

## FOUNDING NEWCOMB COLLEGE

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Tragedy, philanthropy, and educational vision converged auspiciously to bring forth the H. Sophie Newcomb Memorial College. In 1870, Josephine Newcomb's daughter and only surviving child, Harriott Sophie, died in New York, where mother and daughter had been living since the death of Sophie's father, Warren. Josephine and Warren Newcomb had lost a son at birth in 1853, then Warren died in 1866, at age fifty-two, in New York, followed by the devastating blow of Sophie's sudden death only four years later.<sup>1</sup> Within this brief four-year period, Mrs. Newcomb had lost the two people closest to her in life, and her grief was deep and nearly overwhelming. Not until the founding of Newcomb College in her daughter's memory would Josephine Newcomb again find focus and purpose in her life.

Josephine and Warren Newcomb had been married for twenty-one years before Warren died, during which time they had become extremely prosperous. They had met in Louisville, Kentucky, and married in New Orleans, places to which each had come for different reasons. Warren Newcomb had been born in Bernardston, Massachusetts, in 1814, one of twelve children of Harriott Wells and Dalton Newcomb, but he left the family farm with two older brothers to seek his fortune in the Kentucky country.<sup>2</sup> About 1840, Warren became a partner in the wholesale grocery firm H. D. Newcomb & Brothers. The firm prospered, and the Newcomb brothers became known as outstanding businessmen in the rising West, and their company considered the greatest commercial house in Kentucky.<sup>3</sup>

Josephine Le Monnier had been born in 1816, to Alexander Le Monnier, a French gentleman who had settled in Baltimore, and Mary Sophia Waters, from a genteel Baltimore family of English background.<sup>4</sup> Upon the death of her mother, Josephine Le Monnier moved from Baltimore to New Orleans in 1831 to live with her older sister and brother-in-law, Eleanor Anne (Ellen)

and William Henderson.<sup>5</sup> The Hendersons were in the habit of spending summers in Louisville in order to escape the steamy and unhealthy climate of New Orleans. It was there that Josephine Le Monnier met the enterprising young businessman Warren Newcomb, who made frequent buying trips to New Orleans. Known as a dignified and cultivated gentleman, he enjoyed the social amenities and had a wide circle of friends.<sup>6</sup> As fate would have it, each had also become acquainted at that time with a native of Louisville, William Preston Johnston, later president of Tulane University.

On December 15, 1845, Josephine Le Monnier and Warren Newcomb were married; Josephine was twenty-nine years old and Warren was thirty-one. The Newcombs continued to spend some of the winter months in New Orleans, where Warren bought commodities to be shipped to Louisville, but by the early 1850s they were dividing their time between Louisville, New York, and Europe, where, in Paris, Mrs. Newcomb contracted and survived smallpox.<sup>7</sup> Both of their children were born in New York; their surviving child, Harriott Sophie, was born on July 29, 1855, and bore the name of each grandmother: Sophia Le Monnier and Harriott Newcomb. Warren retired in 1863, at age forty-nine. The Newcombs spent the better part of the next two years traveling in Europe, spending six months in Paris, where Sophie became proficient in French. Warren Newcomb began to long again for some business activity and established Warren Newcomb & Co. in New York, trading in cotton and tobacco. He remained active in the business until his health failed in the spring of 1866; he died in August of that year of liver disease.

Although the Newcombs lived in New York during the Civil War and Warren was from Massachusetts, their sympathies were said to lie with the South, and their New York residence was known as a gathering place for those with southern leanings.<sup>8</sup> Warren much admired General Robert E. Lee. Shortly before his death Warren donated ten thousand dollars to establish the Harriott Sophie Newcomb Scholarship Fund at Washington College, where Lee was president, and where William Preston Johnston was just beginning his teaching career.<sup>9</sup> A letter from Warren Newcomb accompanying the gift stated: "I desire my subscription to the Washington College should be regarded as an expression of sympathy for the severe trials, afflictions and hopes my Southern friends have sustained in what they consider a just and patriotic cause—it will be sufficient reward to me to have the privilege of donating to my friends a scholarship for each thousand dollars subscribed, to stand on the records of the institution as a perpetual memorial to my only daughter, Harriott Sophie Newcomb, to whom I have given the disposal of the scholarships."<sup>10</sup>

Washington College, later Washington and Lee University, was for young men only, and what ideas Warren Newcomb had concerning women's higher education is not known. The mention of his daughter, in whose honor the scholarships were given, connects her to the college in a very specific way, but there is nothing to indicate any suggestion on the Newcombs' part that they believed women students should be considered.<sup>11</sup> About 1872–73, Josephine Newcomb added to her husband's gift with a donation of \$20,000 to Washington and Lee University for a library in memory of her husband. At her request, Professor William Preston Johnston was entrusted with supervising the erection of the new building.<sup>12</sup> Years later, when Johnston had become president of Tulane University, his acquaintance with Josephine Newcomb and the high regard she had for him would unquestionably facilitate her decision to fund a women's college at Tulane.<sup>13</sup>

Sophie's own education had been mainly by private tutors, although she had attended a girls' seminary in New York just before her father's death. Warren Newcomb's death brought deep sorrow to both mother and daughter, and the two were said never to have been away from each other for a single day.<sup>14</sup> Sophie again resumed her education at home, presumably to be closer to her mother, and became the focus of Josephine Newcomb's life. In 1867, Mrs. Newcomb took Sophie to Baltimore, where she studied at the Eclectic Institute and generally excelled, despite several periods of illness. The two returned to New York in September 1868, where Sophie again attended the seminary run by Miss De Janon and Miss H. B. Haines, the latter noting the girl's sweet manners and gentle way.<sup>15</sup> Sophie was a very affectionate child and often composed poems in which she expressed her love and devotion to her mother. In an essay entitled "What I Desire in the Future," Sophie wrote:

First I would like my dear and only parent spared to me in health and strength until my education is finished, and as long afterwards as it shall please my Heavenly Father to spare her to me. Then I desire to be a comfort to her, and to reward her for all she has done for me through life.

