

MRS. CARMAN'S STORY IS UNSHAKEN BY PROSECUTION

jury box again and her voice, in spite of frequent requests for louder answers, was a husky murmur.

Q. Can you tell whether the men you refer to were all married men? A. Yes.

MEN ALL JOSHEH HIM ABOUT GIRLS.

Q. Were they men you were in the habit of meeting in private houses? A. Yes; about once a month or so.

Q. They were all your friends? A. Yes.

Q. And each one of them talked to the doctor about his girls? A. Yes.

Q. Was it in jest? A. Yes.

Q. Did Mr. Spence and Mr. Mack and others speak of them? A. Yes.

Q. What did they say to him? A. They asked him how his girls were getting along, whether he had stayed out all night, where he went—that kind of thing—they'd say "the doctor is some devil."

Q. You talked to him about that? A. I didn't discuss it.

Q. You had no desire to know what were his relations with his patients? A. Not his professional patients.

Q. What other patients had he? A. There were some people who came who did not seem really to be patients.

Q. You were uncertain of him? A. Doubtful.

Q. Didn't you remember ever asking the doctor if he was on a case when he was out all night? A. Yes, I've asked him.

Q. Do you believe him? A. I don't know whether I believed him or not.

Q. Some previous to one year ago you were undecided as to whether you believed the doctor or not? A. Yes.

Q. You kept right on attending the social functions, didn't you? A. Yes.

Q. Did your suspicions increase? A. They increased—yes.

Q. When was that time? A. To the present, but they've all been dispelled now.

Q. You have absolutely no suspicion of the doctor now? A. No, none at all.

Q. How long have you been in this state of mind? A. Up until this tragedy.

Q. When exactly did you lose your suspicion? A. After I got the dictograph.

Q. You mean you heard nothing, so you assumed there was nothing to hear? A. Yes.

Q. You didn't get anything from the dictograph which made you suspicious? A. No, to the contrary.

Q. You were suspicious of any woman who came frequently? A. Yes.

Q. No matter whether you knew her or not? A. Why, certainly; if a woman came often she was the woman I listened to.

Q. Did you believe he was a truthful man during the period when you were suspicious of him? A. I thought he was truthful.

SHE NEVER ASKED HIM QUESTIONS.

Q. When you saw the same woman coming to the office time and time again, you never asked him the occasion of the visits? A. No, I didn't ask.

Q. Did your suspicions increase from the time you heard the conversations about the doctor's girls till you got the dictograph? A. Yes, they increased.

Q. You were suspicious only of his relations with women? A. Yes.

Q. Then the fact that a woman would come to his office often during office hours would cause you to become suspicious? A. Yes, it would.

Q. Were you suspicious of the man or woman? A. Of both.

Q. You believed there were improper relations? A. Yes, I did.

Q. Did you believe your husband to be capable of improper relations with women? A. I must have.

Mrs. Carman seemed at a loss as to the intentions of Mr. Smith. She waited the perceptible intervals before answering and frowned in a pained way. She studied the District-Attorney's face until he was obliged, always in a soft, courteous tone to request her to answer promptly.

Q. You believed there were women more attractive to him than yourself? A. I must have.

Q. You believe that of many women? A. Not of many.

Q. How many? A. Why I answer in my own way? A. Anyway you like Mrs. Carman. A. That was what I wanted to find out.

Q. You were not suspicious of any one? A. No.

Q. So you were suspicious of several and wanted to find out of which one your suspicions were true? A. Yes.

Q. You were suspicious of Mrs. Varance? A. Yes, I suppose so among others.

Q. Did you think Mrs. Varance was more attractive to your husband than yourself? A. Oh, no, Mr. Smith, no.

Mr. Smith then called for the case and the big ground plan of the Carman house.

POINTED OUT THE DOOR SHE USED TO GO OUT.

The District-Attorney then asked her concerning the door she had used in going out of the house the night Mrs. Varance, the nurse, called on the doctor.

Q. What door was it, the east door? She arose and pointed it out on the plan.

Q. It wasn't the most convenient door, was it? A. I might have taken a nearer door, I just didn't.

Q. You knew Mrs. Varance; you had a speaking acquaintance with her, didn't you? A. Yes, I suppose so.

Q. There was no reason why you would not speak to her on the street?

A. I suppose not.

Q. You were not suspicious when you saw her in the waiting room? A. No.

Q. You went upstairs and put the dictograph in the room? A. Yes.

Q. Then you came down, and suddenly your suspicions were aroused? A. No, that was not so.

Q. Though you had no suspicion you went out to look in the window to see what you could see? A. No.

Q. What window was it? A. That very same window.

With a glance at the plan.

