

[Intro music]

Kirk McDaniel: Halloween night approaches once more, all the creatures waiting to emerge, whether to stalk the streets for candy or in the annual scary movie marathon. Oh! Or just maybe in a terrifying haunted house. I wanna warn you, dear listener, an even scarier story awaits, a story of all the things that make a chill run down: appearing in court. Welcome to Sidebar, a podcast by Courthouse News. I'm your host and Sidebar's producer, Kirk McDaniel. On this episode, my co-hosts Nina Pullano and Hillel Aron join me around the virtual campfire to share some spooky legal stories. From a haunted house with a truly extreme liability release waiver, a copyright dispute over vampires and an American literary icon returning from beyond the grave to pen one last book. This is sure to be a hauntingly good time.

[Spooky music]

KM: How's it going, Nina and Hillel, welcome to the episode, our Halloween special.

Nina Pullano: Hey, thank you, excited.

KM: Nina, you had mentioned that you have a wonderful story, or I don't know if I should call it wonderful because it has to do with torture. So, how about you go ahead and kick us off with this wonderfully terrifying, problematic story.

NP: Yeah. Wonderful is not the first word that comes to mind, although this is something, many, many people are interested in doing. So, haunted houses: classic, you know, feature of Halloween. This particular haunted house is a little bit different than the ones that you might think about. You know, I don't know about you, I loved haunted houses as a kid. I also kind of hated them. I feel like I wanted to like challenge myself, like I wanted to get through it. But you know, you think about the run-of-the-mill haunted house that could lead to kind of, sort of expected lawsuits, like, you know, slip and falls and carbon monoxide from fog machines, nuts and bolts like sticking outta walls that you might get hurt on. This is a completely different kind of a haunted house, and the risks could not be more extreme.

KM: That's great because even though as an adult, there's no way that I'm even going anywhere close to a haunted house.

NP: Uh, yeah, so, this is called McKamey Manor. Have you guys heard of this place?

Hillel Aron: No.

KM: I have heard of McKamey Manor and maybe seen a couple videos online, but I'm a little fuzzy on the details.

NP: Sort of like the uncontested, scariest haunted house in the world. I don't even know if that's the right... if a haunted house covers it. People sign up to be very literally tortured. And when I say signing up to be, you know, literally tortured, this is sort of, they sign a 40-page waiver. This is, again, hours long could be, they agree it could be up to more than a day. And the waiver includes some of the things, again, you might think of a typical haunted house, disclose, you know, you shouldn't do this if you're pregnant or if you might be prone to seizures, flashing lights, that kind of thing. And then it gets unhinged. So, among the things that you agree may be happening to you are, um, being tortured with medieval torture devices. Uh, water torture. Your nails could be removed from their nail beds. You may be injected or given pills, hallucinogens or sedatives, subject to extreme temperatures. Your hands and

feet could be ziptied, maybe severely whipped with a fire hose or belt. Asked to drink a wide variety of liquids, including urine and blood. Have your head enclosed in a box with bees, wasps and maybe stung. Houdini's Chinese water torture apparatus, which will include being submerged upside down by your ankles, with a straitjacket in a cylinder with live moray eels. Buried in a pit with hundreds of live rodents, mice, rats tied down until you can figure out how to escape. Locked inside a 55-gallon drum, and a lot of other stuff.

HA: Where's this place?

NP: So, it started in San Diego. That location has since closed.

KM: I wonder why.

NP: Right? I think the owner says that it was a, a cost-of-living situation. But you know.

HA: California.

NP: So, now it has two locations. One's near Nashville and the other one is in Huntsville, Alabama. There are videos like you mentioned, Kirk. There are videos online of this. So, you may be asked to ingest live bugs. That's something they say, but if you watch these videos, I don't know that asked is really the word. I mean, people are, throughout the experience, you're being screamed at and humiliated and insulted. They're, they're kind of like yelling at you and like I said before, my like childhood, like very kind of fluffy, basic haunted house. There was this feeling of wanting to like push myself, right? Like challenge myself. And that's essentially what the people who do this, that's a big question. Why?

KM: Yeah. I don't, I don't know that I'm looking to push myself like this.