I should like sufficient means, with my labors, to relieve the poor and suffering, . . . and to give all in my power to the aged, and infirm and the needy. . . .

I wish much to travel and visit countries and places that I have learned and studied about, but would like most of all to visit the Holy Land . . . and lastly, I do desire to be a perfect Christian.<sup>16</sup>

For several years, Mrs. Newcomb and Sophie made the Clifton House, Niagara Falls, their summer home, returning to New York in the fall. In 1870, Sophie was again being instructed by a private tutor at home, as Mrs. Newcomb was reluctant to allow the child to be away from her. On December 9, Sophie suddenly fell ill with diphtheria, and seven days later she is said to have murmured faintly, "Mama take me on your lap. Mama, how dark it is." Sophie Newcomb died that day, December 16, 1870.<sup>17</sup> Josephine Newcomb was overcome by grief and for the remainder of her life dressed in dark colors, her subsequent actions revolving around the memory of her daughter. Sixteen years later she settled upon the idea of endowing a college for women in New Orleans, ending a long and anxious search for the most appropriate and enduring monument to the memory of her beloved daughter.

Josephine Newcomb's wish for a memorial to her daughter dovetailed perfectly with President Johnston's desire to do something for women's higher education in New Orleans, and their two wishes were brought together by a mutual friend, Ida Slocumb Richardson of New Orleans. Ida Richardson was herself from a family known for its wealth and generosity. Her brother, Cuthbert Slocumb, was said to have organized a Confederate battery of artillery at his own expense.<sup>18</sup> Paul Tulane, Judah Touro and others who gave much of their wealth for the city's benefit were among her acquaintances. According to Grace King, Ida Richardson was "reputed to be the richest woman in the city; a title, however, that she despised."<sup>19</sup> Coincidence and fate played a hand as Ida Richardson, privy to the dreams of both Josephine Newcomb and Johnston, proved an effective intermediary. Josephine Newcomb had discussed her vision of a memorial to Sophie with Mrs. Richardson, asking advice in the matter. For a time, Mrs. Newcomb seemed intent on founding an asylum for Protestant orphans in New Orleans to be called "St. Sophie's Home." She was making liberal gifts to a number of charities, many of which benefited children, but she continued her quest for the consummate memorial.<sup>20</sup> Johnston had also been talking with Mrs. Richardson, a friend whose opinion he frequently sought, ostensibly to enlist her help in persuading someone to endow a college for women, but perhaps Johnston had the wealthy and sympathetic Mrs. Richardson herself in mind. Recalling a recent letter from her acquaintance Josephine Newcomb asking again for suggestions for a memorial to her daughter, Mrs. Richardson related these communications to Johnston, but told him she did not suppose Mrs. Newcomb financially able to endow a college.<sup>21</sup> Josephine Newcomb's frugal lifestyle and penchant for secrecy

apparently kept even close friends unaware of the extent of her wealth. Johnston decided to take the chance, and with Mrs. Richardson's permission to cite her suggestion, he wrote to his friend in March 1886 with a proposal for a women's college. Josephine Newcomb's immediate reply asked Johnston to inform her of the full amount such a college would cost. She requested information "in every way complete for the purposes you desire . . . I will consider the whole matter with care, and due consideration." She insisted on total confidentiality "from all and everyone," the same request, she explained, that had been made of General Custis Lee when she gave the funds for Newcomb Hall in Lexington, Virginia.<sup>22</sup> From there, events moved quickly. A college for women had great appeal. Josephine Newcomb invited Johnston to meet with her in New York, at which time they discussed the proposal. She reportedly told him, "If you think \$100,000 will start it I will give you a check for it."<sup>23</sup> On October 11, 1886, Josephine Louise Newcomb wrote a letter to the Administrators of the Tulane Educational Fund announcing her intention of endowing the H. Sophie Newcomb Memorial College:

In pursuance of a long cherished design to establish an appropriate memorial of my beloved daughter, H. Sophie Newcomb, deceased, I have determined at the instance of my friend Col. William Preston Johnston, to entrust to your Board the execution of my design.

Feeling a deep personal sympathy with the people of New Orleans and a strong desire to advance the cause of female education in Louisiana, and believing also that I shall find in the Board selected by the benevolent Paul Tulane the wisest and safest custodian of the fund I propose to give, I hereby donate to your Board the sum of \$100,000, to be used in establishing the H. Sophie Newcomb Memorial College, in the Tulane University of Louisiana, for the higher education of white girls and young women.

. . . But I do not mean in this my act of donation to impose upon you restrictions which will allow the intervention of any person or persons to control, regulate, or interfere with your disposition of this fund, which is committed fully and solely to your care and discretion, with entire confidence in your fidelity and wisdom.<sup>24</sup>

Josephine Newcomb, like Paul Tulane before her, sketched out the broad outline of her intentions and entrusted the Tulane Administrators to carry out the details of the project, a fact that would take on great significance in

later years. In addition to her stipulation that the college was to be for "white girls and young women," she requested that "Christian worship" be observed daily and that the "education given should look to the practical side of life as well as to literary excellence."<sup>25</sup> She also asked later that Sophie's birth and death be remembered annually with an appropriate memorial service.