Q. Oh, that—very—same—window? A. Yes, that very—same—window. (With a charming smile and mocking emphasis.)

WANTED TO SEE IF SHE WAS THERE.

Q. Why did you look in that window? A. I wanted to see if she was there.

Q. Did it occur to you as perfectly proper for you to look through a window when the doctor had a patient in the office? A. I knew it was not proper.

Q. You saw some money passed? A. Yes, \$5, three \$5 bills.

Q. You were close enough to see the bills. A. Yes.

Q. And you saw the nurse kiss your husband? A. Yes, I did.

Q. Which aroused your jealousy, the kiss or the passing of the money? A. The passing of the money.

Q. You didn't mind the kiss at all? A. No.

Q. It didn't cause you any jealousy at all—didn't disturb your equilibrium at all? A. Not at all.

Q. Did the kiss not make you at all suspicious? A. No, I thought it was gratitude.

Q. Then all that disturbed you was the fact that money was going out of the house by way of a nurse? A. Yes, that was all.

Q. You thought it quite proper, then, for her to kiss the doctor? A. It was gratitude, as I told you.

Q. Did he kiss her? A. I didn't see it.

Q. Did she put her arms around him or he his arms around her? A. No.

Q. Were you suspicious that he was giving money to other women? A. Perhaps.

Q. As they talked facing each other, how far apart were they? A. Quite close together.

Q. It was that which disturbed you, mind was only the passing of money, why didn't you rap on the window then? A. I didn't rap until she kissed him.

Q. But it was the giving her money that really disturbed you—not the kiss? Yes.

Q. But you didn't rap then? A. Not until she started out.

Q. You had to run pretty fast to get there before she got out? A. I suppose I must have.

Q. She was in the office when you got to the door? A. Yes, the door was closed.

GIVES DEMONSTRATION OF A GENTLE SLAP.

Q. Now show us how you slapped Mrs. Varance. Mrs. Carman waved her right hand gently.

Q. Do you call that a slap, Mrs. Carman? A. Yes.

Q. Do it again, please.

Mrs. Carman went through the gentle waving motion of brushing something with the back of her hand.

Q. That's the way you slapped Mrs. Varance? A. Yes, just that way.

Q. Did you slap the doctor? A. I don't remember.

Q. You were very angry with him, weren't you? A. Yes, I was.

Mr. Smith then came down to the night of the murder.

Q. You came down with a kimono on and red felt slippers? A. Yes.

Q. You could travel very quietly with those on? A. Yes.

Q. You say you heard a noise? A. Yes.

Q. A shot? A. I couldn't say.

Q. W-h-a-t? I couldn't tell that it was a shot.

Q. Mrs. Carman—did you hear a shot? A. I don't know, really.

Q. What did you hear? A. A sudden loud noise.

Q. You have heard a gun fired, a firecracker explodes, an automobile tire blow out. But you did not have a definite idea about that noise? A. It was an unusual sound.

Q. It didn't arouse your curiosity? A. Oh, yes, it did.

MRS. CARMAN ASKS FOR GLASS OF WATER.

Q. Where did it seem to be? A. Somewhere at the back of the house.

When Mr. Smith began his inquiries about the firing of the shot, Mrs. Carman leaned back composedly in the witness chair. Now and then she bit her lips and once asked for a glass of water.

Q. You went directly downstairs? A. Yes, as soon as I got my kimono.

Q. You saw two ladies going out of the hall? A. Yes.

Q. Where were you then? A. At the head of the stairs.

Q. Did you find out who they were? A. No, I didn't.

Q. Did you make any effort to find out who they were? A. No, none.

Q. You went downstairs as far as the mantle shelf and then you knew that something had happened? A. I knew it when I saw the two women going out.

Q. There wasn't anything about the two ladies that made you think something had happened in the office? A. No.

Q. Then why didn't you think that perhaps something had happened, say in the waiting room instead of the office? A. When I saw office I mean both office and waiting room.

Q. When you went to the waiting room did you see any one? A. No one.

Q. Didn't you realize then a shot had been fired? A. No.

Q. How long did you stand there? A. Two or three minutes.

Q. Then you went back upstairs? A. Yes.

Q. Will you say that you did not go into the doctor's office to answer the phone? A. I am not certain. I may have.

Q. When you went to the door earlier that night two women in the waiting room? A. At least two.

Q. Do you know Hazel Combs? A. Ily sight for twelve years.

Q. If you saw her on the street you would recognize her? A. Yes.

CALLED TO GIRL TO STOP PLAYING PIANO.