NP: The people who do this say that that's it. They want to kind of have this very extreme, very hardcore experience because they wanna push themselves. And, that said, nobody has ever made it through the entire experience. It's been happening for about 30 years and that probably says something, you know, you do say in the agreement, you are asked to write like, what is your line? What is your, you know, do not cross this. And, you can, you can use a safe word. That used to actually not be the case, but at some point that was added to the experience.

HA: So, do people actually get their fingernails pulled out or you're just signing that liability to sort of place you in that space?

NP: It's a little bit of a black box. Like, I think you do sign an NDA as part of it.

HA: It's not a black box if it's being filmed.

NP: Well, hold on.

HA: Okay.

NP: Right, so you sign an NDA and you do have to agree to certain of your own terms. You do have to agree to some terms yourself, like confirming you're not under the influence of any drugs or alcohol, that you have medical insurance. Interestingly that you've never been arrested or jailed for a felony. And then you sign saying, you know, participant agrees and understands that your life is in danger and this is not in danger. This is just a game. But the whole thing is supposed to be filmed and this sort of maybe legally questionable waiver is all protecting the owner. Russ McKamey is his name. When people have

sued the owner, and he says that that's happened numerous times over the years, he says that it's because people think certain things happened to them that have not actually happened, but there's a clause in the agreement, I hereby authorize a grant to Russ McKamey, the producer, and McKamey Manor the right to record me, da, da, da, and the recording into a film slash video program that may be posted on Facebook, YouTube, etc. And you release the rights to that video, but I think it's curious that that that word edited is in there. The sort of, I guess, the most public instance of a person really speaking out about this and saying like, this experience was not OK was in 2016. A woman named Amy Milligan said that she was waterboarded, and the word water torture is in there. They talk about being submerged under 60 feet of water. They also talk about potentially being buried alive under 12 feet of dirt and having to, like, part of the experience is getting out of that. So, the idea of water torture is in there. But Russ, Russ McKamey, the owner, says that never happened. We didn't, we don't, that's not something that's part of the experience.

KM: How many lawyers do we think had to see this contract before it was ever approved?

NP: Right? I mean, that's kind of the, I think that just sort of like, how, how is this legal and how are more people not, you know, there's been a petition of, you know, thousands of people saying, you know, this shouldn't be allowed. So, there are a few protections that I think are in place, right? So one, he says the water boarding never happened, and he has a video of the entire thing. Amy Milligan says that he edited the video, and so the worst parts of it are not actually shown. And also, I mean, reporters and, and you know, journalists have gone through the experience just sort of just out of, you know, morbid fascination and to write about. He's also admitted that when that happens they get, um, what he calls a "Sissy Tour," like a toned-down version.

Beth Accomando: Hi, this is Beth Accomando and I just emerged from McKamey Manor. I wanted to do a story on it, and Russ McKamey said I could come out there if I allowed him to blindfold me and to drive me out to the secret location. I thought once I was at the secret location, I would just get to sit down and do some interviews, but I had to go through what they called the "Sissy Tour." And, um, even though it was the "Sissy Tour," I had some pretty, uh, creepy, disgusting and scary things happen. So be watching for my story on KPBS.

NP: So, there are these sort of, you know, ways that it, he's, he's been protected, but even so, you know, you can find legal experts saying like, this is not necessarily something that would hold up in court. And he's, but he has been sued again, he, he said numerous times over the years. So, um, yeah, it's just, it's interesting that I think the woman who did really speak out, Amy Milligan, went to the police and decided not to file a, a report ultimately, but it definitely blew up and I think that her story kind of got a lot of people thinking and talking about this.

KM: So, as you mentioned, many of these filmed experiences can and often are posted online by McKamey Manor for use and promotional videos and yeah, they are just as extreme as you described, Nina. Um, I think for me it makes all the more shocking since you know that this is a real person, you know, like you or me who signed up for this, uh, experience. I would definitely, uh, offer a trigger warning before watching them. Uh, do people pay to do this?

