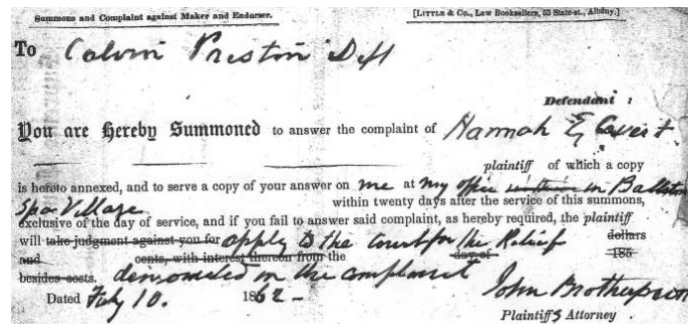


This Week in Saratoga County History

The Caverts v. Dr. Preston – A Story of Alleged Sexual Assault

Submitted by Alan Maddous October 26, 2022

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Summons issued to Dr Calvin Preston, 1862

In the 1918 historical record compiled by Galway Historian Elizabeth Robb Quinby is a statement by Harvey Crouch, local farmer, on the character of Dr. Calvin Preston, village physician, who by other accounts was a respected citizen, community leader and deacon of the Presbyterian church: “He was the village doctor with a large practice. He wasn’t very brilliant or much of a man, short, rather effeminate. He kissed Billie Cavert’s wife one time and Billie sued him. He was remembered for kissing his woman patients”. The story behind that statement reveals an interesting series of events.

According to an 1862 civil complaint, Hannah Cavert v. Calvin Preston, for several days in early April 1859, Dr. Preston (age 60) made visits to the Cavert home to provide treatment of an undefined illness of Hannah Cavert (age 28), a recent bride. During one visit, upon entering Mrs. Cavert’s bedroom he allegedly assaulted her with violence while she was too sick to defend herself, kissed her many times against her will, and endangered her health. Her husband, William W. (Billie) Cavert made his version of the encounter public in terms likely to damage Dr. Preston’s reputation and business.

The initial attempt at resolution was arbitration. The arbitration board’s assignment was to take statements from Hannah Cavert and Dr. Preston and reach a settlement. Mrs. Cavert charged that the defendant had kissed her and imposed upon her in an unlawful manner. Doctor Preston said, “he was a man of very sympathetic manners that kissed her as he had other women under like circumstances or something to that effect.”

Dr. Preston agreed to a \$250 settlement on the condition of confidentiality. He paid \$50 in March 1862 later claiming he understood it was the plaintiff’s attorney’s fee, withholding the rest, and was sued by the Caverts for the balance later increased to \$2000. At the same time, Dr. Preston

engaged the authority of the Galway Sheriff to have Mr. Cavert and an associate arrested on a criminal complaint of Slander and Defamation of Character. During the two civil trials that followed, Dr. Preston complained the Cavert's attorney - who was a member of the arbitration board, a clear conflict of interest – had made threats to other members to force a monetary settlement. Preston's attorney promised that other women would support his client's position, but none came forward at the trials.

Dr. Preston prevailed in both trials and was awarded court costs. The whole affair is a bit murky, but one could reasonably speculate that Dr. Preston kissed Hannah Cavert out of feelings of empathy, medical practice being a gruesome and painful affair in the 1860s which was routinely counterproductive- blood letting for example. Mrs. Cavert then told Mr. Cavert of this expression of kindness. Mr. Cavert was offended, aggressively engaged in slander of Dr. Preston and at the same time saw a financial opportunity, hiring an attorney of questionable ethics to pursue it.

It is not clear how much Dr. Preston's reputation suffered. He maintained his practice in Galway until 1877, retiring at the age of 78. Evidence exists that during the trials he withdrew from community and church activities. And in all probability, he stopped kissing his women patients.

Mr. Cavert's darker side later emerged in a very public way in the form of two legal matters of record. According to a June 28, 1877 newspaper account:

"A mob of 5 men, for reasons unknown assaulted a woman, Ann Gleason. She escaped and sought refuge at a neighbor's home in the village. As the mob began stoning the house, the son of the owner came to the door with a revolver and fired a shot into the crowd, which rapidly dispersed. The next day a member of the mob filed a criminal complaint against the woman for disturbing the peace! She was jailed and then quickly released. Subsequently, four members of the mob, including William W. Cavert, were indicted for assault and battery, pled not guilty and were released on bail."

Then, several years later another altercation, as reported in the June 23, 1881 *Saratoga Sentinel*:

"William Cavert caused a team of horses harnessed to a wagon to bolt and run through the village streets, then made a complaint to the sheriff about negligence on the part of the owner, John Cuning. In the presence of the sheriff an argument ensued that erupted into a brawl. Mr. Cavert drew a knife and threatened Mr. Cuning with it. Cuning then assaulted Cavert with his fists and beat him into submission."

A legal conflict moved forward as a civil trial, William W. Cavert v. John Cuning, in June of 1882. The verdict was in favor of John Cuning who was awarded court costs.

A final footnote to the extended drama that linked Dr. Preston, Ann Gleason, and John Cuning to Billie Cavert is found in *Stories and Pictures of Galway* by W. Bronson Taylor, 1966:

"The park in Galway once had an iron fence around it. Inside the fence was a row of shrubs. One night some prankster borrowed a bulletin board from in front of a store and placed it inside the iron fence. Behind the board they placed some overalls with a pair of boots projecting from the legs. The whole thing was partly hidden so that it looked like a man's body lying there. On the board was a verse carefully printed in chalk."

*'We cannot have all things to please us.
Poor Billy Cavert has gone to Jesus.
But one cannot always tell.
Perhaps poor Billy has gone to hell.'*

Billy was a man easily aroused. He went to a justice, Mr. Kemp and tried to have certain persons arrested. The justice would not issue a warrant for lack of proof."

William Cavert passed away in 1906, predeceasing his wife. She was buried in an adjoining grave, both not far from Dr. Preston's.