Q. Elizabeth played the piano that night? A. Yes.

Q. You called to her to stop playing? A. Yes, from upstairs.

Q. You went into the bed when you called to Elizabeth to stop playing? A. Yes.

Q. Then the door of your room was open when you heard the noise downstairs? A. Yes, it was.

Q. She stopped as soon as you told her to? A. Yes.

Q. You saw Mr. Levy come next day to express his sympathy? A. Yes.

Q. Where did you first see him? A. Upstairs.

Q. So he came to your room? A. Everybody came upstairs. I was in my sister's room, I think.

Q. You were not a subject for sympathy at that time, were you? A. Things were much disturbed.

Q. Was it then you asked him to give you legal advice? A. Yes.

Q. Wednesday afternoon? A. Yes.

Q. But you anticipated you would need the services of a lawyer Wednesday afternoon? A. Not exactly.

Q. Yes or no? A. I can't answer yes or no. I had seen an article in the paper about me.

Q. What paper? A. I don't remember.

To Justice Kelly—it was an arti-

cle saying "Mrs. Carman installed dictograph in husband's office."

SAW JUST FOUR LINES ABOUT THE DICTOGRAPH.

Q. This was Wednesday, Mrs. Carman? Sure. A. Yes, positively.

Q. Mrs. Carman, don't you know that the first public action regarding the dictograph was on Thursday afternoon? A. No, it was just four lines, indicating a short paragraph by separating her thumb and forefinger.

Q. Do you know the first news of that dictograph was printed in big headlines on Thursday and there was no hint of it Wednesday? A. I do not.

Q. On Tuesday night Dr. Runcie came up the stairs? A. Yes.

Q. You confessed to him what you didn't confide to your husband? A. Yes.

Q. Did you tell the Rharif or Detective Deane or on about the dictograph on Wednesday night? A. No, I didn't.

Q. Then you never did tell any of the county authorities about it until they discovered it? A. I did not tell, no.

Q. But you did tell your good friend Dr. Runcie? A. Yes.

Q. You told him about the dictograph when? A. Wednesday morning between 8 and 7 o'clock.

Q. Before any one was up? A. My sister was up and reached me.

Q. You took off which part first? Was it this part?

Mr. Smith held up the transmitter which had been in the doctor's office.

A. Yes, that was the part.

TORE OUT THE WIRING IN EARLY MORNING.

Q. You tore out the wiring which led from the office to your room? A. Yes, up the stairs and past Elizabeth's room.

Q. Where were you when your sister saw you taking the wire out? Mrs. Carman indicated the stairway.

A. I was here.

Q. Where was your sister? A. She was on landing at the head of the stairs.

Q. Where did you hide the instrument after you had taken it out? A. I put it at the head of the garret stairs.

Mrs. Carman now leaned forward again and rested her elbows on the ledge of the witness box. Her white gloves flashed as she clasped her hands before her. Her lips moved as if they were dry.

Q. After you used the dictograph for a month or so you were in a great hurry to get rid of it regarding the doctor, weren't you? A. Yes.

Q. You were quite free of suspicions—getting over them? A. Why, I did not have them any more.

Q. You bought the machine outright June 27? A. Yes.

Q. But you were over your suspicions, so it wasn't much good to you any more? A. Yes, no.

Q. Yet you paid for and bought it outright when your lease had two months to run? A. Yes.

Q. After the shooting you learned who the woman was who was shot? A. Yes.

Q. You felt sorry for the Bailey family? Mrs. Bailey had been killed? A. Yes.

Q. Did you go to call on Mrs. Bailey's family and extend your sympathy to the bereaved ones? A. No, I didn't.

Q. Mrs. Carman's answers were slow and in a very low voice.

Q. Did you ever write a line of sympathy to the Bailey family? A. No, I did not.

Q. Do you know that Mrs. Bailey had left behind her two motherless children? A. Yes, I know that.

NO WORD OF SYMPATHY TO THE BAILEYS.

Q. And you never sent to the Baileys a single word of sympathy, of grief, or distress at the death of Mrs. Bailey? A. I didn't.

