour that he held the floor…he indulged in a stirring philippic [tirade] on the injustices of the press and the newspaper men, whom he described as conscienceless. He looked confident when he sat down, and leaning over to Oakley said, 'We will get a verdict.'"

Five hours after the jury retired to deliberate, they filed back into the courtroom. The jury found for the plaintiff, and agreed upon a verdict of $500. Several of the jurors had at first held out for a verdict of $5,000, they said, but compromised on $500.

After all of her libel cases were settled, Oakley had spent more of her own money on attorney and court fees than she was awarded in damages. One award was for only six cents. But she had not initiated the actions to make money, rather to restore her good reputation.

Filed with the Chautauqua County Clerk are the original court records relating to the case, including the Final Judgment ($500) and Costs of Plaintiff ($130.57). ■

These court documents show the judgment of $500 in favor of Annie Butler (Annie Oakley's married name) and a list of the court expenses she incurred.



CHAUTAUQUA COUNTY ARCHIVES, MAYVILLE, NEW YORK

Fol 1

SUPREME COURT,
Chautauqua County.

ANNIE BUTLER, Plaintiff,
-against- : JUDGMENT.
DANIEL F. TOOMEY, Defendant.

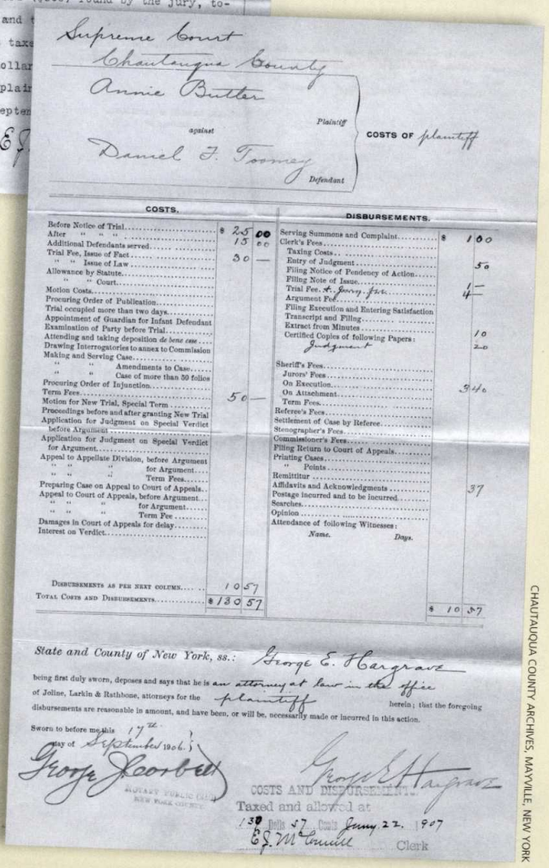
2 The issues in this action having been brought on for trial before Mr. Justice Louis W. Marcus and a jury at a Trial Term of this Court held on the 12th and 13th days of September, 1906, and the issues having been tried and a verdict for the plaintiff against the defendant above named, Daniel F. Toomey, for the sum of Five hundred dollars ($500.) having been duly rendered on the 13th day of September, 1906, and the costs of the plaintiff having been duly adjusted by the Clerk of this Court at the sum of One hundred and thirty dollars and fifty-seven cents ($130.57);

Now, on motion of Joline, Larkin & Rathbone, attorneys for the plaintiff herein, it is

3 ADJUDGED that the said plaintiff Annie Butler recover of the said defendant Daniel F. Toomey the sum of Five hundred dollars ($500) found by the jury, together with One hundred and [illegible] cents ($130.57) costs as taxed [illegible] Six hundred and thirty dollars [illegible] ($630.57), and that the plaintiff [illegible]

Dated, Mayville, N.Y., September [illegible]

JUDGMENT ROLL FILED And JUDGMENT ENTERED June 22 1907 9 A.M.



Supreme Court
Chautauqua County
Annie Butler Plaintiff
against
Daniel F. Toomey Defendant
COSTS OF plaintiff

COSTS.		DISBURSEMENTS.	
Before Notice of Trial	$ 25 00	Serving Summons and Complaint	$ 1 00
After " "	15 00	Clerk's Fees	
Additional Defendants served		Taxing Costs	50
Trial Fee, Issue of Fact	30 —	Entry of Judgment	
" " Issue of Law		Filing Notice of Pendency of Action	
Allowance by Statute		Filing Note of Issue	1 —
" " Court		Trial Fee, 6 Jurors	4 —
Motion Costs		Argument Fee	
Procuring Order of Publication		Filing Execution and Entering Satisfaction	
Trial occupied more than two days		Transcript and Filing	
Appointment of Guardian for Infant Defendant		Extract from Minutes	10
Examination of Party before Trial		Certified Copies of following Papers: Judgment	20
Attending and taking deposition de bene esse			
Drawing Interrogatories to annex to Commission		Sheriff's Fees	
Making and Serving Case		Jurors' Fees	
" " Amendments to Case		On Execution	3 40
" " Case of more than 20 folios		On Attachment	
Procuring Order of Injunction		Term Fees	
Term Fees	50 —	Referee's Fees	
Motion for New Trial, Special Term		Settlement of Case by Referee	
Proceedings before and after granting New Trial		Stenographer's Fees	
Application for Judgment on Special Verdict before Argument		Commissioner's Fees	
Application for Judgment on Special Verdict for Argument		Filing Return to Court of Appeals	
Appeal to Appellate Division, before Argument		Printing Cases	
" " " for Argument		" Points	
" " " Term Fees		Remittitur	
Preparing Case on Appeal to Court of Appeals		Affidavits and Acknowledgments	37
Appeal to Court of Appeals, before Argument		Postage incurred and to be incurred	
" " " for Argument		Searches	
" " " Term Fee		Opinion	
Damages in Court of Appeals for delay		Attendance of following Witnesses: Name. Days.	
Interest on Verdict			
DISBURSEMENTS AS PER NEXT COLUMN	10 57		
TOTAL COSTS AND DISBURSEMENTS	$ 130 57		$ 10 37

State and County of New York, ss.: George E. Hargrave being first duly sworn, deposes and says that he is an attorney at law in the office of Joline, Larkin & Rathbone, attorneys for the plaintiff herein; that the foregoing disbursements are reasonable in amount, and have been, or will be, necessarily made or incurred in this action.

Sworn to before me this 17th day of September 1906.
George Scarbell
NOTARY PUBLIC NEW YORK COUNTY

George E. Hargrave

COSTS AND DISBURSEMENTS
Taxed and allowed at
130 57 Dollars 37 Cents June 22. 1907
E.S. McConville Clerk

CHAUTAUQUA COUNTY ARCHIVES, MAYVILLE, NEW YORK

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