NP: Right. No, absolutely. They're, they're, they're hard to watch. And, um, one of the kind of, you know, again, talking about the legality, one of the protections that, um, the owner Russ McKamey has here, there's no entrance fee. But you can and are, you know, asked to bring dog treats and dog food for his

rescue greyhounds. And because of that, he's registered as a non-profit. So, that means he's not under the jurisdiction of the Better Business Bureau. He's not subject to some of the same, you know, federal and local, um, controls that are over, that regulate businesses. He's in, you know, he's in this, uh, kind of, he's found sort of a bit of a loophole, right?

HA: How does he pay for it if he doesn't charge money?

NP: That's a great question that I don't have the answers.

HA: We don't know. All right. He sells the dead bodies on the black market.

NP: Right? Oh gosh. I don't know if I said this yet, but the wait list has between 20 and 30,000 people. This is like something people wanna do. People want to do this with their time, they wanna have this experience like a lot of people. So, I don't know, pushing yourself in ways that I can't say I would ever sign up for, but at least that, that impulse I get from, you know, childhood like, it's gonna suck while I'm in it, but then I'll have done it and feel somewhat triumphant and go get my, my donuts and cider. And that's like the, you know, the full Halloween experience.

KM: Yeah, yeah. I think I might stick to hiking for that experience.

NP: Check out the foliage.

KM: Yeah. Yeah. Right. Wow. Well, that is, um, that is an intense story. Thank you for bringing it for us.

NP: Oh my gosh. And yeah, I don't know if I could say, go ahead and check out these videos online, but at your own risk, um, that might be enough for most of us as far as scaring the shit out of ourselves. So, another one that I just wanna quickly talk about, rather than a haunted house, a house that is haunted. You know, like American Horror Story, season one style. It's a famous case called Stambovsky versus Ackley, and it's, it's in New York. This is like in, maybe like 1989, 1990. A man named Jeffrey Stambovsky buys a house in Nyack, New York, which is just north of New York City at \$650,000. And before he made a down payment, his real estate broker calls him and he's like, just so you know, this house is haunted. And by then there had been a few reports, mostly in local papers, that the family living there had seen ghosts. The owner, Helen Ackley, said that her grandkids were there and got gifts from the, you know, poltergeist of baby rings, which I didn't know what that is. Do you guys know what baby rings are?

HA: No.

KM: Nope. You got me.

HA: Stolen babies?

NP: Right. That was my thought. I was like, I, that doesn't seem like that could be easily gifted to a child. Um, they're, they are what they sound like they're literal, like tiny rings for babies to wear. They were, I guess, really big in the Victorian era and like, especially for, you know, portraits. You want the baby to be, uh, glammed up, I guess.

HA: Blinged out.

NP: Yeah. So anyway, Helen Ackley's grandkids would get these baby rings and then the rings would later disappear.

HA: Go figure.

NP: That's right. You know, her daughter said that the bed would shake, one of the ghosts would like shake up the bed. Yeah. You know, other, other kind of classic ghosting, slamming doors and footsteps. And some of the family says that they did, you know, make kind of eye-to-eye contact with ghosts and, maybe a, you know, one of them said there was a, a Navy lieutenant, a revolutionary Navy lieutenant who he just saw kind of full on. Yeah. So there, there's, these stories are out there, but the guy who just bought the house, Jeffrey Stambovsky doesn't really know about this. It's sort of like local lore. It's a little bit, you know, north of the city, debatably upstate New York, that's a whole, um, thing people love to gripe about here. And his broker gives him a call and he's like, just so you know, the house is haunted and the buyer is like, you know, lol, like we'll have to call the Ghostbusters. Like he doesn't take it seriously. He doesn't really know these stories and the sale goes through. But then after the sale goes through, he's like, I kind of wanna talk to the family that was already there about the whole ghost situation. So, he sits down, he talks directly with the Ackleys, and once he hears it from them, he's kind of like, oh shit, I bought a haunted house. It all kinda, it changed the tenor than just, you know, getting, um, getting that call saying, yeah, heads up.

KM: It's kind of giving that, that feeling of, you know, city dweller not respecting the rural lifestyle.

NP: Right, right. Totally.

HA: Well this is the common trope in all these haunted house stories. Even, even actually some monster movies of uh, I don't go in for all these weird, you know, hick folk beliefs.