The pleasure she felt about her decision was clearly reflected in a letter to Johnston not long after Newcomb's opening: "Such a memorial I consider better than statues or monuments, to be a benefit to so many in giving knowledge, which is power, and can't be taken away from you except through affliction and death."<sup>26</sup> Clearly Josephine Newcomb's personal quest for a suitable memorial to her daughter was over; and through her gift for the College, her own life was renewed. As Mrs. Newcomb later explained: "Until I thought of this work I was a very wretched woman . . . but in this college my daughter lives again to me. She does not seem to be dead, but lives again in this college and in these girls."<sup>27</sup>

While \$100,000 was a significant sum in 1886, it was clear to Johnston and the administrators that larger amounts would be necessary to permanently fund a college. Johnston and Brandt Dixon, Newcomb's first administrator, took great care in their dealings with Mrs. Newcomb, fully realizing that the future of the College was largely dependent on her continuing goodwill and generosity, the maintenance of which often proved difficult, requiring great tact and diplomacy. For the first two years of his Newcomb presidency, Dixon was instructed by Johnston to refrain from contacting Mrs. Newcomb for fear that she would interpret anything he might say as a plea for more money and become offended. Johnston, well acquainted with her sensitivities, particularly where money was concerned, handled all correspondence with Mrs. Newcomb in that early period.<sup>28</sup> As he pointed out, Mrs. Newcomb, with "characteristic prudence . . . limited her first donation to \$100,000." Yet, once she had observed the direction the school had taken, "she added her gifts freely and generously to the original endowment, meeting every need as it arose in the development of the college."<sup>29</sup>

Newcomb College became the focus of Josephine Newcomb's life, and while she derived much satisfaction and happiness from her involvement with it, the relationship between the benefactress and the Administrators of the Tulane Educational Fund—from the College's founding until her death—was not always smooth. Gradually, she came to place the greatest trust in Dixon, to whom she confided her innermost hopes, and sometimes fears,

about the future of the College. She appointed him one of two executors of her estate, the other being her cousin Joseph A. Hincks, the secretary-treasurer of the Tulane Board of Administrators. Ultimately, Mrs. Newcomb would give the College approximately \$1 million during her lifetime. At her death in 1901, the remainder of her property was to be transferred to the College as well. However, receipt of her final bequest was delayed by an attempt on the part of Mrs. Newcomb's relatives to break the will, which developed into a prolonged legal battle in the New York courts that was settled in 1909.<sup>30</sup>

Josephine Newcomb had been left a wealthy widow. Soon after her husband's death, however, she found that others had designs on her inheritance. Mrs. Newcomb was a generous person, but also a suspicious one with a tendency toward secrecy. The dogged pursuit of her money by those on both sides of the family seems certainly to have influenced her behavior and, one may assume, was a factor in coloring her worldview and affecting her relationships.

Warren Newcomb's estate at the time of his death in 1866 was valued at \$513,112; of this, \$200,000 was left in trust for Sophie. The remainder was left to his wife, which included a separate trust providing a life income of \$10,000 per year.<sup>31</sup> After Sophie's death, her trust reverted to her mother, and the valuation of the whole estate in January 1871 had reached \$761,913.<sup>32</sup> Not long after Warren Newcomb's death, some of his relatives had sued unsuccessfully to break his will, leaving bitter feelings between themselves and Josephine Newcomb. This was a rather grim foreshadowing of the intense ill-will that would develop between Mrs. Newcomb and her own relatives, which also stemmed from their disappointment surrounding an unrealized inheritance. The strained and unpleasant relations Josephine Newcomb had with her sister's family undoubtedly heightened her sense of isolation in the years after her daughter's death. She spent a good deal of time and effort protecting her assets from what she considered to be a grasping and ungrateful family.

In the weeks following Sophie's death, Josephine Newcomb's deep grief led to concerns about her mental condition. Her sister, Ellen Henderson, god-mother to Sophie, went to New York after the girl's death and convinced Josephine to visit the Hendersons in New Orleans. Ellen Henderson's husband had died a few months before Sophie, so perhaps there was some thought of mutual consolation. However, Josephine Newcomb's visit with her sister in early 1871 turned out to be the beginning of the family's estrangement from

each other. Before leaving New York for New Orleans, Josephine Newcomb gave Ellen Henderson, who found herself in financial difficulties following her husband's death, \$50,000, and made arrangements for each of Ellen's four children to be sent checks of \$25,000, for a total of \$150,000.<sup>33</sup> This amount represented nearly 20 percent of Josephine Newcomb's net worth, a sizable gift, and she intended it to be their sole inheritance, an idea the Hendersons refused to accept. Mrs. Newcomb had decided to begin her search for a memorial to Sophie and to devote her life and the remainder of her money to charity. The Hendersons, however, anticipated that Mrs. Newcomb's gifts to them were but the beginning of a larger inheritance, which they continued to pursue during Mrs. Newcomb's lifetime and even more relentlessly after her death.

