

O'BRIEN'S VISIT TO RUSSELL FLAT

Ex-Sheriff There Nearly Every Day, Kate Newins Testifies at the Resumption of Divorce Trial in Supreme Court.

SHE CALLED HIM GUARDIAN.

Mrs. O'Brien, as Witness in Her Own Behalf, Denied All Charges, and Explains Her Visits to the Stuart House.

All in black, save for a handful of autumn leaves on the side of her large feather hat, Mrs. Abbie Ella Cook O'Brien appeared in Justice Scott's court to-day, and trial of the divorce suit was resumed.

Alvina Kugel, the fifteen-year-old nurse girl who testified that Mrs. O'Brien habitually spent her Saturdays nights away from home, was in place, and part in a robin's egg blue shirt waist and a saucy upturned hat, and Miss Mary Russell, the girl's co-respondent named by Mrs. O'Brien, sat just behind her, alert for every word of the testimony.

Kate Newins, a dressmaker since she was twelve years old, and living at No. 144 West Sixty-second street, came next. "Yes, I used to work for Miss Mary Russell when she lived at Sixty-sixth street, and later at No. 2187 Broadway, I was often at her house," she said in answer to R. L. Turk's first question.

"I never ever see James O'Brien at 2187," he asked.

"Oh yes, almost every day."

"Did he ever go in Miss Russell's room?"

"Oh yes, many times."

Made No Difference to Her.

Mr. Hummel's cross-examining drew out that the little dressmaker was the wife of Hammond Donald Newins.

"You knew that Mr. O'Brien was a married man, and that you went right on working for him?"

"Sure, it made no difference to me whom I worked for, so long as I got my pay."

Annie Jackson, of No. 29 West Sixty-fourth street, testified that she was a doorman at a house in West Forty-third street and that James O'Brien was a frequent visitor to Miss Cora Holmes or Miss Maria Holmes—a young woman with two names.

"I often made his breakfast for him—toast and an egg," she said, "and he and Miss Holmes had it together."

The ex-sheriff was manifestly perturbed. His wife, across the table, wore an expression of indifference.

After various witnesses had testified to Mrs. O'Brien's good character, the ex-sheriff's wife was herself called to the stand. There was a rustling of silk skirts as she settled in the chair and faced the jury. She looked meek and pensive, with an even flush suffusing her face.

"Did you ever use any endearing terms in speaking to or of Mr. O'Brien?"

"Never; I always called him 'Mr. O'Brien.'"

"Did you do any of the things described here by the witnesses against you?"

"Never; not one."

"Ever go driving alone with Mr. O'Brien?"

"Never. I was never alone with Mr. O'Brien five minutes," said Mrs. O'Brien, who denied that she had ever met O'Brien, "Jack Roche or any other man at Mrs. Stuart's house. He had visited her sister, who had lived there for a year, but when she learned the character of the place she stopped her visits."

Mrs. O'Brien maintained perfect composure under A. H. Hummel's cross-examination.

She said her note to Mrs. Stuart of the Thirty-seventh street house had a room ready for her and have a pitcher of hot water there was on an occasion when she had called on a doctor for an operation in Mrs. Stuart's house.

The indirect examination Mrs. O'Brien declared that her husband had never spent one evening at home with her in twenty-two years of married life.

FUNERAL ORDERS BY GEN. HAMILTON.

Left Instructions that Service Be Simple, with Few Carriages—Property Goes to Son

The will of Maj.-Gen. Schuyler Hamilton was filed this afternoon by Lewis L. DeLafield, attorney for Schuyler Hamilton, Jr., sole executor and residuary legatee. The will was executed July 16, 1901.

The petition estimates the estate at "upward of \$50,000" real and "unknown" personal estate.

"I desire that my funeral shall be of the simplest kind," the old General directed in the will, "my casket not to exceed \$100 in cost, and but three or four carriages to follow me to my plot in Greenwood Cemetery. I desire to be buried beside my deceased wife, Cornelia, daughter of Robert Ray and Cornelia Frink.