NP: And that's basically exactly what happened. He's living in New York City and well ultimately that, that helped him out. That sort of, uh, you know, being removed from, from the local folks. He sues. He goes ahead and he sues the Ackleys, he sues the real estate firm and he lost at first in New York Supreme Court, at State Court. Appeals to New York Appellate Court and he actually won the case and that was very much part of it, um, you know, one of from the opinion: "Not being a 'local,' plaintiff could not readily learn that the home he had contracted to purchase is haunted. Whether the source of the spectral apparitions seen by defendant seller are parapsychic or psychogenic, having reported their presence in both a national publication (that was Readers' Digest) and the local press (back in 1977 and again in 1982), defendant is estopped to deny their existence and, as a matter of law, the house is haunted."

KM: Wow.

NP: Which is just pretty awesome.

HA: When was that court ruling?

NP: The appeal came out in 1991, so well, for just a couple years...

HA: So, in 1991, an appeals court judge said that house is legally haunted...

NP: Legally haunted as a matter of law, the house is haunted.

HA: See, this is why I want to be a judge, cause you can just say whatever you want.

NP: And it was, it's interesting, the lower court, the opinion in, in the appeals court also notes that the lower court reluctantly dismissed the case. Like they, the, the original, uh, judge's hearing it even were like, yeah, there's something here.

KM: Whenever he sued, what was his like suit for exactly? Just to stop the sale of the house and get his money back?

NP: The gripe was that they didn't disclose, which again, he got that call from his broker, but he, they didn't disclose that this was, you know, a risk. I mean, that was the heart of it. It was that they did not fully sort of underscore what this was like, just getting that one call. Obviously, he didn't, he, you know, he made the, um, Ghostbuster's joke and this case is often referred to as, as the Ghostbusters, um, lawsuit. Ghostbusters ruling.

KM: Huh.

HA: That's incredible.

KM: Do we think that maybe it was like opportunity missed because even if he didn't have to live in there, he could have rented it out to people you know, who want a ghost experience?

NP: That's a great point, right.

KM: Those people, yeah.

HA: Housing. Housing is expensive. Houses are.

NP: Open up a, a third location of, uh, McKamey Manor.

HA: I'm just trying to think if this went to the U.S. Supreme Court, how they would, uh, how they would rule on the, the, the question of the existence of ghosts. Like, you know is Clarence Thomas, a believer in ghosts, probably.

NP. Yeah. That could bring out some fun, fun opinions and dissents.

[Spooky music]

KM: Are you someone who is on the wait list for McKamey Manor? Maybe a more traditional haunted house is more your speed. If you're anything like me, scary movies are the best way to get into the spirit. For this next story, Hillel takes us back to post-World War I Germany for the origin story of one of the earliest horror films.

[Movie reel sound]

HA: Which are the two, in your opinion, which are the two most iconic Halloween characters of all time?

KM: Halloween characters? I would have to say Michael Myers has gotta be one. I mean, the name of his movie is "Halloween." The other one I would say. I mean, I'd have to say vampires.

HA: As a, as a, you know, as someone who grew up in the 1980s and '90s and, uh, you know, fan of the song "Monster Mash." For me, the two are Dracula and Frankenstein. And did you know that both of them have their origins on the same night?

NP: Hmm.

HA: A night, uh, much like this one, uh, between not three people, but four people. Uh, four people were Lord Byron, his doctor, John Polidori, which may or may not be the correct pronunciation. And, two other writers, Percy and Mary Shelley. Four, four of them were in a cabin, uh, in 1816 in Lake Geneva, Switzerland. One night they were reading, uh, they were reading German horror stories to each other as, as one does. And, uh, Lord Byron suggested that they have a contest that they all come up with spooky stories and, uh, so you can write the best spooky story. Mary came up with a story that would, uh, later become "Frankenstein."

"Frankenstein Clip": It's alive. It's alive, it's...

HA: And, uh, Lord Byron also wrote a story, um, about a vampire called, uh, "Vampyre" with a Y, Y-R-E at the end of it. And, um, you know, vampires had been around as a folk belief for a couple hundred years, mostly in Eastern Europe. The idea of a vampire had kind of popped up in a few poems here and there, but, um, it was actually Lord Byron's doctor who ended up, uh, taking the story. And, uh, he actually published it, you know, like a story by Lord Byron, but I wrote it. I don't know why he did that way. I'm, I'm assuming to, to give it more notoriety like to sort of a name drop cause the doctor himself wasn't famous anyways. He, he publishes...