It was during Josephine Newcomb's visit to her sister's home in January 1871 that the infamous "carriage ride" incident occurred, souring the Newcomb-Henderson relations permanently and marking the beginning of Mrs. Newcomb's suspicions that her relatives were attempting to place her in an asylum. While in a carriage one day in New Orleans with her sister and her sister's son-in-law, Michael McCarthy, they passed Hotel Dieu, a hospital that also housed the mentally unstable. Josephine Newcomb later claimed that the conversation had implied that her relatives intended to commit her there, an accusation the Hendersons would vehemently deny. Demanding that the carriage return to the Henderson home at once, Mrs. Newcomb departed the city in great haste, and before the arrival of the much-anticipated checks for her niece and nephews. She left instructions that the mail was not to be opened, but when the letter arrived, Ellen Henderson opened it and distributed the checks to her children.<sup>34</sup> It appears that Ellen was well aware of her sister's intention to withhold her gift to Henderson's four children, and in subsequent letters and conversations with friends, Mrs. Newcomb left no doubt that that had been her intention. She was disappointed in the Hendersons and very angry at her sister. Subsequent attempts by the Hendersons at reconciliation failed.<sup>35</sup> After 1873, there was no direct communication between Mrs. Newcomb and the Henderson family. It must have been very clear that she did not intend to leave them any more money. When Ellen Henderson died in 1880, Josephine Newcomb's friend and financial advisor wrote: "She has gone to her final account where she must give account for all her base treatment to you. . . . Her ability to injure you is ended."<sup>36</sup>

Mrs. Newcomb remained firm in her belief that her relatives were ill-intentioned toward her and wanted to have her committed to an institution

in order to gain control of her money, an idea that increasingly haunted her. She clipped articles from newspapers reporting incidents in which sane people were locked away in asylums by relatives or acquaintances with designs on the person's money, pointing out to her own friends how she herself had only narrowly escaped such a fate.<sup>37</sup> Her fears were no doubt intensified when some years after the "carriage ride" incident, Johnston told her that an acquaintance of his, Charles O'Connor, a New York lawyer, had been approached by H. Victor Newcomb and some of her Henderson nephews.<sup>38</sup> Johnston reported, in an account the Hendersons would later deny, that O'Connor was asked to initiate legal proceedings to have Mrs. Newcomb declared insane and incapable of managing her affairs, which O'Connor refused to do. Mrs. Newcomb regarded this as confirmation of her suspicions and low opinion of her relatives.<sup>39</sup>

Josephine Newcomb worried a great deal over the ultimate disposition of her assets, which, by 1895, she had decided to leave to Newcomb College. A will made that year left substantially all of her property to the College, but she fully expected her will to be challenged at her death and constantly worried that her relatives might succeed in blocking her intent. She consulted James McConnell, a New Orleans lawyer and member of the Tulane board, in whom she had confidence and trust, and in 1898, she executed a new will in New Orleans. This will, written in her own hand, was suggested by McConnell, who advised that a will in this holographic form "can never be successfully assailed and the disposition of which she will not be required to make known to anyone."<sup>40</sup> It was also at McConnell's suggestion that Mrs. Newcomb left her property directly to the Administrators of the Tulane Educational Fund with the tacit understanding that the sole use was to be for the benefit of Newcomb College. She expressed her "implicit confidence that the Administrators of the Tulane Educational Fund will continue to use and apply the benefactions and property I have bestowed and may give, for the present and future development of this department of the University known as the 'H. Sophie Newcomb Memorial College' which engrosses my thoughts and purposes, and is endeared to me by such hallowed associations."<sup>41</sup>

This was an important change from her prior will of 1895, in which her assets had been left in a trust specifically "for the benefit of the H. Sophie Newcomb Memorial College" under the direction of the Tulane Administrators.<sup>42</sup> The last will, as was the case with her original donation establishing Newcomb College, entrusted the Tulane board with complete control of all



assets to be used at their discretion for Newcomb's benefit. In a memorandum to the Tulane board, Mr. McConnell outlined the assurances he had given to Mrs. Newcomb, explaining that he was "happy to be able to say that I dissuaded her from this [restriction], assuring her as I did that the Board of Administrators of the Tulane Educational Fund would devote the property bequeathed by her to them entirely to the benefit and development of the H. Sophie Newcomb Memorial College . . . and that she could rely upon my assurance in that respect; and I now and here repeat to this Board this statement and emphasize the assurance so given by me to Mrs. Newcomb in order that it may not be forgotten."<sup>43</sup>

However, McConnell made his memo known only to three board members, Robert Walmsley, Joseph C. Morris, and Joseph A. Hincks, and not to the entire board as he had originally intended. No doubt McConnell believed the board would act in Newcomb's best interests, but he clearly recognized the importance of complete control of the funds—which he made sure was given to the board without any encumbrances or caveats—and decided to keep knowledge of his role in effecting this confined to a small group of board members. Mrs. Newcomb's estate was enormously important to the future of the College, and McConnell was all too aware of her unpredictable temperament, as well as the play of uncertainties. He had been, for example, Paul Tulane's New Orleans lawyer and had drafted the codicil to Mr. Tulane's will that left substantial property to Tulane University. But when Tulane died in 1887, the will was never found, and the University received nothing from his estate. It was a heavy blow, a deep disappointment to the board that remained very fresh in their memories.<sup>44</sup> This unhappy incident for Tulane may well have influenced McConnell's thinking, impressing upon him the necessity of doing everything possible to assure that the Newcomb assets were securely under the control of the University.