"I give and bequeath my sworn of honor, to which I award the sword knight of my grandfather, Major-General Alexander Hamilton, is attached, my badge and military commission and papers, to my beloved son, Schuyler Hamilton, Jr., for his life, and on his death to my grandson, Schuyler Van Cortland Hamilton."

Had Schuyler Hamilton, Jr., died before the General, the estate was to have been divided between "Alexander Schuyler Hamilton, his son, born of his second marriage, and any child which might be born of his third marriage, excluding the children of his first marriage, the same as they have already received property under the will of my other son, the late General Hamilton, and because Schuyler Hamilton, Jr., first wife received property from him before her divorce from him."

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MRS. BURDICK ON THE STAND TO REVEAL MURDER SECRETS

(Continued from First Page.)

husband toward you that makes me fear sometimes that I might kill him."

Q. Do you remember receiving that letter? A. No, sir.

Q. Did your husband know you were receiving letters from Pennell? A. I do not know.

Q. Were there letters received at your home and kept under lock and key? A. Yes.

Q. You were having a warm time at this time with Burdick? A. Yes.

Q. Do you remember giving him letters? A. Yes. He forced me to open the box.

Q. Why was he so anxious to see the contents? A. I don't know.

Q. How did he force you? A. He took me to the room and opened the box.

Q. Did he ask you to open it? A. Yes.

Q. Was Pennell the topic of discussion before the box was opened? A. He was, probably.

Q. What made him so insistent? A. He wanted to know.

Q. Did he confront you with the letters from Pennell? A. No.

Q. You are satisfied that the letters were in the box? A. Yes.

Q. That was Jan. 1, 1902? A. Yes.

Q. When did you get your letter-box? A. I can't remember.

Q. Wasn't it just after he held you by the neck? A. I don't know.

Q. Who paid for the box? A. I did.

Q. Still you paid for it? A. Yes.

Q. You were anxious to get a divorce from your husband? A. Yes.

Q. Why were you anxious? A. I did not have any love for him.

Q. How did you expect it was to better your condition? A. I was to marry Arthur. He said he was going to get a divorce from his wife.

Q. Did you ask Mrs. Pennell to get a divorce? A. No.

Q. You are satisfied that the evidence against Burdick? A. Yes.

Q. Who hired the detective? A. Mr. Pennell.

Q. When? A. About a year ago.

Q. He did it all and paid for it? A. Yes.

Q. Were you ordered away from home in May, 1902? A. Yes.

Q. What was the reason? A. Mr. Burdick said I was untrue and must go.

SAYS PENNELL HINTED AT SUICIDE

(Special to The Evening World.)

BUFFALO, N. Y., Jan. 23.—Contrary to expectations, George C. Wilber, attorney for Edwin L. Burdick, was the first witness put on the stand when Judge Murphy reopened the inquest.

Q. Did Burdick retain you for a divorce proceeding? A. Yes.

Q. Did you prepare the divorce action? A. Yes, papers were served Dec. 19.

Q. What was the next step? A. Mrs. Burdick served her husband Jan. 3. Arthur Pennell figured in it and an answer was served by Pennell on Jan. 7, making a general denial of all charges.

On Jan. 23 an amended answer was served. On Feb. 11 an amended complaint was served on behalf of Burdick. The answer would have been due March 2.

Q. Was an answer served? A. No.

Q. Have you ever talked with Mr. Thayer in regard to an answer? A. Yes, informally.

Q. Did Mr. Burdick call at your office? A. He did.

Q. Did he say anything of an engagement that night—the night of his murder? A. No.

Q. Did he say Pennell sought an interview? A. No.

Q. Did Burdick say anything about Pennell or his relations between himself and his wife or Pennell? A. I had many talks with him. He said he was willing to sacrifice his interests to prevent trouble.