KM: Because if, if doctor isn't enough, Lord always, Lord is a much better title.

HA: I agree. And, uh, anyways, so, so this is, this is the first, uh, you know, instance of vampires in, uh, in literature and it sort of, is the seed of the genre, uh, basically, um, which in the genre reaches, uh, maturity. Um, in 1897 when Bram Stoker publishes "Dracula." Bram Stoker, Irish guy, theater manager, written a few books, none of which were super successful. "Dracula" was successful and it really kind of solidifies a lot of key things in the genre, but there were also just vampire books of the time. So, it was like sort of his take on the genre, and maybe the most sort of successful version of it at the time, but not, not super, uh, original. I mean, it was just, it was a genre book essentially. And it, it's in this book that, um, that vampirism becomes sort of like a disease that can be passed on. This was one of his key innovations. And it really struck a chord at the time in Victorian Britain, um, when, uh, when tuberculosis and syphilis were like really rampant and, uh, people were really afraid of, um, all sorts of diseases. And in fact, Stoker, uh, may have died of syphilis, um, when he died 15 years later. It was either syphilis or overwork as I read somewhere, so, you know, it can be easily confused. Now, "Dracula" was filmed for the first time, you know, I think 24 years after it was written in 1921. Uh, this Hungarian silent film, "Drakula halála." This was not, this was an unauthorized, uh, an unauthorized adaptation.

KM: So, basically you have to get the, the movie rights even back in the 1920s.

HA: Yeah. Even in the 1920s there were copyright laws. Interestingly, the copyright laws were kind of similar for a book or a movie for, certainly for a book. You had to say in the beginning of the book, you know, this, this book is copyrighted, blah, blah, blah and it's sort of a key provision of the copyright law, and "Dracula" messed it up somehow. So, the book "Dracula," in America the book "Dracula" lapsed into public domain a little bit after Bram Stoker died. But importantly, it did not lapse into public domain in Germany. A uh, an important fact for later in this story. A quick word about Bram Stoker's widow, she was not into "Dracula." So, you know, her, her syphilis-ridden husband dies. She's, she's a widow. She's, she's hard up for cash, but she's also like in Victorian society, and she, she cares about her good name.

And "Dracula" was seen as kind of, you know, kind of this titillating book. Maybe not like, uh, prudish, uh, Victorian England didn't appreciate it. I guess also people made fun of her a little as like, oh, they called her like the bride of Dracula or the wife of Dracula. Her granddaughter later told the Daily Mail that she was teased mercilessly about being married to Dracula. So, it's like she's going broke, but she hates "Dracula." "Dracula" is the only book that actually made any money that her husband wrote, so she's in kind of a quandary. But, point being that when some German filmmakers come to her and ask, you know, hey, can we, can we buy the rights to film "Dracula?" She says no. So, the Germans just sort of figure, well, we'll just do it anyway. They probably figure, you know, here we are post-World War I Germany, you know, there's no Internet, who's, who's gonna know. This movie ends up getting directed by a very famous German filmmaker, F. W. Murnau. He would later become famous; at the time he was not famous. He became known as the master of "German expressionism." Uh, actually came to America, made this movie "Sunrise," which was sort of this, uh, female melodrama. But, um, but his early filmography, he's like a horror director. So, they changed the name of the movie to "Nosferatu." They changed the character from Count Dracula to Count Orlok and, it's basically this low budget German movie, takes place in a, in a small little German town. You know, in the book, Count Dracula is a, is a nobleman. He's like an aging nobleman, lives in a castle. He's described as sort of being bald on top, but being like a hairy old man, with like these bushy eyebrows. He says that he, he Bram Stoker, describes his eyebrows as very massive and has this heavy mustache. I mean, really nothing like what we think of as, as the modern Dracula.

NP: Yeah, it sounds more like a werewolf.