At the time of writing her last will, Mrs. Newcomb's main concern and focus were her relatives, and her intention to protect her estate from them. By 1900, however, she was experiencing serious doubts about whether the Tulane board, to whom she had entrusted her funds, would comply exactly with her wishes. Age was taking its toll on the board, and several of the original administrators who had died or retired were replaced by men whom Josephine Newcomb did not know and who she felt did not heed her wishes. In 1899, Johnston died, and Mrs. Newcomb was indignant when Dixon—the man she most trusted and her choice as Johnston's successor—was passed

over by the Board of Administrators. Throughout the summer of 1900, Mrs. Newcomb and her companion and confidant of many years, F. Walter Callender, corresponded with Dixon recommending that Newcomb College be separated from Tulane and have its own board, which Mrs. Newcomb would appoint.<sup>45</sup> "Vassar, Smith, Wellesley and other colleges are distinct corporations, why shouldn't Newcomb be the same?" Callender asked.<sup>46</sup> The idea of a separate charter had been germinating in Mrs. Newcomb's mind for several years. She had become uneasy about Newcomb's relationship to Tulane when, in the early 1890s, local politicians attacked Tulane as a rich man's school while other groups protested Tulane's tax-free status, and a resolution was introduced to annul the University's charter in the state legislature.<sup>47</sup> Further, as Tulane struggled with financial difficulties, Mrs. Newcomb became increasingly concerned about the possibility of Newcomb funds being diverted for general university use, in spite of past assurances from the Board of Administrators that this would never happen. In 1897, Mrs. Newcomb established a special endowment fund with Dixon as sole trustee. The special fund, yielding some \$15,000 per year, was set up to cover Newcomb's operating deficits, and Mrs. Newcomb had insisted that it be kept separate, as well as secret, from the Tulane board. Dixon, however, managed to persuade her to include two Tulane board members as joint trustees with him, her friend Joseph C. Morris, and her cousin Joseph A. Hincks.<sup>48</sup>

Where Mrs. Newcomb's mistrust of the Tulane board could lead worried Dixon, his greatest fear was that she might withdraw further support from the College. He had managed to soothe her concerns in the past, but the mercurial benefactress had become obsessed by the idea of her funds being diverted from the exclusive use of Newcomb College. She also expressed concern that Johnston's successor and new president of Tulane, Edwin A. Alderman, might attempt to dictate to Newcomb. By the summer of 1900, she was considering a new will and wrote to Dixon, much to his distress, requesting that he ask the Tulane Board of Administrators to return to her all the funds and property she had already given. She proposed that these funds should be combined with the remainder of her estate in a trust for the benefit of Newcomb, with Dixon and her New York financial advisor, Pomroy Brothers, as sole trustees.<sup>49</sup>

Dixon placed this crisis before the board members present in the city that summer. He then made the trek to Richfield Springs, New York, where Mrs. Newcomb was spending the summer, to explain the position of the

University. The opinion of the board was that Mrs. Newcomb had made her gift to the people of the state, and thus the funds had passed into the realm of the public trust and could not be returned, except perhaps by legislative action, and even this was doubtful.<sup>50</sup>

Subsequent meetings with Josephine Newcomb and Callender required all the skills of a trained diplomat, as the future of the College hung in the balance. Mrs. Newcomb had one last bombshell for the beleaguered Dixon when she suggested that the board could keep what she had already given them, and she and Dixon could build a new college at Thomasville, Georgia, a place she had visited through the years. Mrs. Newcomb had already made inquiries there and expressed confidence that sufficient gifts of land and other advantages promised in Thomasville would offset that left behind in New Orleans. Dixon saw thirteen years of pioneering work passing before him, and that at a time when he felt the attitude in New Orleans toward a college for women was about to turn an important corner. All this was carefully spelled out to Mrs. Newcomb and Callender, but Dixon struck a chord deep within Mrs. Newcomb's heart when he argued that to abandon the college in New Orleans would be tantamount to "renouncing the love and esteem which was growing stronger year by year for the name of Mrs. Newcomb and Sophie."<sup>51</sup> The veneration of Sophie's name carried the day, and the Thomasville idea was dropped, but Mrs. Newcomb made one last attempt to circumvent the Tulane Board of Administrators.

Shortly after Dixon's return to New Orleans from Richfield Springs, he received a deed transferring Mrs. Newcomb's entire estate to him. A letter from her New York lawyer accompanied the deed, explaining that this gave Dixon complete power to draw upon both the principal and income, subject only to a modest amount necessary for Mrs. Newcomb's living expenses. Again Dixon found himself caught in the precarious middle ground between Mrs. Newcomb and the board. Above all, he wanted to secure the financial position of the College, but acceptance of such an arrangement would, he felt, amount to "something like treason to the board of administrators," who, he believed, "were earnestly intending to abide by their promise to preserve the Newcomb fund for the sole use of the College."<sup>52</sup> Again Dixon's diplomacy prevailed, and Mrs. Newcomb acquiesced in his refusal and left her will intact.

Illness prevented Josephine Newcomb's return to New Orleans in the fall of 1900. She stopped at the home of a friend in New York, where she remained until her death on April 7, 1901, Easter Sunday; she was eighty-five

years old. Mrs. Newcomb was buried in Green-Wood Cemetery in Brooklyn, New York, where her husband and children had preceded her.<sup>53</sup>

Conflict concerning her money, however, was far from over; in fact, a new and bitter phase was just beginning. As expected, Mrs. Newcomb's relatives challenged her wishes and shortly after her death initiated a lawsuit to revoke and annul her will; a pitched battle ensued in the courts of New York.<sup>54</sup> The stakes were high, as Newcomb College was to receive some \$2.6 million from the estate, an amount comparable to almost \$70 million today.<sup>55</sup>

In July 1902, the Surrogate's Court of the County of New York appointed a referee, Robert E. Deyo, to hear evidence in the case. Several years of testimony and taking depositions ensued. The referee's report issued in March 1905 dismissed the plaintiff's claim for revocation of Mrs. Newcomb's will, and the Surrogate's Court ruled accordingly in January 1906. The Hendersons persisted, however, and the case went through two appeals. Finally, in April 1908, the court of appeals upheld the decisions in favor of Newcomb College.