Q. You went to the morgue just before the autopsy? A. Yes.

Q. Mr. Levy advised you to get a A. Yes.

Q. And you went so that you could assure Mr. Levy you had never seen the woman before? A. Yes.

Q. You thought some one would doubt it? A. Yes.

Q. Mr. Levy told you it was necessary so that you could say you had never seen the woman, didn't he? A. Yes.

Q. That was in Hempstead village where the Baileys lived? A. Yes.

Q. And you never went near them? A. No.

Q. Nobody interfered with your going there? A. No.

Q. Mrs. Carman, you testified you never went into the doctor's office after the shooting, although the body of Mrs. Bailey was in the office until after 11 o'clock? A. Yes, I testified that.

Q. Don't you remember that you and I talked about the body? A. No, I don't remember that we did.

Q. Don't you remember that I told you I knew who it was who had been shot in the office? A. I don't remember.

With this answer the cross-examination of Mrs. Carman came to an end.

At half past eleven Mr. Levy began the redirect examination.

Q. Did you deny to any one that you had a dictograph in the house? A. No.

Q. Did you have any reason for not going to the Bailey house? A. I didn't feel free to do so.

Q. You felt that you were under suspicion by them? A. Yes.

By Mr. Smith—There was your sole and only reason for not going to the family of an innocent woman shot in your home and offering your sympathy? A. The only reason.

"That's all," said Mr. Smith.

Mrs. Carman swept to her seat at the end of the counsel table.

MRS. CARMAN'S DAUGHTER TAKES THE STAND.

Little Elizabeth Carman was called

to take the stand. Justice Kelly had her come close to him in the witness box.

Q. You know that when you take your oath here you must tell the truth? The little girl nodded and she was sworn.

Q. The questions that Mr. Levy put to her had to do with the day of the murder. The child had been to the city with her mother and grand-uncle. She gave the same testimony as her mother had given as to those at the table.

Q. You were playing on the lawn after supper, weren't you? A. Yes.

Q. Then where did you go? A. I went into the house and went to the piano in the parlor to practice.

Q. Did you play? A. Yes, until my mother called to me to stop.

Q. What did you do then? A. I went into the dining room and sat on a chair. After that I went up to my own room.

Q. Did you hear a shot? A. Yes, I was in my room and I ran out into the hall.

Q. Did you see any one in the hall? A. Yes; my grandmother, Mrs. Conklin, and my aunt, Mrs. Powell.

Q. Did you see your mother? A. Yes, I saw her come out of her room and go into a clothes closet to get a kimono.

Q. Did you see her do anything else? A. Yes, she went downstairs.

Q. Who was beside you then? A. My aunt.

Elizabeth, after three or four questions, became almost as placid and pleasantly positive as her mother had been.

"Elizabeth," said Mr. Smith when Mr. Levy had finished, "you are very fond of your mother, aren't you?"

"Yes, sir," said Elizabeth.

"That is all, Elizabeth," said the District-Attorney.

While little Elizabeth was on the witness stand Mrs. Carman gave the first evidence of feeling she has shown since the trial began. Her eyes followed every movement of the child and soon she was weeping.

Mrs. Carman buried her face in her hands and cried. Her handkerchief was pressed closely to her eyes and her shoulders shook with her sobbing.

MRS. CARMAN'S MOTHER CORROBORATES HER STORY.

Mrs. Platt Conkila, a little, pale old lady, seventy-three years old, the defendant's mother, was the next witness. She told of the shopping trip on which she accompanied Mrs. Carman and her mother to the city and their return home for supper.

After supper she sat in Mrs. Powell's room with the door open looking out into the hall.

Q. You saw the gentleman first? A. Yes.

Q. How long was the gentleman in your office? A. About six minutes.

Q. What did he have to say? A. He wanted me to see somebody later. He said he would be back.

Q. Did you see that person again? A. No.

Q. What happened while Mrs. Bailey was in your private office? Nothing, save that she said she wasn't feeling well. Nothing happened till she started to go out to catch the trolley.

Q. What happened then? A. There was a crash and a hand came through the window, waving the curtain and shade aside; as I jumped behind the operating chair there was a shot. The next thing I saw was the patient. She said, "I'm shot!" in a very low voice. I said, "You're all right—you're not shot." But I saw blood coming out of her mouth and she got shaky. I put my arms around her and she said, "I'm shot!"

Q. When you went upstairs to your daughter's room did you cry? A. I think we were all crying. I know I was.

Q. How did you feel when you saw her? A. I felt like I was crying when you saw her? A. I did not cry, but I was very sad.

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