HA: Yeah, he's sort of like this, but like you can kind of picture him, right? He's like this old man with wild unkept eyebrows and like hair where it shouldn't be. And you know, lack of hair when there should be hair and, you know, in decent shape, maybe a little pale and, uh, "Nosferatu" Count Orlok is like a monster. I mean, it's crazy looking, but yeah, he's, he's a monster. He's got these long fingernails, these really long teeth, dark circles under his eyes. He's like totally cueball hairless. And so the, the plot is similar, but there's no Van Helsing. Van Helsing is, is of course the, uh, in a way, kind of the protagonist, the guy that ends up killing Dracula. He's like a, he's like a monster hunter. And, uh, so there's, there's none of that in "Nosferatu," it's pretty dark. A key thing is Nosferatu travels to this German village on a ship and brings all these rats with him, and there's this plague. And, it just, it feels very like Middle Ages, as opposed to, "Dracula," which is more kind of like the old world butting up against the modern world. In post-World War I Germany, there is no modern world. It's just like everything is bad all the time. And, uh, that's kind of the feeling you get watching "Nosferatu" which is, I should say it's, it's a great movie. I mean, if you were, if you were to like watch five silent movies, this might be the one sort of serious silent movie that I would recommend watching because all the other good silent movies are comedies. So, the Germans, they make this movie. It's, you know, it's pretty long. It's like an hour and a half. But they commit a fatal error similar to stepping into the sunlight. In the movie's premiere, they write on the program that it had been "freely adapted from Bram Stoker's book 'Dracula.'" So, in April, Florence Stoker gets a mysterious, unmarked letter along with the program, which gives away the ghost, as we'd like to say. She sees this, she's super pissed. She's not happy. She goes to the British Incorporated Society of Authors and convinces them to hire a German lawyer, and the society is sort of like, they don't really want to deal with this. They don't wanna pay the money for a lawyer, but they also, you know, are supposed to be protecting their writers. You know, is this their responsibility? Is it not? They decide, all right, well we'll hire the German lawyer. We'll try to settle it quickly out of court. They even

say this in a letter. You know, we're not in this for a long haul. We're in this to settle, settle it quickly, but it did not settle quickly. It did go on for three years. According to letters, the Society of Authors is constantly trying to wriggle out of this court battle. But Florence Stoker just will not let them, you know, threatens them, has a lot of sort of British writer friends that, you know, sort of like, you know, you guys, you guys have to keep this up. And, um, it's just a whole legal mess. The production company that made "Nosferatu" went bankrupt after "Nosferatu," I mean, just immediately. And, probably more due to mismanagement than anything else, but possibly the lawsuit didn't help. So now the society and Florence are going after like the new owners of this movie. In 1924, a German court awards Florence 5,000 pounds, which is about 300,000 pounds in today's money, also about \$300,000 in today's money. But the new production company appeals and Florence at some point just changes her demand, says she doesn't want any money, she just wants the movie destroyed, like burned and she doesn't want anyone, anyone to see it. I mean, she, I think she probably really wanted the, um, the intellectual property that was "Dracula" to be snuffed out in a way cause she didn't want her husband's name and her name remembered, uh, for that. Unfortunately, that is exactly what it's remembered for. So, 1925, the film owners abandoned their appeal. They give up, and the German judge orders that all remaining copies of "Nosferatu" be burned. Unfortunately for Florence, the movie's already been distributed around the world, including, uh, the United States where "Dracula" has lapsed in a public domain. So, the movie's not burned. It survives when you, when you watch "Nosferatu" on YouTube or wherever, it's like a copy of a copy, kind of. It's, you know, it's been restored using various techniques, but some scenes will be like very kind of grainy and you really are watching this relic. And just, it's just amazing that this movie survived that, you know, most silent movies didn't survive. The type of film they used was very unstable. Basically like, you know, essentially like really flammable. There's all sorts of movies that just, that just burned away. So, it's, it is kind of ironic that this German judge, you know, ordered "Nosferatu" be burned, but somehow it survived when all these other movies accidentally burned.

KM: Also, I think for the enforcement of copyright law to have the copies burned, that's hardcore.

HA: Yeah.

KM: That, that, dare I say, conjures images of torch and pitchfork wielding villagers.

HA: Later to be seen in "Frankenstein."

KM: I'm sure you are well aware of the author Mark Twain. You probably remember reading his books, "The Adventures of Tom Sawyer" or "Huckleberry Finn" while you were in school. Well allow me to introduce you to possibly the last book he ever wrote. I say possibly because this final book wasn't quite written by him. Just hang in there, you'll see what I mean.