An intensely private person, Mrs. Newcomb would surely have recoiled at the public airing of her life. The testimony took several bizarre turns as the Hendersons attempted to depict Mrs. Newcomb as a woman subject to "insane delusions" who "heard noises" and attended séances where she had conversations with her father and Sophie; they also testified that she had even been observed "jumping over the bedroom chairs one after another in rapid succession . . . tho [sic] she was not in the habit of taking any exercise whatever."<sup>56</sup>

James McConnell, the lead lawyer for the estate of Mrs. Newcomb, along with the estate's New York counsel, George Canfield, countered with a stream of witnesses and affidavits attesting to Mrs. Newcomb's rationality, generosity, and competence, with the court referee finally concluding that the mass of lay and expert testimony had left no doubt "that Mrs. Newcomb to the last was a woman of sound and vigorous mentality."<sup>57</sup> McConnell admitted to especially relishing the questioning of one of the plaintiffs as to how he could account for the remarkable increase in Mrs. Newcomb's assets over the years if she had been, in fact, insane?<sup>58</sup> The question remains as to who was responsible for the remarkable growth of Mrs. Newcomb's assets from the time of her husband's death in 1866 to her own death in 1901. Some believe that while Mrs. Newcomb was certainly frugal and quite meticulous where finances were concerned, it was not she, but the New York firm of Pomroy Brothers, who made the actual investment decisions that accounted for the

impressive growth of her assets and funded her giving.<sup>59</sup> Others believe that Mrs. Newcomb participated as fully in the administration and management of her funds as she did in the affairs of the College, and that she herself had excellent business judgment and abilities.<sup>60</sup>

Unfortunately, contentiousness also plagued the aftermath of the "Newcomb Will Case," as the litigation became popularly called. Bitter controversy erupted within the Board of Administrators of Tulane and in the city of New Orleans over the amount of the legal fees involved. After many consultations with law firms in New York, McConnell and Canfield suggested a fee of \$225,000–\$250,000 to be divided between them. The New Orleans press declared the fee "grossly extortionate," and one board member was reported to have asked how the board could ever face the public and ask for money after paying such a fee?<sup>61</sup> Dixon expressed deep concern that "people of standing in the city" had suggested impropriety in the employment of a board member in the University's legal affairs, not to mention the misunderstanding among many in their belief that the whole matter of Mrs. Newcomb's will should have been settled in New Orleans instead of the courts of New York.<sup>62</sup> To complicate matters, only a few years before this dispute, the president of the Administrators of the Tulane Educational Fund, Judge Charles E. Fenner, had been at the center of a ferocious public controversy in which he was accused of using his board position for personal financial benefit. While Judge Fenner was ultimately shown to be innocent of any wrongdoing, he resigned his position on the Tulane board in order to protect the University from any potential embarrassment.<sup>63</sup> Dixon feared that the Newcomb matter, coming so closely on the heels of the Judge Fenner controversy, could escalate into a major public relations fiasco and prove harmful to the College. Thus a committee of the Board of Administrators was formed to deal with the issue of the disputed legal fees that resulted in a friendly suit by McConnell and Canfield against the board for payment. By this strategy, the board felt the matter was taken out of its hands and settled by a disinterested party—in this instance, by a court referee.<sup>64</sup> The *New Orleans Times-Democrat* printed an account of the whole issue, explaining that McConnell had been appointed counsel for the executors in accordance with Mrs. Newcomb's wishes and that the Board of Administrators had nothing to do with his selection.<sup>65</sup> A newspaper in Donaldsonville, Louisiana, chided the New Orleans press for not getting all the facts: "In the particular case it is entirely conceivable that the largest sum so far mentioned might be exceedingly moderate compensation for the services actually rendered."<sup>66</sup>

Ultimately, Canfield accepted \$100,000 and McConnell \$75,000 plus expenses, with the court referee characterizing their performances in the case as "a really signal professional achievement meriting a high standard of compensation."<sup>67</sup> Thus, at last, disputes over Mrs. Newcomb's estate were laid to rest, or so it appeared. Newcomb College had indeed received its inheritance as intended by Mrs. Newcomb, and the last vestiges of the troubled strands her money had spawned seemed to be settled. But Mrs. Newcomb's fears about her wishes being honored by the Tulane board seemed, almost eerily, to foreshadow the future.

In the ensuing decades, controversy within the University community concerning Mrs. Newcomb's intent and the use of her endowment would become the source of acrimonious debate on a number of occasions. There would be those in 1987—a century after the opening of Newcomb College and the year that bitter controversy between the College and the University administration reached an apex—who would contend that the University's reorganization of the faculties of Newcomb College and Arts & Sciences as the Faculty of the Liberal Arts and Sciences did indeed ignore and subvert the founder's intent. Perhaps the Newcomb alumnae, the self-described "daughters" of the founder who led the opposition to the changes, felt they were speaking on behalf of Mrs. Newcomb herself. Many continue to feel so today.

While Josephine Newcomb had been neither a social reformer nor an educational visionary, in her own way she had chosen well. She had survived personal tragedies and conquered grief, leaving at her death a women's college, the first of its kind, generously endowed and offering young women opportunities that death had denied her own daughter. Warren Newcomb would surely have been well satisfied with his wife's judicious use of his fortune; he could hardly have done better. His own Harriott Sophie Newcomb Scholarship Fund at Washington College had, in a way, evolved—part tragedy, part triumph—into the H. Sophie Newcomb Memorial College of Tulane University.