Q. Did Burdick ever tell you that Pennell threatened him? A. No. I knew that Burdick carried a revolver.

Q. Did he carry it away from the city as well as in the city? A. I don't know.

Q. Did he have several conferences occur at your office between Burdick and Pennell? A. Two or three.

Q. Was anything said about suicide? A. No direct threats, but intimations were made by Pennell.

Q. Did Pennell say unless divorce actions were stopped he would commit suicide? A. No, he never did, but he talked in a peculiar manner relative to the subject. Suicide, however, was never mentioned. Another word was used. Mr. Miller was then excused.

PENNELL MADE FIRE DAY AFTER MURDER.

(Special to The Evening World.)

BUFFALO, N. Y., March 23.—William J. Orrick, the furnace man at Pennell's, was the second witness called.

Q. Did you take care of Pennell's residence? A. When he was away.

Q. How was it customary since the first of January? A. Yes.

Q. Did you bank first? A. No.

Q. Who fed the furnace on Feb. 27? A. Pennell.

Q. Did you see him then? A. Yes; at 8:40.

Q. When did you take the ashes out? A. Five minutes later.

Q. How long were you there to take out the ashes? A. Yes, every morning.

Q. On the morning of Feb. 25 did you notice anything in the ashes such as buttons or anything of the kind? A. No, sir. I did not.

PENNELL'S SERVANT TELLS OF HOME LIFE.

BUFFALO, March 23.—The next witness was Lizzy Romance, a servant-girl at the Pennell home.

Q. Were you employed at Pennell's on Feb. 25, the day of the murder? A. Yes.

Q. Were you home the preceding day? A. Yes.

Q. Did Mr. Pennell return that day? A. Yes, from New York.

Q. Yes, from New York where he went? A. No.

Q. Did Mrs. Pennell accompany him? A. No.

Q. What time did he return? A. Eight o'clock.

Q. Where was he when he returned? A. He went upstairs and they had their usual dinner.

Q. Did they talk together in any unusual way? A. No.

Q. Didn't he seem to have something weighing on his mind? A. No.

Q. Did they have a friendly conversation? A. Yes.

Q. Was anything said to lead you to believe that there was a misunderstanding between them? A. No.

Q. When did Pennell go away? A. At 12 o'clock.

Q. When did he return? A. I don't know.

How long was he home before dinner? A. I don't know.

District Attorney Casaworth grew sarcastic.

"Is that all you can say?" he asked, "the night before?"

Q. What time did he get up Thursday morning? A. I don't know.

Q. Was Mrs. Pennell home Thursday? A. Yes.

Q. What time did Pennell return Thursday? A. Just before dinner.

Q. Was the telephone used Thursday? A. No.

Q. Did any one call at Pennell's home while Pennell was away? A. No.

Q. What time did he return after dinner? A. I don't know, either.

Q. Did you see Mrs. Pennell again that night? A. No.

Q. With my work I passed her door on my way to the bathroom. Mrs. Pennell was sitting on the bed.

Q. Was Mrs. Pennell there then? A. Yes, sir.

Q. Did Pennell and his wife occupy the same room? A. Yes.

Q. When you passed what were they doing? A. Nothing.

Q. What time do you pass their door? A. At 7 o'clock.

Q. Was Mrs. Pennell there when you passed? A. No, he had gone out.

Q. You did not see them until the next day? A. No.

Q. Where were they? A. In their own room.

Q. Was there any unusual noise? A. No.

Q. What time did they have breakfast? A. Usual time.

Q. What kind of a suit did Pennell wear that night? A. I didn't notice.

Q. Did you notice the following morning? A. No, sir.

Q. Did you take care of his clothes? A. Sometimes I pressed his trousers, but I don't know.

Q. Are any of his clothes missing? A. No.

Q. Was there any change in him on Friday at breakfast? A. None whatever.

Q. Was Mrs. Pennell in the habit of talking over her family troubles to you? A. Never mentioned them to me.

Q. Did you ever hear of any trouble? A. I did.

Q. Where did you hear about it? A. On the street.

Q. Who told you? A. I can't remember the person, but it was common talk.

Q. Did Pennell ever quarrel with his wife at home? A. If so I never heard of it.

Q. How long ago did you hear of their trouble? A. About two months ago.

Q. Did you notice Mrs. Pennell's actions after you heard the trouble? A. Yes.

No Change in Her.