KM: Have either of you ever heard of the story of the book "Jap Herron?"

NP: Tell us.

KM: It makes some sense that you've never heard of the book since it was published back in 1917. To properly set the stage for the story, I want to tell you a little bit about the spiritualism scene in the early 20th century. Across the country, the idea that the dead still lives amongst the living was becoming a more and more popular idea. This comes some years after the mass production of the Ouija board, or talking boards, and the rise of people specializing in the occult. Fun fact, while the Ouija board is actually a well-known name for talking boards, the toy company Hasbro actually owns the trademark to the

name Ouija board. So, during this time, people who claim to have the ability to communicate with the dead, known as mediums, were holding seances in the hopes of communicating with lost loved ones or even famous people. Two mediums from St. Louis, Emily Grant Hutchings and Lola V. Hayes seemingly struck the, I guess, spirit jackpot when the spirit of Mark Twain spoke to them from the great beyond and tasked them with recording his next novel. Now, it is important to mention that Twain had been dead for 10 years by this time and was already a well-beloved storyteller. The book Hutchings and Hayes helped the incorporeal writer put to paper would come to be known as "Jap Herron" a novel written by the Ouija board. And believe me, that is the exact title. I will repeat it again. It is "Jap Herron: A Novel Written From the Ouija Board."

NP: So, what's the book about?

KM: The book is about a young boy named Jasper James, called Jap for short, who lives in Missouri and after his father dies, finds himself separated from his family, spurring a journey of self-discovery. I should admit that I have not read the book, but my impression based on the synopsis is that it's a bit of a rags to riches story. The book, of course, rose to fame since it, one had Mark Twain's name on it, and two claimed his ghost wrote it. Since our listeners cannot see, I am actually using air quotes around the word written. I don't know what the masses thought of the book, but a review from the New York Times did not give it high marks. The 1917 review read: "If this is the best, 'Mark Twain,'" in quotes, "can do by reaching across the barrier, the army of admirers that his works have won for him will all hope that he will hereafter respect that boundary."

NP: Ooh, it's a flop.

HA: Yeah. It seems like, you know, if you could go downhill in old age, certainly you'd go downhill in the grave.

NP: Yeah. Give him a break. He's dead.

HA: Yeah. Impressive that he is even, uh, getting anything out there.

KM: Reviews aside, there was one person who was very displeased by the book, and that was none other than Twain's daughter Clara Clemons. She actually filed a copyright lawsuit against the two mediums over the book and was seeking for the two mediums to publicly admit that the book was a fraud or give all the proceeds from the book to the Twain estate. This lawsuit ended up not going anywhere. The parties actually settled the lawsuit, which resulted in Hutchings and Hayes ceasing further publication of the book and destroying all existing copies. Now, sort of similar to your story, Hillel in "Nosferatu," the book survived and can still be found online to read for free and physical copies of the book are also still floating around out there. I've even seen one first edition copy on sale for well over \$200.

HA: A chilling tale of censorship.

KM: It takes ghost writing to a whole new level.

HA: Mm.

NP: Hey.

HA: There it is. There it is.

KM: Hillel, Nina. Thank you so much for hopping on with me. It's wonderful getting to talk to you guys. It's also wonderful to talk to you guys about the season and yeah. Have any fun Halloween plans?

HA: Trick or treating with my child, both of us dressed as construction workers.

NP: Got a Halloween party and still I'm sure I'll figure out my costume two hours before it begins.

KM: Well guys, it's been wonderful and we'll chat soon.

NP: Yeah, it was great. Happy Halloween.

HA: Thank you.

KM: Absolutely. Haunted houses, scary movies and ghosts. What more could you want from a Halloween special? Ah, well, we did forget the candy. I guess if there is one thing Courthouse News reporters do well, it is finding the interesting, weird and yeah, even sometimes spooky legal stories lurking about in courtrooms around the world. Be sure to stay up to date with those stories and more at courthousenews.com and follow us on Twitter @CourthouseNews. On our next episode, I'll take you on the hunt as we dive into the profession of bounty hunting. See you then.

[Outro music]