## NOTES

1. In re Newcomb's Estate, 192 N.Y. 238, 84 N.E. 950 (N.Y. 1908); Newcomb Case, N.Y. Supreme Court, Appellate Division, Record on Appeal, vol. 1, 46-47 (among bound volumes of James McConnell), Special Collections, Tulane University Law Library.

2. "Newcomb Family File," University Archives, Howard-Tilton Memorial Library, Tulane University (hereafter cited as UAHT).



3. Bethuel Merritt Newcomb, *Andrew Newcomb and His Descendants* (New Haven, Conn.: privately printed for the author by Tuttle, Morehouse and Taylor, 1923), 493; "Brief on Behalf of Respondent Brandt V. B. Dixon," New York Supreme Court, Appellate Division, First Department, 124–25, Brandt Van Blarcom Dixon Papers, 1888–1941, Newcomb Archives, Newcomb College Center for Research on Women (hereafter cited as Dixon Papers, NA NCCROW); In Newcomb's Estate, 84 N.E. 950 (N.Y. 1908); Newcomb Case, vol. 1, 32–34; John P. Dyer, *Tulane: The Biography of a University, 1834–1965* (New York: Harper and Row, 1966), 53–54.

4. "Opinion of Robert E. Deyo, Referee," Surrogate's Court, County of New York, "In the Matter of an Application for the Revocation of Ancillary Letters Testamentary Granted in the Matter of the Estate of Josephine Louise Newcomb, Deceased," 6, Dixon Papers, NA NCCROW.

5. *Ibid.*, 6–7.

6. Samuel Lang, "History of Tulane University," chap. 17, manuscript, UAHT.

7. Clipping, *New Orleans Times-Democrat*, April 11, 1901, Scrapbook, Mrs. Warren Newcomb, UAHT.

8. *Ibid.*

9. Ten thousand dollars for the cost of goods and services in 1866 would be the current equivalent of \$142,000 (see Samuel H. Williamson, "Five Ways to Compute the Relative Value of a U.S. Dollar Amount, 1790 to present," MeasuringWorth.Com, 2011, [www.measuringworth.com](http://www.measuringworth.com)). Dollar-value translations are based on the MeasuringWorth.Com Consumer Price Index calculations.

10. Bethuel Merritt Newcomb, *Andrew Newcomb and His Descendants*, 274.

11. Washington and Lee University did not admit its first female undergraduates until 1985.

12. "Opinion of Robert E. Deyo, Referee," 49. The referee dates the building of the Newcomb Library to "about 1872 or 1873" (Dixon Papers, NA NCCROW). However, Dyer dates the building to ten years later, 1882, as does Washington and Lee University at <http://ir.wlu.edu/factbook/AboutW&L/history/chronology.htm>.

13. Johnston dedicated his second book of poems, *Pictures of the Patriarchy*, "To Mrs. Josephine Newcomb[.] This little book of verse is dedicated as the memorial of an ancient friendship and of her beneficence and wisdom shown in gifts for the higher education of the women of New Orleans" (*New Orleans: F. F. Hansell & Bro.*, 1895).

14. "In Memoriam: Harriott Sophie Newcomb," n.p., n.d., Louisiana Collection, Tulane University Library.

15. *Ibid.*

16. *Ibid.*

17. *Ibid.*

18. Grace King, *Memories of a Southern Woman of Letters* (New York: Macmillan, 1932), 330.

19. *Ibid.*

20. Josephine Newcomb founded a school for poor girls in Charleston, South Carolina, and gave \$20,000 to the Confederate Home there. She also gave to a school for the deaf in New York City and endowed a bed in the Eye, Ear, Nose and Throat Hospital in New York in memory of Sophie. She looked to the South as the location for her "major work" for Sophie, as the Newcomb fortune had its origin in southern commerce. She was particularly fond of New

Orleans (see Dyer, *Tulane: The Biography of a University*, 55). In Newcomb's Estate, 84 N.E. 950 (N.Y. 1908); Newcomb Case, vol. 3, 1048, 1063; Law Library, Tulane University; "Opinion of Robert E. Deyo, Referee," Dixon Brief, 49, Dixon Papers, NA NCCROW.

21. Dyer, *Tulane: The Biography of a University*, 75–76; King, *Memories of a Southern Woman of Letters*, 330; Ida Richardson to Brandt Dixon, June 21, 1890, Dixon Papers, NA NCCROW.

22. Josephine Louise Newcomb to Col. Johnston, Letter, dated "8th day in Lent, 1886," UATU.

23. "Opinion of Robert E. Deyo, Referee," 52. Measured by the Consumer Price Index, \$100,000 in 1886 would be the approximate equivalent of \$2,390,000 in 2010 (MeasuringWorth.Com, 2011).

24. Minutes, Administrators of the Tulane Educational Fund, November 9, 1886, 266, UAHT.

25. *Ibid.*

26. Quoted in "Brief on Behalf of Respondent Brandt V. B. Dixon," 251, Dixon Papers, NA NCCROW.

27. Clipping, "Opinion in Will Case," *New Orleans Times-Democrat*, May 26, 1908, 5, Dixon Papers, NA NCCROW.

28. Brandt V. B. Dixon, *A Brief History of H. Sophie Newcomb Memorial College, 1887–1919* (New Orleans: Hauser Printing, 1928), 36–37.