Q. Was there a change in her? A. I didn't notice any.

Q. Did the Burdicks call at Mrs. Pennell's? A. Yes, about six months ago.

Q. Was Mr. Pennell in the habit of going away? A. Yes, he was made frequent trips? A. Yes; some were a week long.

Q. How many times was he in Atlantic City since last September? A. Once in January, with Mrs. Pennell.

Q. Did you know Mrs. Burdick was there? A. No.

Q. Did you see Mr. and Mrs. Pennell going away in the auto they day they were killed? A. Yes, said by the District-Attorney's office. Once in the Criminal Courts Building, the girl thought she was under arrest.

"Didn't I say something about not being in custody?" said Mr. Lord.

"I cried all the way to Brooklyn. I have been crying ever since."

More Repatience from Lawyers.

"Do you know," asked Mr. Eikus, "that you have an excellent case of false imprisonment against Mr. Jerome's office?"

"Case," jeered young Mr. Lord, while all the other Assistant District-Attorneys burst themselves delightedly.

"You just try the case, I'll defend it, and I'll win it, too," responded Mr. Lord.

Kept Under Constant Guard.

The afternoon session brought a continuous procession of picture hats and French heels. Girls of the street, each with a tragedy, some light and gay, others on the verge of hysterics. The streets were much the same, the most important testimony being given by Beale Albert, who said that she lived at No. 312 St. James street.

She lives now at No. 310 Livingston street, Brooklyn, she says, "with the rest of the girls who were in the District-Attorney's detectives, who first took them to Gould's place at Mount Kisco and then to the country house of the District-Attorney, has no right to keep you a prisoner if you don't know. We had our orders and we obeyed."

The trial will be resumed on Thursday at 10:30 A. M.

MAYBE A DICKY BIRD TIPPED OFF DIVES IN CROSS'S PRECINCT.



STATION HOUSE ROOF



STATION HOUSE



STATION HOUSE

(Continued from First Page.)

old coat as she hurried from the room. Entered now a young woman. Her name is Minnie Morris. She lived for a time at No. 20 Allen street.

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Leaders May Not Be Able to Prevent a Strike.

(Special to The Evening World.)

NEW HAVEN, March 23.—Valentine Fitzpatrick said to-day that the leaders of the trahmen and conductors of the New York and New Haven would be powerless to prevent a strike if the officials of the road did not give positive assurance of granting their demands at the meeting in this city on Wednesday.

The situation is regarded here as serious.

It was not expected that any new matters would be brought up at this meeting, but that the situation would be thoroughly canvassed in discussion, pending the receipt of information as to the action of the railroad directors regarding a new schedule.

It was not possible to ascertain definitely whether or not there would be a meeting of the Board of Directors this afternoon, but the arrival of William D. Bishop, Vice-President of the Board, and his son, who is secretary of the board, shortly after the departure of Mr. Hall, gave ground for the inference that there would be a meeting some time to-day.

Reports from New Haven say that the members of the Grievance Committee of the trahmen and conductors who left town Saturday had nearly all returned there to-day. It was thought that there would be practically a full attendance at a meeting of the committee during the afternoon.

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MORGAN CALLS PRESIDENT HALL

The Labor Situation on the New York, New Haven and Hartford Road Under Discussion.

SEVERAL DIRECTORS HERE.

Probable that a Meeting Will Be Held This Afternoon—Grievance Committee Members Are All Back in New Haven.

President Hall, of the New York, New Haven and Hartford Railroad, who came to New York from New Haven last night, went to the offices of the road in the Central Station to-day. He had been there only a few minutes when he was summoned to the office of J. Pierpont Morgan.

Mr. Morgan sent his private carriage for the railroad man.

Mr. Hall was accompanied in his trip downtown by Percy H. Todd, one of the Vice-Presidents of the road. Mr. Morgan sent his private carriage for the railroad man.

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