29. Edwin Fay, ed., *The History of Education in Louisiana* (Washington, D.C.: Government Printing Office, 1898), 221.

30. Dixon, *Brief History*, 195. Her total gift was \$3,626,551.68.

31. The comparable current dollar amounts follow: Warren Newcomb's estate of \$513,112 in 1866 would be roughly equivalent to \$7.27 million; Sophie's trust of \$200,000 approximately \$2.83 million; and a \$10,000 per year income approximately \$142,000 annually. The value of Warren Newcomb's 1871 estate is comparable to approximately \$14 million. (MeasuringWorth.Com, 2011).

32. In Newcomb's Estate, 84 N.E. 950 (N.Y. 1908); In re Newcomb's Estate; Newcomb Case, vol. 3, 1042.

33. Current comparable dollar amounts for Mrs. Newcomb's 1871 gifts would be: \$50,000 = \$921,000; \$25,000 = \$460,000 (MeasuringWorth.Com, 2011). Ellen Henderson's four children were: William Henderson, Warren Newcomb Henderson, Howard Henderson, and Victorine Henderson McCarthy (wife of Michael McCarthy). On the tangled relationship between Mrs. Newcomb and her sister's family, see "Opinion of Robert E. Deyo, Referee," 38–40, Dixon Papers, NA NCCROW.

34. One of Ellen Henderson's sons resided in Louisville at the time, and his check was sent directly there.

35. "Opinion of Robert E. Deyo, Referee," 22–27; In Newcomb's Estate, 84 N.E. 950 (N.Y. 1908); In re Newcomb's Estate; Newcomb Case, vol. 3, 1042.

36. A. H. Pomroy to Josephine L. Newcomb, August 3, 1880; In re Newcomb's Estate; Newcomb Case, vol. 3, 1181–82.

37. In re Newcomb's Estate; Newcomb Case, vol. 3, 1038, 1065–66; see also Susan Wittig, "Reflections of Sorrow and Hope," *Newcomb News* 5, no. 11 (1981): 2–11, NA NCCROW.

38. H. Victor Newcomb was the son of Horatio Dalton Newcomb, Warren's brother. Maury Klein, "The Strategy of Southern Railroads," *American Historical Review* 73, no. 4 (April 1968):1058-59, [www.jstor.org/view/00028762/di951355/95p00045/0](http://www.jstor.org/view/00028762/di951355/95p00045/0).
39. See "Opinion of Robert E. Deyo, Referee," 27.
40. *Ibid.*, 69-70.
41. Josephine Louise Newcomb's will executed in New Orleans on May 12, 1898, in Dixon, *Brief History*, 17.
42. Memo, James McConnell to Tulane Board of Administrators, McConnell family papers, 1723-1962, Manuscripts Collection, Howard-Tilton Memorial Library, Tulane University, 70118 (hereafter cited as McConnell Papers, LaRC).
43. *Ibid.*
44. Dyer, *Tulane: The Biography of a University*, 47, 60-63.
45. Concerning her philanthropy, he wrote: "The noble soul of Mrs. Newcomb is a blessing to our times, not only as fact but also by example. She has done more than she realizes" (F. W. Callender to Brandt Dixon, September 19, 1890, Dixon Letters, UAHT). Callender himself made several gifts to Newcomb College, notably marble busts of Warren, Josephine, and Sophie, on exhibit at NA NCCROW.
46. F. Walter Callender to Brandt Dixon, July 10, 1900, Dixon Letters, 1887-1901, UAHT.
47. Dyer, *Tulane: The Biography of a University*, 86-89.
48. Dixon, *Brief History*, 103-4.
49. *Ibid.*, 110-12.
50. *Ibid.*
51. *Ibid.*, 112.
52. *Ibid.*, 112-13.
53. In re Newcomb's Estate; Newcomb Case, vol. 1, 21, 44-45, 47.
54. The Hendersons claimed that Josephine Newcomb was a resident of New York and therefore had died without a will; that she was not of sound mind; and that there was a conspiracy on the part of Tulane Administrators, who unduly influenced her decision. A transcript of the trial is located in the Law Library of Tulane University.
55. There was also an attempt on the part of some relatives of Warren Newcomb to claim the trust he had left to Josephine Newcomb, from which she had been receiving a life income. The claim was denied (see McConnell Papers, Box 16, Folders 10 and 12, LaRC).
56. In re Newcomb's Estate; Newcomb Case, vol. 2, 300-305, 315, 333.
57. "Opinion of Robert E. Deyo, Referee," 47.
58. James McConnell to Charles E. Fenner, February 20, 1903, McConnell Papers, Box 16, Folder 1, LaRC.
59. A. H. Pomroy was a trusted friend of Josephine Newcomb. He died in 1881, and his son, William, and nephew, Henry, continued the firm, with Henry becoming Mrs. Newcomb's main advisor.
60. "Opinion of Robert E. Deyo, Referee."
61. Clipping, *New Orleans Item*, November 7, 1908, McConnell Papers, Box 16, Folder 8, LaRC.
62. Brandt Dixon to James McConnell, November 6, 1906, McConnell Papers, Box 16, Folder 4, LaRC.

63. Dyer, *Tulane: The Biography of a University*, 123-25.
64. Joseph Hincks Jr. to George Canfield, October 28, 1908, McConnell Papers, Box 16, Folder 6, LaRC.
65. Clipping, *New Orleans Times-Democrat*, November 20, 1908, McConnell Papers, Box 16, Folder 8, LaRC.
66. Clipping, *Donaldsonville (La.) Chief*, November 14, 1908, McConnell Papers, Box 16, Folder 8, LaRC.
67. Edward M. Shepard to H. B. Walmsley, May 23, 1911, McConnell Papers, Box 16, Folder 10, LaRC.